



**Uniform Civil Code: A Step Towards Women Empowerment**

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**Introduction**

Women empowerment has now days become a buzzword. It is not an easy task to define this dynamic concept. What empowerment means differs from country to country depending on the cultural and social backgrounds. But one of the unique features of empowerment is to have a prestigious life, equal both to male and female. This dignified life is secured through Constitution of India, supreme law of the land. Part III of the Constitution provides with different aspects of equality and justice which are reflected through specific Articles. India is a sovereign, socialist, secular, democratic and republic. India has no state sponsored religion but respects all the religions. Positive secularism is reflected in Part III of the Constitution of India and is made a specific Fundamental Right of Freedom to Religion. Articles 25 to 28 talk about Freedom of Religion. As per the Constitutional mandate, Articles 14, 15 and 21, which are referred as the golden triangle of the Constitution of India, provide equality rights to all the citizens of the country irrespective of caste, color, creed, sex, place of birth and so on. It is the duty of state to create such an environment that the citizens of the country may enjoy their Fundamental Rights. Positive secularism being one of the prestigious fundamental right requires a democratic policy of the state for its full attainment. Therefore, matters of pure religious concern must be dealt with personal laws. Today, all the religions in India have their own codified and uncodified personal laws which ensure a freedom of religion to all the sections of the society. But, undue dragging of pure civil matters within the domain of personal laws has created a big menace to the womanhood. Matters like marriage, divorce are dealt by the personal laws of every religion and are the main reason for discriminatory treatment to the women. The social evils and orthodoxies are reflected in the rules of marriage and divorce. The discrimination not only lies between the matrimonial customs for male and female of the same religion but also there is a general discrimination in enjoyment of equality rights between females of different religions and they are subjected to torture, harassment and all sorts of social impediments which makes their lives a hell and least worth living. For instance, talaq-e-biddat also known as talaq-e-mughallazah was such a bad custom among Mohammedans which caused violation of Article 14, 15, 19 and 21 of Muslim women. This was the reason why Supreme Court abrogated triple talaq. Therefore, it is necessary to make a balance between different fundamental rights. Positive secularism may not be stretched to such an extent so that it may interfere in enjoyment of other fundamental rights which are equally important. Therefore, it is high time to implement uniform civil code so that equilibrium may be maintained between freedom of religion and other fundamental rights. The matter which are pure religious in nature must be dealt by the respective personal laws of different religions giving due regard to positive secularism. But the matter which are pure civil in nature must be scrutinized out of these personal laws and uniformity should be maintained in their application for all the citizens. This positive step may prove to be a landmark in furtherance of gender equality and women empowerment.

**Women Empowerment in India: Historical Perspective**

With regard to position and status, women were given identical treatment with men during the rig vedic period. In the scriptures, women are shown as warriors holding an equal position, being more than their better half. Opportunity for education during the early Vedic period was provided to women. The system of "Swayamvar" offered women the opportunity to choose their own husbands. In spite of the patriarchal ethos that controlled ancient India, women were accorded respect and affection. But, with time, the women's position and status in the society got diminished. Due to such disadvantaged position of women, the society started creating inequity with regard to gender. During the Vedic Period (around 1500–1000 B.C.), women were regarded equal to the mother goddess (Shakti), indicating a high ability for sacrifice and tolerance. But they were not independent, rather according to Manu, a woman would rely on her son in her old age, her spouse during youth, and her father during infancy.<sup>1</sup>

India is renowned for demonstrating the concept of "unity in diversity." Every religion in India accords a special place for women, which serves as a large blindfold over the public's eyes and contributes to the long-standing practise of numerous harmful acts (including those that are physical and mental) against women. Sati pratha, the nagarvadhu system, the dowry system, female infanticide, pardah system, sexual abuse in the work field, child marriage and so on

<sup>1</sup> Clarisse Bader, *Women in Ancient India: Moral and Literary Studies*, 1st edition (Routledge, London, 2013).



were discriminatory practises in the ancient Indian civilization. The patriarchal structure of society and the male superiority mindset are to be blamed for all of these wrongdoings. Women's socio-political rights, such as their right to work, to receive education, freedom of making decisions, etc., were severely constrained by the male family members. The fantastic and open-minded Indian individuals who speak out against discriminatory behaviours opposed to women have helped abolish few such bad practises. Constant attempts made by Raja Ram Mohan Roy forced the British to end the harmful and inhumane practise of burning women alive along with their dead husbands. Several renowned social reformers of India such as Ishwar Chandra Vidyasagar, Acharya Vinoba Bhave, Swami Vivekananda, etc. also spoke up and made significant contributions towards the evolution of women in Indian society. The male family members severely restricted the socio-political rights of women, including their right to work, receive education, their judgment making ability, etc. Few harmful practises against women have been done away with because of the open-mindedness of the people in the society who speak out against them. In India's war for independence, women were a crucial component. Few well-known liberation warriors are Vijayalakshmi Pandit, Rajkumari Amrit Kaur, Aruna Asaf Ali, Sucheta Kriplani, and Kasturba Gandhi. Captain Lakshmi Sahgal was one of the women that comprised Indian National Army's Rani of Jhansi Regiment. Freedom fighter as well as poet, Sarojini Naidu was also the first woman from India to hold position of governor of state and the first Native American woman to serve in the Indian National Congress as President.<sup>2</sup>

#### **Rights of Women in reference to Personal Laws**

In India, various personal laws govern the diverse society. These laws are not uniform and differ from religion to religion. Under these personal laws, women's rights regarding marriage and property are not effectively safeguarded. This has resulted in egregious violation of human rights of women secured in the Constitution of India and also under the International Conventions relating to protection of human rights. Under Hindu law, polygamy was permitted before the enactment of the Act of 1955 which disallowed polygamy.<sup>3</sup> The marriage was regarded indissoluble and women had no right to choose or marry another husband or more than one husband while on the other hand, man was allowed to marry as many numbers of wives as he wished. It was only after the Act of 1955 that monogamy became illegal and women got a right to obtain divorce. But in the case of Muslim personal law, the situation is different wherein polygamy is still allowed. In a polygamous Muslim marriage, women mostly become subjected to mental harassment. Before the judgment of Triple Talaq, the method of pronouncing talaq three times by husband was too arbitrary and discriminatory against women. In accordance with Parsi law, the children of a Parsi man who gets his marriage solemnized outside the community are acknowledged as 'Parsis,' but this is not the case for a woman. If a Parsi woman marries outside of her community, her offspring are not considered to be 'Parsi'. In addition, if a Parsi woman marries a non-Parsi man, she is no longer recognised as a Parsi and is prohibited from following all Parsi religious customs.<sup>4</sup> The legislation enacted the Act of 1954 which permits any resident of India to marry under the Act regardless of the faith he/she practices.<sup>5</sup> In case of adoption, earlier, a husband would adopt even after opposition from his wife and would also restrict adoption by his widow. The husband now no longer can adopt without the wife's permission as per the Act of 1956.<sup>6</sup> In case of Muslim law, adoption is not recognized. But with the help of secular law, any person can adopt a child without having regard to his/her faith.<sup>7</sup> It was also ruled by the Apex Court in a landmark decision that a child can be adopted by anyone even if the personal rules of that religion do not allow.<sup>8</sup> Thus, taking the benefit of a secular law, With regard to the proprietary rights, as per Hindu Law, women could not become coparceners and had no property right. Such a right was only enjoyed by the sons of the family. The Act of 1956<sup>9</sup> gave women an absolute right and allowed them to become equal sharers of their father's property. After the amendment in the Act in the year, the daughters now could become the coparceners too.<sup>10</sup> But even after such a reformatory change, there is always a chance where women are denied of their property rights as the society is still male dominated, and morally they consider sons or males as the sole holder of the property, depriving the daughters or women of their property rights. The property

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<sup>2</sup> Uma Chakravarti, "Beyond the Altekarian Paradigm: Towards a New Understanding of Gender Relations in Early Indian History," 16 *Social Scientist* 44 (1988).

<sup>3</sup> The Hindu Marriage Act, 1955 (Act 25 of 1955).

<sup>4</sup> The Parsi Marriage and Divorce Act (Act 3 of 1936).

<sup>5</sup> The Special Marriage Act, 1954 (Act 43 of 1954).

<sup>6</sup> The Hindu Adoptions and Maintenance Act, 1956 (Act 78 of 1956).

<sup>7</sup> The Juvenile Justice (Care and Protection of Children) Act, 2015 (Act 2 of 2016).

<sup>8</sup> *M/S Shabnam Hashmi vs Union of India*, (2014) 4 SCC 1.

<sup>9</sup> The Hindu Succession Act, 1956 (Act 30 of 1956).

<sup>10</sup> The Hindu Succession (Amendment) Act, 2005 (Act 39 of 2005).



rights of Muslim women are secured by the Act of 1937<sup>11</sup>. The share of property received by Muslim men is double than the share received by Muslim women as it is believed that mehr and maintenance received by their husbands upon marriage compensates the remaining portion of their share. The Christians, Parsis and Jews are governed by the Act of 1925 with regard to property rights.<sup>12</sup> A Christian lady is entitled to a specified portion. The quantity of this share is contingent upon the deceased's other relatives. If neither children nor other relatives exist, she inherits the entire estate. A Parsi widow is entitled to an equal share of her husband's fortune with her children and the deceased's parents, who receive half of the child's share. In the absence of the parents, the inheritance is divided equally between the Parsi lady and her children.

It is evident that legislators have attempted to protect the interests of women. Despite the fact that our legislation and judiciary have made it possible for women to enjoy equal rights without regard to marriage and religion, awareness of rights and the confidence to assert them are the only weapons that can aid women in confronting any form of injustice at home, in the workplace, or in society.

#### **Empowerment of Women in India through Uniform Civil Code: Issues and Challenges**

Since long period of time, women have to struggle for breaking down boundaries that have existed for ages and breaking into a place that is dominated by men. The fact that in ancient India, women enjoyed a privileged position is attested to by history. However, with the rise of new religious traditions in their personal laws, women lost their standing and were further relegated towards the margins. Inequality in the personal laws on the basis of gender degraded their status in the society. To improve their position, British adopted a few reforms, including legislation to outlaw sati and restrict child marriage. The members of the Constituent Assembly, during the debates, too discussed about the implementation of the common civil code in the nation in order to remove religion and gender based disparities. But it was placed under Part IV of the Constitution of India as it was hoped to be enforced during favorable circumstances in future. However, there are still obstacles to their emancipation. They must battle to break down barriers that have existed for centuries and to enter a male-dominated space. The primary causes of women's issues are, among other things, crimes committed against them that have not yet ended. Women still lack their authority to make decisions, move freely, access to education, opportunities for employment, and exposure to media.<sup>13</sup>

In India, several factors contribute towards the complexity of the issues with regard to women's rights. The women empowerment will benefit immediately from the resolution of these issues.

- Inequality in personal laws especially pertaining to marriage and proprietary rights has resulted in the harsh treatment of women and their continuance demonstrates a stigmatization of women's status.
- Illiteracy prohibits women from working in traditional and modern sectors, agriculture, and business. In rural places, women's educational attainment progresses quite slowly. In addition, not everyone has equitable access to education.
- In general, women are unaware of their legal rights and regulations pertaining to enhancement of their personal status. Even though they are aware of certain clauses about their rights to succession, marriage, and family, they choose not to utilize them. Frequently, the traditional dominance of male parents, husbands, and other family elders restricts the extent to which women can utilize their legal rights. The manifestation of these problems depends greatly on cultural adjustments in attitude.
- The issue of gender inequality has caused India to substantially lag behind other nations and significant efforts are necessary from all religions to accomplish progress. Not all women are treated similarly. In terms of power, employment, and education, women's equality is still a personal rather than a societal achievement. The majority of our women continue to gladly accept their inferior status. Despite the fact that on paper, women and men share equal rights, there are few employment options for women, and working women are not adequately protected against exploitation. The crux of the problem is gender inequality in India. Gender inequality manifests itself in numerous ways. Other aspects include social stereotypes and domestic and societal violence. In some areas of the country, young girls, adolescent girls, and women continue to face discrimination.<sup>14</sup>
- Another issue is that there are defects in the judicial system due to the duration of legal procedures and the prevalence of various operational problems. Although there are several secular laws in place to protect women from infringement of their fundamental rights, yet they suffer from the delayed process of the courts.

<sup>11</sup>The Muslim Personal Law (Shariat) Application Act, 1937 (Act 26 of 1937).

<sup>12</sup>The Indian Succession Act, 1925 (Act 39 of 1925).

<sup>13</sup>Anil Dutta Mishra, "Women Empowerment: Issues and Challenges," 60 *Indian Journal of Public Administration* 398–406 (2014).

<sup>14</sup>Linda Mayoux and Professional Assistance for Development Action (eds.), *Sustainable Learning for Women's Empowerment: Ways Forward in Micro-Economics* (Samskriti, New Delhi, 2003).



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- Even though in India, child marriage is banned, but still many women get married before the age of consent, i.e. eighteen years. Despite several attempts by government and non-governmental organizations, there is still a substantial gap between those who are protected and those who are not.
- In some parts of the society, women are still regarded as secondary. It is a big challenge to change such patriarchal mindset as they have been following the old age male-biased customs since time immemorial.
- Influence from their families does not allow women to seek justice from the secular laws. They are stopped to approach the courts and are strictly tied to their rituals and customs.

It has been 73 years since the enactment of the Constitution of India, yet the dream of enforcement of common civil code has not been achieved even though the current situation in the society highly demands for the same. Even more, it is placed under Part IV and the directive principles are not enforceable in court.<sup>15</sup> However, they are essential to the nation's governance. Awareness in society is increasing and there is now a consensus that efforts should be taken to emancipate and empower women so that they can also contribute to the welfare and progress of society. To construct a sustainable planet, we must uplift the dignity of women in society and empower them.

**Women Empowerment: Constitutional Safeguards**

One of the foremost concerns of the twenty first century is the emancipation of women due to the current state of the nation. Gender equality is regarded to be a very important matter by the Constitution of India in its Preamble, Fundamental Rights and Duties as well as the Directive Principles. The Constitution of India grants government to pursue the system of positive secularism to overcome social, educational, and political disadvantages that women face and the State is authorized to implement policies that bias favorably towards them. The Constitution of India contains provisions under Part IV A, which deal with the aspects of valuing and preserving the rich heritage of composite culture and renouncing practices that are derogatory to the dignity of women, in order to ensure the overall development of society, including women.<sup>16</sup>The protection of fundamental rights includes, but is not limited to, the prohibition of distinction on the basis of religion, sex, caste, race, or birth place, to any citizen and the guarantee of equal employment opportunities for them. In this context, the Constitution's Articles 14, 15, 15(3), 16, 39(a), 39(b), and 39(c) are particularly significant.

Personal laws that accord women a subordinate position are antithetical to equality. It is the religious scriptures and not the Constitution which are the source of personal laws. These personal laws must be consistent with the principles of the Constitution of India otherwise, if they infringe basic rights, they become null and void.<sup>17</sup> Since the Constituent Assembly deliberately utilized the phrase "Custom and usages" in the definition of "law" in Article 13, Justice Chagla, in a judgment, stated that it intended for them to be evaluated against Part III of the Constitution. At the same time, however, the definition of Article 13 was deliberately crafted to exclude "Personal Laws" so that protection from Constitutional challenges could be accorded to these Personal Laws.<sup>18</sup> This judgment was later held to be arbitrary and was challenged. It was held that the personal laws are "laws in force" under Article 13 of the Constitution of India.

Part-III of Constitution of India's Rule of Law guarantees that no citizen will be subjected to discrimination based on religion, race, caste, and birth place in the implementation or enforcement of the law.<sup>19</sup>This reduces the arbitrariness of government actions and ensures that everyone is treated fairly and equally. In accordance with the principle of equality before the law, everyone must be treated similarly in terms of how the law is applied and enforced, rather than receiving identical treatment.<sup>20</sup>In addition, special provisions are made for women. A law mandating quotas for women in Parliament, for instance, is intended to help women overcome long-standing obstacles to their full participation in politics and the public sphere. Equal opportunity in matters of public employment ensures that women have equal opportunities to work in the public sphere without facing discrimination.<sup>21</sup>As per the established legal provision, the right to life and personal liberty has also been extended to women.<sup>22</sup>As per the Directive Principles issued by the state, it is tasked with formulating policies to ameliorate the women's status. State must also try to ensure that everyone, including women, has appropriate means of subsistence, including equal pay for equal effort. This is vital because, historically, males paid women less due to the perception that they are less active than men. Part IV of the Constitution of India codifies this moral ideal, which is now explicitly addressed by the state. The subsequent phase is equitable

<sup>15</sup>The Constitution of India, art. 37.

<sup>16</sup>The Constitution of India, arts.51 A (f), 51 A (e).

<sup>17</sup>The Constitution of India, art.13.

<sup>18</sup>*The State of Bombay v. Narasu Appa Mali*, AIR 1952 BOM841951.

<sup>19</sup>The Constitution of India, art.15.

<sup>20</sup>The Constitution of India, art.14.

<sup>21</sup>The Constitution of India, art.16.

<sup>22</sup>The Constitution of India, art. 21.



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sharing of resources between men and women.<sup>23</sup> State also ensures equitable and decent working conditions for all employees.<sup>24</sup> In consideration of the health of women in the workplace, maternity accommodations and nursing rooms are offered.<sup>25</sup>

In addition to Part III and IV of the Constitution of India, the 73rd Constitutional Amendment Act of 1993 was designed to standardize the Panchayati Raj system and give it constitutional standing. In addition, it has an important role to play to empower women. The new Panchayati Raj was implemented with the intent of empowering women on a local level.<sup>26</sup>

The Constitution of India, being ultimate law of the land, cannot be superseded by any law which violates its fundamental principles. People have fundamental right to profess, practice or propagate any religion of their choice but do not have a right to move beyond the scope of constitutional principles. The Constitution of India follows the principle of positive discrimination in order to bring women on equal platform as that of men in the society. The uniform civil code, being one of the directive principles of state policy also is one of the major factors which would help to achieve gender equity by empowering women who have lost their dignity and status with time. It is a high time when the nation really needs the enforcement of a common civil code to uniformly deal with the civil matters such as marriage, adoption, property, maintenance and so on without religion or gender based distinction.

**Women Empowerment: Legal Enactments**

The legislature has enacted various Acts on secular grounds to empower women in an effort to close the gender gap. These Acts are applicable upon each and every citizen of the country without having any regard to religion or gender. The following is a brief summary of some of such secular Acts-

- The Dowry Prohibition Act, 1961: It prohibits any party to a marriage from receiving or providing a dowry from anyone affiliated with the marriage, including parents.<sup>27</sup> It is applicable upon Indians belonging to different religious affiliations. The Indian Penal Code of 1860 specifies charges for cruelty related to dowry, dowry-related death, and assisting homicide as well as punishes violence against women perpetrated by husbands or family members.<sup>28</sup>
- The National Plan of Action for Girls 1991-2000: It got enacted to protect and advance girls by preventing infanticide and female foeticide, ending gender discrimination, providing clean water and food near houses, and rehabilitating and protecting girls from exploitation, abuse, and assault.
- The National Commission on the Status of Women (1992): The Commission got established to solve the purpose of assessing women with legal as well as constitutional protections, propose corrective legislative actions, to ease the resolution of disputes as well as to suggest on all policy issues affecting women to the government. It also addressed child marriage and supported legal awareness initiatives.<sup>29</sup>
- The Protection of Women from Domestic Violence Act, 2005: It was implemented to make dowry and domestic violence illegal. The term "domestic violence" is legally defined in the Act. It concentrates on the relief granted to harmed women, including recompense, safeguards, and the right to reside in a shared family."<sup>30</sup>
- The Maternity Benefit (Amendment Act), 2017: The Act expanded the maternity leave period from 12 to 26 weeks along with payment and granted special privileges to adoptive mothers. It introduced provision permitting women to work from home following the 26-week leave period." Any company with 50 or more employees is required to provide a crèche. Employers are required by law to inform prospective employees about the maternity benefits available to them.<sup>31</sup>
- The Special Marriage Act, 1954: This Act that provides for legal marriage between Indian citizens and Indian nationals abroad, regardless of the religion or creed practiced by either side.

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<sup>23</sup>The Constitution of India, art. 39.

<sup>24</sup>The Constitution of India, art. 43.

<sup>25</sup>The Constitution of India, art. 42.

<sup>26</sup> Diganth Raj Sehgal, "The Position of Women in Indian Society After Independence" *iPleaders*, 2019 available at: <https://blog.ipleaders.in/position-women-indian-society-independence/>.

<sup>27</sup>The Dowry Prohibition Act, 1961 (Act 28 of 1961), s.3.

<sup>28</sup>The Indian Penal Code, 1860 (Act 45 of 1860), s.304B.

<sup>29</sup>"National Commission for Women," available at: <http://ncw.nic.in/>.

<sup>30</sup>The Protection of Women from Domestic Violence Act, 2005 (Act 43 of 2005), s.3.

<sup>31</sup>"Study on Child Abuse 2007, Ministry of Women and Child Development, Government of India," 5 *Contemporary Education Dialogue* 117–20 (2007).



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- The Juvenile Justice (Care and Protection of Children) Act, 2015: Under this Act, a child may be adopted by any individual, regardless of his or her religion and even if the personal rules of that religion prohibit it. The Act has been further amended in 2021.<sup>32</sup>
- National Policy for the Empowerment of Women (NPEW): According to it, any physical or psychological violence against women, whether it occurs in the household or society as a whole, including that which derives from recognized norms, traditions, or practices, must be eradicated. It is sought to build and enhance institutions, methods, and programs for aid and the prevention of such violence, which includes dowries and sexual abuse in the job, as well as to rehab victims of violence and successfully punish the guilty.
- The Prohibition of Child Marriage Act, 2006: It provides provisions to prohibit and punish child marriages under the age of 21 years in case of males and under the age of 18 years in case of females, even if customs of any religion allows.

To put women on an equal basis with males, it has been recently decided by the government to raise legal age of marriage for women from 18 to 21 which will empower women and aid in the development of their careers.

**Uniform Civil Code and Women Empowerment: Role of Judiciary**

In a country where gender inequality is entrenched in almost every aspect of life, the Indian judiciary has a crucial role to play in empowering women through urging the need for enforcing uniform civil code. While dealing with the issue of maintenance, Hon'ble Chief Justice Y.V. Chandrachud stated in a judgment that the Parliament should describe the outlines of a single civil code since it is a mechanism to promote national peace and equality before law.<sup>33</sup>

- The Apex Court in another ruling emphasized the necessity of Uniform Civil Code in the matters of rights of succession and encouraged the government to impose a Uniform Civil Code in order to protect the mistreated and establish national unity.<sup>34</sup>
- In a case, the Court declared that employees should not be treated unfairly based on their gender and that they should be compensated properly for the work they perform.<sup>35</sup>
- In a decision made by the Apex Court, it was held that Articles which form the golden triangle of the Constitution of India can be referred to establish gender equality.<sup>36</sup> Sexual harassment in the workplace is an egregious violation of these rights, which violates the concept of gender equity. International conventions and statutes can provide assistance in case the domestic legislation addressing sexual abuse is absent<sup>37</sup>
- In a judgment, the inconvenience created by the absence of a uniform civil code was highlighted. It was held that the second marriage was bigamous in nature and violated the fundamental rights.<sup>38</sup>
- According to the court's decision, women have the right to life, liberty, and to be treated as equals and with respect and the offence of rape violates such right. There can be no compromise in the honor and dignity of women. Moreover, people have a right to live their lives peacefully. Courts are directed to award compensation to victims of rape.<sup>39</sup>
- In another ruling, the Supreme Court overturned laws and practices that were discriminatory against women and ruled that a woman can act as a child's legal guardian regardless of whether the father is alive or not.<sup>40</sup>

It is a responsibility of the judiciary to interpret and apply the laws outlined in the Constitution of India. The law's primary objective is to provide justice to those who have been wronged. The major concern for the judiciary since last few years has been the enforcement of the Uniform Civil Code because of the increasing number of cases relating to issues revolving around unequal and biased personal laws. It is believed that the implementation of the uniform civil code shall reduce the burden of cases relating to unequal entitlement of the civil rights based on gender and shall also promote women empowerment in the nation.

**Conclusion and Suggestions**

**Conclusion**

<sup>32</sup>The Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 (Act 23 of 2021).

<sup>33</sup>*Mohd. Ahmed Khan v. Shah Bano Begum*, AIR 1985 SC 945.

<sup>34</sup>*Sarla Mudgal v. Union of India*, AIR 1995 SS 1531.

<sup>35</sup>*Dharwad Distt. P.W.D. Literate Daily Wage Employees Association v. State of Karnataka*, (1990) SCR 544.

<sup>36</sup> The Constitution of India, arts. 14, 19, 21.

<sup>37</sup>*Vishaka v. State of Rajasthan*, AIR 1997 SC 3011.

<sup>38</sup> *Lily Thomas v. Union of India*, (2000) 6 SCC 224.

<sup>39</sup>*The Chairman, Railway Board v. Mrs. Chandrima Das*, (2000) 2 SCC 465.

<sup>40</sup>*Ms. Githa Hariharan v. Reserve Bank of India*, AIR 1999 SCC 228.



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Since ancient period, the diverse society of India has been governed by the personal laws which included the matters of civil rights such as marriage, proprietary issues, maintenance procedures, adoption and so on. But because the society has been mainly dominated by the patriarchal mindset, the customs and traditions too have been framed accordingly. This has led to unequal entitlement of the civil rights. Women have been deprived of their civil rights since long period of time. Efforts were made by the Constitutional framers of the country in order to bring uniformity in the civil matters so that the status of women could be uplifted and gender-based inequalities could be removed, but the effort of enforcing uniform civil code went in vain. The Constitution of India believes in the system of positive discrimination in order to uplift the depressed class of the society and the Judiciary has been playing an active role to put pressure upon the Parliament in order to repeal and amend gender biased laws. The pressure is also put in order to move towards the implementation of uniform civil code for the whole nation. The UCC will thus serve as an umbrella to facilitate the implementation of robust legislation that will be based on a common set of laws and will promote gender equality. It is of the utmost importance to remember that when women's religious communities close the door, the door of the law should always remain open for modest advances in the position of women.

**Suggestions**

The women of this age demand equal rights with males. Only when personal laws are unified in the shape of a universal civil code with fair, reasonable, and nondiscriminatory provisions, will women enjoy their human rights in text and spirit. Just like uniformity in the criminal laws, there should be uniformity in the civil laws too. The empowerment of women advances the cause of inclusive participation and contributes to the betterment of society and the earth. It refers to increasing happiness in the home and in organizations where women make a difference. Governmental efforts alone would not be sufficient to achieve this goal. Society must take the initiative to abolish gender discrimination and empower women with full autonomy over their lives and equal chance to engage in social, political, and economic matters. Legal aid programs and workshops (both offline and online) should be conducted in order to create awareness and educate the youth about the importance of uniform laws for the country. Just like Special Marriage Act, Juvenile Justice Act and so on, the Legislature should enact more secular laws which govern the civil rights of the people without religion or gender-based discrimination. Though, it is a slow process but not an impossible one. True and enduring female empowerment cannot occur until women have access to property and money, allowing them to stand on their own two feet and define their identities in society. Let us take an oath to uphold an egalitarian society in which men and women have equal opportunity to express themselves and advance both their individual and the collective welfare of society. The government should start taking steps to fulfill the dream of the Constitutional framers of the nation who once dreamt of implementing the Uniform Civil Code for India. Now the situation is favorable to adopt uniform laws as there is a high demand to empower women. The Uniform Civil Code would ensure gender equality and be a benefit for Indian women through the unification of laws for all.