



## **UCC: A DIFFERENT MODEL OF IMPLEMENTATION**

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### **Abstract**

In this article the author will address the question “Why do we need to implement the Uniform Civil Code?” and “Can the Opt-Out system be a feasible way to implement the Uniform Civil Code?”. The author will address these questions by first showing the need of Uniform Civil Code, then showing the various methods to implement the Uniform Civil Code and the problems inherent in it and then finally discussing the Opt-Out option of implementing the Uniform Civil Code.

### **Introduction**

Article 44 of the Indian Constitution mentions the need for the Uniform Civil Code as “The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India”<sup>1</sup>. The fathers of our constitution had varied aims behind inclusion of this article in our constitution. However even after about seventy years after independence and creation of the constitution we are still unable to implement the Uniform civil code in our nation. There is a lot of debate around the need of the Uniform Civil Code and way forward in implementing it leading to uncertainty and vagueness around the idea of Uniform Civil Code. In this article the author would like to argue that there is a need to

implement the Uniform Civil Code and that the Opt-Out option is one of the ways forward in doing so. For the purpose of lucidity of the readers the whole paper has been divide into five parts. The first part discusses the need to have the Uniform Civil Code. The second part discusses various suggestions to implement it. The third part deals with the problems in the ways of implementation mentioned in the second part. The fourth part finally deals with the Opt-Out model of Uniform Civil Code.

### **Why there is a need to implement Uniform Civil Code?**

The Uniform Civil Code was added as a part of the Directive Principles of State Policy in Part IV of the constitution. The initial reason for adding it was varied and faced extensive support as well as opposition from multiple sections of the society. As is evident in the Constitutional Assembly Debates the main aim of the drafters was to have a common code for the country, a civil code regime where the women were not subjected to the patriarchal laws of some religions inter alia.<sup>2</sup> the aims of the Uniform Civil Code will now be discussed in further detail.

India follows the system where the issues like divorce, marriage, inheritance, succession and adoption are dealt not by a common code by the personal laws of various religions. These personal laws are based on religious texts and customs and are sometimes discriminatory and patriarchal in nature.

The example taken to prove the above argument is on The Hindu Succession Act,1956. The HSA,1955 under section

<sup>1</sup> Constitution of India,1950, Article 44

<sup>2</sup> Constitution Assembly Debates, Volume VII, 23<sup>rd</sup> November,1948



15(2)(a) mentions that in intestate succession in absence of any son or daughter the property of a woman goes to the heirs of the father. This section can be interpreted as a section against the personal rights of a woman as it does not recognize the family members of the woman. The reason often given behind this section is to prevent the property from falling in the hands of those who didn't deserve it in the first place.<sup>3</sup>

Another example is that of the Hindu Marriage Act, 1955. The HMA prohibits bigamy<sup>4</sup> however Flavia Agnes in her article explains how the strict interpretation by the Supreme Court has led to many cases of bigamy being left scot free due to ambiguities in the HMA provision relating to marriages destroying the lives of women.<sup>5</sup> All these cases tell us that personal laws are prone to being ambiguous and discriminatory.

The main aim for Uniform Civil Code was gender justice and women empowerment<sup>6,7</sup>. Uniform Civil Code will remove these ambiguities as it will provide a common code based on the principles of equality, justice and fairness, in matters related to divorce, marriage, succession and adoption. It would bring under its ambit those people who due to some reasons were outcasted from their religion. Therefore, we need Uniform Civil

Code to further gender justice and welfare of the women.

Another rationale for the enactment of Uniform Civil Code was that it would help in national integration and thus remove inconsistencies within the law. Also, it would further the core tenets of the idea of secularism mentioned in our constitution. According to D. Sura Reddy in his article "Article 44: A Dead Letter?" not enacting Article 44 of the constitution is a fraud on the constitution and therefore it is the need of the hour to bring in the Uniform Civil Code. He also brings attention to the fact that in whereas cases like the Shah Bano<sup>8</sup> case and Sarla Mudgal<sup>9</sup> case the supreme court has time and again emphasised on the need for enactment for the Uniform Civil Code. The argument of national integration has also come under attack as it perceived as an attack on minority rights in the garb of implementation of the Uniform Civil Code.<sup>10</sup> However despite the genuine concerns expressed by those from the minority the Uniform Code needs to be brought into force. As said by Leila Seth in "A Uniform Civil Code: towards gender justice" though the concerns of politicisation are correct the solution is not to discard the idea of Uniform Civil Code but to make Uniform Civil Code unpolitical.<sup>11</sup>

<sup>3</sup> Mulla, Hindu Law, 21<sup>st</sup> Edition, 2010.

<sup>4</sup> Hindu Marriage Act, 1955, Section 17.

<sup>5</sup> Flavia Agnes, 'Hindu Men, Monogamy and Uniform Civil Code.' (1995) vol 30, no 50, *Economic and Political Weekly*, p. 3238.

<sup>6</sup> Seth, Leila, 'A Uniform Civil Code: towards Gender Justice.' (2005) vol 31, no 4, *India International Centre Quarterly*, pp. 40–54.

<sup>7</sup> Chaudhuri Maitrayee, *Indian Women's Movement Reform and Revival*, (Radiant Publishers, 1993) p 197: Amrit Kaur's views.

<sup>8</sup> Mohd. Ahmed Khan v. Shah Bano Begum, (1985) 2 S.C.

<sup>9</sup> Sarla Mudgal President, Kalyani v. Union of India, (1995) 3 S.C.C. 635

<sup>10</sup> Zoya Hassan, "Gender, Religion and Democratic Politics in India", *Third World Quarterly*, (2010) Vol. 31, No. 6 p.949.

<sup>11</sup> Leila Seth, "A Uniform Civil Code: towards gender justice", (2005), *India International Centre Quarterly*, Vol. 31, No. 4, p.48.



Apart from the above two reasons the third residuary reason is India's obligation to enact the Uniform Civil Code under the international treaties. Jyoti Rattan in her article "Uniform Civil Code in India: A Binding Obligation Under International and Domestic Law" mentions how India has ratified International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)<sup>12</sup> and is therefore bound to enforce the provisions of the convention. According to her India had ratified the convention on July 9<sup>th</sup> 1993 without any qualifications and is thus under the obligation to implement the treaty in totality. Also articles 5(a) and 16(1) are the relevant portion making it incumbent upon the government to enact Uniform Civil Code and remove the discriminatory personal laws system.<sup>13</sup>

How do we implement the Uniform Civil Code?

This section would describe the various models of implementing the Uniform Civil Code and highlight the problems inherent in implementing those models. There is a consensus of presence of three broad ways of implementing the Uniform Civil Code which are a) formulation of the uniform civil code based on the current laws b) the opt in system where the Uniform Civil Code would be made optional and people can thus choose between either the personal laws or the Uniform Civil Code, and c) waiting for the

right moment before introducing the Uniform Civil Code so that people can adjust and adapt accordingly.

The first way to introduce Uniform Civil Code is simply to replace the existing personal laws with a common law which would be based on the Hindu laws or if not based then inspired good laws of all other personal laws. The Uniform Civil Code thus enacted would be an attempt to force upon the minorities and others the personal laws of a community other than their own.<sup>14</sup> Further while the laws can be rationalised to take into consideration the customs and practices of other religion it would still be remain an issue due to the reasons mentioned ahead.

The model is based on the assumption that it would be either based on the Hindu laws or best of personal laws but such laws are homogenous. The first issue is that the current personal laws suffer from homogenisation.<sup>15</sup> According to this theory of homogenisation the personal laws were not taken as it from the ancient religious text instead they were formed by the Britishers through a process of interaction with the Indian population and detailed analysis of the religious text. The issue however was that the interaction was limited to the upper caste and the text were also interpreted with the help of upper-class priests or maulvis. This led to the law being given an orientation in accordance to the demands of the upper castes and ignoring of the culture and customs of the marginalised

<sup>12</sup> UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13.

<sup>13</sup> Jyoti Rattan, "Uniform Civil Code in India: A Binding Obligation Under International and Domestic Law", (2004), Journal of the Indian Law Institute, Vol. 46, No. 4, pp.577-587.

<sup>14</sup> Zoya Hassan, "Gender, Religion and Democratic Politics in India", *Third World Quarterly*, (2010) Vol. 31, No. 6 p.949

<sup>15</sup> Kumkum Sangari, "Gender Lines: Personal Laws, Uniform Laws, Conversion,"(1999), *Social Scientist*, Vol. 27, No. 5/6, pp.17-61.



communities within a religion.<sup>16</sup> Thus this model would further strengthen the homogenisation of religious practices.

The second issue is that of the minorities. The minorities feel that they will be forced to accept the dictates of the majority in the form of Uniform Civil Code as it would be heavily influenced by the traditions and customs of the majority. Thus, they would lose the touch with their personal laws and customs. The people also feel that the concept of Uniform Civil Code is antithetical to concept of right to freedom of religion granted by Article 25 of the Indian constitution. Article 25 thus forms on which the compulsory imposition of Uniform Civil Code is resisted. The issue of minorities has become more complex with the arrival of the politics on the lines of “Hindutva”. Zoya Hassan flags this as a serious concern and feels that it is a reason strong enough to not introduce the Uniform Civil Code in this form.<sup>17</sup>

The second way to introduce Uniform Civil Code is the opt-in way. In this instead of imposing the Uniform Civil Code it is made an option in lieu of the personal laws. This model would give the people a breathing space and increase voluntary acceptance of the Uniform Civil Code. Also, since the code would be optional religious bodies no longer have to worry about the problem of violation of their right to freedom of religion. It would give the communities an incentive to reform themselves so as to prevent the people from leaving their fold and instead adopting the

Uniform Civil Code. The optional Uniform Civil Code will consist of provision similar to Special Marriage Act of 1957<sup>18</sup> and will be religion neutral. Gradually the optional code will be made a compulsory code thereby achieving the aim of reform and uniformity in laws.<sup>19</sup>

However, this model too has many shortcomings. The model assumes that people troubled by the discriminatory personal laws would be able to shift with ease to the optional Uniform Civil Code. However practically it would be a very time-consuming process also the women from the marginalised section will not be able to exercise this choice as they won't be having the necessary means and neither the discretion to make such a choice in the first place. The religious groups may also look at the optional Uniform Civil Code as a threat and may further discourage their followers to not exercise the said option. Thus, limited access to law and resources becomes a key hindrance in successful operation of this model. Also, another aspect which needs to be taken into consideration is that people might just be lazy to shift from the personal law regime to optional Uniform Civil Code therefore the primary purpose of the model gets defeated for there is no incentive to shift.<sup>20</sup>

The third model is that of reforming the religion from within and then waiting for the right time to introduce Uniform Civil Code in place of personal laws. This is different from the “incremental change” mentioned by Krishnayan Sen in his article which is a

<sup>16</sup> Flavia Agnes, “The Politics of Women’s Rights in India,” (OUP,2001).

<sup>17</sup> Zoya Hassan, “Gender, Religion and Democratic Politics in India”, Third World Quarterly, (2010) Vol. 31, No. 6 p.949.

<sup>18</sup> Special Marriage Act,1957.

<sup>19</sup> Krishnayan Sen, “Uniform Civil Code,” (2004), Economic and Political Weekly, Vol. 39, No. 37.

<sup>20</sup> Economic and Political Weekly, “Reversing the Option: Civil Codes and Personal Laws”, (1996), *Economic and Political Weekly*, Vol. 31, No. 20, pp. 1180-1183.



judiciary led process. In incremental change model judicial decisions gradually force the religion to adopt a more liberal approach and thus give more rights to women.<sup>21</sup> This model is criticised on the grounds of judicial overreach and sometimes is considered as a religious biasness on the part of judiciary and is not a recommended strategy as it can lead to feeling of alienation among the minority from the judiciary.<sup>22</sup> However the model in this case is different from the incremental change model. In this model the religious groups will somehow be incentivised to reform their own laws themselves and not through any judicial decisions or legislative pressure. This could be done by creating a consultative machinery within the communities. This would also involve granting some more autonomy to the religious groups.<sup>23</sup>

However, like other models this is also amenable to some vulnerabilities like the initiative has to be from within and not from any coercion or coaxing by either the legislation or judiciary otherwise the effects might be counter productive leading to further alienation of the minorities. Another issue with this model is that the time period for this model to succeed is too long and based on the assumption that religious groups are willing to change. However, this assumption is not a strong one for until there is no coercive action those in control of the patriarchal structure won't find any incentive to change themselves.<sup>24</sup>

Up till here we have discussed the various models of implementing the Uniform Civil Code in our country. We have seen how each mode has some problems in way or another apart from these problems there is the issue of satisfying the general populace of the country and the various stakeholders impacted by the Uniform Civil Code. Now I will be discussing the model not mentioned above and also quite different from the others. The model's name varies according to various authors and articles I have chosen the model's name as the Opt-out system. The next whole part deals with the opt out model in detail and tries to explain the multiple facets in detail.

### **Can the Opt-Out model of implementing the Uniform Civil Code be a feasible idea?**

The following section covers the intricacies of the Opt-Out model. In this section I will first explain the model envisaged in detail followed by how this model fares better than other models, the issue and problems that may arise in implementing this model and what is the way ahead for future.

What is the Opt-Out model?

The opt-out model is similar to the opt in model in a very rudimentary way. In this model like the opt-in model the citizens get to choose between personal laws and a set of uniform laws relating to the personal laws i.e. the Uniform Civil Code. However, there is an important distinction that distinguishes it from the opt-in model. Unlike the opt-in model in this model the Uniform Civil Code

<sup>21</sup> Krishnayan Sen, "Uniform Civil Code," (2004), *Economic and Political Weekly*, Vol. 39, No. 37.

<sup>22</sup> Alok Prasanna Kumar, "Uniform Civil Code: A Heedless Quest?", (2016), Vol. 11, No. 25.

<sup>23</sup> Imtiaz Ahmad, "Personal Laws: Promoting Reform from Within", (1995), *Economic and Political Weekly*, Vol. 30, No. 45 pp. 2851-2852.

<sup>24</sup> Leila Seth, "A Uniform Civil Code: towards gender justice", (2005), *India International Centre Quarterly*, Vol. 31, No. 4.



will be the default set of rules and the religious personal laws will be the optional code which would need to be consciously adopted by the citizens through various procedures declared by the legislature or any other authority as declared by the laws.

The model begins by creating a uniform set of personal laws for the citizens. These rights would be completely secular in nature and would not include the religious elements in it. Thus, the Uniform Civil Code will be on the lines similar to the Special Marriage Act, 1957.<sup>25</sup> However to make it complete this model would also encompass other areas of personal laws including maintenance, divorce, adoption, succession and inheritance. The Uniform Civil Code would thus be a complete civil code applicable to all citizens in India by birth. In this system if there are conflicts between the secular laws and religious personal laws the secular should prevail so that the interests of the society are upheld.<sup>26</sup>

This model is not a very new idea and its variants are already existing. In some countries like USA and Canada where the registration of marriage is essential though the people can choose to marry also using their religious customs this is called the “parallel model”. However, once a dispute arises the civil courts can order decisions on the basis of civil law even if the dispute is of religious nature. The leading case laws on this principle are *Avitzur v. Avitzur*<sup>27</sup> in US and *Bruker v. Marcovitz*<sup>28</sup> in a Canadian court. This shows that the above-mentioned model is feasible though the suggested model

is a bit different from the ones existing in US and Canada.<sup>29</sup> However in the opt-out model unlike the parallel model all the facets and aspect of the Uniform Civil Code will be covered and not limited to the registration of marriages.

Now I would discuss how the model would be implemented. First of all, the parliament has to draft laws which are first of all completely secular and further gender justice and easy for the common public to comply with. This process has to be consultative in nature or it might lead to discontentment among the people from various sections of the society. Now this process may be time consuming but it is necessary to ensure that the social fabric is not disrupted and the interest of the society are adequately represented. This would ensure that the transition is actually successful. The next step is to create a mechanism where the people who still want to shift to the religious personal law system can do so. The legislature has to keep in mind that the process should be not very easy otherwise the point would be lost for people will simply start shifting, also the shifting can be disincentivised. The important thing to reflect is that in this model the courts will still have the power to declare discriminatory practices violative of the constitution as void and thus protect the rights who still choose to be covered by the religious personal laws. The third step is to create additional courts so as to handle the increased pressure of litigation in the area of personal laws, a result of creation of Uniform Civil Code. Apart from these steps lot of additional work needs

<sup>25</sup> Special Marriage Act, 1957.

<sup>26</sup> Economic and Political Weekly, “Reversing the Option: Civil Codes and Personal Laws”, (1996), Economic and Political Weekly, Vol. 31, No. 20, pp. 1180-1183.

<sup>27</sup> *Avitzur v. Avitzur*, 58, N.Y.2d (1983).

<sup>28</sup> *Bruker v. Marcovitz*, 2007, SCC 54.

<sup>29</sup> Shimon Shetreet and Hiram E. Chodosh, Uniform Civil Code for India: Proposed Blueprint for Scholarly Discourse, (OUP 2015).



to be done to make this model successful and practical. It includes sensitizing the public about how the code will be implemented and creating legal aid for those who cannot access the legal remedies.<sup>30</sup>

After the model is implemented the option to switch to religious personal laws will be kept open for some time with the aim to gradually phase out the religious personal laws completely. Thus, people will gradually adjust to Uniform Civil Code without feeling being deprived of their right to freedom of religion or alienated. This model can therefore be one of the plausible ways of implementing the Uniform Civil Code in India.

How is the Opt-Out system better than other models?

After discussing the opt-out model at length we can see some patent advantages in the system. The first advantage in this system is that unlike the opt in system it makes the religious personal laws optional than the Uniform Civil Code. This provision makes a huge impact on success of Uniform Civil Code in our country. This is because in the Opt-In system the people will have to make overt and conscious attempts to switch to the Uniform Civil Code. The above case is problematic because of two reasons i) the people won't have the necessary resources, legal knowledge or the time to actually make an attempt to switch and ii) even if people have the resources it won't be easy for the women to actually exercise that choice

independently considering that the patriarchal structure of family still exists in our country.<sup>31</sup> The opt-out system by reversing the option ensures that all the people are subjected to Uniform Civil Code from the beginning and thus the onus is on the people to revert to personal laws of religion. This will ensure that women from marginalised community are given the benefit of the progressive laws. Also, it is much difficult to opt out of a system than remaining in the system.

Another benefit of this model is that the issues of minority will not be there. Since the people will have the say in the process of drafting of the Uniform Civil Code they can ensure that a law which oppresses them is either not enacted or more safeguards are included to protect their interests. The change in this method is gradual thus people won't have the fear that their personal space is being intruded by the government. In case they feel so they can always switch to the religious personal laws and thus retain their touch with the traditions and customs of their religion. This would also satisfy those who feel that Uniform Civil Code will violate the right to freedom granted under article 25 of the Indian Constitution.<sup>32</sup>

The opt-out system will also be a much quicker system than reforming the communities from within. The main drawback of waiting for the communities to reform themselves is that it may take forever and even then, the conditions might not be

<sup>30</sup> Economic and Political Weekly, "Reversing the Option: Civil Codes and Personal Laws", (1996), Economic and Political Weekly, Vol. 31, No. 20, pp. 1180-1183.

<sup>31</sup> Economic and Political Weekly, "Reversing the Option: Civil Codes and Personal Laws", (1996),

Economic and Political Weekly, Vol. 31, No. 20, pp. 1180-1183.

<sup>32</sup> Zoya Hassan, "Gender, Religion and Democratic Politics in India", Third World Quarterly, (2010) Vol. 31, No. 6 p.949



right to introduce a compulsory Uniform Civil Code.<sup>33</sup> In contrast the opt-out system would encourage the religious communities to improve themselves in order to attract the people to go for religious personal laws, while at the same time people will get enough breathing space to get accustomed to the Uniform Civil Code and thereby accept it as the default personal law code.

The opt-out system thus can act as a real contender among the models that can be used to implement the Uniform Civil Code in India. We have seen how it better than the other models and thus can ensure the smooth introduction of a progressive Uniform Civil Code.

What are the limitations of this model?

In this part I will be discussing the limitations this model has and the other issues in relation that need to be addressed.

The primary limitation that this model has is that the power to enact the laws of the proposed Uniform Civil Code rests with the legislature. This means that even if the laws enacted are secular on the face of it there are chances that the law-making process will be influenced by the interests of the majority thereby excluding the voice of those marginalised. This will be a serious threat to the virtues of fairness, equality, justice, inclusive democracy and protection of the weaker section.

Next limitation of this model is that of logistics. In a country as big as India it will be a humungous task to shift from a system of personal laws based on religion to the

Uniform Civil Code. It would require enormous resources and extensive and deep research so as to account for the vast diversity existing in our country. Also, the bureaucratic nature of government will make it a time consuming and lengthy process. All these factors will need to be taken into account to before this model can be introduced in our country. Arbitrary and rash decisions can lead to disastrous consequences and create acrimony between the state and citizens or between different religious communities.

The issue of sensitisation is also very important. As mentioned above it is the duty of the government to ensure that people are sensitised and explained about the model and the repercussions of their choice on their lives. Despite this it is not practical for the government to implement this on a country wide scale efficiently. Also, this model can create confusion after its initial introduction thus, the government should be prepared for the teething problems after implementation of the opt-out model of Uniform Civil Code.

Another objection raised against this model is that legal definitions are not capable of dealing with family matters which are better dealt by the personal laws of different religions. As seen from the example of the strict interpretation of the term marriage by the court under the Hindu Marriage Act, 1955<sup>34</sup> when deciding the case of bigamy<sup>35</sup>, often legalistic interpretation can be counterproductive and lead to undesirable consequences.

<sup>33</sup> Leila Seth, "A Uniform Civil Code: towards gender justice", (2005), India International Centre Quarterly, Vol. 31, No. 4.

<sup>34</sup> Hindu Marriage Act, 1955

<sup>35</sup> Flavia Agnes, 'Hindu Men, Monogamy and Uniform Civil Code.' (1995) vol 30, no 50, *Economic and Political Weekly*, p. 3238.



All these were the various limitations and concerns attributed to the opt out model and need to be carefully analysed and addressed so as to find a better and smooth way to implement the Uniform Civil Code with as little hiccups as possible. The next section deals with how to avoid or resolve the issues in an amiable way.

What is the way ahead?

The previous section has mentioned the problems with the opt-out model. To ensure the smooth implementation of this model it is necessary that the mentioned problems are addressed as soon as possible and fears allayed. This section will discuss the practical way to deal with the above-mentioned issues and also be the concluding part of this theme about the opt out model of implementing the Uniform Civil Code.

The first issue was how the laws of the Uniform Civil Code will be formulated by the legislature. The concern was that the process might be hijacked by majoritarianism. The solution to this issue is that a consultative process should be created so that the demands of the people can be effectively heard and be handled. Another thing that can be done is that the laws drafted should be after conducting widespread surveys keeping in mind the marginalised section of the society especially those from the lower castes. These can ensure that the process of law creation is balanced.

The second issue was that of logistics and time. The way to tackle this issue will be to first address the gaps in the bureaucracy and increase efficiency and accountability. There is no fixed solutions to issue like these for they have a widespread political and social

impact and thus need to carefully deal with otherwise they may lead to chaos.

The third issue was that of sensitisation. The people gain have to play an important role in this. The role of non-governmental organisations and pressure groups can help create awareness. The government has to train a large number of people so as to make the dissemination of information easier, faster and reliable which cannot happen overnight and would take some time.

The last concern was that the law would lead to courts strictly interpreting the laws under the Uniform Civil Code regime which prove harmful for the people especially the marginalised communities. The counter to this is that the citizens always have the option of choosing the religious personal laws. Also, any law is bound to be interpreted in various ways, this should however be no bar on enacting and implementing new laws.

These were some of the various objections and concerns regarding the opt-out option of implementing the Uniform Civil Code and the possible solutions to it. Every model or idea has various advantages and equally important and crucial disadvantages. The aim is to ensure that all the concerns and limitations are heard to and addressed so that the issue does not grow enough to threaten the foundations of that very idea or model. The opt-out model like other model has its own frailties however from the discussion above we can say that it fares a bit better on some fronts than other models, to implement the Uniform Civil Code. The opt-out model thus can be used at an appropriate time and occasion in future to bring about a change in personal law system in India and usher the era of the Uniform Civil Code which is more progressive, rationalised and logical than the



current existing system of religious personal laws.

### Conclusion

The whole research paper has answered the two questions at length. “Why do we need to implement the Uniform Civil Code?” and “Can the Opt-Out system be a feasible way to implement the Uniform Civil Code?” were the questioned that were analysed and thus tried to solved in detail. The first question was answered by first explaining the need of the Uniform Civil Code in India. The answer involved citing of discrimination in various personal laws, discussing how India is under an international obligation to implement the Uniform Civil Code and how it can help in national integration. Further the issue of how the Uniform Civil Code be implemented was discussed. This involved a study of three models of implementation which are 1) the Uniform Civil Code based on either Hindu personal laws or the best laws from other religious personal laws 2) the opt-out system and finally 3) the reformation of the religious communities from within and waiting for the right time to implement the Uniform Civil Code. Finally, the argument is concluded by showing the problems inherent in these models.

The second question was also addressed in the same manner. Firstly, the opt-in model was explained in detail. Secondly, the opt-in model was compared with other models and the advantages of the opt-in model were elucidated. Thirdly, the various limitations in the opt-in model were expounded at great length and finally the probable solutions to those problems and limitations were discussed.

The research paper thus tried to answer the two question in a way so as to keep the readers in the loop of what is the debate around the idea of uniform civil code and how there is probable solution to the issue and how feasible is that solution in practical situation. Also, the research paper gives a social perspective while recommending solutions and thus tries to adopt a holistic approach while dealing with the concept of Uniform Civil Code.

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