



UNIFORM CIVIL CODE (2007). By K.C. JENA. The Law, Neem Chauri, Cuttack. Pp v+160. Price Rs. 195/-.

THE CONSTITUTION of India guarantees to all persons equality and equal protection of law under article 14 as a fundamental right. In this connection article 44 speaks about the uniform civil code for Indians.¹ However, since long various provisions of the personal laws followed by the different communities deny equality to women in general. While Hindu personal law has been extensively reformed, personal laws of other communities have been by and large, left untouched. It is true that Hindu women have gained new rights in the processes of transformation and empowerment. There are still, some grey areas, which have to be taken care of, for achieving total equality.

The book under review is written by an academician who has always shown special interest in the area of personal laws. The book depicts the true picture of Indian society with respect to the prevailing force of laws relating to marriage, succession, and proprietary rights. The author expresses his opinion that the secular character of Indian states can be achieved fully only by a uniform civil code which is non-optional and serves the connection between religion and civil rights. The author also suggests a model of a statutory regime under the law of succession for achieving the superior goal of article 44 of the Constitution.

The book is divided into eleven chapters dealing with different issues emanating from the concept of uniform civil code. In the introductory chapter, the author traces the origin and development of the idea of uniform civil code. He concludes the chapter by saying that the attitude and practice of people reflect more closely the traditional ideas than what has been laid down in the statutory provisions. The practical way of approach adopted by the writer in analyzing the traditional materials for tracing the background of prevailing statutory provisions is worth mentioning.

The second chapter on the semantic perspective of succession or inheritance, though a considerably short one, has beautifully described the distinction between succession and inheritance among Hindus. The author could have extended the study to the existing legal provisions on the same

1. Art. 44 of the constitution of India reads thus:
‘the state shall endeavor to secure for the citizens a uniform civil code throughout the territory of India’.



in different religions like Islam or Christianity. The author concludes chapter three on the traditional scheme of the ancient Hindus by saying that in spite of the best efforts of the commentators to ameliorate the conditions of women, they could not make a dent upon the supremacy of agnates with the only exception of Dayabhaga and its followers.

Chapter four dealing with heirship of women under the Hindu Succession Act, 1956 gives a relook into the circumstances that brought about a reformation in the law of succession among Hindu women. Likewise chapter five is a discussion about the succession to the property of a Hindu male. It is felt that the theoretical analysis under both these chapters ought to have been supplemented with case law study to make the attempt more fruitful.

A study of different classes of women heirs under Muslim law has been made in chapter six confining the sources exclusively to traditional materials with its antiquity going back to fourteenth century. Modern yardsticks of constitutional imperatives such as equality of sexes and female empowerment, though referred to in the chapter, have not been given a proper analysis in this context. Heirship of women under the law applicable to Christians, Jews and other residual communities has been very briefly discussed in chapter seven giving an overview of the subject matter.

Chapter eight gives an insight into the Indian Succession Act, 1925 as amended in 1991² by rationalizing the claims of various heirs with respect to the property of the deceased. The changes introduced by the amending Act has been very briefly narrated under this head. A comparative projection of women heirs under various personal laws as given in chapter nine provides an opportunity for readers to examine the present position of women in India with respect to right to property. The comparative analysis is a notable feature of the book and that would definitely increase readership.

Another important chapter is one titled “Uniform Civil Code — A National Imperative” examining the constitutional mandate of securing a uniform civil code for the citizens of India in the light of the existing social, economical and political scenario. A beautiful literature review has been done in the chapter with the conclusion that we endorse a pragmatic view in this respect, taking into account the socio-political commotion of this country, to effect an awakening among the masses before a legislation is initiated. This chapter has also not gone into the details of case law in this area to give the readers a chance to ponder over the techniques of judicial interpretation adopted by the judges. The concluding chapter suggests a draft model of the law of succession which could be debated and the

2 Amending Act 51 of 1991.



future statutory regime could embody these features. As a whole this book can be cited as a fine attempt in the direction of an enquiry into a mass of materials relating to succession under Indian personal laws with special reference to women heirs.

The book is well edited. The book's format, layout, binding and typography are excellent. Indexing is also accurately done with adequate references in the endnotes providing important additional information. They do clarify and extend points made in the body of the text. It is believed that the book with its unique style of presentation of ideas would definitely contribute to the knowledge of academicians and students of law.

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