UNIFORM CIVIL CODE: UNBORN CHILD OF THE CONSTITUTION

- Prabhakar Ganesh

Abstract

Uniform Civil Code is primarily about the tussle between legal plurality and legal uniformity. It can be construed as nothing but a legal duel between personal laws of various religions and secularism. About seventy years ago, the drafters of our Constitution were optimistic that placing Uniform Civil Code under the non-justiciable Directive Principles would ensure its implementation when the nation would be ready for it. However, the lack of knowledge or misinformation pertaining to this matter and insecurities among minorities has not allowed Article 44 to spring to life. Therefore at this juncture, it is imperative for our nation to break these barriers and taste the flavor of genuine secularism and look for themselves that whether this uniformity in laws would result in eliminating the widespread chaos. The reluctant individuals and groups need to be convinced to realize that the benefits accruing from the implementation of the uniform code outweigh the inconvenience they might have to suffer. Moreover, it is imperative to know that how the execution of Uniform Civil Code will set a benchmark for truly making our country a secular democratic republic as it will promote the upcoming of an egalitarian society. Through this research paper, the researchers intend to pose contentions that would emphasize on the need to prioritize the aspirations of the Constitution drafters and thus implement the unborn child of the Constitution. This research paper is divided into three parts where Part I deals with the first argument that presents the requirement of this Code through the gender perspective highlighting major issues related to gender inequality within personal laws. Part II advocates that how the multiplicity of the inheritance and succession laws can be done away with by embracing the uniform code and finally Part III provides the secular perspective favoring Uniform Civil Code.

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“Law and order are the medicine of the body politic and when the body politic gets sick, medicine must be administered”

B.R Ambedkar

India is a land of varied identities, culture, customs, religion and traditions. In such a diverse nation like ours conflict arises when people clash with each other for the sake of the supremacy of their own personal laws. The makers of our constitution and the political leaders of the post independent India with the idea of modernism took a poignant step in the form of bringing in the concept of a Uniform Civil Code. This code was recognized in the form of Article 44 of the non-justiciable directive principles. At present, there are various laws which are functioning simultaneously in the country in accordance with the personal laws of different religion like the Hindu Succession Act, 1956, Hindi Maintenance and Adoption Act, 1956, Muslim Personal law, Shariat Application Act, 1937 and other personal laws of Christians and Parsis. Not only this, there are also sects which are ruled by different traditions and customs based on specific folkways and mores of a particular community.

It is because of this classification that there are problems being faced when it comes to the matters of adoption, succession, marriage, divorce, maintenance, guardianship etc. Due to the possibility of chaos in terms of justice administration, the concept of having a Uniform Civil Code throughout the country was recognized. Uniform Civil Code particularly implies a similar set of laws which places everyone on the same platform for an efficient governance irrespective

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2GERALD JAMES, LARSON, RELIGION AND PERSONAL LAW IN SECULAR INDIA: A CALL TO JUDGMENT (2001).
5Uniform civil code for the citizens- The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.
6DURGA DAS BASU, SHORTER CONSTITUTION OF INDIA (1960).
9M. S. RATNAPARKHI, UNIFORM CIVIL CODE: AN IGNORED CONSTITUTIONAL IMPERATIVE (1997).
of the interests of any caste, sect or religion.\textsuperscript{10} The codification of these laws goes down to the times of the colonial period. It is an undisputed fact that colonial rule has been pivotal in shaping our present day legal framework. Prior to attaining independence, the colonial masters were instrumental in codifying various laws pertaining to civil and criminal matters, thereby establishing uniformity in their dealing.\textsuperscript{11} However, no attempts were made for substituting the existent personal laws with a uniform legislation that would be applicable to every citizen, irrespective of his/her religious beliefs and values.\textsuperscript{12} Even in the post-colonial period no such resilient steps were taken, as the Constitution framers and other prominent leaders thought that as a nation India was not ready for this major transformation.\textsuperscript{13} They anticipated that a certain amount of modernization coupled with sensitization\textsuperscript{14} was fundamental before introducing a uniform code so that it could be readily accepted by the masses.

At that time of partition when the streets were filled with blood and riots were common all over the country\textsuperscript{15} and amidst that chaos a decision to stall a legislature which could aggravate religious tensions may seem the right choice\textsuperscript{16} but now, after 69 years of independence this unborn child of our constitution needs air to breathe so that the dream of a uniform civil code can be fulfilled.

This problem is not just related to a specific issue of non-uniformity but it extends to be a universal predicament not just for individuals but for the legal system as well.\textsuperscript{17} Through this paper, the researchers intend to pose contentions that would emphasize on the need to prioritize the aspirations of the Constitution drafters and thus implement the unborn child of the Constitution. This research paper is divided into three parts where Part I deals with the first argument that presents the requirement of this Code through the gender perspective highlighting major issues related to gender inequality within personal laws. Part II advocates that how the

\begin{itemize}
\item \textsuperscript{10} Alok Prasanna Kumar, \textit{Uniform Civil Code: A Heedless Quest?}, 51 \textsc{Economic and Political Weekly} (2016).
\item \textsuperscript{11} Gokulesh Sharma, \textit{An Introduction to Legal Systems of the World} (2008). Pg. 246
\item \textsuperscript{12} Abbas Hoveyda, \textit{Indian Government and Politics} (2010).
\item \textsuperscript{13} Alok Prasanna Kumar, \textit{Uniform Civil Code: A Heedless Quest?}, 51 \textsc{Economic and Political Weekly}.
\item \textsuperscript{14} Mounica Kasturi, \textit{Need for a Uniform Civil Code in India}, \textsc{Academike}, http://www.lawetopus.com/academike/need-uniform-civil-code-india/.
\item \textsuperscript{15} Nisad Hajari, \textit{Midnight's Furies: The Deadly Legacy of India’s Partition} (2016).
\item \textsuperscript{16} Hanna Lerner, \textit{Making Constitutions in Deeply Divided Societies} (2011).
\item \textsuperscript{17} Werner Menski, \textit{Recent Developments in the Uniform Civil Code debates in India}, \textsc{German Law Journal}.
\end{itemize}
multiplicity of the inheritance and succession laws can be done away with by embracing the uniform code and finally Part III provides the secular perspective favoring Uniform Civil Code.

UNIFORM CIVIL CODE AND THE VICTIMIZED SEX

Thinking about Uniform Civil Code, it is highly imperative that we consider the most sensitive issue related to it i.e. the gender perspective. The principal highlight while discussing about this code is that it would be instrumental in eradicating evils like triple talaq and polygamy that clearly discriminate between the two sexes.18 Therefore, there are a plethora of women’s movements that raise their voices19 and look forward to the enactment of a law that would put an end to the misuse of the religious texts being used for furthering the greed of men.20 The problems or the loopholes are not restricted only toward targeting a particular religion and criticizing its practices. It is being argued that all those laws which are anti-woman should be scrapped, be it of any religion.

For instance, the practice of triple talaq or ‘talaq-e-bidat’21 has ruined the life of thousands of Muslim women who have been its victim22 and also of others who live in constant fear of being deserted by their husbands.23 Such a practice evidently portrays the respect and worth of a Muslim woman and goes a long way in describing her as a property. She can be abandoned by just pronouncing a word thrice in succession. The continuation of such unreasonable practices24 in a democratic country like India is ironic and contradictory to everything that a representative democracy stands for. The concept of equality enshrined in the Preamble and reflected in every

21 "Triple ṭalaq", in which the man says in one sitting "I divorce you" threetimes (or "I divorce you, three times", "you’re triple divorced").
22 ZAKIA SAMAN, NO MORE TALAQ TALAQTALAQ, BHARTIYA MUSLIM MAHILA ANDOLAN (2017).
article are clearly not harmonious with such a law that permits a man to abandon his wife by pronouncing talaq thrice but deprives women from doing the same.\textsuperscript{25}

As already mentioned earlier, the colonial rule codified all other laws but the personal law, by fear of hurting the sentiments of the Indian orthodox community and more importantly, as they benefitted through this disunity\textsuperscript{26} was conveniently left by the British. But after independence, the uniform civil code was desirable for maintaining the unity and integrity of this diverse nation\textsuperscript{27} and promoting gender equality. Unfortunately, this hasn’t happened till now due to the oppositions raised by the religious groups who perceive this to be a threat to their identity. However, this elicits a vital question- Can a particular section of the women in the society be exposed to such a vulnerability\textsuperscript{28} just because they belong to a certain religion? It is an undeniable fact that all citizens of India are guaranteed the right to freedom of religion\textsuperscript{29} by virtue of the fundamental rights they are entitled to, living in a secular nation. But these rights can’t be misused to enhance or even continue such prima facie discriminatory practices in the name of religion. All through history, “male religious leaders have had and still have an option to interpret holy teachings either to exalt or subjugate women.”\textsuperscript{30} A significant aspect that needs to be considered here is that triple talaq should not be interpreted as an ‘integral part’\textsuperscript{31} of the Islamic religion and thus interfering with it can’t be attributed to the violation of any fundamental right.\textsuperscript{32} In fact, many predominantly Islamic countries have abolished the practice

\textsuperscript{26}What were the main causes of successful take over of India by Britain?, colonization - What were the main causes of successful take over of India by Britain? - History Stack Exchange, http://history.stackexchange.com/questions/2939/what-were-the-main-causes-of-successful-take-over-of-india-by-britain (last visited Jan 18, 2017).
\textsuperscript{27}Neema Qamar, Need Of Uniform Civil Code - A Critical Study.
\textsuperscript{28}The vulnerability can further be shown through the Census data, which list the marital status of individuals from all religious communities, shows that the refined divorce rate — or the number of divorces per 1,000 marriages — for Muslim women was 5.63, well above the national average of 3.10.
\textsuperscript{29}Article 25 of the Indian Constitution (Part III- Fundamental rights) provides freedom to practice, profess or propagate any religion.
\textsuperscript{32}WRIT PETITION (CIVIL) NO. 354 OF 2006
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all together by law, including Iran, Morocco, Egypt, Tunisia, Indonesia, Afghanistan, Bangladesh and Pakistan\textsuperscript{33} which clearly indicates that triple talaq is not an integral part of Islam.

Not only that, if the talaq was pronounced in a fit of rage that clouded wisdom, it becomes a source of suffering for the man also as the divorce becomes irrevocable\textsuperscript{34} and he can’t get remarry her until she undergoes nikah halala.\textsuperscript{35} The entire process of nikah halala is traumatizing for both of them if the divorce thus taken was hasty and unintentional. Also, the issue of legitimizing polygamy makes our so called civic society a tomb of patriarchal extremism.\textsuperscript{36}

Apart from this, it violates the right to equality women are entitled to, but also leaves them and their children at a great disadvantage as it releases the husbands of their responsibility toward their family.\textsuperscript{37} In this case, unlike triple talaq, validation has been expressly mentioned in the Holy Quran. However, it needs to be appreciated that it is not encouraged but is merely allowed only in conditions where there are excess of husbandless women in the society and that justice is being done to all individuals in the family.\textsuperscript{38} In practicality, polygamy has led to the deterioration of the condition of women and they have been left vulnerable due to this prejudiced custom.

As can be precisely interpreted from the facts of SarlaMudgal v. Union of India\textsuperscript{39}, men convert from Hinduism to Islam in order to give legitimacy to their otherwise illegal and bigamous marriages punishable under the Indian Penal Code. Declaring that the UCC was imperative "both for the protection of the oppressed and promotion of national unity and solidarity", Justice Sahai directed the government to bring in the legislation without dragging its feet.\textsuperscript{40}

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\item \textsuperscript{34}FURQAN AHMAD, TRIPLE TALAQ: AN ANALYTICAL STUDY WITH EMPHASIS ON SOCIO-LEGAL ASPECTS (1994).
\item \textsuperscript{35}In Sharia law a couple which undergoes a divorce cannot remarry unless the woman marries another man truly, consummate the marriage and then her second husband dies or divorces her. In this case the marriage (Nikah) of the woman with her second husband is called Nikah Halala.
\item \textsuperscript{36}See also Jafar Abbas Rasoolmahommad Merchant v. State of Gujarat AIR 232 Guj 49
\item \textsuperscript{37}Natali Exposito, The Negative Impact of Polygamy on Women and Children in Mormon and Islamic Cultures, LAW SCHOOL STUDENT SCHOLARSHIP (2017).
\item \textsuperscript{38}EJAZ NAQVI, THE QURAN: WITH OR AGAINST THE BIBLE?; A TOPIC-BY-TOPIC REVIEW FOR THE INVESTIGATIVE MIND (2012).
\item \textsuperscript{39}AIR 1995 SC 153
\item \textsuperscript{40}Saurav Datta, PIL FOR UNIFORM CIVIL CODE: DELHI HIGH COURT ROOTS FOR RELIGIOUS PLURALISM (2014), http://www.dnaindia.com/analysis/standpoint-pil-for-uniform-civil-code-delhi-high-court-roots-for-religious-pluralism-1997836 (last visited Jan 18, 2017).
\end{itemize}
However, a key question that needs to be addressed in this behalf is whether only the Muslim communities need to alter their religious practices in consonance with the changing notions of the society or do other religious communities have to follow. It is safe to assume for the majority Hindus that it’s only the Islamic religion that propagates ‘immoral’ practices that are highly biased. In view of James Johnson, only victims of sensual gratifications and voluptuaries would uphold such an institution. Here the belief that Hindu law is a sort of progressive law is strictly refuted as in Hindu law also there are numerous illustrations that indicate to the contrary. For instance, Hindu women don’t get any ‘mehr’ from the husband’s family and instead their family are indebted as a result of the unreasonable dowry demands made before marriage, they don’t get any choice in choosing their partner and become victims of child marriage etc. Also, the widows are considered a curse and their remarriage is considered an issue and is extremely difficult.

Therefore, it needs to be clearly understood and comprehended that the fundamental objective behind implementation of the Uniform Civil Code is that a gender-neutral and just law be enacted that exterminates all rudimentary discriminatory practices against women.

Moreover, codification of personal laws in various religions has in every sense aggravated the incongruences regarding the rights of women in particular. For example, father of the child is considered as the natural guardian, which is per se discriminatory and gives absolute rights to the male and promotes patriarchy. In India, women have to fight and struggle for what they should be automatically entitled for. Now this is where the whole debate materializes and a realization occurs that these disparities should be removed. This should be comprehended by the fundamentalists of different religions that they should be liberal in their approach and

42 JAMES "HOLY" JOHNSON (c. 1836–1917) was a prominent clergyman and one of the first African members of Nigeria's Legislative Council. He was the one who said, “If polygamy is immoral in Europe, it is also immoral in Africa and Asia.
(last visited Jan 17, 2017).
47 Supra note 6
48 Geeta Hariharan v. Reserve Bank of India (AIR 1999, 2. SCC 228)
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interpretation.\textsuperscript{49} Hence a collective effort is required if we want to look forward to achieve a bigger goal that is establishing an egalitarian society. The only way through which it is possible is by implying a uniformity in treating all cases alike on the basis of justice, equity and good conscience.\textsuperscript{50} Apart from the disparities in relation to sex, there are also loopholes in the laws related to succession.

\textbf{VARIEGATED SUCCESSION LAWS: THE DRAWBACKS}

The personal laws of the religious communities govern the marriage, succession, inheritance and property rights of its followers.\textsuperscript{51} There has been an effort in creating a uniform succession law for each religion i.e. The Indian Succession Act, 1925 by Sir Henry Maine.\textsuperscript{52} However, the Hindus\textsuperscript{53} and Muslims\textsuperscript{54} refused to give up their personal laws and ultimately the jurisdiction was confined only to the Parsis, Christians and Anglo Indians.

However, this change led to a series of unanticipated confusions as to which law of inheritance is to be considered and numerous people misused it for their own benefit. For instance, the legal battle that ensued for the inheritance and property rights of Sanjay Gandhi, who had died intestate would have not arisen, had there been utmost clarity among the laws.\textsuperscript{55} The issue was that though Sanjay Gandhi was a Hindu and accordingly his succession was to be governed by the Hindu Succession Act, 1956; however, the fact that he had married under Special Marriage Act, 1954, he should have been governed by the Indian Succession Act, 1925. According to the Hindu Succession Act, 1956, the property of Sanjay Gandhi was to be divided in three equal parts\textsuperscript{56} and given to his Maneka Gandhi, Varun Gandhi and Indira Gandhi who was his wife, son and mother respectively. However, the Indian Succession Act would have led to the property being divided in such a manner that Maneka Gandhi would have received one-third of the

\textsuperscript{49}Supra note 2
\textsuperscript{50}The principles of natural justice that are justice, equity and good conscience need to be applied.
\textsuperscript{52}Anil Chandra Banerjee, English Law in India (1984).
\textsuperscript{53}Hindus started following the Hindu Succession Act, 1956 as their succession law. Hindus here also include Sikhs, Jains and Buddhists also.
\textsuperscript{54}Muslim Succession is governed by the relevant Muslim Shariat Law as applicable to the Shias and the Sunnis.
\textsuperscript{55}H. L. Kumar, Make your Will Yourself (2015).
\textsuperscript{56}In accordance to Section 10 ‘Distribution of property among heirs in class I of the Schedule’ of the Hindu Succession Act, 1956
property and Varun Gandhi would have been the heir to the remaining two-thirds.\textsuperscript{57} In the judgment, \textit{Maneka Gandhi v. Indira Gandhi}\textsuperscript{58}, given by the Delhi High Court, it was finally held that the Hindu Succession Act would be applicable in the present case considering Article 21A of the Indian Succession Act, 1925.\textsuperscript{59}

Another aspect where there is ambiguity with regards to the succession law to be followed is in the case of conversion from one religion to another. It is believed that the Caste Disabilities Removal Act, 1850\textsuperscript{60} enacted during the British era assisted in a great manner to converts by eliminating the fear that their conversion would disable them from inheriting their ancestral property. The objective of this Act was to facilitate the dissemination of the Christian religion in India\textsuperscript{61} and eradicate the hurdles that came in the process, with the major one being inability to take over from ancestors. It was held by the Division Bench of the Madras High Court in \textit{E. Ramesh and Anr. v. P. Rajini and 2 Ors.}\textsuperscript{62} that by virtue of Section 1 of the Caste Disabilities Removal Act, 1850, the conversion of a Hindu to another religion will not disentitle the convert to his claim of inheritance to the property.

But a fundamental problem was not taken into consideration i.e. the inheritance rights of the descendants of such converts.\textsuperscript{63} It may be noted that Section 26 of the Hindu Succession Act, 1956 states that if a Hindu has ceased to be a Hindu by conversion to another religion, off springs of the convert after such conversion and their progenies shall be ineligible from inheriting the property of any of their Hindu relatives, unless such linear descendants are Hindus at the time when the succession takes place.\textsuperscript{64} For instance, a wealthy Hindu married man with a Hindu son converts into Islam and then dies. The question then arises as to what would be the consequence as neither the Hindu wife nor the Hindu son can inherit from the Muslim man. Had

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\item \textsuperscript{57}In accordance to Section 33 ‘Where intestate has left widow and lineal descendants, or widow and kindred only, or widow and no kindred’ of the Indian Succession Act 1925.
\item \textsuperscript{58}\textit{AIR} 1985 Delhi 114
\item \textsuperscript{59}\textit{Maneka Gandhi v. Indira Gandhi AIR} 1985 Delhi 114
\item \textsuperscript{60}The Caste Disabilities Removal Act, 1850, also Act XXI of 1850, was a law passed in British India under East India Company rule, that abolished all laws affecting the rights of persons converting to another religion or caste.
\item \textsuperscript{61}Tahir Mahmood, \textit{Religion, Law, and Judiciary in Modern India}, 2 BYU LAW REVIEW (2006).
\item \textsuperscript{62}(2002) 1 MLJ 216
\item \textsuperscript{64}Section 26 of the Hindu Succession Act, 1956.
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Uniform Civil Code been in place, these problems would haven’t been in question. In Hinduism, the joint ancestral property of the Hindu undivided family have always been reluctant in making Hindu women as coparceners and karta. Although after recent amendments in the Hindu Succession Act, this has been made possible, but still there are a plethora of grey areas in the Hindu succession law. A well-planned Uniform Civil Code can be formulated that is gender-just and enables inheritance succession to take place in a fair manner without any ambiguity.\textsuperscript{65}

It is pertinent to note that the Muslim law of inheritance manifestly violates the equality principle laid down in Article 14 of the Constitution by unashamedly discriminating between the two sexes. In most cases, the female receives exactly the half of the share of her male counterpart\textsuperscript{66}, with a few exceptions\textsuperscript{67}. Such an out rightly discriminatory and rudimentary practice being followed and sanctioned in a nation that is striving to achieve universal equality is highly ironical. The continuance of such inheritance laws strikes at the roots of democracy and questions its existence.

**The Congruence: Uniform Civil Code and Secularism**

As is evident by the Preamble of our Constitution, India is a sovereign secular democratic republic, which implies that the State does not recognize any religion of its own. It is portrayed that bringing in a Uniform Civil code would have an adverse effect on India’s secular character.\textsuperscript{68} It is rather the other way round; just like a cause and effect relation they are also inherently connected. As also stated in \textit{SarlaMudgal vs. Union of India and others}\textsuperscript{69}, “Article 44 is based upon the concept that there is no necessary connection between religion and personal law in a civilized society.”\textsuperscript{70}

The scope of Article 25 is to the extent of giving the right to practice any particular religion whereas Uniform Civil Code by way of Article 44 strives to divest religion from social relations

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\textsuperscript{65}NEEMA QAMAR, NEED OF UNIFORM CIVIL CODE - A CRITICAL STUDY.

\textsuperscript{66}SYLVIA NEIL, GENDER, RELIGION, AND FAMILY LAW: THEORIZING CONFLICTS BETWEEN WOMEN'S RIGHTS AND CULTURAL TRADITIONS.

\textsuperscript{67}The exceptions being father and mother, grandfather and grandmother, uterine brother and sister. Apart from them, the women gets half rule applies to brother and sister, son and daughter and so on.

\textsuperscript{68}ANURADHA DINGWANEY NEEDHAM, THE CRISIS OF SECULARISM IN INDIA (2007)

\textsuperscript{69}AIR 1995 SC 153

\textsuperscript{70}SarlaMudgal vs. Union of India and others AIR 1995 SC 153
and personal law.\textsuperscript{71} Marriage, succession and like matters of a secular character cannot be brought within the guarantee enshrined under Articles 25, 26 and 27. In fact, Justice Reddy has stated that the religion is the matter of individual faith and cannot be mixed with secular activities as secular activities can be regulated by the State.\textsuperscript{72} In this regard UCC is not opposed to secularism or will not violate Article 25 and 26. It is based on the concept that there is no inherent connection between personal law and religion in a cultured society.\textsuperscript{73}

A secular country aims for a common law for all citizens rather than differentiated rules solely on the basis of religious practices. The term “secular state” in Indian context means a state with ‘principled distance’ from all religion in a manner so that it(state) could either actively intervene or abstain from intervention in all religion depending which will promote the social welfare of the society.\textsuperscript{74} Such statements clearly give Indian Govt. a greater power to implement Uniform Civil Code without affecting our secularism\textsuperscript{75} as the definition of the term secularism is different in India than their western counterpart.

The religious fundamentalists feel that this code will have an adverse effect on the religious freedom of minorities.\textsuperscript{76} It is understandably paranoid on their part as they do not understand the fact that simply abiding by the law of the land is nowhere near to be against the religious beliefs. The assertion that the emotions and values of the minorities would not be thought of while executing a common legislation is thus beyond comprehension.\textsuperscript{77} The underlying argument is that UCC is not at all forcing the people to start following the practices of one particular religion. All that has been contended is that with evolving ways of life styles, there should not be any disparities in the laws\textsuperscript{78} irrespective of all religions and faiths as far as social and cultural ethics are concerned.

\textsuperscript{71}V Dhagamvar, \textit{Academics and the Uniform Civil Code}, in \textit{TOWARDS THE UNIFORM CIVIL CODE}.

\textsuperscript{72}S. R. Bommai v. Union of India [(1994) 2 SCR 644]

\textsuperscript{73}Saptarshi Mandal, \textit{Do Personal Laws Get their Authority from Religion or the State—Revisiting Constitutional Status}, 50 ECONOMIC AND POLITICAL WEEKLY (2016).

\textsuperscript{74}Id.

\textsuperscript{75}Werner Menski, \textit{Recent Developments in the Uniform Civil Code debates in India}, GERMAN LAW JOURNAL.


\textsuperscript{77}Supra note 8

\textsuperscript{78}V RINDA NARAIN, \textit{GENDER AND COMMUNITY: MUSLIM WOMEN'S RIGHTS IN INDIA} (2003).
The movement for the execution of UCC and homogenizing personal laws is practical as well as sensible\textsuperscript{79} and should be given an affirmative response. The whole thing should be looked by a positive perspective and should be devoid of biases. It was rightly said by Anthony de Mello that “A religious belief is a signpost pointing the way to truth. People who cling tenaciously to the signpost are preventing themselves from moving towards the Truth because they have the false feeling that they already possess it.”\textsuperscript{80} Therefore stubbornly sticking to an argument which actually is rather applicable on the contrary is of no use. Uniform Civil Code makes our country more secular in nature as this will help us restrict to set norms which would be uniformly applicable.\textsuperscript{81} This should receive the backing of all progressive Indian citizens because this is the need of the hour\textsuperscript{82} and not just a political agenda. But it needs to come on the heels of a political consensus and that is what needs to be evolved. It is rightly believed that the Uniform Civil Code is necessary to effect an integration of India by bringing all communities into a common platform which at present is governed by personal laws which do not form the essence of any religion.\textsuperscript{83} India as a nation will not be truly secular unless uniformity is established in the form of rational non-religious codified laws.

The questionnaire released by the Law Commission for gathering responses as to whether the implementation of the Uniform Civil Code in the country is desirable or not, was a fundamental and worthy step.\textsuperscript{84} The Commission invited the public to present their viewpoint for the review and reorganization of the personal laws in the light of the Article 44 of our Constitution.\textsuperscript{85}

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\textsuperscript{79} Alok Prasanna Kumar, Uniform Civil Code: A Heedless Quest?, 51 ECONOMIC AND POLITICAL WEEKLY.
\textsuperscript{80}M. P. RAJU, UNIFORM CIVIL CODE: A MIRAGE (2003).
\textsuperscript{82}GERALD JAMES, LARSON, RELIGION AND PERSONAL LAW IN SECULAR INDIA: A CALL TO JUDGMENT (2001).
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questionnaire has been drafted meticulously keeping into consideration all the perceived gender unjust practices of every religion that are sought to be excluded from the Uniform Civil Code.\footnote{What is in Law Commission's questionnaire on Uniform Civil Code?, INDIA TOMORROW.NET, http://www.indiatomorrow.net/eng/what-is-in-law-commissions-questionnaire-on-uniform-civil-code (last visited Jan 18, 2017).} Religious forbearance, that is typical to secularism, presupposes mutual understanding. Now this understanding persuades us to respect the values of other religions and rationally comprehend the good and the bad. Eventually that will lead us to adopt that legal framework which is just and apt for the public at large that is people coming from varied religions, beliefs and faith and make India truly a secular republic.

**CONCLUSION: AN INTERPLAY OF LEGAL PLURALITY AND UNIFORMITY**

Uniform Civil Code is primarily about the tussle between legal plurality and legal uniformity or a legal duel between personal laws of various religions and secularism.\footnote{M. P. RAJU, UNIFORM CIVIL CODE: A MIRAGE (2003).} As stated by Ashghar Ali Engineer, the main impediment in the implementation of the Uniform Civil Code is the psychological readiness of the minority.\footnote{M. S. Ratnaparkhi, Uniform Civil Code: An Ignored Constitutional imperative (1997).} It is imperative that at this juncture, they are convinced to realize that the benefits accruing from the implementation of the uniform code outweigh the inconvenience they might have to suffer. Moreover, the execution of Uniform Civil Code will set a benchmark for truly making our country a secular democratic republic as it will promote the upcoming of an egalitarian society. It will enable the integration of India more than ever.\footnote{Id.} It is a pertinent fact that varied personal laws result in an unnecessary liability on the legal framework. The implementation of a civil code will also help in addressing all the loopholes present in different personal laws.

UCC is also a key step forward to eliminate gender disparity women face pertaining to the rights relating to maintenance, divorce and inheritance. Mostly the personal laws have prejudiced against the rights of women.\footnote{M. Thomas, Religious Fundamentalism and Indian Secularism : The Present Crisis, 19 JOURNAL OF DHARMA: DHARMARAM JOURNAL OF RELIGIONS AND PHILOSOPHIES.} If there is uniformity in the laws then the exploitation of individuals resulting from the political mayhem will be eliminated. Having uniformity in the
legal system would enable the eradication of extreme form of interpretations which result in the radicalization and promotion of religious fundamentalism. The sacrosanct character of personal laws should not encroach on the integrity of the nation as a whole. Religious fundamentalism should be exterminated and socio-economic justice should be ensured to women.\footnote{Id.} 

As stated earlier, the prime objective of the implementation of Uniform Civil Code should be focused on striking a balance between religious dogmas and the fundamental rights provided by the Constitution. This will bring all the communities and religions to a common platform and enable a smooth functioning of justice administration. This code would be just and fair according to the perception of any individual with reasonable prudence.

The underlying issue which we face as a secular nation is the extreme form of fundamentalism. This extremism has deteriorated the political and socio-cultural environment of the country rendering it sick. Referring to Ambedkar’s quote again,\footnote{“Law and order are the medicine of the body politic and when the body politic gets sick, medicine must be administered”} it can be inferred that this ‘sick’ body politic requires a medicine administered through law and order. This medicine is surely the ‘Unborn Child of the Indian Constitution-The Uniform Civil Code’ which is indispensable for the unity and integrity of India and for the essence of its identity.