

UNDERSTANDING UNIFORM CIVIL CODE: ITS NEED AND CHALLENGES

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Abstract:

The demand to replace the religion-based and customary personal laws with the progressive, uniform civil code has been there since the pre-independence era and persists even today. Along with it, the intricacies and complexities also remain visible from the days of constituent assembly debates to the present. It is often argued that various aspects of the personal laws dis-privilege women and hinder the realisation of national integration. The laws need to be disassociated from religion, and concrete steps toward complete uniformity in civil laws are immediately required to be taken, like we have in the criminal laws. On the other hand, its antagonists consider it to be an attack on the right to freedom of religion in general and personal and customary laws in particular. Along with it, they have their own set of arguments opposing the demand for UCC. In the present academic venture, an effort has been made to understand the meaning and concept of the UCC by looking into its notion and the constituent assembly debates pertaining to it. The paper discusses the arguments advanced in its favor, like national unity and gender equality, etc. and also the arguments advanced against it. The arguments on both sides are substantiated with the required legislative provisions and decided case laws. The paper also provides a way forward for the issue in the enormously diverse and socially heterogeneous country of India.

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INTRODUCTION:

Of all the legal debates in India, the most prominent one relates to the Uniform Civil Code (hereinafter referred to as the UCC). It is one such issue that has persisted since before the country's independence. The Indian Constitution, being the lengthiest and bulkiest of all the constitutions, strives to deliver the best to the populace and incorporates within itself the idea of the UCC. Since its inception, the idea has been of great interest to academicians, courts of law, theologians, political parties, etc. In fact, the ruling Bhartiya Janta Party had it on its agenda since long along with the abrogation of Article 370 of the Indian Constitution granting special status to the state of Jammu & Kashmir and construction of the Ram Temple in Ayodhya. All three of them were considered difficult tasks considering the legal and religious nuances attached to them. However, the union government, with the Bhartiya Janta Party at the helm of affairs, succeeded in fulfilling its two promises. Article 370 was revoked, taking away the certain amount of autonomy that the state of Jammu and Kashmir had been enjoying for almost 70 years in matters of having a separate constitution, flag, and laws. (Srivastava, 2019) The way for the construction of the Ram Temple was paved by the Indian Supreme Court's decision. In the case of *M. Siddiq (D) Thr Lrs v. Mahant Suresh Das & Ors*, the Apex Court ordered that 2.77 acres of disputed land be handed over for the construction of the Ram Temple and,

by invoking Article 142, a separate land parcel of 5 acres to be provided to the Sunni Waqf Board for the construction of the mosque. As a result, their next obvious move is to legislate on the UCC.

The efforts towards the same were quite evident after the National Democratic Alliance, headed by the Bhartiya Janta Party, came back to power in 2014. The Law Commission of India, under the chairmanship of Justice B. S. Chauhan (Retd.), floated a questionnaire in 2016 to understand the feelings of the general public regarding the UCC and also sought the views of the political parties to check its feasibility. (Ohri, 2016) However, when the commission submitted the Consultation Paper on Family Law Reform in 2018, it stated that the UCC is neither necessary nor desirable in this regard and instead advocated for personal law reforms. (Dhingra, 2018) Recently, in a response to the petition filed by a political leader, the union government submitted to the Supreme Court that they have referred the matter to the 22nd Law Commission to examine various issues relating to the UCC and make recommendations in this regard. (Outlook, 2022) In furtherance of it, what can be seen as a tactic move, various state governments where the Bhartiya Janta Party is in power like Uttarakhand, Madhya Pradesh and Gujarat have come up with the panels for the implementation of the UCC. In the backdrop of all this it becomes important to understand the meaning and concept of UCC, the arguments of its protagonists and antagonists and what can be a possible way forward with it.

1. MEANING AND CONCEPT OF UNIFORM CIVIL CODE:

1.1. Meaning:

The Article 44 of the Indian Constitution requires that the "State shall endeavour to secure for its citizens a uniform civil code throughout the territory of India". The said article is a part of chapter IV of the constitution, dealing with the Directive Principles of State Policy which are not enforceable in the court of law but are fundamental in the governance of the state. (Singh, 2014) The idea of UCC is antithesis of the prevailing personal laws which are a unique and distinct feature of the Indian Legal System and covers the family matters like marriage, divorce, dower, guardianship, adoption, inheritance, succession etc.

The personal laws, also referred to as the religious laws, date back to early societies where religion and law were intertwined. As H. S. Maine stated: "There is no system of recorded law from China to Peru, which when it first emerges into notice, is not seen to be entangled with religious ritual and observances." (Ahmed, 2021) In India, the same dates back to the times of the Vedas which are considered to be infallible and supreme to Hindus and form the primary and ancient source of Hindu law along with the Shrutis, Smritis, commentaries, and digests. Even the king did not have the authority to interfere in personal laws in ancient Indian law, and he was subject to the rule of law formulated by the sages in the form of personal laws. (Ahmed, 2021) With the advent of the Muslims, Parsis and Christians in India their personal laws were also introduced the existing Hindu laws thus creating a beautiful rainbow of vast and complex personal laws.

However, the term personal laws have a colonial imprint as it was first introduced by them in the Presidencies of Calcutta, Bombay, and Madras during the late 18th century. (Agnes, 2016) With the civil and criminal courts being established in each district by the Warren Hastings Plan of 1772, the Muslims and Hindus were left to be governed by their respective Quranic and Shastric laws in the civil matters. (Herklotz, 2016) The same continued when the Lex Loci Report of 1840 emphasized on having uniform laws pertaining to crimes, evidence and contracts but kept the personal laws out of its purview. Even the Queen's Proclamation of 1859 suggested non-interference in the matters based upon religious grounds. (Herklotz, 2016) In response to such suggestions, the criminal laws were unified with the help of the penal laws, but family issues were left to be governed by the personal laws. Even so, personal laws couldn't be saved from the colonial gloss that they got in the form of interpretations given to them by the British courts.

The religion-based laws, in addition to the customary practices of the parties forming the modern-day personal laws, are applied to individuals based on their religious beliefs. Though the scope of them has been considerably reduced to only family matters, unlike previously when they covered the whole of civil law. In the present-day Indian Legal System, where the criminal laws and other civil laws like

property laws, and contracts, etc. are applied based purely on territorial jurisdiction, in family matters the application of law is based on the religion of the parties, with Muslims, Hindus, Christians, and Parsis all being governed by their respective personal laws. The notion of the UCC stands against the very order of the personal laws and envisages that, like the criminal code, which is uniformly applied irrespective of the religion and customary practices of the parties, the matters within the ambit of personal laws must also be governed by uniform laws, which they refer to as the 'civil code' in the term UCC. As a result, requesting a UCC would imply the unification of all personal laws. Not only will the disparity be eliminated in this manner, but the outdated and discriminatory concepts of personal laws will be replaced with modern and progressive laws.

1.2. UCC and Constituent Assembly Debates:

The demand for a uniform social code (now known as the UCC) grew alongside the Indian freedom movement. Consequently, the All India Women's Conference (AIWC) pitched for the same during the mid-1930s, (Chatterjee, 2021) and it can be said to be the first major demand of the removing of disparity from the existing laws. From here the idea of the UCC was visualized by the Constituent Assembly which was discussed as Article 35 of the Draft Constitution. (Shambhavi, 2017) The Constituent Assembly Debates on UCC were revolving majorly around the articles, namely, Article 19 (Draft Article 13-fundamental right guaranteeing seven personal freedoms), Article 25 (Draft Article 19-freedom of conscience and the right to freely to profess, practice and propagate religion) and Article 44 (Draft Article 35). (Mazuvhanchery, 2021)

During the debates the Muslim members are sad to have opposed it, while the most of the Hindu members supported it. (Aravinda, 2021) The same is evident by the fact that with regard to the then Article 35 (now Article 44) four amendments were moved and all of them were by the Muslim members. (Mazuvhanchery, 2021) The first of all the amendments was moved by Mohammed Ismail Sahib who suggested an insertion of the proviso mentioning, "any group, section or community of people shall not be obliged to give up its own personal laws in case it (had) such a law". (Mazuvhanchery, 2021) The second one moved by West Bengal's Naziruddin Ahmed in the form of a proviso mandated for the purpose of any change in the personal laws "the previous approval of the community ascertained in such a manner as the Union Legislature may determined by law". (Mazuvhanchery, 2021) The third amendment was moved by Mahboob Ali Baig Sahib Bahadur from Madras requiring a proviso to be inserted having effect that "nothing in this article shall affect the personal law of the citizen." (Ahmed, 2001) The fourth and the last amendment was similar to the first one and was moved by another Muslim member from Madras, B. Pocker Sahib Bahadur. (Mazuvhanchery, 2021)

The narratives like gender justice, cultural diversity etc. were not as largely dominating the discussion as the protection of religious freedom of minorities in a secular constitution and national unity. (Mazuvhanchery, 2021) Hussain Imam from Bihar opposed the UCC based on the diversity of the country. He said, India is a vast nation with a population that is so diverse that it is nearly hard to categorise it under one type of anything. We have tremendous cold in the north and intense heat in the south. About 400 inches of rain have fallen in Assam, more than any other place on earth, whereas none have fallen in the Rajputana desert, which is close by. Is unified civil law feasible in a nation as diverse as ours? We have further established concurrent jurisdiction in terms of succession, marriage, divorce, and other things between the provinces and the Center. The uniformity is difficult when we have so many legislative bodies having power to legislate as per the needs of their population.

The arguments advanced by the antagonists were:

- (i) It negates the fundamental right to religious freedom;
- (ii) The will of the majority would be imposed on the minority community;
- (iii) The religious freedom that was not even curtailed by the foreign rulers should not be curtailed by an independent secular nation; and
- (iv) Uniformity of law should be gradual and must progress with the advance of time.

The idea was vehemently defended on the ground of national unity by Dr. B. R. Ambedkar, K M. Munshi both from Bombay and Alladi Krishnaswami Ayyar from Madras. (Mazuvhanchery, 2021) The arguments of the protagonists were as follows:

- (i) The whole of India must be welded and united together as single nation;
- (ii) Personal laws and religious freedom stands upon different footing. There are Muslim countries with uniform laws;
- (iii) It is required for ensuring gender justice; and
- (iv) It won't be forced upon minorities.

Dr. Ambedkar categorically stated the Muslims are reading too much into it and it won't be forced them. Citing an example of the Muslim Shariat Application Act, 1937, that made the application of law optional for every Muslim, he argued that there are chances that in similar manner the future government may come up with the code where initially all those who make a declaration in that regard will be governed by it. (Mazuvhanchery, 2021)

2. UNIFORM CIVIL CODE & ITS NEED:

In the Colonial era, the majority of the laws comprising both the criminal and civil aspects were codified and divested of the religious and cultural factors that were prevailing in ancient and mediaeval India. In this process, the criminal law acts like the Indian Penal Code, Criminal Procedure Code, Indian Evidence, etc. were codified, and from the civil law we got the acts like the Indian Contract Act, Transfer of Property Act, and Civil Procedure Code, which were codified and hence changed the face of the Indian legal system. What remained untouched were the personal laws of the parties dealing with family matters like marriage, divorce, succession, inheritance, adoption, etc., which are even today entwined with religious and customary practices. (Shambhavi, 2017)

In the current context, the demand for a UCC is based on two major factors, one of which serves as a foundation and the other as a pillar of support. Talking about the major ones, we have gender justice and national integration. It is argued that India is a secular, progressive nation that has, in its development, distanced itself from caste and religious politics. All the Indians are one and need to be treated as one. This element of unity faces a challenge when the group of people is governed by the laws that are applied to them for belonging to a particular religion. It is argued that just as the criminal laws are applied irrespective of the caste, community, and religion of the parties, similarly, the civil laws must be applied too. The application of the varied personal laws to various groups appears to be diluting the principle of equality. Implementation of the UCC will provide equal status to all the citizens in the sphere where it has not been extended yet. In its support, it also resonates, especially after the codification of Hindu law, that when the Hindus have given up their own personal law to have a progressive and reformist code, then why can't the other communities? A point worth mentioning here is that though the Hindu Code became a reality after the Indian Constitution came into force, the discussions on it were going on much earlier, and it was put forth during the constituent assembly debates too.

Similar arguments were set forth by the members of the constituent assembly during the debate on this issue. It was asked what the assembly wished to keep this nation as: a series of competing communities or a unified nation. (Mazuvhanchery, 2021) If the latter is desired, a uniform code for all civil matters is the way to go. Shri K. M. Munshi suggested that we had to unify our personal laws to achieve a unified and secular way of life for the whole country. Religion needs to be separated from the laws, which have nothing to do with religion but are only social relations. He said, 'but ultimately, we are making social progress. We are at a point where it is essential to unite and strengthen the country using all available tools while avoiding meddling with religious rituals. However, if historical religious practises have been interpreted in such a way as to encompass all aspects of life, we must come to a point where we must insist that these issues have nothing to do with religion and are instead solely the subject of secular law. The focus of this article is on this.' (Sharma, 2021)

The argument of the national integrity also found the voice from the courts of law. Justice Chandrachud in the case of Mohd. Ahmed Khan v. Shah Bano Begum and Ors [1985 SCR (3) 844] observed that:

“It will help the cause of national integration by removing disparate loyalties to laws which have conflicting ideologies. No community is likely to bell the cat by making gratuitous concessions on this issue. It is the State which is charged with the duty of securing a uniform civil code for the citizens of the country and, unquestionably, it has the legislative competence to do so.”

On the same terms Justice Kuldeep Singh in the case of Sarla Mudgal v. Union of India [1995 AIR 1531] observed, “a unified code is imperative both for protection of the oppressed and promotion of national unity”. This way, the demand for the UCC, with its slogans of “One Nation, One Law,” kept on growing louder and louder, seeking an integrated and uniform body of laws for every matter governing human life. It is said that it will not only ensure uniformity of laws between communities but also uniformity of laws within communities. (Ahmad, 2021)

The second important reasoning put forth for having a UCC is that of Gender Equality. The personal laws are dealing with the matters relating and emerging out of marriage, which till today is largely seen in India as a union of man and a woman. The very nature of these personal laws deals the relation of males and females, one of which have a vast history of subjugation by the other. That is why the argument becomes imperative that the personal laws discriminatory in nature. The reasoning garners strength from the fact that the matrimonial rights of women in India have always been a subject of judicial scrutiny and the decisions extend enough support to the advocates of UCC.

All the personal laws will provide you something or the other which goes against the very fabric of gender equality and one may find many inequalities prevailing in the matters governed by the personal laws. In the codified Hindu law, the sec 5 of the Hindu Marriage Act, 1955 provides the minimum age of marriage for the boy and girl to be 21 and 18 respectively. There is no sense as to why the different age for the same act have been provided for different sexes. Moreover, it is mentioned as an essential requirement but if any marriage is solemnized in contravention of it, whether the marriage will be void or voidable, the act is silent on it. Thus making it a valid marriage. Another provision of the same act does provide for a restitution of conjugal rights where a person married with another can be asked to live with him/her irrespective of their own choice. Women escaping the abuse and exploitation in many ways may find themselves being directed by the court go back to the same household where they have witnessed all this. (Pandey& Anthwal, 2021) The other act of the Hindu Code dealing with the issues of guardian and custody, Hindu Minority and Guardianship Act, 1956 also comprises of certain provisions which reflects the very discrimination. Section 6 of the Act provides the natural guardianship to be with father and then with the mother. The same was considered to be going to the mother the death of the father. However, in the case of Gita Hariharan v. Reserve bank of India [AIR 1999 2 SCC 228] the term ‘after him’ was construed to be in the absence of rather than after his death. Even now the mother can be a natural guardian only in case where the father is dead, disqualified to act as such or where the mother is having the absolute custody of the child and father is absent from his duty of taking care of the minor child.

The resemblance can also be seen in Muslim law, where Muslim men can have up to four wives. Muslim men can also marry a Jew or a Christian lady, but otherwise it is not permissible. (Pandey & Anthwal, 2021) Another pertinent issue is divorce grounds, where Muslim men have had the arbitrary power to divorce his wife according to his whims and caprices until very recently. The horror of *nikah halala* in practice is widely misunderstood and derogatory to Muslim women. The manner in which it is applied proves to be an embarrassment for the woman and her right to her body and mind, treating her like chattel. The same trend continues in the inheritance laws as well, where each son gets the double of each daughter's share when they are available together as the legal heirs of the propositus.

The same story continues with the Christian and Parsi laws. Divorce among Christians and conversion among Parsis have been discriminatory toward women. Although the courts have stepped in to help, the fact remains that personal laws, whether codified or uncoded, cannot be said to be gender

just. India being a signatory to the Convention on Elimination of Discrimination Against Women is required to comply with the mandatory provisions of the instrument. (Rattan, 2004)

This argument too found the support from the top courts in number of cases. In 2015, the court dealing with the guardianship right of the mother in the case of *ABC v. State* commented on it and stated, "India is a secular nation and it is a cardinal necessity that religion be distanced from law". (Herklotz, 2016) In the case of *John Vallamattom and Anr. v. Union of India* [JT 2003 (6) SC 37] the court of law not only struck down the section 118 of the Indian Succession Act for violating the of Article 14 of the Indian constitution being arbitrary, unreasonable and discriminatory but also urged the parliament to step up in framing the UCC. In 2021 judgement of *Satprakash Meena v. Alka Meena*, the Apex court while commenting on the need for the UCC stated: "The need for a Uniform Civil Code as envisioned under Article 44, has been reiterated from time to time by the Supreme Court. One repeatedly highlight the need for such a Code - 'common to all', which would enable uniform principles being applied in respect of aspects such as marriage, divorce, succession etc., so that settled principles, safeguards and procedures can be laid down and citizens are not made to struggle due to the conflicts and contradictions in various personal laws."


The demand has been centred around these two reasons, with other points like strengthening secularism and ensuring the modern progressive image of the nation with no inequality based on the basis of religion or caste supporting them. Articles 25 and 26 of the Indian Constitution, which guarantee freedom of religion and conscience and are frequently contested in opposition to the idea of the UCC, are argued not to be anti-secularism and that the UCC will survive secularism in the country. Also, the fact that a number of personal laws govern legal institutions gives rise to ambiguity. The same can be covered with the UCC.

3. UNIFORM CIVIL CODE AND CHALLENGES:

Like the proponents of the idea of the UCC, its antagonists also come up with their own arguments. They argue that the cause of national integration doesn't stand on solid ground as the UCC is demanded in a similar way as we have a uniform set of rules and procedures governing criminal matters in India. Whereas, the truth is that India is such a vast country with a federal-like structure that there is no uniformity in the criminal laws, especially in the criminal procedural laws. For example, the grant of bail to a person apprehending arrest, known as "anticipatory bail," is provided by Section 438 of the Criminal Procedure Code, 1973. The State of Uttar Pradesh prohibited this by enacting the Code of Criminal Procedure (Amendment) Act, 2022, for those convicted of crimes against women and children. Furthermore, the plurality can be seen in both codified civil and criminal matters. Furthermore, the matters to which personal laws apply are included in the Concurrent List of the Indian Constitution, which gives the Union Parliament and State legislature the authority to legislate on them. In case the parliament passes a law on it won't it be depriving the state legislatures its power and inviting concerns about the dominance of the union over the states. (Agnes, 2016)

As far as gender equality is concerned, it is something that must not be compromised under any given circumstance. But what remains unclear is whether UCC is the only way to have it. To begin with, the codified and religion-neutral codified laws are not without flaws. The Special Marriage Act of 1954 is the best example to understand this. The secular law deals with marriage and divorce as an alternative to the personal laws. It prohibits marriages in the prohibited degrees but allows them if the party's customary governing law allows for it. As a result, secular legislation is subordinated to personal laws. Further, the Act also creates certain concessions for parties who are both Hindus and married under the Act. Which also gives rise to the fears of the minority community that the UCC will be inclined towards the majority community.

Secondly, if any body part is suffering from a disease, we are required to cure the disease instead of amputating the whole body part. If the personal laws do have an element of gender inequality, which prima facie appears to be so, then the plan of action must be to remove such practices and provisions instead of going after the personal laws as a whole. As previously discussed, certain areas of Muslim law, such as maintenance after divorce, were well addressed by legislation. Where the legislation has



not acted, the courts of law have realized the principles of gender equality. Any issue with the personal laws can be dealt with accordingly. The same was suggested by the Law Commission of India's Consultation Paper on Family Law Reforms, which said that the reform must come from within the communities. The Commission reasoned: "Through codification of different personal laws, one can arrive at certain universal principles that prioritise equity rather than the imposition of a uniform code of procedure, which can also discourage many from using the law altogether given that matters of marriage and divorce can also be settled extra judicially". Furthermore, a reform introduced from within the community has a better and faster chance of being accepted by the community than one introduced outside of the community. (Afaq & Dari, 2021)

Thirdly, diversity is natural, while uniformity is forced. (Singh, 2014) India is the best example of unity in diversity, with groups having different culture, religion, food, language, and norms, which add to the beauty of this great nation. And this enormous diversity and social heterogeneity in India is not a new phenomenon and have been there since antiquity. This diversity needs to be protected and preserved. With the UCC coming to the fore, the plurality will suffer greatly, and it is feared that it will have an effect on majoritarian morality. Secularism as practiced in India differs from secularism as practiced in the West. Instead of divorcing the state from the religions, it brings all the religions together with equal respect for all. Thus, secularism cannot be contradictory to plurality.

Fourthly, it is argued that we already have uniform civil laws. With most of the civil matters being governed by legislation like the Indian Contract Act, Transfer of Property Act, Sales of Goods Act, etc., there is only an exception for family matters. So the personal laws can be said to be an exception to the uniform civil laws. And in case anyone wishes not to be governed by the personal laws, the alternate secular laws are available for them when dealing with family matters.

Fifthly, right to Freedom of Religion is a fundamental right, whereas, the UCC is merely a directive principle of state policy. The former though not absolute but still justiciable in the court of law, while the latter being non-justiciable. The freedom so guaranteed allows citizens to be governed by different personal laws as the profession of a particular religion carries with it the personal law of the person. Though the same Article also empowers the parliament to legislate with regard to the social reform but the way Indians are connected with the religious practices and personal laws, it is herculean task to implement in spirit a similar law for all religions.

Lastly, it is argued that the biggest drawback with the UCC is that it is seen only from a religious perspective, and the regional perspective is often ignored. Even within the communities, there are different sets of customary practices prevailing in different regions. The Indian constitution and laws also recognizes these customary practices and provide safeguards in the form of exceptions and special provisions. For example, marriage within the prohibited degrees and sapinda is not allowed under Hindu law except in the cases where the custom provides for it. In this manner, the marriage between an uncle and niece, which is prohibited under Hindu law in the north of India, is allowed in the southern part. Similarly, the Indian Constitution guarantees the protection of customary rights of tribal rights under Article 244(1) and the Fifth Schedule. Even Hindu law provisions are not applied to them unless the Union government issues a notification to that effect. Not only the tribal communities but also the north-eastern states are protected by the same set of rules provided under Article 244(2) of Indian Constitution and the Sixth Schedule. More than that, Article 371 grants special status to the various North-Eastern States, through which special protection is awarded to customary laws and tribal councils, which are autonomous bodies empowered to administer civil and criminal laws, as per the customs of the tribe. (Khan, Afaq & Khan, 2021) Roping in the UCC will also put forth the challenges from the regional and tribal communities' ends and require huge changes in the constitution's structure and guarantees.

While the majority of criminal and civil cases in India are handled uniformly, state laws vary on anticipatory bail. It is argued that since there are several codified civil and criminal laws, personal laws should also be immune to intervention. There are legitimate concerns that a UCC would ultimately be more about invading upon the personal laws of minority and tribal communities than about uniformity and equality.

4. Conclusion:

On the issue of the UCC, intricacies and complexities remain visible from the days of constituent assembly debates to the present. The arguments are strong on both sides, with the proponents heavily relying on national integrity and gender justice and the opponents referring to plurality and freedom of religion, etc. The interplay between the right to freedom of religion and the constitutional promise of no discrimination on the ground of sex lies at the very core of the UCC debate. As far as the freedom of religion as a fundamental right and the UCC as a directive principle of state policy are concerned, there needs to be harmonious construction. However, the way the other directives of Chapter IV of the Indian Constitution are largely ignored and the focus always remains on the UCC, it appears that the issue is highly politicized. Otherwise, too, in the laws largely dealing with issues related to women and children, uniformity has been achieved. It is best understood by applying the principle of the welfare of the child to all child-related matters, regardless of religion. The way the present day governments are going with the UCC, they are not only retreating from the stand India took at the time of signing CEDAW with a reservation that Section 16, which deals with uniform personal laws, was not attested, but also defying the assurance given by Dr. Ambedkar in the constituent assembly that the UCC will not be forced on all citizens and that it is possible for the future parliament to make the code purely voluntary in the initial stage. Having discussed the arguments in favour and against, the authors believe that the stand taken by the Law Commission of India sounds very practical. The element of discrimination present in the prevailing religious and customary laws needs to be addressed, and it can be done through amendments and reforms from within the communities.

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