JURISPRUDENCE OF UNIFORM CIVIL CODE: THREAT TO MULTICULTURALISM AND SECULARISM

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ABSTRACT

India is a land where multiple cultures have thrived since ages. Social groups delineated by various criterions had co-existed since a long time while maintaining their culture. Among several of these that determine this variation in culture is religion. It does not only penetrate and influence the ideology and spirituality but also ultimately manifest ate in material world intercourse between people in and among religious circle. In seemingly trivial to the major activities, religion determines the attitude and behavior of men and women. This crystallizes in culture. Coalescence of religion, personal intercourse in civil life as well as cultural manifestation is invisible. India, where thrive multiple religions with their own characteristic of personal intercourse ranging from marriage to inheritance of multicultural ,Is it then that sweeping uniformly in personal laws imposed by a secular state ,which govern those personal practices of those belonging to same religion, will leave the culture of these religious circle unaffected? The ball set rolling by the Uniform Civil Code shall lead to interference in the cultural life of those groups. A secular state, as fervent professor of equal treatment to all religion it be, shall prejudice the identity of India as a multicultural state, which an Indian patriot be proud of.

Author in this paper would try to analyze the jurisprudence of Uniform civil code, its making, ambit, enactment etc which emerged as the most promising issue of the time. This paper would also reflect the Constitutional provision of India, which talks about uniformity of law in order to secure the interest of the citizen. Author will also try to analytically criticize the approach of bringing uniform civil code in a nation that prides its multicultural society and secular state. In

addition to above observation, author will also try to analyze future perspective of Article 44 as well as threats attached with bringing such law in a democratic country like India.

INTRODUCTION

We all remember Swami Vivekanand as a motivational guru to youth of the nation. He gave Indians proper understanding of their country's great spiritual heritage and thus gave them pride in their past. Who can forget his tremendous speech given in Chicago[1]? While introducing himself, he said:

"I am proud to belong to a nation which has sheltered the persecuted and the refugees of all religions and all nations of the earth. I am proud to tell you that we have gathered in our bosom the purest remnant of the Israelites, who came to the southern India and took refuge with us in the very year in which their holy temple was shattered to pieces by Roman tyranny. I am proud to belong to the religion, which has sheltered and is still fostering the remnant of the grand Zoroastrian nation. I will quote to you, brethren, a few lines from a hymn which I remember to have repeated from my earliest boyhood, which is every day repeated by millions of human beings:

> *As the different streams having their sources in different places all mingle their water in the sea, so, O Lord, the different paths which men take through different tendencies, various though they appear, crooked or straight, all lead to thee.*

The present convention, which is one of the most august assemblies ever held, is a vindication, a declaration to the world, of the wonderful doctrine preached in the Gita:

> *Whosoever comes to Me, through whatsoever form, I reach him; all men are struggling through paths which in the end lead to me. Today India is amongst the fastest growing country. The progress India is making is shutting the mouths of all those who call Indians poor, beggars and helpless etc.*

[1] Swami Vivekananda, Toward the Parliament of the World's Religions Address at Chicago, America (11-17 September, 1893).

Swami Vivekananda said: "I shall go to the mosque of the Mohammedan; I shall enter the Christian church and kneel before the crucifix; I shall enter the Buddhist temple where I shall take refuge in Buddha and in his law; I shall go into the forest and sit down in meditation with the Hindu who is trying to see the light which enlightens the heart of everyone." It is to be noted that neither he nor Swami Aurobindo spoke the "them and us" language.[2]

Vivekanand portrayed a marvellous picture of India which settled in hearts of every nation as an identity of India. The ball set rolling by him was carefully forwarded and finally inserted in the Indian Constitution. India is a country where citizens of every country feel safe whether it is in regards to religion or language or something else.

India's identity has never been exclusive or homogeneous. The idea of India or Bharat lies in its diversity, pluralism, inclusivity and many-ness. It is time people reaffirmed their belief in these ideals and spoke out to stop reactionary elements from seeking to cast the great Indian civilisation in one mould.

The Uniform Civil Code is a noble but not necessary concept. The current situation is not fit to introduce such a concept of UCC as the code of conduct, rituals, beliefs and even dress and food is governed by religion and people are in no mood to set this thing aside. It will only bring chaos. If a need arises as a must to implement UCC then it could only be allowed if people of the nation are well educated who have the decision-making power.

CONCEPTUALISING UCC AND ITS MISCONCEPTION

It should be analysed that it is convenient or practicable to accommodate diversified laws and detail a uniform or regular code worthy to every community. Article 44 of the Constitution, which discusses a uniform common code for all Indians, was the subject of a current civil argument in Chennai. The fundamental contention of the individuals who talked for such a code was, to the point that it can possibly join India since Hindus and Muslims had taken after the "common customary Hindu civil code" easily until 1937 when "the Muslim League-British

combine" divided them by imposing sharia on Muslims through the Muslim Personal Law (Sharia) Application Act.

When we profoundly examine the matter from time of Lord Cornwallis to the Act of 1937, we come to realize that exclusive an infinitesimal minority of Muslims took after Hindu custom before 1937. Indeed, even this segment had the right under laws, for example, the Cutchi Memons Act, 1920 and the Mahomedan Inheritance Act (II of 1897) to decide on "Mahomed a Law". With respect to a majority part of Muslims, there is sufficient confirmation and evidence to show they took after Muslim law, not the Hindu common code. In this way, the contention as that we were joined together, according to the individual law is concerned, and is false. Before Cornwallis, Warren Hastings had proclaimed in 1772 that:

> *"…that in matters of inheritance, marriage and other such religious affairs "the laws of the Koran with respect to the Mahomedans and those of the Shastra with respect to the Gentoos [Hindus] shall be invariably adhered to…"*[3]

Notwithstanding when the Indian Penal Code was enacted in 1860, Muslim personal laws were left untouched. The above episodes demonstrate that the Personal Laws were never looked to be brought together and the reason was not that the Britishers dreaded for the massive explosion. They were sufficiently skilful to handle such circumstances. The main reason for avoiding implementation from such common civil code as that of common criminal code was that they never understood the need of doing such act. They never needed to squander their vitality and power in handling those circumstances, which were not productive to them. Macaulay in his account has emphasised such circumstance of India by saying that the administration must not interfere with the personal matters of people and say that they know their business better then they know it themselves.

When Hindu marriage law was made, polygamy among the Hindus were prohibited over all sects and groups. Has it truly reduced bigamy among Hindus? Statistics says different story. What it really did is to deny second spouses in such marriages of their entitlement to maintenance, living arrangement, and so on, and denies them of their pride as they are allude to in court procedures as courtesans, mistress, and keeps, who are without rights. They are

[3] RICHARD SHWEDER, ENGAGING CULTURAL DIFFERENCES: THE MULTICULTURAL CHALLENGE IN LIBERAL DEMOCRACY (Russel Sage Foundation).

denied of their entitlement to an existence of poise and their entitlement to survival under Article 21 of the Constitution just as Constitution secures certain class of women and the individuals who do not fit into the system can be thrown away. In addition, the child marriage restriction Act and recommending least age of 18 for young girls among Hindus has reduced child marriage. Once again, statistic reflect different story as youngster marriages among Hindus outnumber child marriage among Muslims. Child marriage diminishes when the financial status of the community enhances and not because of there is a law. Hence it will not be wrong to say that concept of UCC is communal and neglects the ground reality of the place of law reforms.

In case if UCC is going to be made communally vitiated and hostile to minority way, it will carry lots of contradictions and will lead to mess. The media has disregarded the essential landmarks in advancements of law achieved by judiciary. I think this is a constructive method for of reforming the laws within scope of personal law itself.

What we need is not a Uniform Civil Code but rather consistency of rights crosswise over various religions community keeping the essence of "religious belief". For this we have to take after the introduce, "Reform from Within" similarly Hindu law was reformed, the Christian Law was improved and the Muslim law has been reformed without conjuring any major political debate. The present discussion unjustifiable.

JURISPRUDENCE OF ANCIENT EPICS

The major conflict between supporters and opponents of UCC lies in the "status quo or change". Our Hon'ble Judiciary follows the concept of status quo for itself as it follows the rule of precedent. Nevertheless, the status quo of judiciary changes with demand of the hour and when judiciary finds itself capable and when it gets a much stronger option for its laws. It shall be the case everywhere. This concept is noble as it includes flexibility. When we argue for UCC, we must apply the same rule. We must implement laws relating to personal laws if we find that the people who are going to be affected are capable or they "understand" that they have the other better option. This concept fails in India in both the ways. The one is the one who are eager to implement this law have nothing to do with the condition and capabilities of

the common masses who know nothing but religion, and the second is the people , the common men had closed their eyes whether it be for their rights or duties.

We find a glimpse of such a concept in the Manusmriti, which says:

वेदोऽखिलो धर्ममूलं स्मृतिशीले च तद्विदाम् । आचारश्चैव साधूनामात्मनस्तुष्टिरेव च ॥

Translation 1: The whole Veda is the (first) source of the sacred law, next the tradition and the virtuous conduct of those who know the (Veda further), also the customs of holy men, and (finally) self-satisfaction (Atmanastushti)[4].

Translation 2: The root of the religion is the entire Veda, and (then) the tradition and customs of those who know (the Veda), and the conduct of virtuous people, and what is satisfactory to oneself.

The Manusmriti give a much greater value to the traditions and customs and the satisfaction of oneself. This do not mean that it says that be greedy. The concept is that we should read Veda (have knowledge) and in absence the tradition and custom comes to govern the religion and all comes afterwards. Implementation of UCC is governing religion with just a resemblance of Knowledge and denying all other necessary factors just because we stand good in our logic.

Thomas Babington Macaulay said in his biography in connection to India that:

> *"A government cannot be wrong in punishing fraud or force, but it is almost certain to be wrong if, abandoning its legitimate function, it tells private individuals that it knows their business better than they know themselves[5]".*

वेदः स्मृतिः सदाचारः स्वस्य च प्रियमात्मनः । एतच्चतुर्विधं प्राहुः साक्षाद् धर्मस्य लक्षणम् ॥

Translation 1: The Veda, the sacred tradition, the customs of virtuous men, and one's own pleasure, they declare to be the fourfold means of defining the sacred law.

[4]GEORGE BÜHLER, THE LAWS OF MANU 830 (Oxford University Press, 25th vol., 2005).
[5] THOMAS MACAULAY, MINUTE OF MACAULAY -BIOGRAPHY OF MACAULAY 322 (JOHN Clive's Magnificent, 1973).

Translation 2: The Veda, tradition, the conduct of good people, and what is pleasing to oneself is to say that is four-fold mark of religion. - Manusmriti 2.12

Levinson states that the role of Shruti and Smriti in Hindu law is as a source of guidance, and its tradition cultivates the principle that "the facts and circumstances of any particular case determine what is good or bad". The later Hindu texts include fourfold sources of Dharma, states Levinson, which include Atmanastushti (satisfaction of one's conscience), Sadachara (local norms of virtuous individuals), Smriti and Sruti.[6]

The British exercised power by avoiding interference and adapting to law practices as explained by the local intermediaries[7]. The colonial state thus sustained what were essentially pre-colonial religious and political law and conflicts, well into the late nineteenth century.[8] The colonial policy regarding personal laws in India, for example, was expressed by Governor-General Hastings in 1772 as follows:

> *"In matters of inheritance, marriage and other such religious affairs the laws of the Koran with respect to the Mahomedans and those of the Shastra with respect to the Gentoos [Hindus] shall be invariably adhered to"*[9].
>
> — Warren Hastings, August 15, 1772

The personal laws for Muslims remained sharia-based, while the Anglo-Hindu law was enacted independent of any text on matters such as marriage, divorce, inheritance and the Anglo-Hindu law covered all Hindus, Jains, Sikhs and Buddhists in India[10]. In 1872, the British crown enacted the Indian Christian Marriage Act, which covered marriage, divorce and alimony laws for Indian Christians of all denominations except the Roman Catholics[11].The development of

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[6] DEVID LEVINSON, ENCYCLOPAEDIA OF CRIME AND PUNISHMENT 829 (SAGE Publications, 1st Vol. 2002); *See also*: Donald R. Davis Jr., *Ātmastuṣṭi as a Source of Dharma*, Journal of the American Oriental Society 279-96 (2007); *See also*: WERNER MENSKI, HINDU LAW: BEYOND TRADITION AND MODERNITY 126 (Delhi: Oxford U.P., 2003); *See also*: DOMENICO FRANCAVILLA, THE ROOTS OF HINDU JURISPRUDENCE: SOURCES OF DHARMA AND INTERPRETATION IN MĪMĀṂSĀ AND DHARMAŚĀSTRA. CORPUS IURIS SANSCRITICUM 165-76 (Vol. 7).

[7] SCOTT KUGLE , FRAMED, BLAMED AND RENAMED: THE RECASTING OF ISLAMIC JURISPRUDENCE IN COLONIAL SOUTH ASIA 257-313, (Modern Asian Studies 2001).

[8] TOMOTHY LUBIN ET AL,HINDUISM AND LAW: AN INTRODUCTION CHAPTER 1 (Lubin and Davis, 2010); *See also*: WASHBROOK, D. A., LAW, STATE AND AGRARIAN SOCIETY IN COLONIAL INDIA (Modern Asian Studies 1981).

[9] *Id* at 3.

[10] KUNAL PARKER, RELIGION AND PERSONAL LAW IN SECULAR INDIA: A CALL TO JUDGMENT 184-199 (GERALD JAMES LARSON, 2001).

[11] CHANDRA MALLAMPALLI , CHRISTIANS AND PUBLIC LIFE IN COLONIAL SOUTH INDIA: 1863-1937 59-64 (ROUTLEDGE,2004).

legal pluralism, that is separate law based on individual's religion was controversial in India, from the very start[12] and it was never concluded.

CRITICAL ANALYSIS OF ACT OF 1937

The Shariat Act of 1937 was the aftereffect of interest for personal law by Muslims. It revoked every single such arrangement in prior enactment that allowed custom to abrogate 'Mahomedan law' in situations where the parties were Muslims. In any case, the British did not force this Act on all Muslims. It was made material mandate (per Section 3 just to those Muslims who expressed their wish to go under it. This detonates the myth that it tried to partition Indians on mutual lines.

Nevertheless, a relative study of the personal laws of Hindus, Muslims, and different other minorities will uncover that the sheer assorted qualities of these laws, combined with the closed-minded enthusiasm with which they are adhere to, cannot allow uniformity of any kind. In fact, the heterogeneity of Hindu law itself is with the end goal that even the likelihood of a uniform Hindu code is precluded. Discussing marriage alone, marriage to be solemnized as per the customs and practice of an assortment of individuals who comes under the meaning of a Hindu[13]. For example, as per the Saptapadhi type of marriage that is form of marriage practiced in northern India, the marriage shall esteemed to be completed and binding when the couple make seven steps around the sacred fire.

Then again, in the south Suyamariyathai and Seerthiruththa types of marriages taken after. Under these, the marriage is legitimate if the parties to the marriage pronounce within the sight of relatives that they are wedding each bother, or on the off chance that they wreath each other, or put a ring on each other's fingers or if the husband ties a thali around the neck on the bride. These rituals are mandatory to practice a valid marriage under law[14]. .Also, for a marriage to be substantial/valid under law, it should solemnized as per the standard customs and rituals of no less than one of the party. In this way, if a Jain weds a Buddhist by following the rituals of

[12] *Ludo Rocher, INDIAN RESPONSE TO ANGLO-HINDU LAW JOURNAL OF THE AMERICAN ORIENTAL SOCIETY 419–424 (1972).*
[13] Hindu Marriage Act, 1955.
[14] *Supra*.

a Sikh, the marriage is invalid[15]. In Muslim law there are no detailed rituals or functions, yet Sunni and Shia rehearses vary.

It, consequently, should be inquired as to whether it is conceivable or practicable to accommodate these different laws and define a uniform or basic code that is worthy to all communities. India as of now has a discretionary common code with respect to Special Marriages[16]. This read with comparable Acts, for example, the Indian Succession Act, 1925, gives a decent legitimate system to all matters of marriage, separation, upkeep and progression for the individuals who may wish to dodge the religion-based laws.

CURRENT SITUATION: A LIMITED, UNENFORCEABLE MANDATE

Uniform Civil Code and the Constitution: A story of three myths-

First, the Uniform Civil Code has introduced as an unassailable order of established constitutional morality, its presence in the Directive Principles an undeniable proof of the constitutional accord describing it.[17]

Second, legal pronouncement have distorted to make a prevalent misconception that the Supreme Court has reliably supported the implementation of one code for one country. To be reasonable.

Thirdly, a misconception been permitted to make strides that personal laws are not subject to the superintendence of the Constitution.

In absence of draft, the UCC is whatever we need it to mean - which is to understate the obvious, the aggregate of dissenting, even pugnacious, tensions and any expectations of this country. The established and legal position should be protected from these impressions and misconceptions. It falls inside Part IV of the Constitution titled as Directive Principles of State Policy (DPSP) and comprehended as admonishments to the State to remember while administering the nation. There has never been any fragment of uncertainty about the non-

[15] Sakuntala v Nilakantha & Other, (1973) MH. L J 310.
[16] Special Marriage Act, 1954.
[17] Art.44, Constitution of India, 1949.

enforceable nature of these general interests. In fact, the main substantive arrangement of the DPSP, Article 37,[18] completely bans any of these cases from being dragged to the courts for execution. Various judgments of the Supreme Court have set up certain that DPSP, their attractive quality or bid in any case, cannot be sought after at the cost of basic, enforceable and judicially secured individual and group rights revered in Part III of the Constitution.[19]

Numerous judgements tried to blend central fundamental right with DPSP to the degree conceivable however in any contention between the two; the rights dependably beat these unenforceable mandates.[20] This implies Fundamental Rights were given prevalence over the Directive standards[21]. Indeed, even inside the DPSP, there is a hypothetical chain of importance and arrangements identifying with social welfare, free lawful guide, mandatory instruction that identify with and supplement central rights have been agreed an uncommon place in protected law.

JUDICIAL INTERPRETATION

The Supreme Court in a couple cases has for sure mentioned some stray observations throughout the years about the codes appeal however; they don't frame restricting precedent for reference. These comments constitute, what in legitimate speech, is called obiter dicta – an observation made in passing that is of no importance or incentive to the position of law. Many believe that it is outside the judicial privilege or ability to paddle into the strategy space of choosing which traditions and practices advance into a uniform code. Actually, the courts have gotten a handle on the trouble and impracticability of UCC as a rule and forewarned against its rushed reception. As late as 2015, the Supreme Court declined to pass bearings on UCC and laid that activity at the door of Parliament.

A few judges may in any case consider the possibility of UCC compelling to swim through the entanglement of legal pluralism however; they overlook that uniformity while implementing the laws over personal law is not a sociological fact. We can deliver uniformity of laws however

[18] Art. 37, Constitution of India, 1949.
[19] P.A. Inamdar v. State of Maharashtra, 2004 8 SCC 139.
[20] State of Madras v. Champakam Dorairajan, AIR 1951 SC 226.
[21] Mohd. Hanif Quareshi & Others v. The State Of Bihar, AIR 731(1959) SCR 629; *See also:* Sajjan Singh v. State of Rajasthan, AIR 845 (1965) SCR (1) 933.

where are we going to discover a ground united by convictions and practices where the State could execute these laws without intimidation or struggle?

In the much-talked-about Shah Bano case [22] the Supreme Court held that Section 125 of the Code of Criminal Procedure (Cr.P.C.), being a secular provision was applicable to all.

The Supreme Court connected the teaching of harmonious construction and understood the authorization particularly in accordance with its Shah Bano judgment. The position, consequently, is that a Muslim woman is qualified for reasonable and sensible maintenance under Section 125 of the Cr.P.C. insofar as she stays unmarried after the separation. Many Petitions were filed in Supreme Court on various events in regards to Uniform Civil Code, however it has declined by saying that parliament is appropriate body to enact such law. In spite of the appeal of a uniform code, the Supreme Court advised in, that the sanctioning of uniform law for all people "in one go might be counterproductive to the solidarity of the country". Subsequently, it is a rough way that should be carefully trodden[23] .

SPIRIT OF RELIGIOUS RIGHT

Announcing ones religion, with each one of its conventions and practices is the critical right of the nationals of India. All the above concentrations indicated are an "Important" some part of these belief and practices. All religions have low down age-old customs for all the above subjects. These all conventions have been founded on measures of significant worth and recollecting participations with exchange customs. A huge segment of them are weaved with each other and can't be modified without changing the whole code sans readiness and in this way pulverizing the very surface of that religion. This will be like making an interesting religion, which will be anything, which we started with. In like manner, overseeing/managing any of the above will clearly interfere in these beliefs and fundamentally pulverize the religion.

At the point when Constitution talks about secularism as its objective, the accord and conviction to be one, socially, discovered its demeanour in Article 44 of the Constitution. Be that as it may, religious opportunity, the fundamental establishment of secularism, was ensured

[22] Mohd. Ahmed Khan v. Shah Bano, AIR 1985 SC 945.
[23] Pannalal Bansilal Patil v. State of Andhra Pradesh, (1996) 2 SCC 498.

by Articles 25 to 28 of the Constitution. Article 25 is generally worded. It ensures all people, flexibility of still, small voice as well as the privilege to declare, hone and engender religion. What is religion? Any confidence or conviction. The Court has extended religious freedom in its different stages ensured by the Constitution and stretched out it to hones and even outer plain demonstrations of the person. Religion is more than negligible matter of confidence. The Constitution by ensuring flexibility of still, small voice guaranteed internal parts of religious conviction. Furthermore, outer articulation of it were secured by ensuring appropriate to unreservedly, rehearse and engender religion. Perusing and presenting sacred texts, for example, Ramayana or Quran or Bible or Guru Granth Sahib is as much a piece of religion as offering nourishment to god by a Hindu or showering the symbol or dressing him and setting off to a sanctuary, mosque, church or gurudwara.

Marriage, legacy, separate, transformation are as much religious in nature and substance as some other conviction or confidence. Going round the fire seven adjusts or giving assent before Qazi are as considerably matter of confidence and still, small voice as the love itself. At the point when a Hindu gets to be change over by recounting Kalma or a Mulsim gets to be distinctly Hindu by discussing certain Mantras it involves conviction and still, small voice. Some of these practices saw by individuals from one religion may seem, by all accounts, to be over the top and even violative of human rights to individuals from another. Nevertheless, these are matters of confidence. Reason and rationale have little part to play. The estimations and feelings must be cooled and tempered by genuine exertion. However, today there is no Raja Ram Mohan Rai who courageous realized that climate which prepared for Sati nullification. Nor is a statesman of the stature of Pt. Nehru who could pilot through, effectively, the Hindu Succession Act and Hindu Marriage Act changing the standard Hindu Law. The attractive quality of uniform Code can scarcely be questioned. Be that as it may, it can concretize just when social atmosphere is legitimately developed by first class of the general public, statesmen among pioneers who as opposed to increasing individual mileage transcend and stir the masses to acknowledge the change.

The tremendous differing qualities of the individual laws, alongside the dedication to which they are cling to, makes consistency of any kind exceptionally hard to accomplish. Advance issues emerge when one tries to disconnect governmental issues from this issue. Any remark, supposition or dialog dependably incorporates some political heavenly attendant to it as real Indian political gatherings have their stand clear on the point. Another issue is that many

individuals still don't comprehend what the uniform common code really implies. Significantly every one of the minorities are still in the midst of the misinterpretation with respect to Uniform Civil Code and in this way it turns out to be amazingly hard to get their interest in the level headed discussion or their perspectives in regards to it. Some vibe that the total execution of Uniform Civil Code may bring about lost social character of various religion.

CONCLUSION

Today, a word is very common and is in trend and that is "the need of the hour". In today's time, it goes along with one and all. We all had become morally ill. We had developed a tendency where we evaluate the thing keeping ourselves in front. We want to solve every issue by ourselves and in no time. We do not bother to know about the consequences, which others are going to face. Mahatma Gandhi once said that to term a law a good law we should see that "do it is going to uplift the most miserable person or not". The supporters of UCC advocate that this law would uplift the women. We are having the examples of Hindu Law, which became codified. Do it really uplifted women or went contrary to them? The statistics shows the later one is correct. But we shouldn't forget the warning of Dr. B.R. Ambedkar,

"However good a Constitution may be, if those who are implementing it are not good, it will prove to be bad. However bad a Constitution may be, if those implementing it are good, it will prove to be good."

Although Ambedkar said it for the constitution, but it stands true to every law and the Personal Laws are no exception to this. We should try to impart knowledge and build a wisdom within the communities so that they themselves thrive for the Uniform Civil Code and make a law, a good law whether the law be a good or bad one. A forceful implementation of law would ultimately fail if the common public do not understand it. In return, it will give a massive explosion of disregard to law and nothing more.

If we ban polygamy men will continue to be polygamous. How will you protect women in such relationships? That is the core issue when we are examining the issue from the point of gender justice. Sometimes women are aware of the first marriage, and sometime the men deliberately suppress the information. Among Muslims where polygamy is permitted, each woman has the

same status and cannot be deprived of her rights. But when polygamy is banned, men can take full advantage, exploit women sexually and then discard them without any economic consequences visiting them for violating the law, merely by stating that the woman is his second wife and he has a first marriage subsisting. Due to this the Protection of Women from Domestic Violence Act, 2005 attempted to secure the rights of women in such relationship by coining a word "marriage like relationship".

In this country, the ground should be prepared first; then if the seed is sown, the plant will come out best and if the things are done against the nature of the seed it will ultimately die. We should not force someone to think like the others are thinking. We should let the people be ready to understand these concepts and that could only be done by imparting knowledge and by not by tyranny of law or majority.

On one hand we should enhance the tolerance and on the other hand we should continuously try to make others understand the concept of UCC and on the counter if we become intolerant then aim and object of law would disappear and once one assumes an attitude of intolerance, there is no knowing where it will take one. Intolerance, someone has said, is violence to the intellect and hatred is violence to the heart. Intolerance and wisdom are two opposite poles.

And till the date we achieve our goal we should let people understand and tackle their business themselves even if it slightly go contrary to the standard moral because the freedom of doing mistake is the core of freedom for which Mahatma Gandhi said:

"जब तक गलती करने की स्वतंत्रता ना हो तब तक स्वतंत्रता का कोई अर्थ नहीं है।

(Until you have the freedom of making mistakes, you does not have any freedom.)

SUGGESTIONS

Firstly, it is very important to restructure the conception about Uniform Civil code by bringing reformation within personal laws instead of bringing diversified personal laws under single and uniform law.

Secondly, emphasis should be given on making new laws regarding rectification of conflict amongst personal laws.

Thirdly, there should be clear understanding regarding values of any personal law and it should be respected to its maximum spirit.