

## UCC ACCORDING TO CONSTITUTION OF INDIA AND PERSONAL LAWS

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### ABSTRACT

The issue of Uniform Civil Code has developed into India's political talk as of late essentially on the grounds that numerous Muslim ladies, influenced unfavorably by the individual laws, have started thumping on the entryways of the Supreme Court to maintain their principal rights to correspondence and freedom with regards to the protected arrangements. It is normally seen that individual laws of practically all religions are biased towards ladies. Men are generally allowed upper special status in issues of progression and legacy. Likewise, Muslims can wed on numerous occasions in India, a Hindu or Christian will be arraigned for doing likewise. This goes totally against the arrangements of fairness ensured by the Constitution.

In such a scene, an equation of a uniform individual law is presented and consistency is introduced as an answer for fix all the severe shades of malice that have crawled inside our current individual laws.

The exploration paper expects to investigate with respect to how legal executive has encouraged the improvement of Uniform Civil Code in India and the necessity for the usage of UCC because of the continuous clash between the individual laws and different arrangements of the Constitution.

### Introduction

India is a country comprising of fluctuated customs and communities."Many popular religions and societies of the world are found in India. Religion has been a significant piece of the nation's way of life since India's commencement. Strict assorted variety and resistance are both built up in the nation by the law and custom. A nation that has secularism cherished in its Constitution yet there is a logical inconsistency in this entire idea of secularism, especially when it is

deciphered in contrast with the individual laws of its residents. It has become a confounding blend when Hindus, Muslims, Christians and Parsees have distinctive individual laws relating to marriage, selection, guardianship, separation, progression thus on. Almost all networks in India have their very own laws in issues of marriage and separation. These strict networks exist together as a major aspect of one nation yet the family laws in India contrasts starting with one religion then onto the next. The explanation is that the traditions, social use and strict translation of these networks as rehearsed in their own lives depend immensely on "the religion they were conceived in and that which they practice in the Indian culture . A portion of the systematized individual laws identifying with marriage, separation, property and legacy are:

- Muslim Personal Law (Shariat) Application Act, 1937 (making Shariat laws material to Indian Muslims).
- The Parsi Marriage and Divorce Act, 1937.
- Hindu Marriage Act, 1955 (appropriate to not just Hindus, Buddhists and Jains yet in addition to any individual who is certifiably not a Muslim, Christian, Parsi or Jew, and who isn't administered by some other law).
- The Indian Christian Marriage Act, 1872.

The Uniform Civil Code (UCC) in India proposes to supplant the individual laws dependent on the sacred writings and customs of each significant strict network in the nation with a typical set administering each resident. "It implies that all residents need to adhere to similar laws whether they are Hindus or Muslims or Christians or Sikhs. A uniform common code doesn't mean it will constrain the opportunity of individuals to follow their religion, it just implies that each individual will be dealt with the equivalent. That is genuine secularism. What we have right now in India is particular secularism which implies that in certain zones we are common and in others we aren't.

In the advanced period, a mainstream vote based republic ought to have a typical common and individual laws for its residents independent of their religion, class, rank, sexual orientation and so on .

The standard of UCC basically includes the subject of secularism. Secularism is a rule which should be investigated at extraordinary length. There are different understandings of secularism and it is on the special stepped area of every one of these translations, the UCC is both celebrated and scrutinized. A few groups of our general public think about the UCC hostile to mainstream while some see it as the harbinger of mutual agreement and secularism. Finally, the topic of the human privileges of Indian ladies poses a potential threat out of sight of the UCC. Thus, it is should have been comprehended whether consistency in close to home laws will lead to "theequal status of ladies in the general public or would simply stay a collective plan .

### **Background**

The Colonial India saw huge numbers of her laws getting classified by the British, for example, the criminal law, the law of agreement and move of property and so on. "These laws were made by the British while stripping endlessly with all strict, social elements. Thus, we see that the law of agreement is simply along the law that existed in Great Britain around that time. The main circle which was abandoned was the individual laws which administered different parts of the ways of life of the individuals, for example, marriage, family, progression and so forth. The British considered such polite points to come quite close to the religion and in this way explicit strict standards ought to administer these common laws. The exchange of sway from the colonizers to the colonized in our country was damaged by the high mutual strains. Rebuilding of common congruity which was debilitated to an extremely extraordinary degree was in the psyche of the Constitution producers. Article 35 of the draft Constitution of India was included as a piece of the mandate standards of the state approach to a limited extent IV of the Constitution of India as article 44.**It was incorporated in the Constitution as an aspect which would be fulfilled when the nation would be ready to accept it and the social acceptance to the UCC could be made**<sup>1</sup>. However, after 69 years of the adoption of our Constitution, UCC remains to be a constitutional dream to be fulfilled.

### **UNIFORM CIVIL CODE AND CONSTITUENT ASSEMBLY DEBATES**

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<sup>1</sup>Ahmed, S., & Ahmed, S. (2006). UNIFORM CIVIL CODE (ARTICLE 44 OF THE CONSTITUTION) A DEAD LETTER. *The Indian Journal of Political Science*, 67(3), 545-552. Retrieved from <http://www.jstor.org/stable/41856241>.

The Constituent Assembly Debates in the constitution making process uncovered that the constitution producers discussed the idea, pertinence and utility of the Uniform Civil Code. As alluded previously, UCC was initially embodied in Article 35 of the Draft Constitution which just suggested that the State will attempt to make sure about a common code for the residents of the country. There was an interest to include a stipulation in Article 35 which would make the UCC, at whatever point it would have been instituted, not compulsory in nature and individual laws be kept out of its domain. The stipulation read as, gave that any gathering, area or network of individuals will not be obliged to surrender its own law on the off chance that it has such a law."

B. R. Ambedkar was likewise a big fan of the UCC. "He denied the cases that a typical common code in an immense nation, similar to India, would be inconceivability. He expressed that the main circle which didn't have a uniform law was that of marriage and progression; rest all regions of common law, for example, move of property, contract, the Negotiable Instrument Act, easement act, offer of merchandise and so forth were uniform in nature. He considered the western model of law and social relations to be an able reference point to get social changes Indian arrangement. He didn't wish to add the stipulation to the effectively unenforceable article 35, however was available to the moderate incorporation of the networks with their intentional assents once the assembly satisfies its guarantee to have a UCC<sup>2</sup>.

According to the other members of the Constituent Assembly, **the other reason backing the UCC was the issue of empowerment of women. Since right to equality was already acknowledged to one of the most coveted rights, the unequal footing of genders through the word of law could no longer be validated. Thus, the practices which undermined a woman's right to equality should necessarily be done away with<sup>3</sup>.** A common civil law governing the personal matters would bring all the women under one single umbrella and irrespective of race and religion the discriminatory practices would be put to an end.

But as per the current scenario, the judiciary has time and again reminded the legislature the need

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<sup>2</sup>Constituent Assembly Debates, Vol. VII, p. 543.

<sup>3</sup>Seth, L. (2005). A Uniform Civil Code: Towards gender justice. *India International Centre Quarterly*, 31(4), 40-54. Retrieved from <http://www.jstor.org/stable/23005979>.

to have a UCC through its various judgments<sup>4</sup>. How judiciary has stated UCC to be a necessity in Indian polity has to be understood as well.

*How has judiciary facilitated the development of Uniform Civil Code in India?*

It was the legendary case of *Mohd. Ahmed Khan v. Shah Bano*<sup>5</sup> (hereinafter referred as *Shah Bano case*), that once again brought the issue of UCC on the preface. In this much celebrated case, the Supreme Court brought a divorced Muslim woman within the cover of section 125 of the Code of Criminal Procedure, 1973 and declared that she was entitled for maintenance even after the completion of her *iddat* period. Although Supreme Court had assumed the role of a social reformer in many other previous cases<sup>6</sup>, *Shah Bano case* usurped a landmark position in the history of debates on religion, secularism and the rights of women. This case unfolded the various problems the courts have been facing due to separate conflicting personal laws.

As pointed out in the Constitutional Assembly debates, there already exist a number of uniform laws in our country. The courts were taken by surprise in situations where such uniform laws came at loggerheads with the various personal laws, as was the case in *Shah Bano*. With articles 14, 15 on one hand and article 25 on the other, the courts found themselves in a fix so as to decide to give precedence to which fundamental right. The Supreme Court's use of a uniform law to provide remedy to Shah Bano proved to be a much easier path to protect the basic rights of women. The court has stated:<sup>7</sup>

*Section 125 was enacted in order to provide a quick and summary remedy to a class of persons who are unable to maintain themselves. What difference would it then make as to what is the religion professed by the neglected wife, child or parent? Neglect by a person of sufficient means to maintain these and the inability of these persons to*

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<sup>4</sup>*Mohd. Ahmed Khan v. Shah Bano*, AIR 1985 SC 945, *Ms. Jordan Diengdeh v. S.S. Chopra*, (1985) 2 SCC 556, *Sarla Mudgal v. Union of India*, (1995)3SCC635.

<sup>5</sup>AIR 1985 SC 945.

<sup>6</sup>*Fazlunbi v. Khader Ali*, 1980 SCR (3) 1127.

<sup>7</sup>Ambedkar, B.R. (Ed.). (2014). *The Annihilation of Cast* (11<sup>th</sup> ed.). New Delhi, India: Navayana Publication.

*maintain themselves are the objective criteria which determine the applicability of section 125.*

**Shah Bano case** highlights the need for a uniform law which addresses the core need of a woman in distress. It tries to state that it is the suffering of the woman that should be at the core of any gender justice law. The refusal of the husband to maintain his wife after conveniently giving her a divorce is the issue which the law should address rather than addressing what the specific religion has laid down for that woman<sup>8</sup>.

V. R. Krishna Iyer J. who is known to have given a scintillating judgment in *Bai Tahira v. Ali Hussain Fissalli Chowthia*<sup>9</sup> also has an Ambedkarian view point on common civil code. Instead of being a majoritarian undertaking, the common code is supposed to be a collection of the best from every system of personal laws. He insisted that cultural autonomy is not an absolute anathema to national unity. **However, religious practices cannot be justified and upheld by sacrificing the human rights and human dignity. Religion cannot and should not be allowed to suffocate dignity and freedoms of the citizens**<sup>10</sup>.

The legal executive has confronted a plenty of issues in maintaining the social changes in the private circle that the enactment attempts to bring through different institutions. "Shocking enough the plan of action to basic rights is taken in testing such establishments. It turns out to be very hard to check the impacts of such social changes for a huge scope since it may be conceivable that one network may be impenetrable to such social change because of its strict ordinances. This brings up another issue of separation on the grounds of religion which is by and by denied by the Constitution vide article 14. In what capacity can the Supreme Court announce one practice as illegal and violative of human poise for one area of ladies however let it stay sacred for another segment of ladies since their personallaws permit it to be so?

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<sup>8</sup>Rao, P. (1985). **SHAH BANO'S CASE AND UNIFORM CIVIL CODE—A SURVEY OF PUBLIC OPINION AMONG MUSLIM COMMUNITY AT TIRUPATI.** *Journal of the Indian Law Institute*, 27(4), 572-577. Retrieved from <http://www.jstor.org/stable/43953017>.

<sup>9</sup>AIR 1979 SC 362.

<sup>10</sup> Krishna Iyer, V.R. (1987). *The Muslim Women (Protection of Rights on Divorce) Act, 1986*. Lucknow, India: Eastern Book Company.

On account of State of Bombay v. Narasu Appa Mali , the Supreme Court was eye to eye with such a circumstance. The sacred legitimacy of the Bombay (Prevention of Hindu Bigamous Marriages) Act, 1946 was to be controlled by the High Court of Bombay. One of the two significant disputes was that it was violative of articles 14 and 15 since the Hindus were singled out to abrogate polygamy while the Muslim partners stayed at full freedom to contract more than one marriage and this was segregation on the grounds of religion. Questions, for example, these were raised because of a nonattendance of a typical common code and conflict of various standards in various individual laws. The legitimacy of the Act was maintained by expressing that it was not violative of any Fundamental Right since such disallowance ought not be seen through the perspective of strict separation."

For this situation, "it was contended that the Muslims and Hindus contrasted from one another in religion, yet in chronicled foundation social standpoint towards life and different contemplations. It was expressed that the State Legislature may have imagined that the Hindu people group was riper for the change being referred to. Social reformers among the Hindus have disturbed for this change energetically for a long time past and the social inner voice of the Hindus, as indicated by the Legislature, may have been more on top of the soul of the proposed change. Furthermore, among the Mahomedans separate has consistently been reasonable and marriage among them involves contract. On the off chance that the State Legislature following up on such contemplations chose to uphold this change in the primary case among the Hindus, it is difficult to hold that in restricting the reprovved Act to Hindus as characterized by the Act it has disregarded the uniformity under the steady gaze of law as ensured by Art. 14. Consequently, the contention that Art. 14 is abused by the upbraided Act must fall flat<sup>11</sup>.

Madras High Court in *Srinivasa Aiyar v. Saraswati Ammal*<sup>12</sup> upheld the validity of Madras Prohibition of Bigamy Act on similar grounds.

The Supreme Court of India has always been an ardent supporter of the UCC. **The SC in the historic case of *Sarla Mudgal*<sup>13</sup> had once again stressed the need for a uniform civil code for**

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<sup>11</sup>Ambedkar, B.R. (Ed.). (2014). *The Annihilation of Cast* (11<sup>th</sup> ed.). New Delhi, India: Navayana Publication.

<sup>12</sup>AIR 1952 Mad 193.

<sup>13</sup>*Sarla Mudgal, President Kalyani v. Union of India*, AIR 1995 SC 1531.

**all Indians in personal law matters. The apex court had reminded the government of India of its imperative duty to implement UCC for both protection of the oppressed and promotion of national unity and integration<sup>14</sup>.**

The pattern which we need to see is that the courts took an indirect method to legitimize such unfair laws through extra-strict strategies. In any case such prejudicial yet praiseworthy endeavors by the lawmaking body to bring social change would have been rendered illegal on the touchstone of article 15. Subsequently supports, for example, individual laws not falling inside the domain of article 13 and independent, particular verifiable subject places of strict networks were given<sup>15</sup>.

Such models "only refer to the issue of exorbitant dependence on relativity in the field of individual laws. Unfortunately, in political discussions and open conversations, this has consistently been anticipated from the point of view of a man. That since a Hindu man is exposed to such segregation, all men should surrender their benefit of having sexual orientation explicit prevalence. Uniformity definition is depicted as such and not through the subjectposition of the lady."

In nutshell, in all the previously mentioned cases the accompanying contentions were given by the courts for the authorization of UCC -

- The "basic common code will bring all the individual laws overseeing matters like marriage, separate, appropriation, legacy, progression to property and so on under single rooftop and makes a space for the acts of all networks in a fair way and coordinates the qualities and beliefs of humanism.
- The hesitance in actualizing the UCC is that executing Article 44 damages the privileges of Indians gave under Article 25, i.e., "Opportunity of inner voice and free calling, practice and

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<sup>14</sup>Kumar, V. (2000). TOWARDS A UNIFORM CIVIL CODE: JUDICIAL VICISSITUDES [from Sarla Mudgal (1995) to Lily Thomas (2000)]. *Journal of the Indian Law Institute*, 42(2/4), 314-334. Retrieved from <http://www.jstor.org/stable/43953817>.

<sup>15</sup>Manooja, D. (2000). UNIFORM CIVIL CODE: A SUGGESTION. *Journal of the Indian Law Institute*, 42(2/4), 448-457. Retrieved from <http://www.jstor.org/stable/43953824>.

spread of religion." The counter contention is available in a similar Article 25 itself under condition 2, where it is plainly demonstrated that this article will not influence the activity of any current law.

- With the non-execution of Article 44 of the constitution, article 14 to 18 are being damaged which accommodates Right to equity and preclusion of segregation on the grounds of sex and religion. Numerous individual laws identifying with marriage, legacy, guardianship, separation, reception and property relations in all networks are uncalled for particularly out of line to ladies.

- Ambiguity is made because of the nearness of various laws overseeing a social organization, for example, marriage, especially on account of polygamy and separation. Additionally, probability of a different law for Muslims under the Muslim Personal Law supporting kid marriage dependent on Shariat. It makes an uncomfortable division based on religion when certain individuals are given exceptional status. When even the tradition that must be adhered to isn't the equivalent for all individuals in India, it turns out to be progressively hard to lecture uniformity among residents."

## SOCIAL IMPLICATIONS

One needs to recognize what is the moving law behind UCC that is it national combination with one country one individuals saying or is it the annihilation of the sexual orientation based treacheries engrained in the every close to home law. "These two future aftereffects of the UCC are very particular from one another. It has been seen that the first discourse around UCC was progressively disposed towards the possibility of national mix, with the reason for sex equity as an auxiliary impact. However, today in the contemporary times UCC has come up as a champion of the gender equality. If so, then the dialogues around UCC have woefully missed their mark<sup>16</sup>.

It isn't that consistency parents in law is unwanted. Broad social decent variety is reality of India, yet outright heterogeneity parents in law is likewise not attractive. Consistency appropriately

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<sup>16</sup>HASAN, Z. (2010). Gender, Religion and Democratic Politics in India. *Third World Quarterly*, 31(6), 939-954. Retrieved from <http://www.jstor.org/stable/27896590>.

prompts a choked extension for discretion and equivalent assurance of law to all the subjects independent of the different foundations they originate from.

Sati, along these lines was legitimized in light of the fact that the strict fundamentals bolstered it. One could locate various legitimizations extending from unadulterated strict zeal to logical realism and humanism. In any case, in a nation where Hindus shared their everyday lives with different religions where ladies who need not purposely bite the dust with their spouses existed, questions were raised that why Hindu ladies be exposed to such monstrosity? Indeed, the individuals who brought up such issues turned into the reference point lights for a development of social change, for example, Raja Ram Mohan Roy, Ishwarchandra Vidyasagar and others ."

In a heterogeneous society like our own examinations are typically to be made. These unbending and compartmentalized individual laws which can't, in any likelihood, be impacted by others may tend to choke any extent of social change.

Codification of dispersed laws and lawful standards, strict declarations, conventions and social laws gives a fixed acknowledgment to rules and facilitates the enforceability of laws. The rights and obligations which stream out of such laws and rules likewise get due acknowledgment and detectability. In fact, a uniform law with all masses similarly and consistently administered by it is the ideal objective and as Dr. Ambedkar "had said the general public to creep towards its total acknowledgment.

In any case, the taking case of a uniform criminal law as a benchmark for the decency of consistency in close to home laws isn't right. Individual laws administer the novel and impossible to miss domains of family and marriage which are endemic to every single differing gathering of individuals. In contrast to the criminal law, individual laws oversee the lifestyle of the individuals which can vary from one network to other. Furthermore, in this way consistency in close to home laws must be dealt with significantly more carefully.

Two inquiries should be tended to which are by and large totally disregarded in the current racket around UCC. Right off the bat, by what means can consistency in close to home laws be brought without upsetting the unmistakable embodiment of every single segment of the general public. What causes us to accept that practices of one network are in reverse and uncalled for? On the

off chance that one doesn't address these inquiries with gravity and profundity, at that point we would submit the equivalent ghastly mix-up of the Americans who thought about the indigenous populace as savages, should have been freed from their traditions and protected by the dynamic, humanized standards of Christianity .

The subsequent inquiry is that whether consistency has had the option to kill sexual orientation disparities which lessen the status of ladies in our general public? This inquiry is interlinked with the past inquiry. The meanings of imbalance may vary from network to network. It is important to decide the layers of sexual orientation shameful acts and imbalances that work independently in one society than in the others. The individual law of one society, point of fact are spotted with numerous viewpoints which are conflicting to the feeling of sex uniformity existing in that society. The initial step accordingly is to kill those low practices which are endemic to that particular society. Rather than hastily making a uniform meaning of unfairness and imbalance, which is the prevailing perspective, it is essential that every one of these social orders initially perceive the meanings of disparity and shameful acts inside their impossible to miss circle of life . Something else, what's going on is that these social orders become guarded against the requests of consistency and shameful acts inside their networks are rendered undetectable."

This constructive side of the discussion on UCC consistently reminds the individuals to keep an eye on the illnesses in their own law framework and modify them to the contemporary occasions, by taking motivations from another network which may be increasingly dynamic in some perspective. It should never be overlooked that this is a moderate procedure and any undue flurry would just bring about disappointment as opposed to the ideal result.

End

"A sharp differentiation must be drawn between strict confidence and conviction and strict practices. What the state secures is strict confidence and conviction. In the event that strict practices go counter to open request, profound quality or wellbeing or a strategy of social government assistance whereupon the state has set out, at that point the strict practice must give route to benefit the individuals of the state as entirety. The state is enabled to administer as to social change under article 25(2) (b) despite the way that it might meddle with the privilege of

residents to uninhibitedly maintain, rehearse and proliferate religion. Accordingly, this enactment doesn't repudiate article 25(i) of the Constitution .

Uniform common code adds up to rise to laws for all areas of our general public. All the individuals of India must be administered by one lot of laws. For national unit and for secularism, uniform common code is vital. The majority of laws in close to home law matters is a blow and direct danger to national trustworthiness and solidarity. It merits referencing the name of a couple of nations where a uniform common code has been working effectively viz .Germany, France, Spain, Canada, Japan, Turkey and Portugal.

In the event that the British could authorize a couple of uniform individual laws in India like Guardians and Wards Act, 1890; Indian Succession Act, 1925 and Child Marriage Restraint Act, 1929, why the current legislature of India speaking to all the strict networks can't order a uniform common code for all the Indians. So the legislature of India should step up for establishing a uniform common code, which ought to contain the best components of various common laws of the different strict networks of the nation and along these lines satisfy its positive commitments forced upon it by article 44 of the Constitution."

## **BIBLIOGRAPHY**

### **JOURNALS & ARTICLES:**

- Ahmed, S., & Ahmed, S. (2006). UNIFORM CIVIL CODE (ARTICLE 44 OF THE CONSTITUTION) A DEAD LETTER. *The Indian Journal of Political Science*, 67(3), 545-552. Retrieved from <http://www.jstor.org/stable/41856241>.
- Flavia Agnes. (1995). Hindu Men, Monogamy and Uniform Civil Code. *Economic and Political Weekly*, 30(50), 3238-3244. Retrieved from <http://www.jstor.org/stable/4403569>.
- HASAN, Z. (2010). Gender, Religion and Democratic Politics in India. *Third World Quarterly*, 31(6), 939-954. Retrieved from <http://www.jstor.org/stable/27896590>.

- HERRENSCHMIDT, O. (2009). The Indians' Impossible Civil Code. *European Journal of Sociology / Archives Européennes De Sociologie / Europäisches Archiv Für Soziologie*, 50(2), 309-347. Retrieved from <http://www.jstor.org/stable/23999094>.
- Krishnayan Sen. (2004). Uniform Civil Code. *Economic and Political Weekly*, 39(37), 4196-4196. Retrieved from <http://www.jstor.org/stable/4415537>.
- Kumar, V. (2000). TOWARDS A UNIFORM CIVIL CODE: JUDICIAL VICISSITUDES [from Sarla Mudgal (1995) to Lily Thomas (2000)]. *Journal of the Indian Law Institute*, 42(2/4), 314-334. Retrieved from <http://www.jstor.org/stable/43953817>.
- Manooja, D. (2000). UNIFORM CIVIL CODE: A SUGGESTION. *Journal of the Indian Law Institute*, 42(2/4), 448-457. Retrieved from <http://www.jstor.org/stable/43953824>.
- Rao, P. (1985). **SHAH BANO'S CASE AND UNIFORM CIVIL CODE—A SURVEY OF PUBLIC OPINION AMONG MUSLIM COMMUNITY AT TIRUPATI.** *Journal of the Indian Law Institute*, 27(4), 572-577. Retrieved from <http://www.jstor.org/stable/43953017>.
- Rattan, J. (2004). UNIFORM CIVIL CODE IN INDIA: A BINDING OBLIGATION UNDER INTERNATIONAL AND DOMESTIC LAW. *Journal of the Indian Law Institute*, 46(4), 577-587. Retrieved from <http://www.jstor.org/stable/43951938>.
- Reddy, D. (1996). **ARTICLE 44 : A DEAD LETTER?** *Journal of the Indian Law Institute*, 38(3), 405-409. Retrieved from <http://www.jstor.org/stable/43952394>.
- Sathe, S. (1995). Uniform Civil Code: **Implications of Supreme Court Intervention.** *Economic and Political Weekly*, 30(35), 2165-2166. Retrieved from <http://www.jstor.org/stable/4403156>.
- Seth, L. (2005). A Uniform Civil Code: Towards gender justice. *India International Centre Quarterly*, 31(4), 40-54. Retrieved from <http://www.jstor.org/stable/23005979>.

**BOOKS:**

- Ambedkar, B.R. (Ed.). (2014). *The Annihilation of Cast* (11<sup>th</sup> ed.). New Delhi, India: Navayana Publication.
- Krishna Iyer, V.R. (1987). *The Muslim Women (Protection of Rights on Divorce) Act, 1986*. Lucknow, India: Eastern Book Company.
- Singh, Uday Pratap & Singh, Vijay Pratap.(2018). *Constitutional Law and Uniform Civil Code*. New Delhi, India: ABS Books.

**LIST OF CASES:**

- *Mohd. Ahmed Khan v. Shah Bano*, AIR 1985 SC 945.
- *Bai Tahira v. Ali Hussain Fissalli Chowthia*, AIR 1979 SC 362.
- *State of Bombay v. Narasu Appa Mali*, AIR 1952 Bom 84.
- *Srinivasa Aiyar v. Saraswati Ammal*, AIR 1952 Mad 193.
- *Sarla Mudgal, President Kalyani v. Union of India*, AIR 1995 SC 1531.
- *State of Bombay v. Narasu Appa*, AIR 1952 SC 84.
- *Fazlunbi v. Khader Ali*, 1980 SCR (3) 1127.
- *Ms. Jorden Diengdeh v. S.S. Chopra*, (1985) 2 SCC 556.