

05.21



CURATED VOICES

Gender Justice in India: Outlook on Uniform Civil Code

Rohini Dahiya

TABLE OF CONTENTS

1. ABSTRACT	03
2. INTRODUCTION	04
3. HISTORICAL BACKGROUND AND CONSTITUENT ASSEMBLY DEBATES AROUND UCC	04
4. ROLE OF STATE AND ITS LEGAL SYSTEM: SUPREME COURT JUDGEMENTS CONCERNING UCC	06
5. DISCOURSE AROUND GENDER JUSTICE AND UNIFORM CIVIL CODE	07
• ARGUMENTS IN FAVOUR OF UCC	07
• ARGUMENTS IN OPPOSITION TO UCC	08
6. RECOMMENDATIONS: TOWARDS A GENDER-JUST SOCIETY	11
7. CONCLUSION	13
8. BIBLIOGRAPHY	14

If you have any suggestions, or would like to contribute, please write to us at contact@sprf.in

© Social and Political Research Foundation™

May 2021

CURATED VOICES

Gender Justice in India: Outlook on Uniform Civil Code

Rohini Dahiya

ABSTRACT

Socio-legal discourse about what constitutes 'gender justice' increasingly entails the debates around the Uniform Civil Code (UCC). Over three decades of contemplation about enacting a uniform code throughout the country, it remains one of India's most highly contentious issues for securing women's equal rights.

This paper presents an overview of UCC and the historical background shaping its demand. It further explains the role of the state and its legal system in securing equal rights for women in the backdrop of important cases citing a uniform code. It also highlights the current discourse around gender justice and aims to examine the issues with UCC, and attempts to answer whether uniformity in law will suffice as women's equality and empowerment in India.

INTRODUCTION

A Uniform Civil Code's (UCC) central idea is that all sections of society, irrespective of their religion, shall be treated equally according to a national civil law in matters of marriage, divorce, maintenance, and inheritance.

However, the adoption of uniformity in law will be at odds with the current pluralistic¹ ways of organising relationships through personal law. These are largely drawn from the interpretations of various customs of distinct religions that find their origins in patriarchy (Parashar 1992). Uniformity is put forth as the single solution to a myriad of problems of religion-based personal laws in India.

UCC is placed under Article 44 of the Directive Principles of State Policy (DPSP), which reads that the "State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India" (The Constitution of India 1950). It is intended to replace the fragmented personal laws that currently govern civil matters. However, the Directive Principles of State Policy as defined under Article 37 proclaim that "The provisions contained in this Part shall not be enforceable by any court, and the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making" (The Constitution of India 1949). This means that it does not come with a constitutional guarantee. Nonetheless, courts have opined on the matter, calling it a goal towards national unity (Shayara Bano vs Union of India 2017). It often receives scathing attacks by those who believe UCC conflicts with fundamental rights such as freedom of religion and rights of minorities.

HISTORICAL BACKGROUND AND CONSTITUENT ASSEMBLY DEBATES AROUND UCC

The development of civil laws in India is intrinsically linked to the history of personal laws. Lord Warren Hastings believed in the logic of boxing identities in rigid categories under the 1772-73 Regulation Act, which pronounced that Hindus and Muslims should be governed by their respective laws (Menon 1998: 48). Later in 1835, the British Government submitted its report stressing the need for uniformity in the codification of Indian laws on crime, evidence, and contracts, explicitly recommending that Hindu and Muslims 'personal laws'² be kept out of this codification. These laws remained uncoded to categorise the pluralistic population along the religious lines. It was also done to evolve a judicial system in response to the prevailing social conditions and majorly to appropriate imperial purposes of greater control over the Indian Territory (Agnes 2011). The term 'personal law' was first introduced in the Presidencies of Calcutta, Bombay, and Madras only during the eighteenth century when the existing arbitrations were transformed into state-controlled adjudications. Even when the administration shifted from British East India Company to the British Crown, the practice of

¹ Different laws that govern matters in India include Hindu Law, Muslim Law, Christian Law, Parsi Law etc.

² Laws that are based on different practices and customs of diverse religion, faith and culture, which derive authority from religious texts.

saving 'personal laws' continued (Agnes 2011).

It was only post-independence, during the drafting of the Indian Constitution, that the Constituent Assembly debated Article 35 on 23 November 1948 and directed the state to implement a Uniform Civil Code across India. It was based on the conception that 'personal laws' reflected the divine law of the religious texts and contained anti-women practices projected as customary laws (Parashar 1992). Thus, it was believed that human intervention in the form of a Uniform Civil Code was an effort towards an egalitarian society³.

A considerable number of Constituent Assembly members loathed this debate, with most of the opposition coming from Muslim members, who thought that UCC was inimical to the religious and cultural ethos of Indian society. Mohammad Ismail, a member of the Madras legislative assembly, argued that the right to adhere to one's 'personal laws' was one of the fundamental rights and that personal laws are a part of the way of life. While addressing the assembly, he emphasised that a provision be added to Article 35 reading, "Provided that any group, section or community of people shall not be obliged to give up its own personal law in case it has such a law" (The Constitution of India 1949). Several Hindu leaders also shared a view similar to that of their Muslim counterparts. M. A. Ayyangar, who was the first Deputy Speaker of the Lok Sabha in the Indian Parliament, argued that the Indian concept of secularism tolerated the existence of all religions with equal honour and dignity and should be allowed to observe their own 'personal laws' (Constituent Assembly Debates 1948). Sucheta Kripalani — a freedom fighter, member of the Constituent Assembly, and the first woman Chief Minister of Uttar Pradesh in 1963 — argued that in the light of the prevailing social conditions, it is best not to adopt Uniform Civil Code and visit it in future.

However, many members supported the Code. Raj Kumari Amrit Kaur, co-founder of the All India Women's Conference in 1927 and the first female Cabinet Minister in free India, advocated for a common code and marriage equality of women. She asserted that a uniform code would protect women against discriminatory personal laws and thus must be made a justiciable right (R Kruthika 2018). The founder of the educational trust Bhartiya Vidya Bhawan, K. M. Munshi, popularly known as Ghanshyam Vyas, expressed similar views that personal laws discriminated against citizens based on their sex, which was not permitted by the constitution (Constituent Assembly Debates 1948). Dr B. R. Ambedkar, an astute advocate of uniformity in civil laws, saw social reform as the greatest responsibility of the Indian lawmakers. He defended the right of the state to interfere in personal laws. However, he affirmed that a uniform code would only create 'power', not an obligation, for it would apply to those who consent to be governed by it. (Constituent Assembly Debates 1948)

Due to the equivocal nature of the subject and disagreement among the assembly members, it was pointed out that Article 35 of the draft Constitution be added as a part of the DPSP in part IV of the Constitution, as Article 44 and Article 37 will reflect upon its non-justiciability. Nevertheless, steps were afoot

³ Where everyone is entitled to equal rights and receive equal treatment and opportunities regardless of their religious background.

for law reforms. The draft of the Rau Committee Report⁴ submitted to the select committee, chaired by Dr B. R. Ambedkar, came up for discussion in 1951 for the Hindu Code Bill. It was one of the most significant attempts towards uniformity in a newly born democracy. Despite nuanced opinions, the bill was adopted in 1956 and was split into four categories — the Hindu Marriage Act, the Hindu Succession Act, the Hindu Minority and Guardianship Act and the Hindu Adoptions and Maintenance Act.

ROLE OF STATE AND ITS LEGAL SYSTEM: SUPREME COURT JUDGEMENTS CONCERNING UCC

Six decades since, the endeavour to secure a uniform code is still in progress. Uniformity in civil law as an idea has received support from the court and various women's rights organisations and political parties. The first time a court mentioned UCC was in *Mohd Ahmed Khan vs Shah Bano Begum and Others* (1985)⁵, when the Supreme Court, drawing arguments of national integrity, urged for "common civil code".

Every decade since, the Supreme Court takes up the matter of UCC. A few weeks after the Shah Bano case, Supreme Court reiterated the same issue in *Jordan Diengdeh v S S Chopra* (1985)⁶, concerned with the irreconcilable marriages and that divorce cannot be granted on that basis alone and thus opined for a UCC. In *Sarla Mudgal, President Kalyani and Others v Union of India and Others* (1995)⁷, the SC asserted for uniformity to prevent Hindu men from converting to Islam for the sole purpose of arranging the second marriage and held that Hindu code is the model on which UCC should be drawn up. In 2003 again, the apex court affirmed the desirability of UCC in the context of succession in *John Vallamattom and Another v Union of India* (2003)⁸.

⁴ Report submitted by Hindu Law committee chaired by Sir B. N. Rau.

⁵ A 73-year-old woman called Shah Bano was divorced by her husband using triple talaq (saying "I divorce thee" three times) and was denied maintenance. She approached the judiciary and the District Court and the High Court ruled in her favour. This led to her husband challenging the verdict in the Supreme Court saying that he had fulfilled all his obligations under Islamic law. However, even the Supreme Court ruled in Shah Bano's favour in 1985 under the "maintenance of wives, children and parents" provision (Section 125) of the All India Criminal Code, which applied to all citizens irrespective of religion. Further, the SC recommended that a uniform civil code be set up in paragraph 32.

⁶ A woman named Jordan born and brought up as Presbyterian Christian approached court for divorce from her husband who was Sikh. They were married under the Christian Marriage Act 1869.

⁷ The case debated whether a Hindu husband married under the Hindu law, by embracing Islam, can have a second marriage. The court held that the Hindu marriage solemnised under Hindu law can only be dissolved on any of the grounds specified under the Hindu Marriage Act 1955. Conversion to Islam and marrying again, would not by itself dissolve the Hindu marriage under the act and thus, a second marriage solemnised after converting to Islam would be an offence under section 494 of the Indian Penal Code(IPC).

⁸ A priest from Kerala, John Vallamattom, challenged the Constitutional validity of Section 118 of the Indian Succession Act, which is applicable for non-Hindus in India. Mr Vallamattom contended that Section 118 of the act was discriminatory against Christians as it imposes unreasonable restrictions on their donation of property for religious or charitable purposes by will. The bench struck down the section as unconstitutional.

More recently, in *Shayara Bano and Others v Union of India* (2017)⁹, the Supreme Court struck down Instant Triple Talaq as unconstitutional and brought back the debates around Uniform Civil Code into the public domain.

The primary critique of personal laws in the light of the cases mentioned above, especially the 'Triple Talak' case, is presented in the interest of gender justice. Vote-bank politics often guide the political nature of UCC and the possibility of gender justice as a tool for women's empowerment. The aim of gender equality is often left behind, with the debate mostly reduced to appropriate political interests. In the past few years, the ruling Bharatiya Janata Party has been accused of bolstering Hindutva politics, especially in the view of recent events, i.e., CAA/NRC and the Ram Mandir judgement, which has brought to fore the issue of UCC (Kidwai 2018).

DISCOURSE AROUND GENDER JUSTICE AND UNIFORM CIVIL CODE

The debate over UCC in India is invariably set up as secular state versus religious rights of minority communities. The resistance to 'personal laws' is received on the grounds that pluralistic ways of organising interpersonal relations are the major obstacle in women's equality and empowerment. These laws derive their source from religious texts which promote patriarchal relations. A range of legal scholars most prominently Archana Parashar, who is an established exponent of feminist thought, has stressed that the solution to the myriad of problems posed by legal pluralism could best be eradicated by the state and its legal system if they promulgate a uniform set of laws governing personal relationships. Inversely, the other band espouses that a uniform code would not suffice as gender equality and that uniformity is enunciated only as demands to consolidate national and political interests.

Arguments in favour of UCC

Archana Parashar, an Indian academic and an ardent supporter of the common code, criticises the terminology of the law in the context of personal laws. She argues that the labelling of various customs and social practices as "law" provide them impunity from being questioned for their anti-women essence and thereby enabling institutional discrimination¹⁰ (Parashar 1992).

Scholars like Archana Parashar, who eloquently endorse demands for a Uniform Civil Code, put forth that a personal-laws based system is problematic from the equality point of view. According to them, pluralistic religion-based laws are retrogressive and impose primitive androcentric practices¹¹ on women. They perceive law reforms like Hindu Marriage Act 1956, Hindu Minority and

⁹ Shayara Bano's husband divorced her after 15 years of marriage through instantaneous triple talak. She challenged this in court which declared the practice unconstitutional.

¹⁰ Discriminatory treatment among different individuals or groups of society accepted as conventional.

¹¹ Practices centring around males.

Guardianship Act 1956, Dowry Prohibition Act 1961, The Prohibition of Child Marriage 2006 and Muslim Women's (Protection of Rights on Divorce) Act 1986 which was passed under the historic Shah Bano case made Section 125 of the Criminal Code¹² applicable to Muslim women, as progressive steps towards gender equality. The Portuguese Civil Procedure Code 1939¹³, applicable to communities in Goa, is set forth as an exemplar of the justiciable common law. It is often recognised as a progressive law that allows equal division of income and property between husband, wife, and children regardless of their gender. Since it is compulsory to have birth, marriage, and death registered under the law, it is believed that it hinders the practice of Triple Talaq (Portuguese Code of Civil Procedure 1939). It is further argued that accepting legal pluralism as a fact questions the idea of Article 44 of Directive Principles of State Policy that urges the state to introduce one.

Arguments in opposition to UCC

The 1980s and 1990s saw the moment of inertia towards the demands of UCC. Both women's rights activists and the court viewed the common code as an attractive option for promoting gender equality and national integration, respectively. However, post-1990's India witnessed a significant change in favour of more freedom for individuals in both public and private domain, consequently leading to the changing attitude in the socio-legal sphere. There was a sea change in the understanding of progressiveness, which was now believed to be the freedom to choose different ways of organising personal and intimate relationships for every individual, especially women. Feminist movements, which earlier raised demands in favour of UCC, now sought more freedom to protect the individual identity and emphasised more on diversity amongst women (Agnes 2011). Prominent women activists and legal scholars, like Ratna Kapoor, Nivedita Menon, Flavia Agnes, and John H. Mansfield, no longer espoused a common code. Instead, they asserted that arguments favouring a UCC are veneered by the 'myth of modernity' and reflect Western ideas, as UCC was originally generated in American and European context. Furthermore, it points out that clinging to uniformity and rejecting diverse cultural identities threaten the integrity of the Indian nation.

Madhu Kishwar, a renowned India Academic, highlighted in her 1994 essay 'Codified Hindu Law: Myth and Reality' that the claim that Hindu law was reformed is simply misleading, for it was merely codified under immense pressure from the assembly members (Kishwar 1994). She highlights that norms pertaining to the dissolution of the marriage are far more stringent in the Hindu Marriage Act (1955) than those practised in other communities. For example, in certain Rajasthani communities, women can freely enter and leave a marriage. Further, the Hindu Marriage Act also made *Saptapadi*¹⁴ one of the few legitimate forms of marriage that give men a chance to circumvent the prohibition on bigamy by following some other form of customary practice of marriage. The contractual form of marriages, as practised in Kerala by matrilineal communities and certain

¹² Order for Maintenance of wife, children and parents, which applies equally to all citizens irrespective of their religion.

¹³ Common family law for the state of Goa.

¹⁴ The Hindu marital tradition of taking seven circumambulations around the fire.

castes like Nairs, is delegitimised under this act (Kishwar 1994). Thus, defeating the very purpose of protecting and empowering women through these reforms.

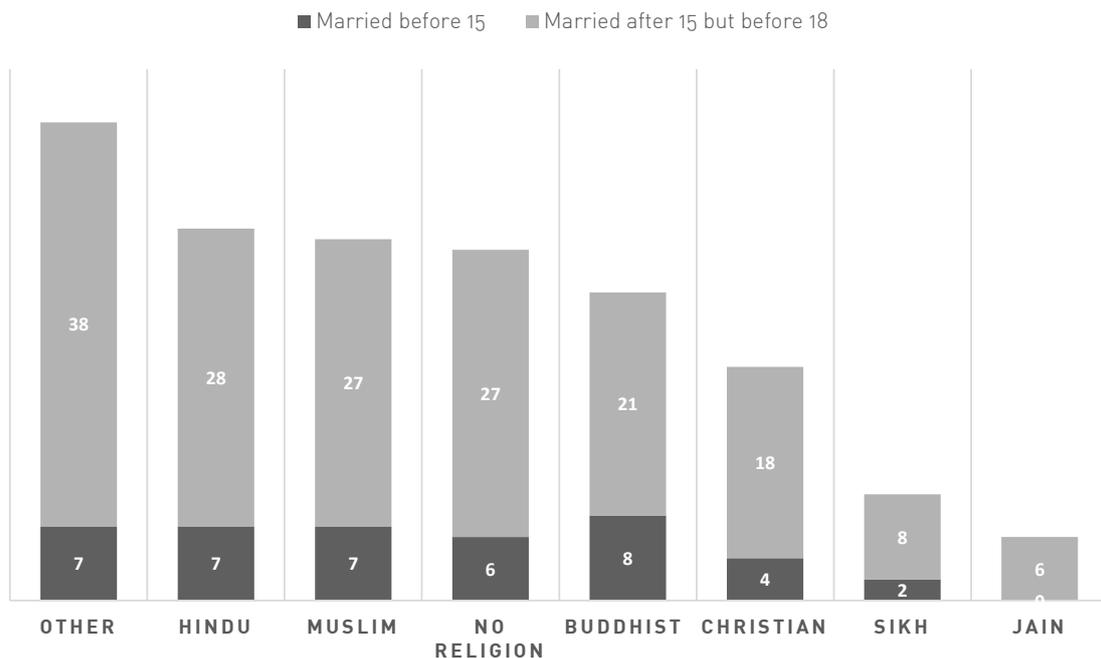
It is also argued that law reforms that disregard religion, such as The Prohibition of Child Marriage Act 2006 and Dowry Prohibition Act 1961, have failed to iron out the nefarious practices of dowry and child marriage. As the data on child marriage published by UNICEF (2019) reveals, people who do not profess any religion still practice child marriage.

Table 1: Cases Registered under Dowry Prohibition Act 1961

State/UT	Cases pending investigation from previous years	Cases reported in police station during the year
Andhra Pradesh	376	272
Bihar	1188	1585
Jharkhand	1161	868
Karnataka	917	1457
Odisha	530	1082
Tamil Nadu	121	270
Telangana	271	2
Uttar Pradesh	484	2485
Delhi	19	19

Source: Nation Crime Records Bureau (2015)

Figure 1: Percentage of women between 20-24 years who were first married or in union before the ages of 15 and 18 by religion.



Source: UNICEF (2019:12)

The Hindu Succession Act, 1956 that recognised the patrilineal form of inheritance as legitimate was amended as The Hindu Succession Act, 2005 to include females as equal inheritors of ancestral property from birth. However, many scholars have pointed out that the legislative reform has failed to mitigate the long-held preference for sons.

Sanghera (2019) points out that researchers at King's College University, New York University and the University of Essex's study published in the *Journal of Development Economics*, using data from three rounds of the National Family Health Survey (1991-92, 1998-9 and 2005-6) and the Rural Economic and Demographic Survey (REDS) 2006, reveals that female child born after the legal reforms were 2-3% more likely to die before reaching their first birthday. Moreover, 9% of parents who have a female firstborn child are more likely to have a second child. Though the Pre-Natal Diagnostics Technique Act (Regulation and Prevention of Misuse) has been in place since 1994, the insecurity caused by the legislative reform of equal inheritance rights to women enabled sex-selective abortions supported by illegitimate prenatal screening. The study demonstrates that in a similar vein, 4% of female foetuses are less likely to be born because of their biological sex.

The common code of Goa, touted as an example for UCC, is no less than an inequitable law as it recognises situational bigamy for Hindus. Under specific circumstances as mentioned in codes of usages and customs of gentile Hindus of Goa, if a Hindu woman fails to deliver a baby by the age of 25 or if she fails to deliver a baby boy by age the of 30, the male has the right to have a bigamous relationship (Noronha 2014). Further, the consensus that the state must be held accountable for upholding the fundamental right to equality through the legislation of a common code is not in compliance with the distinct identities that women from different communities wish to pursue as a part of their cultural and religious freedom as mentioned under Article 25¹⁵ and Article 26¹⁶.

Alok Prasanna Kumar, a senior resident fellow at the Vidhi Centre for Legal Policy, asserts that Article 44 is itself unclear. Kumar (2016) points out that no other part of the constitution, as such, mentions the UCC. According to the Sixth Schedule¹⁷ of the Indian Constitution, the regional and district councils of tribal areas of Assam, Meghalaya, Tripura, and Mizoram have exclusive law-making powers regarding family law. Likewise, Articles 371A¹⁸ and 371G¹⁹ exclude the states of Nagaland and Mizoram, respectively, from the applicability of the parliamentary laws on the customary practices unless the legislature of the states

¹⁵ All persons are equally entitled to freedom of conscience and the right to profess, practice, and propagate religion.

¹⁶ All the persons have right to establish and maintain religious institutions.

¹⁷ Provides special status for the administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram to safeguard rights of their tribal population.

¹⁸ Special provision with respect to State of Nagaland, no Act of parliament in respect of religious and social practices, customary law and procedure, civil and criminal justice decisions, ownership and transfer of land and its resources, shall apply to the State of Naga unless legislative assembly of Nagaland approves it.

¹⁹ Special provision with respect to State of Mizo, no Act of parliament in respect of religious and social practices, customary law and procedure, civil and criminal justice decisions, ownership and transfer of land and its resources, shall apply to the State of Mizo unless legislative assembly of Mizoram approves it.

gives their approval (ibid). Hence, even if the parliament approves UCC, it would not apply equally to all the Indian states, especially the north-eastern states, which questions the very idea of its uniformity.

Such criticisms are refuted because religion-based customs are purely primordial social constructs that got naturalised over time. The recognition of religious-cultural rights and their protection is problematic as the safeguarding of these differences in cultural practices is implicated in the notion of self or, to say, the notion of protecting one's identity, which has come to be constituted as 'male' (Menon 1998: 250). It is further indicated that India, having ratified the International Covenant on Civil and Political Rights 1966 and International Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) 1979, is bound to take steps towards ensuring gender equality through the enforcement of relevant laws (Rattan 2004).

RECOMMENDATIONS: TOWARDS A GENDER-JUST SOCIETY

Reforms from within

Various organisations, including the Law Commission of India, hold that efforts to bring about gender justice should focus primarily on initiatives of reforms within the personal laws. They anticipate that an all-encompassing code might harm the interests of women from certain minority communities and hence, provide several recommendations for reformation.

1. Law Commission of India

In its consultation paper on 'Reforms of Family Law', the Law Commission of India (2018) asserted that an individual's religious freedom must be protected and should not be approached as a policy against the religious sentiments of any community (Kidwai 2018). The Commission has explicitly mentioned that a UCC is neither necessary nor desirable at this stage. It has proposed various legal amendments for family laws, which include:

Compulsory registration of marriages: Registration of marriages should be made mandatory through the amendment of the Registration of Birth and Deaths Act. Commission provided the same recommendation in its 270th report in 2017.

A uniform age for consent for marriage: The legal age for marriage should be alike for both men and women. The Commission noted that the present law of 18 years for women to marry and 21 for men contributes to the stereotype that women should be younger than their male spouse.

Bigamy upon conversion: It recommended that second marriage through the conversion to other religion should be declared void. However, the child born out of that wedlock must not be treated as illegitimate.

Community of property upon marriage and divorce: Commission noted that both partners should equally be entitled to the property acquired after the marriage. However, the court does not explicitly mention the absolute split of property after the divorce.

Religion specific reforms: Apart from the general reformatations, it also pointed out certain religion-specific changes should be made. For example, it recommended that necessary amendments should be made to the Hindu Minority and Guardianship Act, 1956, which endorses that women should be under the guardianship of a man her entire life, whether father or husband. It recommended that Nikahnama (Muslim marriage contract) itself should make polygamy a criminal offence. Further, through an appropriate amendment to the Muslim Marriage Act, 1939 adultery should be introduced as the ground for divorce. It also pointed that the ostracisation of marriage outside one's religion under the Parsi Personal Law should be amended.

2. Nikahnama Group, Bombay

The Nikahnama Group, working on Muslim Personal Law in India, drafted a model Marriage Contract or Nikahnama that was accepted with modifications by the Muslim Personal Law Board and Women's Research and Action Group (Menon 1998: 254). Their suggestions included:

- Outlawing the 'Triple Talaq'.
- Adequate maintenance and inheritance rights that men must maintain their divorced wives even after the period of iddat (waiting period) and that women should not have half and equal property rights.

3. Joint Women's Programme (JWP)

JWP is a non-profit organisation working towards the cause of women's rights. It formulated a draft law on reforms to Christian Personal Law. The key areas it recommended for reform was the lack of uniformity among sects regarding the registration of marriage, the divorce law that holds men to only prove adultery for divorce, whereas women need to prove some other crime along with adultery and the lack of maintenance rights for divorced women (Menon 1998: 255).

Legislation of areas not covered by Personal Laws

Several women's organisations asserted that 'Gender Justice' has become a point of contention between the Personal Laws and UCC, where Islam is demonised more than other religions for perpetuating discriminatory practices. This presupposition is dangerous to India's multiculturalism²⁰ and secularism. Women's organisations like Majlis Bombay and All India Democratic Women's Association (AIDWA), the women's wing of CPI (Marxist), hold that the idea behind UCC has never been the protection of women and their rights but is to target a religion in specific. Hence, instead of bringing out uniformity in law, there is a need to address specific and immediate issues (Menon 1998: 258).

²⁰ Existence of multiple culture within a country.

CONCLUSION

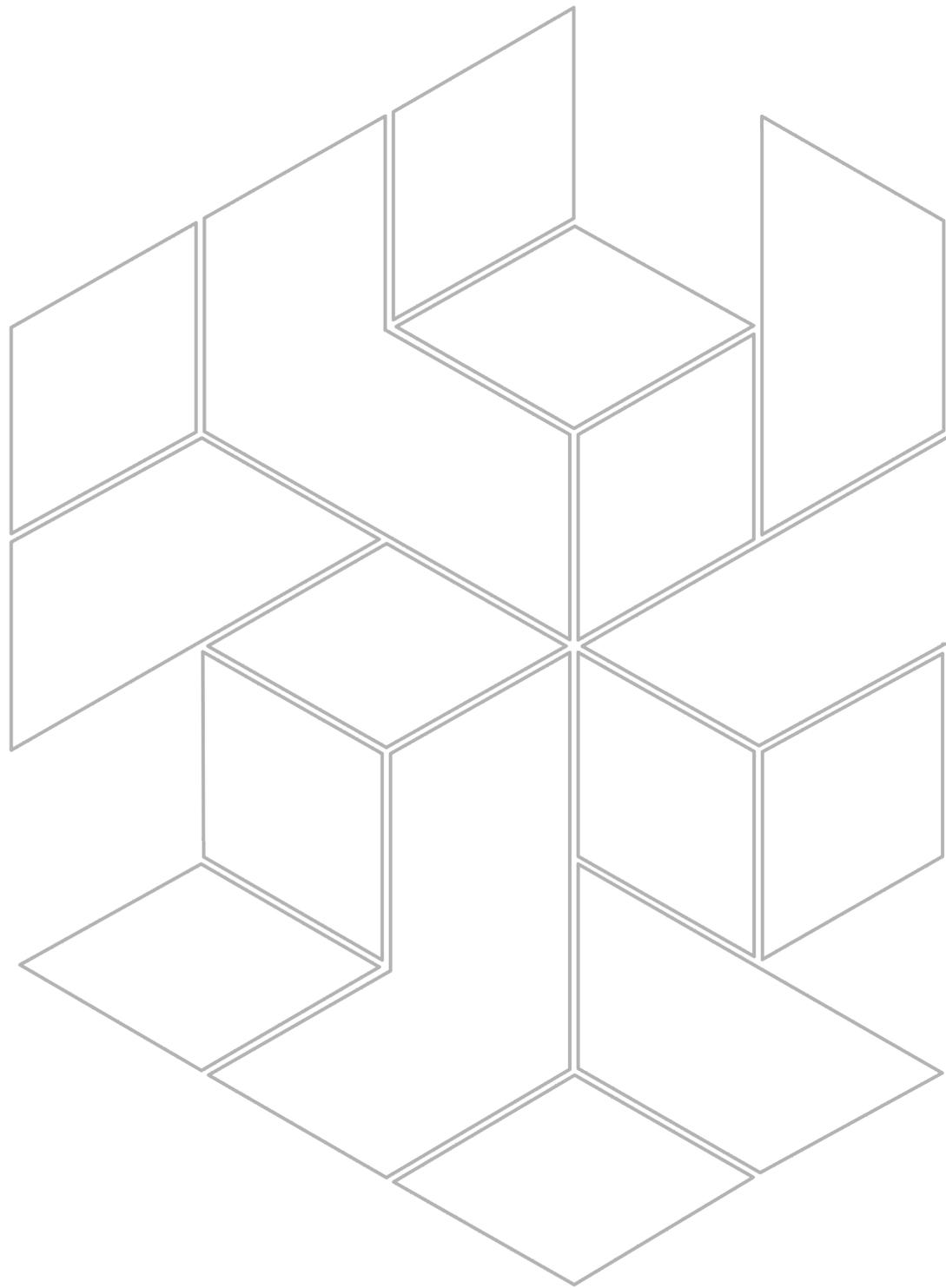
The notion of 'Gender Justice' in India involves deliberations about Personal Laws and the Uniform Civil Code. Ever since its inception as a nation-state, the articulations around UCC have loomed large to secure equal rights for women. However, UCC is often yielded as an instrument for political gain while actual gender justice languishes. The main demands for gender equality and equity are centred around the law. The judiciary, which is seen as an avenue for social change and constitutes the third pillar of the Indian State, has drawn arguments for UCC only as a catalyst for modernity and national integration rather than gender equality. Here, the efficacy of law also comes under attack as even the implementation of the existing laws is a debacle. Hence, if there ever is made a uniform code, it would suffice only if its implementation is as good as the law itself.

However, the uniformity in law, short of securing women's rights, would jeopardise the cultural and communal harmony of the country that is deep-rooted in its spirit of diversity and multiculturalism. As pointed out by various scholars and women activists, the push for homogenisation is in contradiction with the very essence of Indian democracy. Therefore, at this moment in time, a uniform civil code or an implicit demand favouring 'communal rights' isn't the priority but rather substantive legislative efforts in favour of women's rights.

BIBLIOGRAPHY

- Agnes, Flavia. (2011). *Law, Justice and Gender: Family law and Constitutional Provisions in India*. New Delhi, India: Oxford University Press.
- Constitution of India. (2018). R, Kruthika. (2018). "Assembly Member of the Week: Rajkumari Amrit Kaur." *Constitution of India*, 5 February 2018. Accessed 17 February 2021, https://www.constitutionofindia.net/blogs/assembly_member_of_the_week__rajkumari_amrit_kaur.
- Constituent Assembly Debates, Volume No.6, 23 November 1948. Accessed 17 February 2021, https://eparlib.nic.in/bitstream/123456789/762996/1/cad_04-11-1948.pdf.
- Dowry Prohibition Act, 1961, act no. 28.
- Hindu Marriage Act, 1955, act no. 25.
- Hindu Minority and Guardianship Act, 1956, act no. 32.
- Hindu Succession Act, 2005, act no. 30.
- John Vallamattom and Another v Union of India, 2003, AIR 2003 SC 2902.
- Jordan Diengdeh v S S Chopra, 1985, AIR 1985 SC 935.
- Kidwai, Rasheed. (2018). "Law Commission for Religion-wise Amendments to Address Issues like 'Triple Talaq.'" *Observer Research Foundation*, 7 September 2018. Accessed 13th March 2021, <https://www.orfonline.org/expert-speak/43834-law-commission-for-religion-wise-amendments-to-address-issues-like-triple-talaq/>.
- Kishwar, Madhu. (1994). "Codified Hindu: Myth and Reality." *Economic and Political Weekly*, 29(33).
- Kumar, Alok P. (2016). "Uniform Civil Code: A Heedless Quest." *Economic and Political Weekly*, 51(25).
- Law Commission of India. (2018). *Reform of Family Law*. New Delhi, India: Law Commission of India.
- Menon, Nivedita. (1998). "Women and Citizenship". In *Wages of Freedom*, edited by Partha Chatterjee, 241-266. New Delhi, India: Oxford University Press.
- Mohd Ahmed Khan vs Shah Bano Begum and Others 1985, AIR 1985 SC 945.
- Muslim Women's (Protection of Rights on Divorce) Act, 1986, act no. 25.
- Noronha, Frederick. (2014). "Goa's Civil Code Has Backing of BJP, but It's Not Truly Uniform." *Scroll India*, 9 June 2014. Accessed on 3rd March 2021, <https://scroll.in/article/666255/goas-civil-code-has-backing-of-bjp-but-its-not-truly-uniform>.

- Parashar, Archana. (1992). *Women and Family Law Reform in India*. New Delhi, India: Sage Publications.
- Portuguese Code of Civil Procedure, 1939.
- Prohibition of Child Marriage Act, 2006, act no. 6.
- Rattan, Jyoti. (2004). "UCC in India: A Binding Obligation under International and Domestic Laws." *Journal of Indian Law Institute* 46(04): 577-587.
- Sanghera, Tish. (2019). "Study blames Indian inheritance law reforms for spike in female foeticide" *Business Standard*, 23 February 2019.
- Sarla Mudgal, President Kalyani and Others v Union of India and Others, 1995, AIR 1995 SC 1531.
- Shayara Bano vs Union of India, 2017, 9 SCC 1 Writ Petition (C) No. 118 of 2016.
- The Constitution of India, 1949, Art. 35.
- The Constitution of India, 1949, Art. 37.
- The Constitution of India, 1950, Art. 44.
- UNICEF. (2019). *Ending Child Marriage: A Profile of Progress in India*. New Delhi, India: UNICEF. Accessed 3 May 2021, <https://www.unicef.org/india/media/1176/file/Ending-Child-Marriage.pdf>.
- United Nations Women. (2010). *Gender Justice: Key of Achieving Millennium Development Goals*. New York, USA: UN Women.



SPRF.IN