

UNIFORM CIVIL CODE, WOMEN EMPOWERMENT AND GENDER JUSTICE

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ABSTRACT

Indian constitution Article 15 lays down a guarantee to every citizen that no discrimination shall be made on any ground and also empowers state government to make special provisions for women and children. Article 44 provide for uniform civil code for the citizens throughout the territory of India. Uniform Civil Code (UCC) is a term referring to the concept of an overarching civil code in India. India already has uniform criminal code and civil laws which includes Contract law, Civil Procedure Code, Transfer of property Act etc. Thus UCC really referred to personal laws in India. All the Indian personal laws all find their origin in ancient religious texts. All of them in varying forms and degrees discriminate against woman vis-a-vis the men within each community. UCC has been wrongly posited as an assault on religion and religious identities and larger but quitter voice of gender justice is dispelled resulting in uncertainties and continues discrimination. UCC administers the same set of secular civil laws to govern all people irrespective of their religion, caste and tribe. Such codes are well in place in most of the countries. The demand of change in personal laws is essential as it would directly affect the status of woman in family broadly in the sphere of marriage, divorce, maintenance, inheritance, succession, guardianship and adoption. The spine of controversy revolving around UCC has been secularism and the freedom of religion enumerated in constitution but in fact it is conceived as part of secularization of personal laws without shedding religious identities. And true religious prescriptions are consistent with gender justice

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Introduction

Derret² observed, “*Unification of law in India is an undoubted aim of public which ardently desires unification as an object of general policy.*”

In India, most family laws are determined by the religion of the parties concerned. Law cannot afford to be selective in application. It has to be general and uniform unless the area of operation of a particular law or the people it deals with are distinguishable from others and such distinction has reasonable connection with the purpose of the law in question. If any law or body of laws violates this basic condition, it would, sooner or later, face resistance on moral or social grounds, if not strictly on legal ones. Gender equality and women empowerment are the call of the day and attempts are to be made to achieve satisfactory results. Everybody should be prepared to fight for the idea and actualize the conceptual vision in practicality.

Conception of Uniform Civil Code

A uniform civil code (UCC) administers the same set of secular civil laws to govern all people irrespective of their religion, caste and tribe. This supersedes the right of citizens to be governed under different personal laws based on their religion or caste or tribe. The common areas covered by a civil code include laws related to acquisition and administration of property, marriage, divorce and adoption. Such codes are in place in most modern nations. The need of UCC is inscribed in Article 44 in Part IV of constitution as Directive Principle of State policy, since it cannot be enforced by courts it's a non-judiciary rights.

The expression is combination of three terms Uniform; Civil; Code. *Uniform* means ‘same in similar conditions’, *Civil* derived from Latin word ‘*civilis*’ means ‘citizen’; when it is used as adjective of law it means ‘pertaining to private rights and remedies of a citizen’; *Code* means ‘codified laws’. Indeed in legal regime, UCC is confined to having uniform family code for every member across the communities i.e. Hindu, Muslim, Christian, Parsi or Jews residing in India to

² J. Duncan M. Derret, *Hindu Law: Past and Present*, Kolkata: A. Mukherjee and Co. 1957 at 40

achieve the goal embodied in the Constitution of India which solemnly resolved to constitute India into Sovereign, socialist, secular, democratic and republic. Thus the concept has two aspects *firstly*, to have uniform law for all communities; *secondly*, similar laws for all and similarity should be regarding equality and gender justice.

The UCC is conceived as part of secularisation of personal laws without shedding religious identities. Uniform civil code of India is a term referring to the concept of an overarching Civil Law Code in India. The continuing confusion as to what a uniform code is and how it would impact on the power structure and right to faith, is a commendable effort at viewing the debate from a gender justice perspective. Historically, women as a class suffered discrimination; this is attributed, inter alia, to feudalism and patriarchy. Discriminatory customs with religious sanction evolved through ages have been left untouched except in parts, during the colonial rule.

Indian Prime Minister *Mr. Narendra Modi* stated that “In today’s world, it is important that women get equality, independence and the right to take life’s decisions. If we are keeping pace with the times in other things, we should also feel the aura of the 21st century in such matters. I would suggest that intellectuals and leaders of society hold discussions regarding this. It is important that during this drill, the ideas and traditions of one particular class or individual should not be imposed on another particular class or individual”³.

Concept of Gender Justice

Gender justice is often used with reference to emancipatory projects that promote women's rights through legal changes and women's interests in social and economic policy. Any concrete definition of gender justice is based on a specific political ideology, a set of convictions about what is 'right' and 'good' in human relationships, and how these desirable outcomes may be attained

³<http://www.rediff.com/news/slide-show/1s-election-interview-slide-show-1-the-narendra-modi-interview-we-will-empower-minorities-with-education/20140506.htm#7> dated 06-05-2014

“Gender justice is about more than simply questioning the relationship between men and women. It involves crafting strategies for corrective action toward transforming society as a whole to make it more just and equal and it means 'a place in which women and men can be treated as fully human'. Moreover, it implies moving away from arbitrary to well-reasoned, justifiable and balanced-that is, fair-social relations.”⁴

Gender justice is to redress for inequalities between women and men that result in women's subordination to men. Seeing gender justice as outcome and as process helps differentiate between what is to be achieved and how it is to be achieved. As an ongoing process, gender justice brings an additional essential element: accountability, which implies the responsibility and answerability of precisely those social institutions set up to bestow justice.

International Conventions and Treaties on Gender Equality

In international law, when a State ratifies an international instrument the onus lies on it to amend the domestic laws in consonance with that ratification. India ratified many international instruments like International Covenant on Civil and Political Rights, 1966; Convention on the Elimination of All forms of Discrimination against women 1979 etc. CEDAW is important instrument for protection and promotion of women's right. India submitted its periodic report before UN Committee on Elimination of Discrimination against Women where it admitted that ‘the personal laws of major religious communities had traditionally governed marital and family relations with government maintaining a policy of non- interference in such laws in absence of demand for change from individual religious communities⁵.’ Further committee appreciated

⁴Nyamu-Musembi, Celestine (2007) “Addressing Formal and Substantive Citizenship: Gender Justice in Sub-Saharan Africa” in Maitrayee Mukhopadhyay and Navsharan Singh, ed. Gender Justice, Citizenship and Development, Zubaan, New Delhi and International Development Research Centre, Ottawa. <http://www.idrc.ca/openebooks/339-3/>

⁵ Para 40, Committee on the Elimination of Discrimination against Women Twenty-second session 17 January- 4 February 2000 Excerpted from: Supplement No.38 (A/55/38) available at http://www.un.org/womenwatch/daw/cedaw/cedaw25years/content/english/CONCLUDING_COMMENTS/India/India-CO-1.pdf

apex court contribution in developing concept of social action litigation and a jurisprudence integrating the convention into domestic law by interpreting constitutional provisions on gender equality and non- discrimination.⁶

The equality principles were reaffirmed in the Second World Conference on Human Rights at Vienna in June 1993 and in the Fourth World Conference on Women held in Beijing in 1995. India was a party to this Convention and other Declarations and is committed to actualize them.

Gender Justice on the Constitutional Bedrock

The Preamble of Constitution begins with words “We the people of India....” Which includes men and women of all castes, religions etc. it assures ‘dignity of individuals’ which includes the dignity of women. On this basis, several important enactments have been brought into operation, pertaining to every walk of life, family, succession, guardianship and employment- which aim at providing the protecting the status, rights and dignity of women. Our compassionate Constitution, the Fountain head of laws, is gender sensitive. It not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. It is apt to refer to certain constitutional provisions which are significant in this regard like some Articles play major role in the field of women empowerment. Article 15(3) empowers State to make special provisions for them. Article 39(a) requires State to direct its policy towards securing that the citizens equally have the right to an adequate means of livelihood. Under Article 39(d) State shall direct its policy towards securing equal pay for equal work. This Article draws its support from Article 14 & 16 and its main objective is the building of a welfare society and an equalitarian social order in the Indian Union. It imposes an obligation under Article 42 upon State to make provisions for securing just and humane conditions of work and for maternity relief. Reservations under Article 243D(3)(4), 243T(3)(4) are meant to empower the women politically. In *Valsamma Paul*⁷ case it has been ruled that human rights for women comprehends gender equality and it is also traceable to the Convention for Elimination of All Forms of Discrimination

⁶*Ibid*, para 61

Against Women. Human rights for women, including girl child are inalienable, integral and an indivisible part of universal human rights. In *Kharak Singh*⁸ case, the court has recognized that a person has complete rights of control over his body organs and 'his person' under Article 21. It can also said to be including the complete right of a woman over her reproductive organs. In *Vishakha*⁹ case, the court took a serious note of the increasing menace of sexual harassment and observed "Each incident of sexual harassment of woman at workplace in violation of fundamental rights of 'Gender equality' and the 'Right to life and liberty.'"

Gender discrimination under Indian Personal Laws and Judicial approach

It is a known fact that in the personal laws of all communities gender injustice is inbuilt. This is supposed to be result of the socio- economic condition under which they evolved. Thus there is need for uniform civil code to ensure not only equality between men and women but also to bring about gender justice. The Supreme Court in few judgments has opined that legislation for common civil code as envisaged by article 44 of Indian Constitution should be enacted.

J.L.Nehru said, 'The British policy of non- interference with personal laws and mechanical interpretation or perpetuation of Hindu customs stopped the natural growth of Hindu law and give rise to petrified rules'¹⁰. Thus justice with fair sex and concept of gender equality could not be achieved till date. Economic empowerment is a necessary fulcrum of empowerment. The Constitutional courts in many an authority have laid emphasis on said conception and interpreted the provisions to elevate the status of women and to empower them. In *ThotaManikayamma*¹¹ case the court, while interpreting section 14 of Hindu Succession Act,1956 converting the women's limited ownership of property into full ownership has observed "...Article 15 (3) relieves from the rigour of Article 15(1) and charges the State to make special provision to accord to women socio-economic quality...As a fact Article 15(3) as a

⁷ (1996) 3SCC545:1996 SCC(L&S)772

⁸ AIR 1963 SC1295

⁹ AIR 1997 SC 301

¹⁰P.Ishwara Bhat, Directive Principles of State Policy and Social Change with Reference to Uniform Civil Code vol. 25, Banaras Law Journal 1989 pp.75-96 at 76

¹¹ (1999)4 SCC312

forerunner to common code does animate to make law to accord socio-economic equality to every citizen of India irrespective of religion, race, caste or religion”.

The mother cannot be natural guardian of her children during the lifetime of her husband¹² When the matter relating to mother as natural guardian was questioned, the court held that relegation of mother to inferior position to act as natural guardian is violation of Articles 14 and 15. The guardianship right of women has undergone sea change by this interpretation by the Court in *Gita Hariharan*¹³ case.

Despite the codification there are some discriminatory provisions. In maintenance gender and communal biasness exists, a non- Hindu wife cannot claim maintenance from her Hindu husband whereas a Hindu wife enjoys right to live separately from her husband on his conversion without forsaking her right of maintenance. The conversion of spouse furnishes ground for divorce to non- covert spouse only, thus treats the change of religion as matrimonial offence.¹⁴ The children born to convert Hindu are disqualified from inheriting property of their Hindu relative.¹⁵ A significant judgment of Supreme Court in *Sarla Mudgal*¹⁶ case and *Lily Tomas*¹⁷ case concerning polygamy of Hindu and Christian men respectively after conversion to Islam raised the debate of discrimination and demand of UCC.

The Muslim personal law had incorporated more rigid and unfair usages. The Muslim law permits polygamy (four wives at a time) to Muslim male but wife do not have same option. Husband can pronounce unilateral divorce but wife to remarry same husband has to go through ‘halala’¹⁸ process which is very inhuman and discriminatory; her status is inferior in customary

¹² Sec 6, Hindu Minority and Guardianship Act, 1956

¹³ AIR1999 SC1149

¹⁴ Sec 13 (1)(ii) Hindu Marriage Act 1955

¹⁵ Sec 26, Hindu succession Act 1956

¹⁶ *Sarla Mudgal v. Union of India* (1995) 3 SCC 635

¹⁷ *Lily Thomas v. Union of India* SCC 2000 vol. 2, page 224

¹⁸ ‘Halala’ means ‘The divorced Muslim wife has to marry another person and get the marriage consummated. Thereafter she has to take divorce from second husband and then she can be able to marry the first divorced husband.

divorce¹⁹ also as in all forms divorce depends on her husband consent. There is gender discrimination in matters of succession like presence of brother make sister residuary.²⁰ There is no maintenance provision of divorced wife. Though Supreme court has taken progressive step in *Shah Bano*²¹ case entitling women for maintenance under criminal code²² beyond *Iddat* period but the government of India for doing so called justice with male community passed Muslim Women (Protection of Rights on Divorce) Act 1986 (MWA, 1986) to nullify the effects of *Shah Bano* case. According to this Act²³ 'A Muslim husband is bound to maintain his wife only during *iddat* period unless both spouse submit to court at appropriate time that they would desire to be governed by Criminal Procedure Code²⁴'. Later in *Daniel Latifi* case²⁵ MWA 1986 constitutionality was raised on grounds firstly, it discriminates Muslim women on ground of religion; secondly, special laws made under article 15 (3) of Indian Constitution must be beneficial for women but it does not permit framing law for women of particular religion; thirdly, it is violative of article 14 as classification is arbitrary, irrational; and unreasonable. Lastly, it is inconsistent with Art 39-A also. In the judgment the apex court uphold validity of Act and ruled that liability of Muslim husband to maintain his divorced wife is beyond *iddat* period. If she is not unmarried and is unable to maintain herself she is entitled for maintenance from her relative who would be entitled to succeed her property on her death²⁶ and if has no relative then from Wakf board.

The Muslim representatives got a sense of undue reverence to Quranic prescriptions which were regarded as the base of their personal laws. As Justice Tulzapurkar observed, 'peculiar features

¹⁹ Like; Khula, talaq -a-taweez, mubaraat etc.

²⁰ Under both Muslim sects Shia and Sunni law.

²¹ Mohd. Ahmed Khan v. Shah Bano Begum AIR 1985 SC 945

²² Sec 125 Criminal Procedure Code 1973

²³ Sec 3 (1)(d) read with Sec. 5

²⁴ *Supra* 15

²⁵ Daniel Latifi v. Union of India (2001) 7 SCC 740

²⁶ Sec 4 MWA, 1986

of Muslim personal law are unjust, derogatory, humiliating and discriminatory against Muslim women on the ground of sex²⁷

The *other Communities* like Christian, Parsi and Jews also have provisions of discriminates like conversion is ground for divorce among Christians for Convertor (not non-convert) under Convert's Marriage Dissolution Act 1866; under Parsi Marriage and Dissolution Act 1936 conversion is ground for divorce for non-convert spouse. A Christian husband can divorce wife on ground of adultery but wife has to prove more grounds in addition to adultery on her husband part to obtain divorce.

Before the secular Juvenile Justice Act was comprehensively amended in 2000, it was only the Hindu Adoptions and Maintenance Act that was codified and in force for adoption and non-Hindu children were only given in "guardianship" under the Guardians and Wards Act, 1890. The Guardianship Act applied to non-Hindus and barred transfer of property to the adopted child, but the JJ Act freed the legal impediments under personal laws and made it easy and accessible for any person of any religion and marital status to adopt a child once declared legally abandoned. An adoption under the Act gives the adopted child every legal right that a natural child is entitled to. The adoptive parent also has to satisfy certain eligibility criteria in terms of financial, social and emotional stability and be approved by a competent authority appointed by the government.²⁸ A recent example was *Shabnam Hashmi v. Union of India*²⁹, when activist Shabnam Hashmi moved the Supreme Court to seek the right to adopt and to be adopted as a fundamental right. The court observed that the right to adopt a child by a person as per the provisions of the Juvenile Justice Act would prevail over all personal laws and religious codes in the country. But, it added, that personal laws would continue to govern any person who chooses to submit himself to such laws until such time that the vision of a uniform civil code is achieved. The debate remains far from settled. In fact, it has become more complex with individuals in the minority communities -Shah Bano and Shabnam Hashmi, asserting their rights

²⁷Tulzapurkar, Uniform Civil Code, 1987 AIR (Journal) 17-24 at 18

²⁸<http://timesofindia.indiatimes.com/india/68-years-after-Independence-consensus-on-uniform-civil-code-remains-elusive/articleshow/49397679.cms>

²⁹(2014) 4 SCC 1

as individual citizens, rather than just members of a denomination, to seek the protection of the law of the land.

While gender biasness pervades under all existing personal laws a communal bias is evident even in supposedly secular Special Marriage Act 1954. However an amendment to the Special Marriages Act in 1978, with the primary objective of preventing property accruing to Hindu women, was enacted almost clandestinely and with hardly any murmur of protest. Following this amendment in the avowedly secular law, on contracting a civil marriage, a Muslim, Christian, Parsi or Jew no longer has access to her or his personal law of succession. They are governed by the Indian Succession Act, 1925. But a Hindu, Buddhist, Jain or Sikh shall, on contracting the same civil marriage, retain his or her personal law of succession.

Diversity within Personal Laws

There is a lot of diversity within all the existing personal laws marking few are; Customary laws are still saved in many matters like divorce, marriage, succession under Hindu codified laws like Hindu Marriage Act 1955 and Hindu Succession Act 1956; The Christians of Goa are governed by Portuguese laws whereas in rest of the country by Indian Succession Act 1925; Even the Shari'at Act of 1837, codifying Muslim law and binding civil courts to apply its provisions to all Muslims relating to matters of family laws and relations is out of bounds for Muslims of J & K where the existing customary law takes precedence over it. For the Muslims of Goa, the Portuguese family and succession laws still apply.

Obstacles to Uniform Civil Code

The three objections raised for implementations of UCC in India by communities: *Firstly*, Article 44 of Indian Constitution must be repealed because personal laws are sacrosanct and immutable and no legislature can amend it: Such an objection is baseless, irrational and meaningless because there is nothing divine about personal laws. A popular misconception which shrouds the issue of 'personal laws' is that these laws are based on religious texts which lay a claim to 'divine revelations' and hence pre-ordained, infallible, sanctimonious and static. While 'divine

revelations' can at best be termed as a source of law, they do not contain 'law as we understand the term today. Divine law-making cannot be termed as a legal system in its own right it needs human interventions by way of interpretation, application and live-in experience of people to transform it into law of land hence it would be accurate to state that the diverse laws regulating family relationships are rooted either in customary practices or in interpretations of the divine law by scholars which were later modified through colonial interventions.³⁰The provision in Art. 44 is nothing but an implementation of the objective of 'fraternity, unity and integrity of the Nation', which is not only enshrined in the Preamble to the Constitution, but also in the Fundamental Duties in Art. 51A(c) and (e).

Secondly, UCC is against fundamental right guaranteed under Art. 25 and 26. Both Article 25 (the right freely to profess, practice and propagate religion) and Article 26 (freedom to manage religious affairs) are, however, "subject to public order, morality and health" and to the values enshrined in all other fundamental rights such equality and social justice. Article 25, while protecting religious freedom, also empowers the State to regulate or restrict "any economic, financial, political or other secular activity which may be associated with religious practice". This introduces an important distinction between sacred and secular. Thus practices such as witchcraft, superstition, ordeals, sati, child marriage, prohibitions against widow remarriage, caste discrimination, casual triple talaq and polygamy may be and have been barred or regulated. However, whether and where a boundary is to be drawn could be contentious.

Chief Justice Khare in *John Vallamattom case*³¹ reminded that 'there is no necessary connection between religious and personal law in a civilized society. Article 25 of the Constitution confers freedom of conscience and free profession, practice and propagation of religion. The aforesaid two provisions viz. Articles 25 and 44 show that the former guarantees religious freedom whereas the latter divests religion from social relations and personal law. It is no matter of doubt

³⁰ Flavia Agnes, 'Family Law :Family laws and Constitutional Claims', Vol 1, Oxford Press, 2011

³¹ John Vallamattom and another v. Union of India (2003) 5 SCALE 384 at 397 Para 44

that marriage, succession and the like matters of a secular character cannot be brought within the guarantee enshrined under Articles 25 and 26 of the Constitution.’

Thirdly, UCC is against fundamental right contained in Art. 29. The another defense taken against Art. 44 is of Art. 29 that guarantees right as to ‘*culture*’. It is contended that personal law forms a part of ‘*culture*’. The word ‘*culture*’ is not defined in Art. 29. However, one thing is certain that it has to be read with Article 44 & 51A(f). Firstly, it has to be noted that Articles 25-28 are grouped under the heading ‘freedom of religion’ and thereafter, comes the heading ‘Cultural & Educational rights’ including thereunder Articles 29 & 30. it would follow that the ‘*culture*’ referred to in Art. 29(1) is something which is not founded on religion and which may belong to any section of the citizens’ which may not be necessarily a religious minority. The distinction between culture and religion needs to be taken into consideration. The best illustration of this proposition would be a saying “I am Muslim by religion, but a Hindu by culture”. If this proposition be true, a Muslim’s claim to be governed by a different personal law, alleged to be founded on religion, cannot be defended as a fundamental right under Article 29(1).

A fear is expressed that if Art. 44 is implemented, it would take away the separate identity of Minority communities. This fear is totally unfounded as there are Articles 25-27 to protect one’s own religion, religious beliefs & sentiments.

Need of Uniform Civil Code in India

In 1947 when India got independence it was known even at that time that to further unite India and make it a truly secular nation we would need a uniform civil code. But even after 68 years of independence we haven’t been able to do this. The reasons for why this has not been done are complex and a different topic. On positive aspect there is need a uniform civil code for reasons. *Firstly*, To promote secularism: A uniform civil code doesn’t mean it will limit the freedom of people to follow their religion, it just means that every person will be treated the same. *Secondly*, Equal rights to females: A uniform civil code will also help in improving the condition of women in India. Indian society is extremely patriarchal and misogynistic and by allowing old religious

rules to continue to govern the family thus condemning all Indian women to subjugation and mistreatment. A uniform civil code will help in changing these age old traditions that have no place in today's society where women should be treated fairly and given equal rights.*Thirdly*, Progressive nation: A uniform civil code is the sign of modern progressive nation. It is a sign that the nation has moved away from caste and religious politics. While Indian economic growth has been the highest in the world our social growth has not happened at all. It will help the society move forward and take India towards its goal of becoming a developed nation.*Fourthly*, Eradicate Loops holes in Personal Laws: The various personal laws are basically a loop hole to be exploited by those who have the power. The panchayats continue to give judgments that are against Indian constitution, human rights are violated through honor killings and female feticide throughout the country. By allowing personal laws there is constituted an alternate judicial system that still operates on thousands of years old values. A uniform civil code would change that.*Fifthly*, No vote bank politics: A uniform civil code will also help in reducing vote bank politics that most political parties indulge in during every election. If all religions are covered under the same laws, the politicians will have less to offer to certain minorities in exchange of their vote. Not having a uniform civil code is detrimental to true democracy and that has to change.*Sixthly*, Integrate India: A uniform civil code will help in integrating India more than it has ever been since independence. A lot of the animosity is caused by preferential treatment by the law of certain religious communities and this can be avoided by a uniform civil code. It will help in bringing every Indian, despite his caste, religion or tribe under one national civil code of conduct.

Conclusion

It is common knowledge that despite constitutional safeguards, statutory provisions and plethora of pronouncements to support the cause of equality of women, changes in social attitudes and institutions have not significantly occurred. But there has to be total optimism to achieve the requisite goal. It is necessary to accelerate this process of change by deliberate and planned efforts so that the pernicious social evil of gender equality is buried deep in its grave, laws

written in black and white are not enough to combat the evil. The Indian Judiciary has also done a lot but it is ground reality that there are some limitations on jurisdiction of Judiciary which cannot take over the functions of other organs of the State viz. Executive and Legislature. In this connection, the Uniform Civil Code, a constitutional mandate, is awaiting the mercy of Indian Legislature to take the form of law to provide equal status to men and women, who are victims of diversities in personal laws.

A uniform civil code will focus on rights, leaving the rituals embodied in personal law intact within the bounds of constitutional propriety. Being optional, it will provide free choice and facilitate harmonization of social relationships across the country in keeping with the changing contours of emerging societal realities. Hence it's suggested that a uniform civil code should not be constructed, as sometimes suggested, by putting together the best elements from various existing personal codes. This will invite contention. It is far better that a uniform code is framed *de novo* by somebody like the Law Commission, in consultation with relevant experts and interests, as a citizens' charter governing family relations. A liberal, forward-looking uniform civil code may be expected to win many adherents, especially from those with cross-cultural backgrounds. This could in time induce custodians of faith to look inwards and seek to codify and reform age-old personal laws in conformity with current modernising and integrative tendencies or risk losing their flock. A secular India needs a uniform civil code but urgent need to force any uniform civil code on an unwilling population is not necessary. Most people are not ready to adopt truly secular laws separated from religious custom. Uniform Civil Code can be successfully introduced only after achieving improved levels of literacy, awareness on various socio-political issues, enlightened discussions and increased social mobility. If the Centre is unwilling to move forward, there is no reason why some progressive States should not take the lead as they have done in the case of legislating Freedom of Information Acts. A national uniform civil code could follow. Goa has shown the way and there is absolutely no reason for delay. A secular India needs a uniform civil code. To mark time is to march with the communalists. Thus the ultimate aim of reforming uniform civil code should be usher in the new dawn of freedom, dignity and opportunity for both the sexes equally.