

UNIFORM CIVIL CODE: RELIGIOUS PERSONAL LAWS, GENDER EQUALTY AND NATIONAL INTEGRATION

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ABSTRACT

This paper is an attempt to understand the concept of the Uniform Civil Code—and the issues surrounding the concept in the Indian context. The paper tries to understand what is meant by Uniform Civil Code, how it is relevant or necessary in the Indian context? Can't India get away with the Idea of Uniform Civil Code? What are the legal complications of pursuing or not pursuing Uniform Civil Code? In the process of analyzing the concept, the paper also gives a historical account of the idea of Uniform Civil Code during various eras, its impact on the gender justice. The paper also discusses about how Uniform Civil Code is interrelated with personal laws of various religions—and how it cuts through the customs and religious practices of different religious and ethnic groups. The paper also discusses the role of state in maintaining the secular fabric of the country—and whether it is truly maintaining that balance or is that state favoring the majoritarian practice—and imposing it as a rational position that the other religions need to take. The paper also discusses about the constitutional guarantees vis-à-vis religion—and the contradiction that the Uniform Civil Code has with the fundamentally guaranteed right to religion.

KEY WORDS: Directive Principles of State Policy, Fundamental Rights, Gender Justice, Hindu Code Bills, Personal Laws, Right to Religion, Shah Bano Case, Uniform Civil Code.

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