



WHIS MUN 2024

STUDY GUIDE

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Lok Sabha

Agenda : Discussion on the possible implementation of Uniform Civil Code

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Letter from the Executive Board

Dear Delegates,

We warmly welcome you all to the **Lok Sabha for WHISMUN 2024**. The committee being simulated, would unlike most other simulations you must have heard of or been a part of; focus on tech intellect, logical intellect, analytical application of thoughts, and strategic application of thoughts in addressing the issues at hand.

Kindly note, we are not looking for existing (impractical) solutions or statements that would be a copy-paste of what the person you are representing has already stated; instead, we seek an out-of-the-box solution from you, while knowing and understanding the impending limitations of the person you represent.

This introductory guide would be as abstract as possible, and would just give you a basic perspective on what you can expect from the committee and areas wherein your research should be focused at this given point in time. Given the extremely political and volatile nature of the agendas of the committee, your presence of mind and analytical aptitude is something that we at the executive board would be looking to test.

Kindly do not limit your research to the areas highlighted herein but, ensure that you logically deduce and push your research to areas associated with and in addition to the issues mentioned. This guide shall deal with a skeletal overview of the agenda.

Just to let you know, the content provided in the BG is a compilation of various research and literary works of various authors and thinkers in blend with the intellect of the executive board. It is to be noted that the content provided below in no way reflects the personal ideologies of the executive board and has been prepared to keep in mind a neutral point of view. Wishing you all very good luck.

Avinash Tripathy
Speaker

Devesh Mishra
Deputy Speaker

What is a Uniform Civil Code?

Uniform civil code essentially means unifying all these “personal laws” to have one set of secular laws dealing with these aspects that will apply to all citizens of India irrespective of the community they belong to, though an exact figure has not been painted yet but the exact contours of such a uniform code have not been spelt out, it should presumably incorporate the most modern and progressive aspects of all existing personal laws while discarding those which are retrograde. Basically, uniform civil code is a try to give the whole picture a more regulated and systematic look.

In India, we have a criminal code that is equally applicable to all, irrespective of religion, caste, gender and domicile. However, a similar code does not exist especially with respect to divorce and succession, and we are still governed by the personal laws. These personal laws are varied in their sources, philosophy and application. Thus, a major constraint arises while bringing people governed by different religions under one roof.

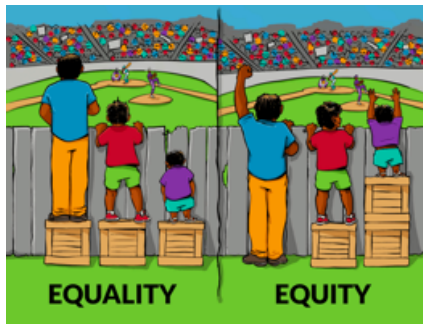
Article 44 of the Constitution of India states, *“The State shall endeavor to secure for the citizens a Uniform Civil Code throughout the territory of India”*

A uniform civil code 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. Such codes are in place in most modern nations.

History of UCC

India might have achieved its true Independence in 1947, however the foundation of it began in 1935, provided to us via the Government of India Act, 1935. Later on, in 1942, when a mission headed by Sir Stafford Cripps was sent to India with Constitutional proposals, the entire thought around UCC and Communal Laws began in India, with the British having an obdurate term for Minority Rights to be protected by the Legislations (Laws) of the country. To provide them with equality, the concept of equity was used.

As you can see in the adjoined image, the concept of Equality and Equity is differentiated upon in a simple way.



To put in simple words. Equality is like giving everyone the same-sized slice of cake, even if some people are bigger than others. Everyone gets the same amount, but some people might not get as much as they need.

Equity is like giving everyone the amount of cake they need, based on their size. Some people might get a bigger slice, and some people might get a smaller slice, but everyone will have enough to eat.

Which is why, provisions and procedures exist to protect minority rights and interests. Hence, specific laws were created for specific communities to protect their rights and interests.

The UCC was proposed as Article 35 of the Draft Constitution – to which, the strongest, most vocal opposition was from Muslim leaders. Mohammad Ismail, member of the Indian Union Muslim League, pushed for an addition that provided that “any group, section or community of people shall not be obliged to give up its own personal law in case it has such a law”. Nazir Ahmed argued that the very concept of Uniform Civil Code clashed with the religious and cultural freedom guaranteed to every citizen. A number of Hindu members of parliament expressed their opinions to the contrary.

KM Munshi argued that “Religion must be restricted to spheres which legitimately appertain to religion, and the rest of life must be regulated, unified and modified in such a manner that we may evolve, as early as possible into a strong and consolidated nation.” He also added that a Uniform Civil Code could be enacted by the state even in the absence of Article 35, as Article 25 of the Constitution (guaranteeing religious freedom) also gave the state the power to secularize practices.

Dr. B.R. Ambedkar was an extensive supporter of the Uniform Civil Code; however, he couldn't get it through more than a status of Directive Principle due to opposition from the members. This directive principle is aimed to achieve, gradually, rather than at once, more far-reaching equality for all citizens.

UCC as a Legislative reform

The Hindu law discriminated against women by depriving them of inheritance, remarriage and divorce. Their condition especially that of Hindu widows and daughters, was poor due to this and other prevalent customs. The British and social reformers like Ishwar Chandra Vidyasagar were instrumental in outlawing such customs by getting reforms passed through legislative processes. Since the British feared opposition from orthodox community leaders, only the Indian Succession Act 1865, which was also one of the first laws to ensure women's economic security, attempted to shift the personal laws to the realm of civil. The Indian Marriage Act 1864 had procedures and reforms solely for Christian marriages. There were law reforms passed which were beneficial to women like the Hindu Widow Remarriage Act of 1856, Married Women's Property Act of 1923 and the Hindu Inheritance (Removal of Disabilities) Act, 1928, which in a significant move, permitted a Hindu woman's right to property.

The call for equal rights for women was only at its initial stages in India at that time and the reluctance of the British government further deterred the passing of such reforms. The All-India Women's Conference (AIWC) expressed its disappointment with the male-dominated legislature and Lakshmi Menon said in an AIWC conference in 1933, "If we are to seek divorce in court, we are to state that we are not Hindus, and are not guided by Hindu law. The members in the Legislative assembly who are men will not help us in bringing any drastic changes which will be of benefit to us." The women's organizations demanded a uniform civil code to replace the existing personal laws, basing it on the Karachi Congress resolution which guaranteed gender-equality.

The passing of the Hindu Women's right to Property Act of 1937, also known as the Deshmukh bill, led to the formation of the B. N. Rau committee, which was set up to determine the necessity of common Hindu laws. The committee concluded that it was time of a uniform civil code, which would give equal rights to women keeping with the modern trends of society, but their focus was primarily on reforming the Hindu law in accordance with the scriptures. The committee reviewed the 1937 Act and recommended a civil code of marriage and succession; it was set up again in 1944 and send its report to the Indian Parliament in 1947.

The Special Marriage Act, which gave the Indian citizens an option of a civil marriage, was enacted first in 1872. It had a limited application because it required those involved to renounce their religion and was applicable only to Hindus. The later Special Marriage (Amendment) Act, 1923 permitted Hindus, Buddhists, Sikhs and Jains to marry either under their personal law or under the act without renouncing their religion as well as retaining their succession rights.

Fundamental rights Vs. Directive Principles

Fundamental Rights- Fundamental Rights are a set of rights that are guaranteed to all citizens of India by the Constitution. These rights are essential for the development and protection of individuals. They include the right to equality, the right to freedom of speech and expression, the right to practice any religion, the right to constitutional remedies, and others. Fundamental Rights are justiciable, which means that if someone feels these rights are being violated, they can approach the courts for protection and enforcement. The purpose of these rights is to provide every citizen with basic human rights that safeguard their dignity and personal freedom.

Directive Principles of State Policy(DPSP)- Directive Principles of State Policy, on the other hand, are guidelines or principles set out in the Constitution for the state to follow in order to establish a just society. These principles are not enforceable by law, which means that individuals cannot go to court to enforce these directives. However, they are considered fundamental in the governance of the country and aim to ensure social and economic welfare. DPSPs include provisions for securing a living wage, ensuring equal pay for equal work, providing free legal aid, promoting education and public health, and protecting the environment. They serve as a guide to the central and state governments in making laws and policies.

Key Differences- The main difference between Fundamental Rights and DPSP lies in their enforceability and nature. Fundamental Rights are legally enforceable and provide individual protection against the state's actions, ensuring personal freedoms and rights. DPSP, while not legally enforceable, serve as guiding principles that aim to establish economic and social democracy by directing the state to create policies that benefit the general welfare of the people. Together, they embody the ideals of the Constitution, striving to balance individual rights with the collective good.

Important Articles of the Constitution in relation to the UCC

Article 13 - is about the supremacy of fundamental rights. It says that no law can take away or abridge any of the fundamental rights that are listed in Part III of the Constitution. This means that if a law is passed that goes against one of the fundamental rights, then that law is invalid.

Article 14 - is about the right to equality. It says that everyone is equal before the law and has equal protection of the laws. This means that no one can be discriminated against on the basis of their religion, race, caste, sex, place of birth, or any other ground. Article 14 also says that the government can make special provisions for certain groups of people, but these provisions must be reasonable and must not be discriminatory.



Article 15 - The State cannot discriminate against anyone on the basis of their religion, race, caste, sex, or place of birth. This means that everyone has the same rights and opportunities, regardless of their background. The State can make special provisions for women and children, but these provisions must be reasonable and must not be discriminatory.

Article 16 - Everyone has the same right to get a government job, regardless of their background or circumstances. The government can make reservations in public employment for certain groups of people, but these reservations must be reasonable and must not be discriminatory.

Article 25 - Everyone in India has the right to choose their own religion, to practice their religion freely, and to share their religion with others. However, this right is not absolute. The government can restrict the freedom of religion if it is necessary to protect public order, morality, or health. For example, the government can ban a religious practice that is harmful to people's health, such as snake charming. The government can also ban a religious practice that is disruptive to public order, such as a religious procession that is blocking traffic.

Article 26 - every religious group in India has the right to manage its own affairs in matters of religion. This means that religious groups can decide how they want to worship, who they want to be a part of their group, and what property they want to own. The government cannot interfere with these decisions.

Article 29 - people who belong to minority groups have the right to protect their culture and language. This means that they can start their own schools and teach their children their own language and culture. The government cannot stop them from doing this.

The Indian approach to UCC

Constitution of India, Directive principle of state policy, Art.44 says that the government of India should strive to bring a Uniform Civil code in the country. But as Article 37 of the Constitution itself makes clear, the directive principles "shall not be enforceable by any court". Nevertheless, they are "fundamental in the governance of the country".

Therefore, it has never been tried hard to bring a uniform civil code though it has been in manifestation but in no one's action. But there have been many incidents that India needs a Uniform Civil Code.

Mohd. Ahmed Khan v. Shah Bano Begum commonly referred to as the Shah Bano case, was a controversial maintenance lawsuit in India. Shah Bano, a 62-year-old Muslim mother of five from Indore, Madhya Pradesh, was divorced by her husband in 1978. She filed a criminal suit in the Supreme Court of India, in which she won the right to alimony from her husband. However, she was subsequently denied the alimony when the Indian Parliament reversed the judgment under pressure from Islamic orthodoxy. The judgment in favor of the woman in this case evoked criticisms among Muslims some of whom cited Quran to show that the judgment conflicted with Islamic law. It triggered controversy about the extent of having different civil codes for different religions, especially for Muslims in India. This case caused the Congress government, with its absolute majority, to pass the Muslim Women (Protection of Rights on Divorce) Act, 1986 which diluted the judgment of the Supreme Court and denied even utterly destitute Muslim divorcées the right to alimony from their former husbands. However, in the later judgments including Daniel Latifi case and Shamima Farooqui v. Shahid Khan case, the Supreme Court of India interpreted the act in a manner reassuring the validity of the case and consequently upheld the Shah Bano judgment and The Muslim Women (Protection of Rights on Divorce) Act 1986 was nullified. Many Muslims including All India Shia Personal Law Board supported the Supreme Court of India's order to make the right to maintenance of a divorced Muslim wife absolute.

The Act has led to Muslim women receiving a large, one-time payment from their husbands during the period of iddat, instead of a maximum monthly payment of ₹500 – an upper limit which has since been removed. Cases of women getting lump sum payments for lifetime maintenance are becoming common. However, it is seen that despite its unique feature of no ceiling on quantum of maintenance, the Act is sparingly used because of the lack of its knowledge even among lawyers. The legal fraternity generally uses the CrPC provision while moving maintenance petitions, considering it handy.

The Shah Bano case had once again spurred the debate on the Uniform Civil Code in India. Ironically, the Hindu Right led by parties like the Jan Sangh which had strongly opposed reform of Hindu law in the 1950s, in its metamorphosis as the Bhartiya Janata Party, became an advocate for secular laws across the board. However, their opposition to the reforms was based on the argument that no similar provisions would be applied for the Muslims on the claim that they weren't sufficiently advanced. The pressure exerted by orthodox Muslims caused women's organizations and secularists to cave in.

The constitutional validity of The Muslim Women (Protection of Rights on Divorce) Act 1986 was challenged before the Supreme Court in Danial Latifi & Anr v. Union of India by Daniel Latifi in 2001, who was the lawyer of Shah Bano in the Shah Bano case. The Supreme Court tried to maintain a balancing act, attempting to uphold Muslim women's rights without addressing the constitutionality of gender and religious discrimination in personal law. Court reiterated the validity of the Shah Bano judgment. The Muslim Personal Law Board, an intervener, questioned the authority of the court to interpret religious texts.



The Court concluded that the Act does not, in fact, preclude maintenance for divorced Muslim women, and that Muslim men must pay spousal support until such time as the divorced wife

remarries. However, the Court held that if the Act accorded Muslim divorcees unequal rights to spousal support compared with the provisions of the secular law under section 125 of the Criminal Procedure Code, then the law would in fact, be unconstitutional. Further the Supreme Court construed the statutory provision in such a manner that it does not fall foul of articles 14 and 15 of the Constitution of India. The provision in question is Section 3(1)(a) of the Muslim Women (Protection of Rights on Divorce) Act, 1986 which states that “a reasonable and fair provision and maintenance to be made and paid to her within the iddat period by her former husband”. The Court held this provision means that reasonable and fair provision and maintenance is not limited for the iddat period (as evidenced by the use of word “within” and not “for”). It extends for the entire life of the divorced wife until she remarries.



Judiciary on UCC and Case Laws

The supreme court is quite helpless on this issue it has many a times stated that Supreme court cannot direct the Parliament to pass the UCC, previously in the year while hearing a case pertaining to whether a Christian has the right to bequeath property to a charity, the court regretted the fact that the state had not yet implemented a uniform civil code. This is not the first time that the apex court has expressed itself in favor of a uniform civil code or taken a dim view of the government and legislature's inability to bring it into being. There have been other occasions like during the Shah Bano case and later in the Sarla Mudgal case where the apex court has come out strongly in favor of the enactment of a uniform civil code. However, none of these comments are binding on the executive or the legislature and do not amount to orders. At best, they exert some moral pressure on the Indian state to move towards formulating a uniform civil code.

The Supreme Court in the judgment said that.

“If you want to have a uniform civil code, have it, you want to follow the uniform civil code, follow it. But you must take a decision soon,” a bench headed by justice Vikramajit Sen told solicitor general Ranjit Kumar.

In the above case Albert Anthony has challenged the validity of Section 10A (1) of the Divorce Act, 1869, saying the two-year mandatory period of separation was biased against the Christian community amounting to “hostile discrimination”.

The Kerala and Karnataka high courts had declared the provision unconstitutional but Christians living in the other states were being denied benefit of the two judgments, he said. Granting relief to unwed mothers who did not want to reveal the name of their child's father in a guardianship case, justice Sen in July strongly advocated such a code.

Recently a very recent PIL was also filed by Ashwini Kumar Upadhyay, a lawyer and a member of the BJP which was quashed by the court and the three-judge bench led by Chief Justice T S

Thakur said the apex court's observations for enacting a common law can only be in the “realm of hope and expectations” but a mandamus (directive) cannot be issued to the government.

The bench, also comprising Justices A K Sikri and R Banumathi, observed that it is for a person, aggrieved over violation of rights and discrimination due to a personal law, to move the court and somebody from a different community or religion cannot seek a common code alleging vices. “The law is well-settled on this issue. We have taken a view that these are decisions to be taken by Parliament. How can we issue a mandamus in a matter like this? We



can understand your commitment to achieving the constitutional goal, but this cannot be done through a mandamus from the court,” the bench told senior advocate Gopal Subramaniam.

Mohammad Ahmed Khan Vs. Shah Bano Begum

The Supreme Court for the first time, directed the Parliament to frame a Uniform Civil Code in the year 1985, in the case popularly known as the Shah Bano case. In this case, a penurious Muslim woman claimed for maintenance from her husband under Section 125 of the Code of Criminal Procedure after she was given triple talaq from him. The Supreme Court held that the Muslim woman has a right to get maintenance from her husband under Section 125. The Court also held that Article

44 of the Constitution has remained a dead letter. The then Chief Justice of India Y. V. Chandrachud observed that, "A common civil code will help the cause of national integration by removing disparate loyalties to law which have conflicting ideologies". After this decision, nationwide discussions, meetings, and agitation were held. The then Rajiv Gandhi led Government overturned the Shah Bano case decision by way of Muslim Women (Right to Protection on Divorce) Act, 1986 which curtailed the right of a Muslim woman for maintenance under Section 125 of the Code of criminal Procedure. The explanation given for implementing this

Act was that the Supreme Court had merely made an observation for enacting the UCC; not binding on the government or the Parliament and that there should be no interference with the personal laws unless the demand comes from within.

Bijoe Emmanuel V. State of Kerala

Controversy: The children in this story belong to a religion that doesn't allow them to sing songs that aren't about God. One day, the school played the national anthem and the children didn't sing it. The school thought this was disrespectful and kicked the kids out. The kids' parents sued the school and the Supreme Court said that the kids had a right to not sing the national anthem.

Held: The children in this story didn't sing the national anthem because it's against their religion. The school thought they were being disrespectful, but the Supreme Court said they weren't. The Court said that everyone has the right to follow their religion, and that refusing to sing the national anthem doesn't mean you're being disrespectful.

Notes: The basic inference which comes up via this case is the importance of religious freedom provided to the citizens of India via the fundamental right. In this case, one may understand that the rights provided to the citizens supersede their fundamental duties, to protect the interests and traditions of our citizens, albeit on the cost of some moral concepts.

Sarla Mugdal V. Union of India

Controversy: The personal laws of the Muslim Religion permits men to marry up to four times without divorcing others. The same is not allowed by the personal laws of other religions. A practicing and married Hindu converted into Islam and took another wife. He thereafter reconverted into Hinduism and divorced. As a result, his wife could neither avail maintenance either under Hindu or Muslim law.

Held: Conversion only for such base purposes is not allowed and does not amount to practicing religion as guaranteed by Article 19(1) (a) and Article 25. This case also highlighted the desirability of a Uniform Civil Code

Notes: The case highlights a classic example of how citizens exploit laws upon their own benefit. In this case, the man didn't use his rights to profess his belief, or to practice his religion or to worship his god, but to cheat on his lawfully wedded wife and to avoid the punishment of law. Although the courts made sure he wasn't able to do so, it still poses a question of the exceptionalism provided to certain communities via the law and how it is open to a ridiculous amount of exploitation harming social and gender justice.

Mohd. Qureshi Vs State of Bihar

The Mohd Qureshi vs. State of Bihar (1958) case is a landmark Supreme Court judgment in India that addressed the constitutionality of state-imposed cow slaughter bans. The appellants, members of the Qureshi community traditionally involved in cattle slaughter and beef trade, argued that these bans violated their fundamental rights under Articles 25 and 19(1)(g) of the Constitution, which protect religious freedom and the right to carry on trade. The Court determined that cow slaughter was not an essential religious practice for Muslims, thus dismissing the Article 25 claim via the Doctrine of Essentiality. *(The doctrine of essentiality under Indian constitutional law is a judicial principle used to determine which religious practices are protected under Article 25 (right to freedom of religion) of the Indian Constitution. Established by the Supreme Court of India, this doctrine differentiates between essential and non-essential religious practices, safeguarding only those that are deemed essential to a religion. To apply this doctrine, the Court examines religious texts, tenets, and historical practices to identify what constitutes an essential part of a religion. If a practice is deemed essential, it is protected from state interference; if not, it may be subject to regulation or restriction in the interest of public order, morality, and health. This doctrine aims to prevent the misuse of religious freedom claims while ensuring that core religious practices are upheld, balancing individual rights with broader societal concerns.)* Regarding Article 19(1)(g), while the ban did interfere with business, the Court found the restrictions reasonable and justified in the public interest, given the economic and agricultural importance of cattle. Consequently, the Court upheld the bans, emphasizing that such regulations served a larger public interest and met the reasonableness test under Article 19(6). This judgment set a significant precedent,

highlighting the balance between individual rights and societal interests, particularly in the economic and cultural context of Indian society.

What had prevented a uniform civil code from coming into being?

Since it involves a change in laws, an obvious prerequisite is sufficient support for the move within Parliament. The reason this has been difficult to achieve has been because most parties have held the view that the reform of laws pertaining to the personal domain is better done by pressure for such change from within communities rather than as an imposition from above. Further, historical reasons, the demand for a uniform civil code has acquired communal overtones which have overshadowed the innate merits of the proposal. To put the delay in perspective, however, it should be added that Article 44 of the Constitution is by no means the only directive principle to have not been implemented more than half a century after it was laid down. Most directive principles continue to remain pious doctrines rather than the law of the land.

Secularism

The spine of controversy revolving around UCC has been secularism and the freedom of religion enumerated in the Constitution of India. The preamble of the Constitution states that India is a “secular democratic republic” This means that there is no State religion. A secular State shall not discriminate against anyone on the ground of religion. A State is only concerned with the relation between man and man. It is not concerned with the relation of man with God. It does not mean allowing all religions to be practiced. It means that religion should not interfere with the mundane life of an individual.

In *S.R. Bommai v. Union of India*, as per Justice Jeevan Reddy, it was held that religion is the matter of individual faith and cannot be mixed with secular activities. Secular activities can be regulated by the State by enacting a law. In India, there exist a concept of “positive secularism” as distinguished from doctrine of secularism accepted by America and some European states i.e., there is a wall of separation between religion and State. In India, positive secularism separates spiritualism with individual faith. The reason is that America and the European countries went through the stages of renaissance, reformation and enlightenment and thus they

can enact a law stating that the State shall not interfere with religion. On the contrary, India has not gone through these stages and thus the responsibility lies on the State to interfere in the matters of religion to remove the impediments in the governance of the State.



Articles 25 and 26 guarantee the right to freedom of religion. Article 25 guarantees to every person the freedom of conscience and the right to profess, practice and propagate religion. But

this right is subject to public order, morality and health and to the other provisions of Part III of the Constitution. Article 25 also empowers the State to regulate or restrict any economic, financial, political or other secular activity, which may be associated with religious practice and to provide for social welfare and reforms. The protection of Articles 25 and 26 is not limited to matters of doctrine of belief. It extends to acts done in pursuance of religion and, therefore, contains a guarantee for ritual and observations, ceremonies and modes of worship, which are the integral parts of religion.

UCC is not opposed to secularism or will not violate Article 25 and 26. Article 44 is based on the concept that there is no necessary connection between religion and personal law in a civilized society. Marriage, succession and like matters are of secular nature and, therefore, law can regulate them. No religion permits deliberate distortion. The UCC will not and shall not result in interference of one's religious beliefs relating, mainly to maintenance, succession and inheritance.

This means that under the UCC a Hindu will not be compelled to perform a nikah or a Muslim be forced to carry out saptapadi. But in matters of inheritance, right to property, maintenance and succession, there will be a common law.

Codification:

The biggest obstacle in implementing the UCC, apart from obtaining a consensus, is the drafting. Should UCC be a blend of all the personal laws, or should it be a new law adhering to the constitutional mandate? There is a lot of literature churned out on UCC but there is no model law drafted. Many think that under the guise of UCC, the Hindu law will be imposed on all. The possibility of UCC being only a repackaged Hindu law was ruled out by Prime Minister Atal Bihari Vajpayee when he said that there will be a new code based on gender equality and comprising the best elements in all the personal laws. The UCC should carve a balance between protection of fundamental rights and religious dogmas of individuals. It should be a code, which is just and proper according to a man of ordinary prudence, without any bias with regards to religious or political considerations

Personal Laws

	I. Hindu	II. Muslim	III. Christian	IV. Parsi	V. Jewish
Marriage	<p>M*: May have only one spouse at a time.⁴⁷</p> <p>F*: May have only one spouse at a time.⁴⁸</p>	<p>M: May have up to four spouses at a time.⁴⁹</p> <p>F: May have only one spouse at a time.⁵⁰</p>	<p>M: May have only one spouse at a time.⁵¹</p> <p>F: May have only one spouse at a time.⁵²</p>	<p>M: May have only one spouse at a time.⁵³</p> <p>F: May have only one spouse at a time.⁵⁴</p>	<p>M: May have only one spouse at a time.⁵⁵</p> <p>F: May have only one spouse at a time.⁵⁶</p>
Divorce	<p>M: May be granted by a court on grounds listed in statute.⁵⁷</p> <p>F: May be granted by a court on grounds as available to a man, or on four additional grounds.⁵⁸</p>	<p>M: Effected by formal performative utterance following attempts at reconciliation with arbitrators . Must show reasonable cause for divorce. ⁵⁹</p> <p>F: May be granted (by a court) on the grounds listed in statute.⁶⁰</p>	<p>M: May be granted by a court on grounds listed in statute.⁶¹</p> <p>F: May be granted by a court on grounds as available to a man, or on three additional grounds.⁶²</p>	<p>M: May be granted by a court on grounds listed in statute and on one ground not available to the wife.⁶³</p> <p>F: May be granted by a court on grounds as available to a man, and on one additional ground.⁶⁴</p>	<p>M: Divorce effected by the husband giving a bill of divorcement or a 'get' to the wife, or by order of the court.⁶⁵</p> <p>F: Divorce effected by the husband giving a bill of divorcement or a 'get' to the wife, or by order of the court.⁶⁶</p>
Alimony/ Maintenance	<p>M: May apply for maintenance from spouse.⁶⁷ The order for maintenance may be affected by the fact that 'he has had sexual intercourse with any woman outside wedlock'.⁶⁸</p> <p>F: May apply for maintenance from spouse.⁶⁹ The order for maintenance may be affected by the fact that 'she has not remained chaste.'⁷⁰</p>	<p>M: No provision to apply for maintenance from spouse.</p> <p>F: May apply for maintenance from spouse.⁷¹</p>	<p>M: No provision to apply for maintenance from spouse.⁷²</p> <p>F: May apply for maintenance from spouse.⁷³</p>	<p>M: May apply for maintenance from spouse.⁷⁴ The order for maintenance may be affected by the fact that 'he has had sexual intercourse with any woman outside wedlock'.⁷⁵</p> <p>F: May apply for maintenance from spouse.⁷⁶ The order for maintenance may be affected by the fact that 'she has not remained chaste'.⁷⁷ The Court may settle part of the property of an adulterous woman on her children.⁷⁸ Further, a woman may not receive maintenance payments directly,</p>	<p>M: No provision to apply for maintenance from spouse.</p> <p>F: May apply for maintenance from spouse in certain circumstances.⁸⁰</p>

				but through a court-appointed guardian. ⁷⁹	
Succession	<p>M: According to statute, with no significant distinctions made between sons and daughters.⁸¹ In general, may bequeath all assets.⁸²</p> <p>F: According to statute, with no significant distinctions being made between sons and daughters.⁸³ In general, may bequeath all assets.⁸⁴</p>	<p>M: In general, male heirs in the same relationship to the deceased as female heirs inherit more.⁸⁵ In general testamentary power is limited; men cannot bequeath more than one-third of their assets.⁸⁶</p> <p>F: In general, male heirs in the relationship to the deceased as female heirs inherit more.⁸⁷ In general, testamentary power is limited; women cannot bequeath more than one-third of their assets.⁸⁸</p>	<p>M: In general, according to statute with no significant distinctions made between sons and daughters.⁸⁹ In general, may bequeath all assets.⁹⁰</p> <p>F: According to statute, with no significant distinctions made between sons and daughters.⁹¹ In general, may bequeath all assets.⁹²</p>	<p>M: According to statute with no significant distinctions made between sons and daughters.⁹³ In general, may bequeath all assets.⁹⁴</p> <p>F: According to statute, with no significant distinctions made between sons and daughters.⁹⁵ In general, may bequeath all assets.⁹⁶</p>	<p>M: In general, according to statute with no significant distinctions made between sons and daughters.⁹⁷ In general, may bequeath all assets.⁹⁸</p> <p>F: According to statute, with no significant distinctions made between sons and daughters.⁹⁹ In general, may bequeath all assets.¹⁰⁰</p>
Adoption and Guardianship	<p>M: Has the power to adopt under the personal law, but if married his wife's consent is required.¹⁰¹ Has primary power of guardianship of any children, above that of the mother.¹⁰²</p> <p>F: No power to adopt if married. May adopt otherwise.¹⁰³ Has power of guardianship of any children secondary to that of the Father</p>	<p>M: No power to adopt under the personal law.¹⁰⁵ Has primary power of guardianship of children, above that of the mother.¹⁰⁶ However, may adopt under general law.¹⁰⁷</p> <p>F: No power to adopt under the personal law.¹⁰⁸ Has power of guardianship of any children secondary to that of the father. However, may adopt under general law</p>	<p>M: No power to adopt under the personal law. ¹¹¹ Has primary power of guardianship of children, above that of the mother.¹¹² However, may adopt under general law.¹¹³</p> <p>F: No power to adopt under the personal law.¹¹⁴ Has power of guardianship of any children secondary to that of the father. However, May adopt under general law</p>	<p>M: No power to adopt under the personal law. ¹¹⁷ Has primary power of guardianship of children, above that of the mother. ¹¹⁸ However, may adopt under general law.¹¹⁹</p> <p>F: No power to adopt under the personal law.¹²⁰ Has power of guardianship of any children secondary to that of the father. ¹²¹ However, may adopt under general law.¹²²</p>	<p>M: Unlikely that Indian courts would recognise adoptions under Jewish law.¹²³ Has primary power of guardianship of children, above that of the mother. ¹²⁴ However, may adopt under general law.¹²⁵</p> <p>F: Unlikely that Indian courts would recognise adoptions under Jewish law.¹²⁶ Has power of guardianship of any children secondary to that of the father. ¹²⁷ However, may adopt under general law.¹²⁸</p>

Further Reading and Research Links

1. <https://youtu.be/FbVw7EZZ0UE-> One Country, One Law: Time For A Uniform Civil Code? | Arth - A Culture Fest 2023.
2. <https://www.livemint.com/news/india/ucc-row-centre-opposition-lockedhorns-at-uniform-civil-code-check-top-updates-here-11688616049122.html>
3. <https://www.thehindu.com/opinion/lead/india-needs-a-uniform-civil-code/article67050330.ece>
4. <https://economictimes.indiatimes.com/news/how-to/what-is-uniform-civil-code-what-does-constitution-say-about-it-why-its-such-a-controversial-topics-in-india/articleshow/101348565.cms>
5. <https://www.ndtv.com/opinion/why-india-needs-a-uniform-civil-code-4161333>
6. <https://www.legalservicesindia.com/article/394/Should-India-have-a-Uniform-Civil-Code?.html>
7. <https://theprint.in/opinion/uniform-civil-code-can-be-the-real-unifying-force-in-india-critics-must-think-again/953898/>
8. <https://www.livemint.com/news/india/uniform-civil-code-ucc-karnatakabjp-elections-states-which-want-to-implement-ucc-11683109712072.html>
9. <https://www.hindustantimes.com/india-news/sec-494-discriminatory-high-court-issues-notice-101677953907548.html>
10. <https://thewire.in/politics/election-rhetoric-or-real-plan-opposition-raises-questions-as-bjp-broaches-ucc-yet-again>
11. <https://www.legalserviceindia.com/legal/article-5493-muslim-personal-laws-in-india.html>