Further, an attempt has also been made to have the opinion of the different categories of persons on the issue of the applicability of the Uniform Civil Code in the present society. Article 44 of the Constitution of India lays an obligation on the state to make an effort to make uniform laws in respect to the personal laws of the different communities. As already discussed earlier the efforts have been made by the judiciary for the application of uniform law in the area of personal laws of different communities but of no consequence. No concrete step has been taken in this direction by our legislators for the reasons best known to them. Therefore, the empirical study has been conducted with the objective to know the opinion of the people on this sensitive issue of the desirability of Uniform Civil Code in the present India.

The data for the present study is collected by using the sampling method. In this method a small group is taken as the representative of the whole, the study is called sampling study. The whole group from which the sample has been drawn is technically known as universe and the group actually selected for the study is known as sample. In the present study stratified sampling method was used for the purpose of data collection. In this method the universe or population is first divided into number of strata or groups. Then from each group certain numbers are taken on random basis. Thus, in the selection of strata we use purposive selection method, but in selecting actual units from each stratum random method is used. Random sampling is the form applied when the method of selection assures each individual or element in universe an equal chance of being chosen. In all 160 respondents from six categories namely, law students, law teachers, non-law teachers, advocates, judges, and representative of religious communities1 have been included in the present study. An effort had been made to take the equal representative of all groups for the purpose of taking opinion on the desirability of Uniform Civil Code. However, by the time the process of

1In this category equal number i.e. ten respondents from each Hindu, Muslim and Christian community are included in the present study.
collection of data completed only 160 persons could be contacted as many of them refused to co-operate with the investigator or refused to give their opinion on this sensitive issue. Figure I enlist the different categories of the respondents.

Figure I

The data for the present study is collected with the help of questionnaire as well as interview schedule as these techniques were the most suitable since the sample of the study includes respondents comprising respondents from the highly educated group as well as members of different religious communities who were not much educated also. So it was not
possible to administer the mailed questionnaire to all of them. Moreover, the interview schedule provided subliminal clue of the respondents besides their replies.

Thus, the information was collected with the help of a schedule in which structured as well as open-ended questions were asked depending upon the type and nature of response expected from the respondents. The schedule includes number of questions relating to the need and desirability of the Uniform Civil Code and importantly what steps are required to be taken care of while framing Uniform Civil Code for a diverse country like India in the present scenario. Then the data collected with the help of schedule was analysed and tabulated. The analysis is mainly based on the percentages which are shown by graphs and tables to understand and compare the responses given by the respondent of different categories and mean value have been applied where was necessary. On the basis of percentages attempt has been made to see the desirability of the Uniform Civil Code and the important steps required for the enactment of the uniformed laws which could be made applicable to all irrespective of their sex, caste and religion. The schedule includes nineteen questions to know their awareness about personal laws, concept of Uniform Civil Code, the right time to frame the code and the essential steps required to be followed at the time of drafting of the Uniform Civil Code in India. The respondents were required to give answer in the category of ‘Yes’, ‘No’ and ‘Can’t Say’.2

In the present study an attempt is also made to see the social background of the respondents i.e. their age, gender, education and religion etc. while analyzing their viewpoint on the subject. To see that in which age group the respondents come, the respondents were asked to state their present age which is shown in Figure II.

2 The schedule is appended at the end as Appendix 6.
As the data reveals that majority 90% of respondents are in the age group of 21 yrs and onwards so they are mature enough to understand the concept and implications of having or not having the common personal laws in India.

Equality provides social justice. The holistic development of man and woman is impossible without social justice. But there are many situations in which women belonging to a particular community are discriminated. Women are not treated alike in matters relating to marriage, divorce, inheritance and maintenance etc. therefore it was considered important to analyse the data on the basis of gender to know their opinion on the concept of Uniform Civil Code.
In the present study, sixty one percent of the respondents are males whereas as 39 percent are females. The obvious reason for more number of males is that in the different categories of respondents (except in case of students and teachers) it was more dominated by males. The male members were more cooperative and ready to give their opinion on this important issue of framing of Uniform Civil Code in India.

Further, an attempt is also made to see the educational level of the respondents because education is one of the important factors which influences on the personality of a person. Secondly, education helps a person to know and perceive the issue in a rational manner.
It is clear from the Figure that only five percent of the respondents have studied up to matriculation level. Majority of the respondent have done some professional course i.e. 42% of them have attained bachelor degree where as 36% have master’s degree with them. Sixteen percent have attained diploma or degree at the higher level.

India is a country in which each community has its own personal laws. The Hindus, Muslims, Christians, Parsis, Jews and the minority communities have their own separate family laws. Although each of these communities is a religious community, yet it is not necessary for the application of the personal laws that member of the community should be ardent follower of that religion but so long as he does not give up his faith and embrace another religion, he will continue to be governed by the personal law of the community to which he belongs. The application of Uniform Civil Code means the uniform personal
laws for the members of all the religious communities. Therefore, an attempt is made to include the representative of various religious communities in the study.

![Religion of the Respondents](image)

**Figure V**

As the Figure clearly indicates that majority of the respondents are from the majority community, the only possible explanation is that in all the categories it was impossible to find the representative of all the communities as they are in minority. But in the category of representative of the various religious communities' equal number of respondents\(^3\) are taken from the Hindus the majority community and the Muslims the biggest minority community and equal representation of the Christians in the present study.

Further, an attempt is also made to see the occupational status of the respondents. A man's way of thinking and living is greatly influenced by the particular occupation he pursues. As Ginsberg stated that an Individual's

\(^3\) Ten respondents are taken from each religious community.
occupation is generally a fair Index of his mode of life and educational attainments. One's occupation is closely associated with education because higher education demands higher education and greater skills. Figure VI gives the occupations in which the respondents are engaged.

It is clearly evident from the Figure that 51 percent of them are in service whereas 19 percent of them are working as professionals as per their skills. Others include shop keepers, heads and other functionaries in the religious institutions and housewives etc.

After analysing the social background of the respondents attempt is made to know their opinion on the desirability of the Uniform Civil Code in
India. In this regard the first important thing was to ask them about their awareness about different personal laws existing in India. Figure VII shows the awareness among the respondents regarding different personal laws existing in the society.

The figure clearly indicates that majority of the respondents are aware about the personal laws being followed by the different religious communities, whereas only eight percent replied in negative. But when asked about the satisfaction over the existence of the different personal laws, the response was not very much affirmative Figure VIII gives the responses regarding the satisfaction over the existing situation.
Figure VIII

It is very much clear from the figure that 71 percent of the respondents are not satisfied or happy over the existence of the different personal laws for the various religious communities and only 20 percent showed their satisfaction on the existing pattern of different personal laws of the different religious communities, where as 6 percent did not want to reply or were not ready to comment on this.
Further, the information was also collected regarding the respondents' awareness about the term/concept of the Uniform Civil Code as given in Article 44 which is a Directive Principle of State Policy in the Constitution of India. Figure IX gives the information regarding the awareness about the concept of Uniform Civil Code.

![Awareness about the concept of Uniform Civil Code](image)

Out of the total respondents nearly 74 percent were aware about the concept of Uniform Civil Code whereas 17 percent were either not aware or were not ready to answer on this question. The reasons for high rate of awareness relates to the fact that respondents includes law students, law teachers, judges and advocates who are aware about the laws existing in the society. Further, when the respondents were told that the Uniform Civil Code means the same set of Civil/personal laws to govern all citizens irrespective of...
their religion, the majority of them agreed. Figure X gives the data regarding the agreement or disagreement with the meaning of Uniform Civil Code.

**Figure X**

The Figure clearly indicates that majority of the respondents agreed with the meaning that uniform means common civil/personal laws to govern the persons of all religious communities. Out of 160 respondents only 8 percent shown their disagreement as they were not happy with the idea that civil laws can be same for the persons of different religious communities and 11 percent were unable to say any thing on this possibly because of lack of awareness/information. Further, an effort is made to know whether respondents are aware that the Uniform Civil Code is a Directive Principle in
the Constitution of India. Figure XI shows the level of knowledge of the respondents on the Uniform Civil Code as a Directive Principle.

**Awareness about Uniform Civil Code as a Directive Principle**

![Bar Chart]

As the data reveals that 71 percent of the respondents are aware that Uniform Civil Code is a Directive Principle in the Constitution of India. The only possible reason as discussed earlier also is that majority of the respondents are related to the law field as a student, teacher, advocate and judge. Remaining 19 percent were not aware and 10 percent were not able to respond because all the respondent as a layman are not expected to know that it is a Directive Principle in the Constitution. An attempt is also made to know that whether enactment of Uniform Civil Code is anti-minorities? Figure XII gives the responses of the respondents on this issue.

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Majority of the respondents feels that the enactment of Uniform Civil Code is not against the interest of the minorities group which further supports the point that there is strong need of the uniform personal laws in India. When asked whether the application of Uniform Civil Code is violative of Fundamental Right of freedom of religion under Article 25 of the Constitution, a sizeable number of respondents replied in negative. Figure XIII gives the data on respondents' views regarding violation of Fundamental Right of freedom of religion.
Whether the application of Uniform Civil Code is violative of Fundamental Right to Religion?

Figure XIII

Only 8 percent replied in affirmative and 21 percent did not reply which makes it clear that very small percentage thinks that enactment of Uniform Civil Code is interference in the matters of the religion of the various communities. The only possible reason for this is that personal laws of the different communities are being followed by the members as the customary practices of their religion and people do not want to accept the change. On the other 71 percent clearly indicated that enactment of Uniform Civil Code is not in violation of the Fundamental Right to religion of the various religious communities.

Judiciary has always played a very dynamic role in interpreting laws in such manner, so that the maximum justice can be given to the masses. Regarding the enactment of Uniform Civil Code as per Article 44 of the Constitution, the courts have given direction to the Centre and State governments through its various decisions to enact Uniform Civil Code as it is
essential to provide equality to all irrespective of their religion. So the respondents were asked how they see the judgment in a recent case in which the Chief Justice of the Supreme Court of India advocated the implementation of the Uniform Civil Code. Figure XIV gives the details how the respondents look at the decision of the Supreme Court.

![Diagram: Respondents views regarding the judgement of the Supreme Court]

*The respondents were given freedom to tick for more than one choice so the total of percentage will not be 100 percent.

Figure XIV

The data clearly reveals that majority of the respondents have looked at the decision by the court as a positive approach towards bringing equality for all irrespective of their religion. But no step has been taken in this regard by the government. Therefore, an attempt is also made to know why the legislators have failed to enact Uniform Civil Code till now. Figure XV gives the reasons for failure to enact Uniform Civil Code in India.

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4 Refer generally to Chapter V
5 John Vallamottom vs. Union of India AIR 2003 SC 2902
Reasons for non-enactment of Uniform Civil Code till now?*

*The respondents were given freedom to tick for more than one choice so the total of percentage will not be 100 percent.

Figure XV

The Figure clearly reveals that as much as 82 percent agree that one main reason for non-enactment of Uniform Civil Code is that political parties do not want to loose their vote bank. Further, 34 percent also feels that no consensus has been reached between the parties on this controversial issue of Uniform Civil Code. Only 18 percent respondents are of the view that parties do not want to hurt the sentiments of the religious communities. So these are the various reasons that in spite of the legal obligation under Article 44 of the Constitution the Uniform Civil Code is still not framed in India.
After analysing the level of awareness and knowledge about the Uniform Civil Code, the next important thing is to know the respondents views on the government’s duty to implement Uniform Civil Code keeping in mind the obligation on the state to secure a uniform law to provide equality to all irrespective of their religion. Figure XVI gives the details regarding the government’s duty to implement the Uniform Civil Code in India.

![Graph showing responses to the question: Is Government Duty bound to enact Uniform Civil Code?](image)

**Figure XVI**

The data clearly reveals that sixty three percent of respondents think that government is duty bound where as only 23 percent of the respondents thinks that government is under no obligation and 14 percent did not reply. The reasons for such response may be that since it is only a Directive Principle in the Constitution of India and many people view it as only directory in nature.

Further, an attempt is also made to know that whether the respondents feel that India really needs the Uniform Civil Code for all the citizens? Figure
XVII gives the data pertaining to the need of the enactment of Uniform Civil Code in India.

It is very clear from the table that more than 80 percent of the respondents think that there is a need of uniform laws in relation to the marriage, divorce, maintenance, succession etc. for the members of all religious communalities. Significantly only 8 percent replied in negative and 9 percent of respondents did not want to reply as they were unable to decide on the need of the Uniform Civil Code. But a sizable majority still supports the idea that there is need of uniform laws in civil/personal matters. Further, an attempt is also made to know the various reasons for enactment of Uniform Civil Code from those respondents who replied in positive for the enactment.
Various reasons given for the enactment of the Uniform Civil Code*

- It will give equality to all irrespective of their religion.
- It is essential to bring uniformity in marital, succession and the like issues for all.
- To achieve unity and solidarity in the country.
- To check discrimination on ground of religion.
- It is essential for a diverse country like India.
- It will be an essential measure for the part of the country.
- It is juristic solution to the communal problems.

*The respondents were given freedom to tick for more than one choice so the total of percentage will not be 100 percent.

Figure XVIII

Regarding the various reasons given for the need of the Uniform Civil Code in India figure XVIII indicates that 60 percent of the respondents (who replied that India require Uniform Civil Code) stressed that it will give equality to all irrespective of their religion where as 56 percent think that enactment of Uniform Civil Code is essential to bring about uniformity in marriage, divorce, maintenance and succession issues for all. On the other 51 percent think that Uniform Civil Code is essential to achieve unity and solidarity in the country and 49 percent of the respondents feel that our common law will help to check
discrimination on ground of religion; 47 percent think that it is essential for a diverse country like India whereas 44 percent feel that enactment of Uniform Civil Code will be a progressive measure/step on the part of the country. The last reason given by 31 percent of respondents for the application of uniform laws is that it is the juristic solution to the communal problems.

But those who replied in negative that there is no need of the Uniform Civil Code have given the various reasons for non-enactment of Uniform Civil Code which are shown in Figure XIX.

**Reasons given for non enactment of Uniform Civil Code in India***

![Diagram showing reasons for non-enactment of Uniform Civil Code in India](image)

*The respondents were given freedom to tick for more than one choice so the total of percentage will not be 100 percent.

**Figure XIX**

77 percent of the respondents think that it is the interference in the personal matters of different religions whereas 54 percent feel that no consensus can ever be reached on this issue between the different religious communities.
Now after knowing the various reasons for the enactment of uniform personal laws it is important to know whether it is the right time to frame the Uniform Civil Code. Figure XX gives the details regarding the right time to enact Uniform Civil Code.

Figure XX

It is very much evident that 74 percent of the respondents feel that right time has come to enact the Uniform Civil Code for all citizens irrespective of their sex, religion etc. On the other 26 percent said no or not sure that it is the right time. But majority thinks it is the need of the hour.

If the enactment of Uniform Civil Code is essential for providing equality to all irrespective of their religion, the next important thing is what step are essential and desirable to accomplish the goal of the Uniform Civil Code. Various steps required to be considered at the time of drafting of Uniform Civil Code are given as per the preference of the respondents are given in Figure XXI.
What steps are essential and desirable to accomplish the goal of the Uniform Civil Code?*

- Codification and simplification of existing laws: 39%
- Equal representation of all personal laws in the Uniform Civil Code: 43%
- Commitment to equality for all: 45%
- Political courage: 49%

*The respondents were given freedom to tick for more than one choice so the total of percentage will not be 100 percent.

Figure XXI

There are various steps which are required to be followed before the enactment of the Uniform Civil Code in India. Looking at the various steps it is very rightly 49 percent of the respondents stressed on the political courage of the parties because the enactment of Uniform Civil Code requires a bold effort on the part of political party at the Centre along with the consensus of all the other parties who are part in the formation of the government at the Centre. Since the enactment of Uniform Civil Code will bring major change in the personal laws of the all religious communities, it is very much essential to give equal representation to the personal laws of various religious communities while drafting the Uniform Civil Code for the citizens of India. Therefore, commitment to equality for all should be the main concern of the government. Lastly, 39 percent think that codification and simplification of existing laws is a step towards the achievement of the goal of Uniform Civil Code.
Since the enactment of the Uniform Civil Code in India is a very sensitive issue so important point to be kept in mind is whether there is any need to have the consensus of all the religious communities before the enactment of Uniform Civil Code? Figure XXII gives the data pertaining to the respondents' views regarding the requirement of the consensus of all the communities.

![Bar graph showing the percentage of responses](image)

**Whether the consensus of all religious communities required before the enactment of Uniform Civil Code?**

- **Yes**: 32%
- **No**: 54%
- **Can't Say**: 14%

**Figure XXII**

On this issue the responses are divided, nearly one third of the respondents (32%) think that there is a need to have consensus of all the communities before implementing Uniform Civil Code whereas the fifty four percent clearly thinks that there is no need to have the consensus of all the religious communities. They think that it is the job of the government to enact uniform laws so there is no requirement of the involvement of all the religious communities. 14 percent were unable to answer on this sensitive issue.

Regarding the implementation of the Uniform Civil Code it is important to decide that whether the application of Uniform Civil Code should be made...
voluntary/optional in the beginning or not? Justice Tulzapurkar observed that framing of Uniform Civil Code can not be done voluntarily. Any attempt to make the code voluntary or optional must be opposed because the moment it is made optional it ceased to be uniform. Therefore, an attempt is made to know from the respondents whether it should be made voluntary/optional in the beginning.

![Graph showing the percentages of respondents' opinions on making Uniform Civil Code voluntary/optional in the beginning.]

Should the application of Uniform Civil Code be made voluntary/optional in the beginning?

The data clearly reveals that only 31 percent are in favour to make it voluntary in the beginning but 51 percent does not want to make it optional rather want that it should be made applicable to all as it was done for Hindus when the Hindu civil code was formulated in 1956. On the other 18 percent of the respondents reserved their views on this. But the Uniform Civil Code can not be made optional for two reasons first, uniform means common for all, secondly, the founding fathers of the Constituent Assembly wanted a family code uniformly applicable to all the communities living in India.

Since the application of Uniform Civil Code will effect the members of various religious communities, an effort must be made to make people accept
and understand the concept of Uniform Civil Code and its effect on the society i.e. it well help in bringing equality for all and it well check discrimination on the ground of religion. So the respondents were asked about the different measures which should be adapted to accomplish the goal of the Uniform Civil Code in India. Figure XXIV gives the different measures required to be adopted before the application of the Uniform Civil Code for all the citizens irrespective of their religion, sex, caste etc.

**What measures are required to be adopted to make people accept the Uniform Civil Code?**

- Cooperation from Non-Governmental Organisations: 16%
- Social activists/religious leaders to play major role: 56%
- To create awareness among masses with the help of media: 79%

*The respondents were given freedom to tick for more than one choice so the total of percentage will not be 100 percent.

Figure XXIV

It is clear that 79 percent stressed on the role of media to create awareness among the people in India. Media through press, television etc. can play a very dominant role to spread the message of equality for all in relation to the personal laws of the communities. Similarly the social activists and the heads of the religions institutions can reach to the people and make people understand the concept.
After analysing the data given by all the respondents to know their opinion on the desirability of the Uniform Civil Code in India, it was also necessary to see their viewpoint category wise i.e. what is the viewpoint of respondents of each category. For this ten main questions were taken which are necessary to know their opinion on the issue of the enactment of Uniform Civil Code e.g. Whether it is anti-minorities or in violation of the right to religion and whether it is the right time to enact and what steps are required to be taken into consideration to fulfil this goal. Table 1 gives the opinion of the respondents in the student's category. All the students are studying for their graduation degree.

<table>
<thead>
<tr>
<th>Main Questions to know their opinion on Uniform Civil Code.</th>
<th>Yes*</th>
<th>No*</th>
<th>Can’t Say*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awareness about the different personal laws exists in India.</td>
<td>93</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>Satisfaction over existing system of Personal Laws in India</td>
<td>3</td>
<td>94</td>
<td>3</td>
</tr>
<tr>
<td>Awareness about the concept of Uniform Civil Code</td>
<td>100</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Whether the enactment of Uniform Civil Code is anti-minorities?</td>
<td>3</td>
<td>93</td>
<td>3</td>
</tr>
<tr>
<td>Whether it is violative of Fundamental Right to religion?</td>
<td>0</td>
<td>97</td>
<td>3</td>
</tr>
<tr>
<td>Is government duty bound to enact Uniform Civil Code?</td>
<td>80</td>
<td>20</td>
<td>0</td>
</tr>
<tr>
<td>Does India really need Uniform Civil Code?</td>
<td>97</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Is it the right time to frame Uniform Civil Code?</td>
<td>93</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>Whether consensus of all religions required before the enactment of Uniform Civil Code?</td>
<td>53</td>
<td>34</td>
<td>13</td>
</tr>
<tr>
<td>Should it be made voluntary/optional in the beginning?</td>
<td>20</td>
<td>70</td>
<td>10</td>
</tr>
</tbody>
</table>

* Figures are in percentages.

Table 1 Opinion given by Law Students
It is clear from the table that 93 percent of the students are aware of the different personal laws existing in India and they are not satisfied with the functioning of the diverse personal laws applicable to persons belonging to different religions. Regarding the concept of Uniform Civil Code all the respondents are aware and more than 90 percent feels that enactment of Uniform Civil Code is not against the interests of minorities and does not in any way violate the fundamental right of freedom of religion guaranteed under the Constitution of India. Only 20 percent of the student’s feel that government is under no obligation to enact Uniform Civil Code as under Article 44 only a direction is given to the state and it is not binding. But 97 percent of them feel that India really need the uniform laws in case of civil/personal matters for all irrespective of their religion and 93 percent think that it is the high time to frame the Uniform Civil Code. Since the enactment of the Uniform Civil Code is a very sensitive issue and will effect the members of all the communities so 53 percent of the respondents feel that consensus of all the religious communities on the issue of enactment of Uniform Civil Code. Nearly 70 percent feels that application of Uniform Civil Code should not be made voluntary/optional in the beginning as it will not remain uniform once the parties are given choice is adopt it. So it becomes clear that majority of the respondents in this category are in favour of the Uniform Civil Code.

The data given by the teachers is also analysed to know their view points on the application of Uniform Civil Code is given in Table 2.
### Table 2 Opinion given by Law Teachers

The majority of the respondents in the category of law teachers are of the view that in a diverse country like India it is essential to have one common law pertaining to the personal matters of all the religions. All the respondents are aware about the different personal laws existing in India and only 17 percent are satisfied with the existing system. While showing awareness about the concept of the Uniform Civil Code, 90 percent feel that enactment of Uniform Civil Code will not result in violation of the Fundamental Right to religion and no way against the interest of minorities. Surprising only 57 percent feel that government is duty bound to enact. The only possible reason is that all know that the obligation to enact Uniform Civil Code is on the states.

<table>
<thead>
<tr>
<th>Main Questions to know their opinion on Uniform Civil Code.</th>
<th>Yes*</th>
<th>No*</th>
<th>Can’t Say*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awareness about the different personal laws exists in India.</td>
<td>100</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Satisfaction over existing system of Personal Laws in India</td>
<td>17</td>
<td>77</td>
<td>6</td>
</tr>
<tr>
<td>Awareness about the concept of Uniform Civil Code</td>
<td>97</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Whether the enactment of Uniform Civil Code is anti-minorities?</td>
<td>3</td>
<td>91</td>
<td>6</td>
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<tr>
<td>Whether it is violative of Fundamental Right to religion?</td>
<td>10</td>
<td>87</td>
<td>3</td>
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<tr>
<td>Is government duty bound to enact Uniform Civil Code?</td>
<td>57</td>
<td>33</td>
<td>10</td>
</tr>
<tr>
<td>Does India really need Uniform Civil Code?</td>
<td>84</td>
<td>6</td>
<td>10</td>
</tr>
<tr>
<td>Is it the right time to frame Uniform Civil Code?</td>
<td>77</td>
<td>10</td>
<td>13</td>
</tr>
<tr>
<td>Whether consensus of all religions required before the enactment of Uniform Civil Code?</td>
<td>10</td>
<td>61</td>
<td>29</td>
</tr>
<tr>
<td>Should it be made voluntary/optional in the beginning?</td>
<td>30</td>
<td>60</td>
<td>10</td>
</tr>
</tbody>
</table>

* Figures are in percentages.
is a directive principle which is not enforceable. But 83 percent feel that India really need uniform laws and it is the right time to frame it. On the question of consensus of all religious communities and application of Uniform Civil Code to be made voluntary/optional in the beginning, sixty percent are of view that we should not have consent of all religious communities and we should not allow applying it as optional for the communities to accept in case of their civil and personal matters.

Further, an effort is also made to analyse the opinion of the non-law teachers on this sensitive issue of the desirability of the Uniform Civil Code in India which is given in Table 3.

<table>
<thead>
<tr>
<th>Main Questions to know their opinion on Uniform Civil Code.</th>
<th>Yes*</th>
<th>No*</th>
<th>Can't Say*</th>
</tr>
</thead>
<tbody>
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<td>80</td>
<td>13</td>
<td>7</td>
</tr>
<tr>
<td>Satisfaction over existing system of Personal Laws in India.</td>
<td>20</td>
<td>57</td>
<td>23</td>
</tr>
<tr>
<td>Awareness about the Concept of Uniform Civil Code</td>
<td>57</td>
<td>33</td>
<td>10</td>
</tr>
<tr>
<td>Whether the enactment of Uniform Civil Code is anti-minorities?</td>
<td>10</td>
<td>73</td>
<td>17</td>
</tr>
<tr>
<td>Whether it is violative of Fundamental Right to religion?</td>
<td>10</td>
<td>33</td>
<td>57</td>
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<tr>
<td>Is government duty bound to enact Uniform Civil Code?</td>
<td>53</td>
<td>10</td>
<td>37</td>
</tr>
<tr>
<td>Does India really need Uniform Civil Code?</td>
<td>80</td>
<td>17</td>
<td>3</td>
</tr>
<tr>
<td>Is it the right time to frame Uniform Civil Code?</td>
<td>67</td>
<td>6</td>
<td>27</td>
</tr>
<tr>
<td>Whether consensus of all religions required before the enactment of Uniform Civil Code?</td>
<td>13</td>
<td>47</td>
<td>40</td>
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<tr>
<td>Should it be made voluntary/optional in the beginning?</td>
<td>30</td>
<td>33</td>
<td>37</td>
</tr>
</tbody>
</table>

* Figures are in percentages.

Table 3 Opinion given by Non-Law Teachers
Table 3 clearly indicates that majority of the respondents are aware of the different personal laws existing in the society and 57 percent have shown satisfaction with the existing system of the personal laws in India. The possible reason for this is lack of awareness and concern on this sensitive issue. Regarding the awareness about the concept of Uniform Civil Code nearly 50 percent are aware about this. Although some of them think that the enactment of one common code is interference in the personal matters of religious communities but still more than 50 percent think that it is the duty of the government to enact one common code. 80 percent feel that there is an urgent need of Uniform Civil Code in India and it is the right time to enact. Nearly 40 percent feel that there is no need to get the consent of all the communities and it should not be made optional in the beginning.

An attempt is also made to analyse the data given by the Advocates to know their view points on the desirability of Uniform Civil Code in India which is given in Table 4.

<table>
<thead>
<tr>
<th>Main Questions to know their opinion on Uniform Civil Code.</th>
<th>Yes*</th>
<th>No*</th>
<th>Can't Say*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awareness about different personal laws exists in India.</td>
<td>100</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Satisfaction over existing system of Personal Laws in India</td>
<td>24</td>
<td>70</td>
<td>6</td>
</tr>
<tr>
<td>Awareness about the concept of Uniform Civil Code</td>
<td>90</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>Whether the enactment of Uniform Civil Code is anti-minorities?</td>
<td>6</td>
<td>88</td>
<td>6</td>
</tr>
<tr>
<td>Whether it is violative of Fundamental Right to religion?</td>
<td>6</td>
<td>84</td>
<td>10</td>
</tr>
<tr>
<td>Is government duty bound to enact Uniform Civil Code?</td>
<td>80</td>
<td>14</td>
<td>6</td>
</tr>
<tr>
<td>Does India really need Uniform Civil Code?</td>
<td>94</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Is it the right time to frame Uniform Civil Code?</td>
<td>90</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>Whether consensus of all religions required before the enactment of Uniform Civil Code?</td>
<td>24</td>
<td>70</td>
<td>6</td>
</tr>
<tr>
<td>Should it be made voluntary/ optional in the beginning?</td>
<td>33</td>
<td>53</td>
<td>17</td>
</tr>
</tbody>
</table>

* Figures are in percentages.

Table 4 Opinion given by Advocates
Similarly it is clear from table 4 that all the advocates are aware about the different personal laws and the concept of Uniform Civil Code and 70 percent are satisfied with the present System of different personal laws for all the religious communities. Nearly 80 percent of the advocates feel that neither it is anti minorities nor it violates the Fundamental Rights of religion as given under the Constitution of India. 80 percent feel that government is duty bound to enact such law to give equality to all as committed in the preamble to the Constitution. So ninety percent think that India really needs a Uniform Civil Code and the time has come to take a step further to enact a Uniform Civil Code. In regard to the crucial issue of having consent of all the religious communities 70 percent are of the view that consensus of all religious communities is not required and further fifty three percent feel that application of Uniform Civil Code should not be made voluntary at all.

The courts have consistently emphasized the need of the Uniform Civil Code through its various decisions. The courts have also time to time given directions to the Centre and State governments to enact Uniform Civil Code as it is essential to provide equality to all irrespective of their religion. The judges of the courts provide relief to the aggrieved persons in society by interpreting the laws in such manner to provide maximum justice to one and all. Therefore, an attempt is made to analyse the data given by the Judges to know their view points on the application of Uniform Civil Code which is given in Table 5 (given on next page).

As for as the judges of the various courts, as it is clear from table 5 that majority of the judges are in favour of enactment of the Uniform Civil Code as desired by the Constitution makers at the time of drafting of the Constitution. Only 60 percent feel that government is duty bound to enact the Uniform Civil Code but 80 percent of them feel that it is the high time to frame the Uniform Civil Code. The possible reason can be that since it is the job of the legislature to enact law. It requires a very bold step because of the sensitivity of the issue as it will effect the feelings of the various religious communities.
towards their own religion. Secondly, it is a Directive Principle which can not
be enforced as any other Fundamental Right. But judiciary through its various
decisions has tried to direct the legislature time and again to enact Uniform
Civil Code.

<table>
<thead>
<tr>
<th>Main Questions to know their opinion on Uniform Civil Code.</th>
<th>Yes*</th>
<th>No*</th>
<th>Can’t Say*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awareness about different Personal laws exists in India.</td>
<td>100</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Satisfaction over existing system of Personal Laws in India</td>
<td>0</td>
<td>100</td>
<td>0</td>
</tr>
<tr>
<td>Awareness about the concept of Uniform Civil Code</td>
<td>100</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Whether the enactment of Uniform Civil Code is anti-minorities?</td>
<td>0</td>
<td>100</td>
<td>0</td>
</tr>
<tr>
<td>Whether it is violative of Fundamental Right to religion?</td>
<td>0</td>
<td>100</td>
<td>0</td>
</tr>
<tr>
<td>Is government duty bound to enact Uniform Civil Code?</td>
<td>60</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Does India really need Uniform Civil Code?</td>
<td>100</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Is it the right time to frame Uniform Civil Code?</td>
<td>80</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Whether consensus of all religions required before the enactment of Uniform Civil Code?</td>
<td>10</td>
<td>90</td>
<td>0</td>
</tr>
<tr>
<td>Should it be made voluntary/optional in the beginning?</td>
<td>10</td>
<td>90</td>
<td>0</td>
</tr>
</tbody>
</table>

* Figures are in percentages.

Table 5 Opinion given by Judges

All the religious communities have their own personal laws, so it was
very important to have the opinion of the representatives of the various
religious communities i.e. Hindus the biggest majority and Muslims the
biggest minority community and also included the representatives of the
Christian community which are again in minority in India. Table 6 gives the
opinion of the representatives of the various religious communities.

6 refer to chapter V
Main Questions to know their opinion on Uniform Civil Code. | Yes* | No* | Can't Say*
---|---|---|---
Awareness about different Personal laws exists in India. | 87 | 0 | 13
Satisfaction over existing system of Personal Laws in India | 43 | 47 | 10
Awareness about Uniform Civil Code | 20 | 53 | 27
Whether the enactment of Uniform Civil Code is anti-minorities? | 23 | 54 | 23
Whether it is violative of Fundamental Right to religion? | 17 | 43 | 40
Is government duty bound to enact Uniform Civil Code? | 47 | 40 | 13
Does India really need Uniform Civil Code? | 53 | 17 | 30
Is it the right time to frame Uniform Civil Code? | 44 | 23 | 33
Whether consensus of all religions required before the enactment of Uniform Civil Code? | 63 | 30 | 7
Should it be made voluntary/ optional in the beginning? | 60 | 20 | 20

* Figures are in percentages.

Table 6, Opinion given by representatives of the three religious communities.

It is evident from the table that 87 percent of the respondents are aware about different laws of the various religious communication where as 47 percent are not satisfied. It clearly indicates that 43 are happy and satisfied with their own separate personal laws. Approximately 53 are aware the concept of Uniform Civil Code and think that it is not violative of any right of other communities and the rest of the respondent feels that it is interference in the affairs of the others. Nearly 50 percent feel that government is duty bound as it is the real need of the hour and the right time has come to enact. More than sixty percent feel that there is need of consensus of all the communities and to begin with it must be made optional so that there is no forced interference in the personal law of the different religious groups. So it is very much clear from the table that respondents are divided, almost fifty percent are in favour of the enactment of the Uniform Civil Code and are of the view that time has come to frame the Uniform Civil Code but the other fifty percent are either against or are unable to give opinion or sure about their answer. Therefore, an attempt is also made to see the opinion of each of the religious community on this issue. Table 7 gives the data relating to the responses of the three communities separately.
### Main Questions to know their opinion on Uniform Civil Code.

<table>
<thead>
<tr>
<th>Question</th>
<th>HINDU</th>
<th>MUSLIMS</th>
<th>CHRISTIANS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awareness about the different Personal laws exists in India.</td>
<td>Yes, 90%</td>
<td>No, 10%</td>
<td>Can't say, 70%</td>
</tr>
<tr>
<td>Satisfaction over existing system of Personal Laws in India</td>
<td>Yes, 20%</td>
<td>No, 70%</td>
<td>Can't say, 10%</td>
</tr>
<tr>
<td>Awareness about the concept of Uniform Civil Code</td>
<td>Yes, 30%</td>
<td>No, 60%</td>
<td>Can't say, 10%</td>
</tr>
<tr>
<td>Whether the enactment of Uniform Civil Code is anti-minorities?</td>
<td>-</td>
<td>Yes, 70%</td>
<td>No, 30%</td>
</tr>
<tr>
<td>Whether it is violative of Fundamental Right to religion?</td>
<td>-</td>
<td>Yes, 70%</td>
<td>No, 30%</td>
</tr>
<tr>
<td>Is government duty bound to enact Uniform Civil Code?</td>
<td>Yes, 60%</td>
<td>No, 30%</td>
<td>Can't say, 10%</td>
</tr>
<tr>
<td>Does India really need Uniform Civil Code?</td>
<td>Yes, 70%</td>
<td>No, 30%</td>
<td>Can't say, 10%</td>
</tr>
<tr>
<td>Is it the right time to frame Uniform Civil Code?</td>
<td>Yes, 60%</td>
<td>No, 10%</td>
<td>Can't say, 50%</td>
</tr>
<tr>
<td>Whether consensus of all religions required before the enactment of Uniform Civil Code?</td>
<td>Yes, 30%</td>
<td>No, 60%</td>
<td>Can't say, 10%</td>
</tr>
<tr>
<td>Should it be made voluntary/optional in the beginning?</td>
<td>Yes, 30%</td>
<td>No, 60%</td>
<td>Can't say, 10%</td>
</tr>
</tbody>
</table>

* Figures are in percentages.

Table 7 Responses of three communities separately.

It is clear from the table that all respondents of the Muslim community are very much satisfied with their own personal law as compared to the respondents of the Hindus and Christians. Further, 50 percent of the Muslim respondents feel that the enactment of such code is violative of the Fundamental Right to religion and it is against the interest of the minorities.
Therefore, the government is not duty bound to enact the Uniform Civil Code. On the other respondents of the Christian community does not feel so and 80 percent of them feel that India really need a uniform law and it is the duty of the government to enact such law, if they really want to check the discrimination on the ground of religion. Nearly 60 percent of the respondents from Hindu and Christian community feel that it is high time to enact a Uniform Civil Code. Regarding the consensus of all the religious communities before enactment, all the respondents from the Muslim community want that there is a need of the consent of all the religious communities where as in case of respondents from the Christian and Hindu Community the percentage is 70 percent which clearly shows that respondents of the Muslim community are still against the enactment of Uniform Civil Code, as they do not want any kind of interference in their personal matters. On the question that whether it should be made voluntary/optional in the beginning, majority of the respondents from the categories of the Muslim and Christian wants that it should be made optional in the beginning which is in sharp contrast to the opinion of the respondents from the Hindu community thus there is clear cut difference in the perception on the issue of enactment of the Uniform Civil Code by the respondents of the three communities.

Further, an attempt is also made to see the view point of the respondents according to the gender of the respondents. This was considered important because the existing laws of the various communities are not the same for the males as well as for females i.e. they tend to discriminate women in the matters relating to the marriage, divorce, maintenance, succession and so forth. Table 8 gives the data on the basis of the gender of the respondents.
Table 8 Analysis according to the Gender of the respondents

It is very much surprising to note that in reply to all the questions except one or two the viewpoint of the males as well as females respondents was almost same this clearly indicates that as far as the need of uniform civil laws in India both males and females think alike. Both want the enactment of Uniform Civil Code as given under Article 44 of the Constitution of India. More than 70 percent feel that time has come to frame it but they are divided on the issue of consensus of all religious communities where as 54 percent male respondents feel that there is no need to have the consensus but only 35 percent of the respondents feel so but that is very insignificant because both
of them think that there is need of uniform laws applicable to all irrespective of their religion in respect of personal laws for them.

In the end an effort is also made to see the comparative viewpoint of the respondents of all the categories to know the desirability of the Uniform Civil Code. For this a comparative analysis is done on the basis of the ten main questions which are important to form an opinion on this crucial issue. Figure XXV gives the data of the respondents according to their categories regarding their awareness about the different personal laws existing in India and the satisfaction over the existing system of personal laws.
It is very clear from the Figure XXV and XXVI that more than 80 percent respondents in all the six categories are aware about the fact that different religious communities have their own personal laws and rest 20 percent have shown their ignorance by saying no or did not answer. But regarding the satisfaction over the existing system it is surprising to find that nearly 43 percent in the category of representatives of different religious communities shown their satisfaction on the existing system. On the other, approximately seventy percent in all other categories (except in the category of non-law teachers where 23 percent did not answer) are not happy with the diverse personal laws for the members of various religious communities. The non satisfaction on the existing system by the majority of the respondents supports the demand for the enactment of one common code for all its citizens.
Further, a comparative analyse of the responses of the different categories is done to know their awareness about the concept of Uniform Civil Code which is given in Figure XXVII.

![Graph: Awareness about the concept of Uniform Civil Code](image)

**Figure XXVII**

It is very much clear from the data that respondents in the category of non-law teachers and representatives of religious categories are ignorant about this concept which indicates the lack of information and knowledge among the masses. On the other more than ninety percent of the respondents in the other four categories are aware about the Uniform Civil Code for the obvious reason that all are associated with the field of law in one way or the other.

An effort is also made to analyse the data comparatively that whether the enactment of the Uniform Civil Code is anti-minorities or violative of fundamental right to religion? The analysis is given in Figures XXVIII and XXIX.
It is very much evident from the data that majority of the respondents in all the categories except in the category of the representatives of different religious communities (where 23% feel that it is against the interests of the minorities) believe that the enactment of Uniform Civil Code is not anti-minorities. On the other, the enactment of Uniform Civil code violates the right to freedom of religion or not, (see. Figure no. XXXIV), nearly fifty percent in the category of non-law teachers and forty percent respondents in the category of representatives of religious communities choose not to answer on this issue. The only possible explanation is lack of knowledge in the respondents on this subject. In the rest four categories majority does not think that it will violate their fundamental right to religion.
Is the enactment of Uniform Civil Code is violative of fundamental right to freedom of religion?

Representatives of different religious communities

Judge
Advocates
Non-Law Teachers
Law Teachers
Law students

□ Yes □ No □ Can’t Say

Figure XXIX

Now coming to the desirability of Uniform Civil Code it is essential to know the views of different categories on whether there is a need of Uniform Civil Code and the right time has come to frame Uniform Civil Code and Government is duty bound to enact and implement the same. Figure XXX, XXXI and XXXII gives the analysis of the responses given by the respondents of all the categories on the desirability of Uniform Civil Code in India.
Does India really need Uniform Civil Code?

[Graph showing percentage responses from different groups: Law students 97%, Law Teachers 84%, Non-Law Teachers 80%, Advocates 84%, Judges 100%, Representatives of different religious communities 63%.

Yes □ No □ Can't Say]

Figure XXX

Is Government duty bound to enact Uniform Civil Code?

[Graph showing percentage responses from different groups: Law students 80%, Law Teachers 57%, Non-Law Teachers 63%, Advocates 80%, Judges 60%, Representatives of different religious communities 47%.

Yes □ No □ Can't Say]

Figure XXXI
Is it the right time to frame Uniform Civil Code?

It is very much evident from the Figures XXX, XXXI and XXXII that nearly 80 percent of the respondents in all the categories (except in case of representative of religious communities) strongly think that there is a need of Uniform Civil Code in India. In comparison only 63 percent respondents are of the view that Govt is duty bound to enact the Uniform Civil Code. But as far on the need of the uniform laws and the right time to frame the Uniform Civil Code majority of the respondent from the category of law students, law teachers, non-law teachers, advocates and judges are of the opinion that it is the need of the hour and the right time has come to enact and implement the code. On the other it is nearly fifty percent from the representative of all the religion communities who feels in the same manner.

Figure XXXII

180
Since the enactment of the Uniform Civil Code in India is a very sensitive issue so it was considered important to ask from the respondents whether there is any need to have the consensus of all the religious communities before the enactment of Uniform Civil Code and whether the application of Uniform Civil Code should be made voluntary/optional in the beginning or not? Figure XXXIII and XXXIV gives the comparative analysis of the responses on these two points which are to be kept in mind while drafting common code for all the citizens of India.

**Figure XXXIII**

![Graph showing responses on whether the consensus of all religious communities is required before the enactment of Uniform Civil Code.](image-url)

**Whether the consensus of all religious communities required before the enactment of Uniform Civil Code?**
Should it be made voluntary/optional in the beginning?

Figure XXXIV

Regarding the requirement of having consensus of all religions communities the respondents have varied opinion like on the one side 90 percent of the judges feel that there is no need to have consent of all the religious communities because it is clearly given in the Constitution that state has an obligation to draft the uniform law for all which should be made applicable to all irrespective of their religion and on the other 30 percent of the representative of religious communities feel that no consensus is required. The obvious reason for this may be that the respondents of this category are of this view that with consensus it will be easier to implement on all as it
involves a major change in the laws especially of the minority communities. Keeping with this view 60 percent of the respondents from the category of respondents of religious communities also feel that in the beginning it should be made voluntary for the members of the various religious communities. It will make easier for all to accept this new concept. On the other nearly 25 percent on average from other categories feel that it should not be made optional at all. Therefore, it can be safely concluded from the analysis given in Figures XXXIII and XXXIV that generally all the respondents are of the view that right time has come to frame the Uniform Civil Code and there is no need of consensus of all the religious communities and it should be made mandatory for all from the beginning because only than uniformity for all can be achieved as desired by the Constitution makers which is very much clear from the Constituent Assembly debate. The obvious reason for the less response from the representatives of the religious communities especially the Muslim community is because they are afraid of undue interference by the majority community and non-inclusion of their personal laws in the draft of the Uniform Civil Code which is not true. When the Hindu Civil Code was framed in 1956 it was also objected by the Hindus but later on the members accepted it as there was no violation of their right to religion. Same is the case for these minority communities, so this change in the personal laws has to be accepted with broad outlook. The enactment of Uniform Civil Code does not means the enforcement of the laws of the majority community but it means the equal representation of all the communities in the code and the application of universal laws which helps in bringing equality for all as given in the chapter III of the Constitution of India.

Thus, from the above analysis of the empirical study it is very much clear that the majority of the respondents in all the categories (except in the category of representatives of religious communities in which nearly 50
percent also think that there is need of uniform laws) are in favour of one common code. The time has come to frame Uniform Civil Code as desired in the Constitution. The state has an obligation to enact and implement one common code to provide equality and equal protection of laws to all which is a Fundamental Right in the Constitution. The conditions favourable towards this should be created by bringing about a change in the mindset of the masses. This is quite possible with the help of media playing a dominant role to generate awareness among the people.