CONTENTS

Acknowledgement

Chapter - 1
Introduction
- Statement of the Problem 1
- Scope of the Study 14
- Objectives of the Present Study 15
- Research Methodology 21

Chapter - 2
Historical Background of Personal Law
A. Personal Laws in Ancient India 25
B. Personal Laws in Medieval India 28
C. Personal Laws in British India 34
D. Codification of Laws 40
Summary 45

Chapter - 3
Uniform Civil Code and The Constitution of India
A. Constituent Assembly Debates on Uniform Civil Code 50
   (i) The attitude of antagonists 51
   (ii) The attitude of protagonists 58
B. Personal Laws and the Constitution of India 61
Summary 67

Chapter - 4
Uniform Civil Code: Misconception and Reality
A. Dimensions of Personal Laws 71
   (i) Diversities based on region and territory 71
   (ii) Diversities based on specified group of persons 75
   (iii) Diversities based on customs usages 76
B. Uniformity: An Erroneous Approach 78
C. The Great Fallacy About Muslim Personal Law 81
D. What Does Article 44 Demand? 88
Summary 95
Chapter - 5
Uniform Civil Code : Judicial Approach 101-161
A. Narasu Appa Mali Case 102
B. Shah Bano Begum Case 107
C. Jorden Diengdeh Case 118
D. Sarla Mudgal Case 125
E. Ahmedabad Women Action Group Case 146
Summary 154

Chapter - 6
Fundamental Rights and Directive Principles of State Policy 162-187
A. First Period (Champakam Dorai Rajan to Chandra Bhavan) 163
   (i) Champakam Dorai Rajan case 163
   (ii) Hanif Qureshi case 164
   (iii) In re Kerela Education Bill 1957 167
B. Second Period (Chandra Bhavan to Minerva Mills) 168
   (i) Chandra Bhavan’s case 168
   (ii) Minerva Mills case 173
C. Third Period (Post Minerva Mills cases) 177
   (i) Sanjeev Coke manufacturing case 178
   (ii) Unnikrishnan case 178
   (iii) Bandhua Mukti Morcha case 178
D. Directive Compared with Fundamental Rights 179
   Summary 185

Chapter - 7
Hindu Law Reform : The Goal of Uniformity and Gender Justice 188-222
A. Hindu Law Reforms 189
B. Demand for Change 191
C. The First Hindu Law Committee 192
D. Source of Authority for Change 200
E. Applicability of Reformed Hindu Law 211
   (i) Who is a Hindu? 211
   (ii) Uniformity 214
   Summary 217
Chapter - 8
Reforms in Minority Personal Laws 223-301
A. Legislative Activity with Regard to Muslim Personal Law 224
B. The Dissolution of Muslim Marriage Act, 1939 233
C. The Special Marriage Act, 1954 241
D. Hindu Law Reforms Acts 245
E. The Code of Criminal Procedure, 1973 (The controversy relating to the definition of the wife) Section 125(1) Explanation (b) 248
F. The Adoption Bill, 1972 256
G. The Muslim Women (Protection of Rights on Divorce) Act, 1986 (i) The Response of the Union Government 266 (ii) The Lok Sabha Debate on Muslim Women Bill 269 (iii) Reforms in other minority religious Personal laws 277
H. Reforms in Christian Personal Law 278
I. Reforms in Parsi Personal Law 284
Summary 287

Chapter - 9
Changes in Muslim Personal Law : Can Sharia Law be Modified? 302-331
A. Whether it is permitted to have any change in Islamic Law. 303
B. Mechanism/Procedure for change in Islamic Law 307
C. How to effect changes in Islamic Law? 313
D. Method of Ijtehad 314
E. How to reform Muslim Personal Law in India? 319
Summary 327

Chapter - 10
Role of Muslim Thinkers, Minority Organisations, Successive Governments, Political Parties and Press 332-373
A. Views of Muslim Thinkers and Minority Organisations 334
(i) Arguments against Uniform Civil Code 334
(ii) Arguments in favour of Reform of Muslim Personal Law 344
B. Role of Successive Governments 350
C. Role of Opposition Parties 360
D. Role of the Press 366
Summary 368

Chapter - 11
Conclusion and Suggestions 374-400

Appendices 401-478

Bibliography 479-492

Table of Statutes 493-496

Table of Cases 497-498