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Uniform Civil Code: Can UCC improvise with an alteration in India

ANANNYA GUPTA¹ AND ERUM NIHAL AZIZY²

ABSTRACT

India, being a diverse nation, has different religions governed by different personal laws which most of the times leads to injustice to people of different religion. For this reason the implementation of a Uniform Civil Code (UCC) becomes a necessity that could bring about empowerment of women and uplift their status in the society. This paper is directed to examine the basic essence of the UCC keeping in view of its legal perspective and theories. The paper resolves around the issue of UCC, evaluating its relationship with that of Secularism, analyzing and scrutinizing its necessity and talking about its implementation through a series of suggestions and recommendation. The paper also examines how the judiciary over the years, has dealt with the issue of gender parity in the context of UCC. The researchers utilize writings of various jurists, books, articles, notes, commentaries and other writings to provide better understanding of the said topic. The study relies upon gradual evolution of law (relating to UCC) through series of judicial pronouncements and looks forward to validate the submissions made in the course of research through practical illustrations and multiple case laws.

Keywords: *Uniform Civil Code, Personal Laws, Secularism, Judicial Pronouncements, Judiciary.*

I. INTRODUCTION

India is a land of social and religious diversities where a different people have different religions and cultures. Therefore, in order to bridge the gap created by various prevalent personal laws and to achieve national integration and solidarity, implementation of Uniform Civil Code has become a necessity. A Uniform Civil Code implies a common set of rules and principles that intend to replace the personal laws prevalent and applies to all irrespective of the religion they belong to. Article 44³ of the Indian Constitution provides for a Uniform Civil Code as a Directive Principle of State Policy which cast a duty on the State to secure a UCC

¹ Author is a student at University of Petroleum and Energy Studies, Dehradun, India.

² Author is a student at University of Petroleum and Energy Studies, Dehradun, India.

³ INDIA CONST. art. 44.

for the citizens throughout the territory of India. Since these form the part of directive principles, they are not enforceable and cannot be challenged in the court of law.

Currently, major steps towards the implementation of UCC are been taken up by the Modi Government, one of which is criminalization of Triple Talaq. UCC being a sensitive issue, requires gradual and steady approach on the part of the Government.

II. HISTORICAL BACKGROUND

The debate for creation of Uniform Civil Code for the country is not new. It is one of most talked about topics and has been part of numerous public, political and legislative debates since the past 180 years. The call for UCC was for first time made by Prime Minister Jawaharlal Nehru and his women activists and supporters in order to ensure equal rights and privileges to women and at the same time safeguarding their interests. Till the time of independence in 1947, certain law reforms were introduced to ameliorate the miserable condition of women in India.

On the basis of Lex Loci report, the British Government in 1835, framed Uniform laws that which would govern crimes, evidences and law of contracts. However, the report specifically recommended that the personal laws of Hindus and Muslims to be kept outside such codification. The conscious motive and intention behind the 1835 report was the segregation of two domain of law i. e. the public domain, applicable to every citizen irrespective of their religion, which includes crimes, evidences and law of contracts, and the private domain that encompasses personal laws of people on subjects like succession, marriage, inheritance, religious ceremonies and so on.

Many reformers, at that time, were protesting and raised voice for framing of laws that safeguard women against discrimination inflicted upon them in the name of religious customs like Sati. This in turn led to a cluster of laws been passed with respect to the Hindus which could provide solace to the miserable condition of women in India. Some of these laws include Married Women's Property Act, 1874⁴(also known as The Deshmukh Bill), Hindu Widow Remarriage Act, 1856,⁵ Hindu Inheritance (Removal of Disabilities) Act, 1928.⁶ This was a drastic and significant move, permitting and recognizing woman's right in property.

The constant growing interference of the legislation into the personal subjects of ordinary men and women sparked off many debates and controversies and required proper, reasoned and reasonable action on the part of the Government. Consequently, in 1941, the B.N Rao

⁴ Married Women's Property Act, 1874, No. 3, Acts of Parliament, 1874 (India).

⁵ Hindu Widow Remarriage Act, 1856, No. 15, Acts of Parliament, 1856.

⁶ Hindu Inheritance (Removal of Disabilities) Act, 1928, No. 12, Acts of Parliament, 1928.

Committee (also known as the Hindu Law Committee) was formed which reviewed the 1937 report and recommended codification of Hindu Law with the desire to provide equal rights to women, sending its report to the Indian Parliament in 1947.

G.R. Rajagopaul questioned- *‘it was felt that an attempt should be made to codify the Hindu law and if this succeeded, and of the measures produced thereby had in themselves intrinsic merits commending them for universal application, the time would not be far off when other communities might like to follow suit and ask for reconsideration of their own law in the light of changed situations.’*⁷

The Hindu Code Bill was highly criticized as being “anti-Hindu” and “anti-Indian” by the first President of the country, Rajendra Prasad and many other critics like Sardar Vallabhbhai Patel along with his team of women followers who demanded a UCC applicable to all other religions and not just the Hindu Law. The draft of the Bill was also condemned by Ambedkar, attacking it on the grounds of monogamy, divorce, abolition of coparcenary (women inheriting a shared title) and inheritance to daughters. Thus, in 1956, a lesser version of the bill was passed by the Parliament in the form of four separate acts i.e. The Hindu Marriage Act,⁸ The Hindu Succession Act,⁹ The Hindu Minority and Guardianship Act¹⁰ and The Hindu Adoption and Maintenance Act.¹¹

Though The Hindu Code Bill was drafted with the motive to bring positive and constructive changes, it failed to control the rampant gender discrimination. Subsequently, Nehru felt that UCC though being a necessity for the country, cannot be forced upon. This ended up in making an ‘intricate compromise’ and UCC was made only a Directive Principle under article 44¹² of the Constitution of India.

Later on, during the first 10 years of Independence, Indian government passed Hindu Code Bill in spite of staunch opposition from conservative Hindus. However, they could not do the same with Muslims since they felt that they were still recovering from the trauma of Partition and thus there was no need to engage them in a negative manner and change their personal laws. According to people who support Uniform Civil Code, this was a mistake that they made.

⁷ C.K Mathew, *Uniform Civil Code: The Importance of an Inclusive and Voluntary Approach*, THE HINDU CENTRE, Oct. 26, 2018.

<https://www.thehinducentre.com/publications/issue-brief/article29796731.ece>.

⁸ The Hindu Marriage Act, 1955, No. 25, Acts of Parliament, 1955.

⁹ The Hindu Succession Act, 1956, No. 30, Acts of Parliament, 1956.

¹⁰ The Hindu Minority and Guardianship Act, 1956, No. 32, Acts of Parliament, 1956.

¹¹ The Hindu Adoption and Maintenance Act, 1956, No. 78, Acts of Parliament, 1956.

¹² *supra* note 1 at 2.

III. UNIFORM CIVIL CODE AND THE PERSONAL LAWS

In most of the matters relating to personal laws, women are not given equal rights as compared to men and the old concept of patriarchy is followed especially where the question relates to subjects like succession, adoption and inheritance.

Earlier, Hindu women did not have equal rights and status as compared to Hindu men and were considered inferior to them. Before 1955, Polygamy was prevalent practice among the Hindus. Moreover, Hindu woman was given limited interest and whenever there arise a dispute regarding sale or mortgage of property, she had no right to do it on her own. In the matter of Adoption, she had no right to adopt a child on her own and also could not be the natural guardian of her child until her husband dies. Even after the codification of Hindu Law, there exist certain discriminatory provisions. For example, a Hindu woman is not a coparcener in Hindu coparceners except in a few states like Andhra Pradesh, Maharashtra, Karnataka and Tamil Nadu.

Under the Muslim Law, in the Pre-Islamic Arabia, the women enjoyed a secondary status because of the existence of patriarchy. Men since then were considered superior to women. Though The Holy Quran places women in a respectable place, giving equal rights to men and women, the pitiful and deteriorating condition of women was advent under the Islamic Law under which a Muslim man can solemnize four marriages at a time while a Muslim woman is not allowed to do so; and if she does so, she would be considered unchaste and impure. Above this a Muslim man, had the right to pronounce divorce through triple talaq while a Muslim women was not even given the right to divorce their husbands. However this was held void and unconstitutional in the recent judgment of the Allahabad High Court.¹³

A. Discrimination in various Personal Laws

- Muslim law permits polygamy while Hindu, Christian and Parsees are only permitted to solemnize one marriage at a time.
- Extra judicial divorce is allowed under Muslim Law to a Muslim male, however Hindus, Christians and Parsees (both males and females) can affect divorce only through court.
- Under all personal laws, a female is entitled to get divorce through court only on specified grounds

¹³ Shayara Bano v. Union of India And Ors., (2017) 9 S.C.C 1 (India).

- Under Islamic law, after divorce a man is required to maintain his wife only till the period of iddat and not beyond that,¹⁴ whereas under the Hindu, Christian and Parsee Law, divorced wife is entitled to maintenance till her death or remarriage.
- Under the Muslim Law, a Muslim woman cannot solemnize marriage to her previous husband unless she remarries another man who has either divorced her or has died after consummation of marriage. No such condition is there under the Hindu, Christian and Parsee Law.
- Hindu Law recognizes adoption while no such recognition is there under the Muslim, Christian and Parsee Law.
- No personal law other than Muslim Law recognizes acknowledgment of paternity, clearing the legitimacy of child.
- The Hindu, Christian and Parsee Law does not consider a child legitimate if the separation period of the spouse is beyond 270- 280 days. However, this separation period varies between 10 months to 4 years, in order to deem a child legitimate under the Muslim Law.
- Under Mitakshra Law, a female is not a coparcener and coparcenary consist of only male member. No such system exist in other personal laws. Even at present the system of coparcenary exist under the Muslim Law.

In order to remove such discrimination, and encourage empowerment of women and equality, there is urgent need to adopt and implement UCC in India.

IV. JUDICIAL APPROACH AND INTERPRETATIONS OVER THE YEARS

The broad approach of the Judiciary is beyond appreciation in the case of *Mohd Ahmed Khan v. Shah Bano Begum*,¹⁵ when it, for the first time exhorted the Central Government to implement and enact UCC. In this the case, the Supreme Court, while hearing the petition filed by Shah Bano claiming maintenance under Section 125¹⁶ of The Criminal Procedure Code, when her husband divorced her by pronouncing Triple Talak, held that Section 125 applies to all women irrespective of their religion. The Bench through Chief Justice Y.V Chandrachud

¹⁴ The Supreme Court held this void in Shah Bano case and stated that husband is required to maintain his wife even after iddat period, and that section 125 of Criminal Procedure Code applies to all irrespective of their religion.

¹⁵ A.I.R 1985 S.C. 985 (India).

¹⁶ The Code of Criminal Procedure, 1973, No. 2, Acts of Parliament, 1973 (India) § 125.

observed-

*'A common civil code will help the cause of national integration by removing disparate loyalties to laws which have conflicting ideologies.'*¹⁷

The decision was highly opposed by Rajiv Gandhi Government which in order to overrule the Shah Bano verdict and protect Muslim personal laws, passed and enacted The Muslim Women (Protection of Rights on Divorce) Act, 1986 which provided that Muslim husband is not liable to maintain his divorced wife beyond the iddat period (three months).¹⁸ The court in **Danial Lathifi v. Union of India**,¹⁹ while explaining the meaning of the said provision of this act held that right to maintenance is not limited till the period of iddat but extends to the whole life of the divorced wife until she remarries. The court's decision illustrates its attempt to promote women gender equality, while exercising limited intervention into Muslim personal law.

Later, in **Sarla Mudgal v. Union of India**,²⁰ the court held that embracing Islam for the purpose of solemnizing a second marriage is abuse of personal laws and merely adopting Islam and marrying again does not dissolve the previous marriage and thereby amount to an offence under section 494 of Indian Penal Code. Later, a number of significant issues relating to Muslim Personal Laws were raised through a petition in **Ahmadabad Women's Action Group (AWAG) v. Union of India**,²¹ wherein the Supreme Court understanding the complexities of the issues involved and its powers and limitations, held that the issues are one on which the court will not ordinarily have any concern. The same reasoning was given by the court in **Maharishi Avadesh v. Union of India**,²² **Reynold Rajmani v. Union of India**,²³ **Krishna Singh v. Mathura**²⁴ and many other cases.

The same question which evolved in Sarla Mudgal was raised in the case of **Lily Thomas v. Union of India**,²⁵ wherein a couple had solemnized marriage under the Hindu Marriage Act and the husband subsequently converted into Islam to take another wife. The court held-

'if the purported conversion is merely "*feigned*"; that is, pretended, then it is not real. In other

¹⁷ *supra* note 11.

¹⁸ The Muslim Women (Protection of Rights on Divorce) Act, 1986, No. 25, Acts of Parliament, 1985 (India), § 3(1)(a).

A reasonable and fair provision and maintenance to be made and paid to her within the iddat period by her former husband.

¹⁹ (2001) 7 S.C.C 740.

²⁰ (1995) 3 S.C.C 635.

²¹ A.I.R 1997 S.C. 3614.

²² 1994 S.C.C 713.

²³ (1982) 2 S.C.C 474.

²⁴ (1981) 3 S.C.C 689.

²⁵ A.I.R 2000 S.C. 1650.

words if a person converts to Islam only for purpose of taking advantage of "plurality of marriage" - a sort of "worldly gain or benefit"⁴² - the same is certainly not permitted.'

Later, in 2001, divorce under Muslim Law was challenged by a Muslim lady, Julekhabhai, who resorted changes in laws relating to divorce as well as polygamy. Julekhabhai, in her petition requested the court to declare that dissolution of marriage under The Muslim Marriage Act, 1939²⁶ can be invoked equally by both the spouses. However, the Supreme Court refused to take her petition and asked her to approach the Parliament.²⁷

The court in *Naveen Kohli v. Neelu Kohli*,²⁸ held that irretrievable breakdown of marriage to be a ground for divorce and thereby directed to amend the provisions of Hindu Marriage Act. Recently, in a case where the wife demanded the husband to leave his parents and live separately, the court held that differences between the two parties and the fact that the wife was living separately for 13 years is valid ground and thus irretrievable breakdown of marriage is obvious in the said case.²⁹ Similarly, in *Prabhakar v. Shanti Bai*,³⁰ the court held that where the couple were married in 1955 and were living separately since 1958 and no cohabitation took place would be a valid ground for granting divorce and the marriage is irretrievably broken.

The Law Commission of India recommended that there is an urgent need to include irretrievable breakdown of marriage as a ground for divorce and to amend the provisions of The Hindu Marriage Act and The Special Marriage Act.³¹

In 2015, the two judge bench of Supreme Court concluded that the unwed mother has greater position than that of the father and occupies primary custodial and guardianship rights in respect to his children and therefore such a woman belonging to Christian faith can become the legal guardian of her child without the consent of the father.³²

Very recently, the Supreme Court in 2019, while stating Goa as a 'shining example', lamented on the failure of India Government to secure a Uniform civil code despite exhortations of the Supreme Court in cases like Shah Bano and Sarla Mudgal.³³

In this backdrop, one can easily state that the condition of women needs to be improved and the discrimination caused to them is required to be removed which could be achieved through

²⁶ Dissolution of Muslim Marriage Act, 1939, No. 8, Acts of Parliament, 1939 (India).

²⁷ Nilanjana Bhaduri Jha, *Does India really needs a Uniform Civil Code?*, THE TIMES OF INDIA, Aug. 3, 2003. (2006) 4 S.C.C 558.

²⁹ Ramesh Jangid v. Sunita, (2008) 1 HLR 8 (Raj.)

³⁰ (2008) HLR 250 (Nagpur).

³¹ The Special Marriage Act, 1954, No. 43, Acts of Parliament, 1954 (India).

³² A.I.R 2015 S.C. 2569.

³³ Dhananjay Mahapatra, *No steps taken in 63 years on uniform civil code, says SC.*, THE TIMES OF INDIA, Sept. 14, 2019.

implementation of UCC.

V. 'ONE NATION ONE LAW' - A NECESSITY?

The revolt for implementation of uniform civil code is at its peak. Its need was felt as soon as the Constitution of India came into force. Though the idea of 'Secularism' connotes allowance of all religions to exist and their unhindered profession, practice and propagation, a common code for all has become today's necessity. The conscious decision of the lawmakers to include UCC in the Constitution was vehemently disagreed and opposed by several members of the Constituent Assembly. Among them were some progressive women members like Minoo Masani, Hansa Mehta and Rajkumari Amrit Kaur. Aparna Mahanta expressed-

'failure of the Indian state to provide a uniform civil code, consistent with its democratic secular and socialist declarations, further illustrates the modern state's accommodation of the traditional interests of a patriarchal society.'³⁴

In *Sarla Mudgal v Union of India*,³⁵ the Supreme Court bench made significant and notable efforts to awaken the state to implement and enact UCC. Justice Kuldip Singh asserted that UCC is an 'unequivocal mandate' under article 44, 'it is a decisive step towards national consolidation'³⁶. Such an enactment would help in bringing about stability and consistency in family matters and marriage affairs, thereby promoting social reform, homogeneity and integrity. A similar suggestion was made in the landmark verdicts of cases like *Ms. Jordan Diengdeh v S.S Chopra*³⁷ and *John Vallamattom v Union of India*.³⁸

India even though has been named a 'Secular' country in our Constitution, no traces of 'Secularism' can be seen or found till now. The actual scenario goes against the 'theory of Secularism' where different religions have distinct laws with respect to same matters and subjects. The concept of 'one nation, one law', thereby strive for replacing the personal laws of different communities on subjects relating to marriage, inheritance, divorce, adoption, maintenance and so on.

A. Real Secularism: India as a Secular State

India, at present, has 'selective secularism' which implies that with respect to certain subjects, we are secular but in others, we are not. There already exists uniformity pertaining to criminal matters where the law applies to all throughout the territory of India. Moreover, there are also

³⁴*supra* note 11.

³⁵*supra* note 18.

³⁶*Id.*

³⁷A.I.R 1985 S.C. 935.

³⁸(2003) 6 S.C.C 611.

certain civil laws applicable to all including The Indian Contract Act,³⁹ The Transfer of Property Act,⁴⁰ The Civil Procedure Code,⁴¹ etc. Hence, the family affairs like marriage, inheritance, divorce, maintenance etc are the area of concern where uniformity is required in order to achieve and effectual real secularism.

It has been more than half a century, since article 44 was enacted, but there has been lack of necessary courage and gumption on the part of Indian Government, over the years, to act upon it. The need and implementation of article 44 is a much debated subject which is strongly opposed by a small but vociferous section of the Muslim community -India's largest minority on the grounds of religious interference resulting in uncertain, continuous and never-ending discrimination. In the opinion of the Muslim opponents, an attempt for implementation of uniform civil code would reflect majoritarian Hindu sensibilities and ideas.⁴² However, Acharya Kripalani, a famous congressman, beautifully stated-

'We call our state a secular state—A secular state goes neither by scripture nor by custom. It must work on sociological and political grounds. If we are a democratic state, I submit we must make laws not for one community alone. You must bring it also for the Muslim community... the Muslim community is prepared to have it but you are not brave enough to do it.'⁴³

A uniform civil code does not implies or intends to impose restrictions on a person to follow a particular religion, it just means that every person should be treated equally and there is no discrimination of any kind. This is what real secularism is.

B. Equal treatment to all : Honoring women

Different religions have their own distinct personal laws. These personal laws are extensively divergent and conflicting, holding no consistency in the matters relating to marriage, succession, divorce, treating people of different religion differently. This clashes with article 14⁴⁴ of the Constitution which provides equality before law. The existence of various personal laws coupled with the patriarchal and misogynistic mentality of the society has hampered the condition of women in India, leaving them with least rights and remedies to protect themselves.

³⁹The Indian Contract Act, 1872, No. 9, Acts of Parliament, 1872.

⁴⁰The Transfer of Property Act, 1882, No. 4, Acts of Parliament, 1882 (India).

⁴¹The Code of Civil Procedure, 1908, No. 5, Acts of Parliament, 1908 (India).

⁴²*supra* note 13.

⁴³Leila Seth, *A Uniform Civil Code: towards gender justice.*, 31 INDIAN INTERNATIONAL CENTRE 43 (2005).

⁴⁴INDIA CONST. art. 14.

Equality before law.

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

The Law Commission in its consultancy paper of 2018 observed that-

‘Various aspect of prevailing personal laws dis- privilege women.’⁴⁵

Inconsistency in different personal laws and the absence of UCC results in unwarranted, tangy and ugly situations like a Hindu husband having a second wife, embraces Islam in order to escape from legal consequences, as was seen in the case of *Sarla Mudgal v. Union of India*⁴⁶ and *Lily Thomas v. Union of India and Ors.*⁴⁷ Another instance could be that under Muslim Law, a man is permitted to marry four times whereas a woman cannot, if she does so, she would be treated as impure and unchaste. Women were not given the right to divorce their husbands; however Men, by pronouncing triple talaq, can instantly divorce their wives. This was overruled and termed unconstitutional by the Allahabad High Court.⁴⁸ Similarly, under Hindu Law, even after the 2005 amendment to the Hindu Succession Act, if a widow dies without leaving a heir or will, her property would go to her husband’s family, as she is considered to be a part of his husband’s family after marriage. Thus UCC aims at ensuring equality in general and uplifting the status of women in particular.

C. Sign of a progressive nation

A uniform civil code forms the basis of social growth in which India particularly lags behind. The idea of ‘one nation one law’ symbolize and encapsulate modern progressive nation, which breaks all the barriers and goes even above the parameters like caste, creed, religion, race, sex and place of birth. UCC would help in eliminating discrimination in every way, thereby making our nation socially and traditionally rich.

Though, currently the possibility of a UCC, being drafted and implemented is nearly uncertain, the Government in its manifesto in 2019, while citing Article 44, stated its intention to draft a UCC so as to achieve gender equality and protect the rights of all women. It was also stated that after the abrogation of Article 370 followed by the Supreme Court verdict on Ram Mandir dispute, UCC would be Government’s next step.⁴⁹

D. Reduction in Vote Bank Politics

If there is same law for the whole country, the politicians would have much less to offer to the public (particularly minorities) in exchange for votes. Thus, UCC helps in reducing vote bank

⁴⁵Law Commission of India, “21st Report on Reform of Family Law.” 2018.

⁴⁶*supra* note 18.

⁴⁷*supra* note 24.

⁴⁸*supra* note 11.

⁴⁹Viraj Gaur, *Uniform Civil Code: What It Is & Why It Matters*, THE QUINT, Nov 22, 2019, available at: <https://www.thequint.com/explainers/uniform-civil-code-explained-what-it-is-and-why-it-matters> (visited on June 17, 2020.)

politics. In absence of one law for the nation is detrimental to true democracy and is required to be changed.

E. Integrate India

A Uniform Civil Code will help in bringing people together and uniting every Indian despite his caste, religion, and tribe.

VI. CONCLUSION

Article 25⁵⁰ and 26⁵¹ of the Constitution guarantees freedom of conscience, freedom to profess, practice and propogate religion of one's choice and also freedom to manage religious affairs. The aim or motive behind Article 44⁵² is not to repeal the existing personal laws or to impose a uniform code upon citizen. It is required for the purpose of integrating the country and achieving real secularism. UCC has been misunderstood by many as a step to remove and abolish Muslim Personal law which is a major hurdle in its implementation. Not much progress has taken place towards the implementation of UCC; however various recent actions like abrogation of article 370, verdict on Ram Mandir dispute is a progressive and positive sign. The major threat to national integration is the plurality of laws and therefore change is required. Some shining examples indicating successful implementation of uniform civil code are Germany, Canada, Japan , Turkey and Portugal. The purview of Uniform Civil Code is not just limited to the matter of gender justice, but is also involves a question as to how a nation brings about equality by accommodating its own diversity. In India, freedom of religion exists with other rights like equality and non-discrimination. There needs to be a balance between the diverse cultures of India to avoid discrimination and inequality.

Thus, one should remember the words of Mahatma Gandhi-

‘I do not expect India of my dreams to develop one religion, i.e. to be wholly Christian or wholly Mussalman, but I want it to be wholly tolerant, with its religious working side-by-side with one another’⁵³

A. Suggestions regarding implementation of Uniform Civil Code for the betterment of India and its future

The following measures can be taken to solve the vexed problem relating to the implementation of Uniform Civil Code-

⁵⁰ INDIA CONST. art. 25.

⁵¹ INDIA CONST. art. 26.

⁵²*supra* note 1.

⁵³Shikha Goel, *What is Uniform Civil Code*, JAGARAN JOSH, Aug. 7, 2019.

- Educating the ignorant masses would be a major step. The government should undertake educational measures to create awareness among the ignorant masses and educate them about their rights and obligations. Also awareness is required among the Muslim masses to raise the economic standard of orthodoxy. The backwardness of Muslim community is a major hurdle and requires some serious measures to be taken on the part of government, leaders and social workers.
- The government should devise steps and measures to explain the contents and importance of Article 44 and how its implementation would bring about national integration and solidarity.
- The Government, while implementing UCC must adopt a 'piecemeal approach' i.e. slow and gradual stage to stage approach. These stages may be territorial or community wise.
- Such a system of UCC must be enacted which is best for all the existing personal laws and must not hurt the sentiments of the general public belonging to a particular religious faith.
- The Government must try to remove the insecurity and dissatisfaction among the Muslims and assure them that the government is their well-wisher and would take actions keeping in view their interests.
- The Government must adopt and emulate the Goan uniform civil code.
- Two course of actions need to followed-
 - a) An optional Uniform Civil Code like Special Marriage Act enacted to co-exist the existing personal laws.
 - b) An option to replace the existing personal laws with that of Uniform Civil Code.
- The Government must never try to force or impose a uniform code upon the citizens, especially the minorities. Forcing the implementation would further make the situation worst and instead of encouraging national integration, it would cause discontent and rebellion among the people of different religion and community.
- Before taking any measure for the implementation of UCC, the Government should also take into account the religious freedom guaranteed under Article 25 and 26 of the Indian Constitution.

Therefore, it would not be wrong to state that implementation of UCC is need of the hour. It is necessary for the protection of fundamental rights of the citizens and also for strengthening

national integrity and secularism in the country. At the same time, it is important that such code shall aim to strike a balance between the protection of fundamental rights and religious dogmas of individuals. The code must be free from all kinds of biasness with regard to religious and political aspects, and hence shall be just and proper for an ordinary prudent man.
