

FEMINIST LEGAL THEORY AND PATRIARCHAL STRUCTURES: A SOCIO-LEGAL CRITIQUE OF THE UNIFORM CIVIL CODE IN INDIA**(SIMRAN KHUSHI)****ABSTRACT**

*The Uniform Civil Code (UCC) in India has long been debated as a means to achieve gender equality and national integration. This article offers a socio-legal critique of the UCC from a feminist perspective, analyzing its constitutional basis, key case law, commission reports, and international comparisons. We situate the UCC debate within feminist jurisprudence, emphasizing substantive equality, the politics of the private sphere, and intersectionality. The analysis reviews Articles 14, 15, 25 and 44 of the Constitution, and landmark cases (e.g. Shah Bano, Shayara Bano, Sarla Mudgal) to show that gender-just reform has advanced unevenly. Using examples from Tunisia, Morocco, and Turkey, we illustrate how codified reforms have advanced women's rights. We argue that any UCC must prioritize **uniformity of rights** over uniform procedures, protect individual autonomy and privacy, and involve inclusive, bottom-up processes. A careful doctrinal analysis combined with feminist theory demonstrates that a well-designed common code could further equality, but if implemented insensitively it risks reinforcing patriarchal or majoritarian biases.*

Keywords: Uniform Civil Code; Feminist legal theory; Patriarchy; Gender equality; Personal laws; Intersectionality.

I. INTRODUCTION

The Uniform Civil Code (UCC) has long been an aspirational goal of the Indian Constitution, enshrined in Article 44 as a directive principle of state policy. Article 44 provides that “*the State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.*”

From the outset, the framers of the Constitution saw a common civil code as promoting national unity and advancing women’s rights: for example, Dr. B.R. Ambedkar observed in the Constituent Assembly that women’s rights could never be secured without a uniform civil code. However, Article 44 is only a directive principle (art. 37) and is not itself enforceable by courts. Since independence, India has pursued personal-law reform selectively rather than through a single national code. The major 1950s reforms – including the Hindu Marriage Act, 1955 and the Hindu Succession Act, 1956 (as amended in 2005) – abolished key gender-based inequities in Hindu family law (for example, banning polygamy and equalizing inheritance). These laws implemented Article 44’s egalitarian ideals within the Hindu community. By contrast, codification of Muslim or other minority personal laws has been limited. Indeed, the Supreme Court has noted that with Hindu law largely codified, deferring a UCC indefinitely is hard to justify.

Key judicial rulings have both advanced and highlighted these tensions. In *Mohd. Ahmed Khan v. Shah Bano Begum* (AIR 1985 SC 945) the Court applied the secular Criminal Procedure Code to order maintenance for a divorced Muslim woman, invoking Article 14/15 equality and observing that Article 44 had been a “dead letter”. Parliament promptly passed the Muslim Women (Protection of Rights on Divorce) Act 1986 to override the judgment. In *Shayara Bano v. Union of India* (2017) the Court struck down instant triple talaq as arbitrary (violating Article 14), but left broader personal-law reform to the legislature. Likewise, *Sarla Mudgal v. Union of India* (1995) lamented that the majority of Indians lived under Hindu law and urged Parliament to consider a UCC. These decisions underscore that women’s substantive rights have often been at stake in UCC debates, but that any legislative approach must negotiate religious freedom under Article 25 as well as equality under Articles 14–15.

The debate has gained new momentum in recent years. In 2018, the Law Commission of India issued a report concluding that a UCC was “*neither necessary nor desirable at this stage,*” recommending instead targeted gender-just reforms and emphasizing “uniformity of rights, not

laws".¹ In 2023 the 22nd Law Commission again solicited stakeholder views on the UCC, signalling renewed official interest. At the state level, Goa's secular civil code (dating from Portuguese rule) remains in force, and in early 2024 Uttarakhand became the first state to enact its own Uniform Civil Code (banning polygamy and mandating civil marriage registration across communities).

This Article examines the UCC debate through a feminist socio-legal lens. Feminist jurisprudence rejects the notion that law is neutral, showing that legal rules and institutions are shaped by gendered power relations. Scholars from Catharine MacKinnon to Indian thinkers like Flavia Agnes, Ratna Kapur and Nivedita Menon have documented how personal laws institutionalize women's dependency and patriarchal authority.² Intersectional feminism (Kimberlé Crenshaw) reminds us that gender intersects with caste, religion and class, so one-size-fits-all reforms can have very different effects on different women. We therefore ask: would a Uniform Civil Code, as commonly conceived, actually advance gender justice in India, or might it simply impose new constraints under the guise of equality?

The Article proceeds as follows. Part II reviews the literature on legal pluralism, gender and equality. Part III outlines the feminist theoretical framework guiding our analysis. Part IV explains our methodology of doctrinal and socio-legal critique. Part V analyzes the constitutional background and legal developments: the Directive Principle of Article 44, relevant fundamental rights provisions (Articles 14, 15, 25), landmark case law (e.g. *Shah Bano*, *Danial Latifi*, *Shayara Bano*, *Sarla Mudgal*, *A. Jagadishwarananda Avadhuta*), commission reports (2018, 2023), and comparative reforms abroad (Tunisia, Morocco, Turkey). Part VI discusses the implications: it weighs the promise of a UCC for gender justice against feminist concerns about patriarchy and majoritarianism. Part VII concludes and Part VIII offers recommendations for a gender-just approach to personal-law reform.

II. LITERATURE REVIEW

The literature on the UCC spans constitutional law, gender studies and postcolonial theory. Within feminist legal theory it is widely observed that formal equality (treating all persons identically under law) can perpetuate patriarchal power if social contexts differ. Catharine MacKinnon, for example, argued that law often reflects male perspectives and interests, and

¹ Law Commission of India, *Consultation Paper on Reform of Family Law: Uniform Civil Code* (2018).

² Catharine A. MacKinnon, *Toward a Feminist Theory of the State*, (Harvard Univ. Press, 1989).

Carol Smart critiqued formal-equality models that ignore structural discrimination. Indian jurists have extended these insights: Flavia Agnes and others have shown how personal laws have historically institutionalized women's dependency and shaped gendered family norms.

Intersectionality adds that gender cannot be treated in isolation. Kimberlé Crenshaw's concept of intersectionality highlights how caste, religion, class and other identities intertwine with gender to shape women's experiences. For instance, a reform that benefits urban upper-caste Hindu women might leave rural tribal or Muslim women still vulnerable. This suggests that any reform – whether a uniform code or incremental changes – must consider diverse women's voices and needs.

In the Indian literature, commentators remain divided on the UCC. Some argue that a uniform code is needed to eliminate glaring disparities among personal laws and fulfill Articles 14 and 15. Others (often writing from feminist or rights-based perspectives) warn that enforcing a uniform code without sensitivity to minority identities could undermine religious freedom and pluralism. The Law Commission's 2018 consultation paper reflected this tension: it acknowledged that "*difference*" in family norms need not imply discrimination, and emphasized "*uniformity of rights, not laws*", a view echoed by feminist critics. The existing scholarship thus highlights a fundamental tension: multiple personal laws have historically disadvantaged women, but top-down homogenization of law may carry its own risks of exclusion or backlash. This Article builds on that literature by applying feminist theory to the specific question of how a UCC (if enacted) could either advance or undermine gender justice in India.

III. THEORETICAL FRAMEWORK

This analysis draws on key concepts from feminist jurisprudence. First, feminist theorists distinguish **formal equality** from **substantive equality**. Formal equality (sameness of treatment) can leave structural disadvantage intact, whereas substantive equality requires differential accommodations to achieve real parity. Catharine MacKinnon, for example, argues that law is often structured by male dominance, and Carol Smart critiques formal-equality models that mask structural discrimination. Under a substantive equality model, by contrast, laws must actively address social disadvantage to ensure equitable outcomes for historically marginalized groups.

Another central insight is that the “*private*” sphere (*family, marriage, religion*) is not beyond politics. Feminist scholars emphasize that family and domestic arrangements are deeply political. Flavia Agnes observes that Indian family law traditionally treated the husband-father as the head of household, with women’s consent and autonomy heavily constrained. Under legal pluralism, the state’s hands-off stance toward religious personal laws has often enabled patriarchal practices to persist unchecked. Ratna Kapur and Nivedita Menon warn that a purportedly “*neutral*” uniform code can itself become a tool of power if it embodies majoritarian norms or ignores social hierarchies. Menon in particular stresses the need for “*substantive equality*”³: legal reform must be accompanied by transformation of social norms and power relations, not just by changing statutes.

Intersectionality is also key. Kimberlé Crenshaw famously taught that gender justice requires attention to intersecting identities – caste, religion, class, etc.⁴ Thus the impact of any reform (like the UCC) will vary greatly between different groups of women. A feminist perspective demands that legal reforms be evaluated for their differential effects on diverse women’s lived experiences. It also requires inclusive processes of lawmaking: the voices of poor, rural, minority, or Dalit women must be heard in designing family laws.

In sum, our theoretical framework combines feminist critiques of law (viewing law as gendered), a demand for substantive equality, and an intersectional lens. It also draws on postcolonial feminist critiques of secularism and multiculturalism: for example, scholars warn that appeals to a common code can sometimes mask a different kind of domination or cultural arrogance. These perspectives caution that any move toward a UCC must be vigilant about not replicating patriarchal or majoritarian biases. Law is both constitutive and reflective of social reality: a Uniform Civil Code, if enacted, cannot be assumed to automatically dismantle patriarchy; its content, implementation and context will determine whether it challenges or entrenches existing hierarchies.

IV. METHODOLOGY

This Article adopts a socio-legal and doctrinal approach. It critically examines constitutional provisions, statutes, judicial decisions, commission reports and relevant scholarship on the UCC, interpreting them through the feminist theoretical lens outlined above. No new empirical

³ Nivedita Menon, *Recovering Subversion: Feminist Politics Beyond the Law*, (Oxford Univ. Press 2004).

⁴ Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Colour*, (Stanford Law Review, 1991).

data are collected; rather, the study is conceptual and normative. By situating legal texts within their social and historical context, it uses feminist analytical categories (patriarchy, equality, intersectionality, autonomy) to reveal deeper patterns. Comparative examples from other jurisdictions are drawn from secondary sources to enrich the analysis. In short, the method is qualitative, interpretive and critical, aimed at uncovering how laws operate in practice and how they might be reformed to achieve gender justice.

V. ANALYSIS

A. Constitutional and Historical Context: Article 44 (as a DPSP) expresses the constitutional vision of a common civil law, but it must be read alongside enforceable guarantees. Articles 14 and 15 guarantee equality before law and prohibit discrimination on grounds including religion and sex. Article 25 guarantees freedom of conscience and religion subject to public order, morality and health. The Supreme Court has repeatedly held that personal laws are subject to the fundamental rights regime (Art. 13): secular law of the land overrides religious custom where conflict arises. Thus, practices within communities that violate basic rights (for example, practices that deny women the right to divorce or inheritance) can be struck down as unconstitutional. This constitutional scheme shapes the UCC debate: proponents invoke equality (Art. 14/15) and unity (Art. 44), while defenders of pluralism invoke religious freedom (Art. 25) and cultural rights (Art. 29, 30).

Historically, most personal-law reform in India has been incremental. The 1955–56 Hindu Code Bills (Marriage, Succession, Guardianship, Adoption Acts) codified a modern Hindu family law, abolishing practices like polygamy, child marriage (to an extent), and discriminatory inheritance. By contrast, Muslim personal law remained mostly uncodified (except for reforms like the 1937 Act on family disputes) until judicial interventions and specific laws (e.g. the 1986 Divorce Act). As noted, after the Shah Bano case, the legislature passed the Muslim Women (Protection of Rights on Divorce) Act 1986 to limit secular maintenance rights. The Shia and Sunni schools of inheritance remain largely as they were. Similarly, Christian and Parsi personal laws differ from each other, and all co-exist with a secular alternative (the Special Marriage Act).

B. Landmark Cases: The Supreme Court's jurisprudence has played a key role in the UCC discourse. In *Shah Bano Case*⁵, a five-judge bench upheld maintenance for a divorced Muslim

⁵ *Mohd. Ahmed Khan v. Shah Bano Begum*, AIR 1985 SC 945.

woman under CrPC Section 125, reading the code as independent of religious law. The Court invoked Articles 14–15 and noted that Article 44 remained unfulfilled, urging legal reform. Parliament's 1986 Act then overturned this outcome in part. In *Danial Latifi v. Union of India*, AIR 2001 SC 3958, a majority of the Court upheld the 1986 Act itself as constitutionally valid, but read it in a gender-fair way: Section 3 was interpreted to entitle divorced Muslim women to “reasonable and fair provision and maintenance” so as not to render the Act void for violating religious freedom. This interpretation ensured continued protection for women under the new law.

In *Shayara Bano v. Union of India* (2017) 9 SCC 1 the Court unanimously struck down the practice of instant triple talaq (talaq-e-biddat) as arbitrary, discriminatory and violative of Articles 14 and 21. The judges held that Islamic personal law could not override a Muslim woman's fundamental rights. However, the Court declined to prescribe an alternative code, saying that was Parliament's domain. In *Sarla Mudgal v. Union of India*, (1995) 3 SCC 635, the Court addressed bigamy and conversion in the context of Hindu marriage law, but also observed that with a majority of citizens under Hindu law, indefinite deferment of a common code was indefensible; it urged Parliament to consider enacting one. In *A. Jagadishwarananda Avadhuta v. Comm. of Police*, (2004) 12 SCC 770, a bench struck down police rules that criminalized Hindu widows' remarriage in temple premises, affirming that marriage and sexual autonomy are protected by Articles 14, 19 and 21, even against religious custom. These cases consistently reflect a concern for individual rights (especially women's autonomy) within personal laws, even though none has yet mandated a Uniform Code.

C. Legislative and Policy Developments: Beyond these cases, legislative changes have furthered gender justice in piecemeal fashion. The Special Marriage Act, 1954 provides a secular marriage option for all citizens, embodying UCC ideals for consenting couples. The Hindu Succession (Amendment) Act 2005 equalized daughters' inheritance rights in Hindu law. Enactments like the Family Courts Act 1984 and the Protection of Women from Domestic Violence Act 2005 created gender-sensitive institutions and remedies, signaling state commitment to women's rights. The Law Commission of India's reports have played a policy role: the 21st Commission's 2018 consultation paper (headed by Justice Chauhan) recommended repeal of discriminatory provisions in existing laws (e.g. codifying Muslim inheritance) rather than imposing a UCC, echoing feminist calls for *uniformity of rights, not laws*. The 22nd Commission's recent consultation (2023) on the UCC indicates that this debate

will continue. Thus, official policy has leaned toward incremental reform of personal laws rather than a radical single code, reflecting the complexity of India's pluralism and the need to protect vulnerable sections.

D. International Comparisons: Comparative experience shows that gender-equitable family law reforms can succeed even without a unitary code. For instance, Tunisia's Personal Status Code of 1956 — enacted soon after independence — abolished polygamy⁶, granted women equal rights to divorce, and allowed both spouses to initiate divorce. Morocco similarly raised the marriage age to 18 for both men and women, severely restricted polygamy, gave women equal custody and divorce rights, recognized children born out of wedlock, and criminalized domestic violence.⁷ (These reforms were adopted within an Islamic legal framework but with modernist interpretation.). Turkey had already abolished polygamy and established equal inheritance and property rights.⁸ While India's context is unique, these examples show that legal reforms can advance women's status significantly when backed by political will and feminist activism. They also illustrate that focusing on specific rights (e.g. inheritance equality, divorce rights) – rather than imposing an abstract uniform code – can yield tangible progress.

⁶ *Code du Statut Personnel* (Tunisia, 1956).

⁷ *Family Code* (Morocco 2004) (*Moudawana*).

⁸ *Civil Code* (Turkey 1926).

VI. DISCUSSION

From a feminist perspective, the key question is whether a UCC would dismantle patriarchal family norms or simply impose another top-down structure. A well-designed code could enshrine substantive rights: for example, a uniform law could guarantee no-fault divorce for all spouses, equal sharing of marital property, and universal provisions for maintenance. It could abolish rare religiously sanctioned practices (like polygamy or unilateral divorce) that disadvantage women, making gender justice uniform across communities. In this sense, a UCC might advance the constitutional promise of Article 14/15 by removing egregious disparities.

However, feminist theory warns against uncritical faith in uniformity. Formal uniformity may conceal substantive differences. If a UCC were drafted hastily or by a narrow elite, it might replicate prevailing social biases. For instance, if community majorities influence the code, it could erode the distinct rights of minority groups under the guise of equality. A uniform code could also intrude on personal autonomy if it mandates public oversight of marriage and family life (raising privacy concerns under Article 21). The Supreme Court in *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1, held that personal autonomy and privacy are fundamental rights. A UCC must not violate these by overreaching into intimate spheres. Feminists caution that gender justice requires more than legal text: it needs societal change. As Nivedita Menon emphasizes, real equality must transform social attitudes and power hierarchies, not merely alter statutes.

Intersectionality further complicates the UCC question. Indian women are not a monolith: caste, class, and religion intersect. A uniform code might help some (e.g. women in communities with highly patriarchal norms) but might deprive others of protections that existed under their personal laws. For example, Christian or Buddhist women might currently enjoy matrilineal customs that a uniform Hindu-style code would abolish. So reform must be sensitive to context: one proposal in the 21st Commission was to codify secular personal laws only gradually and to preserve essential cultural practices that do not oppress women. This aligns with Amartya Sen's idea of "*uniformity of rights, not laws*"⁹ – that all citizens should have equal access to rights, even if legal forms vary.

⁹ Amartya Sen, *The Argumentative Indian: Writings on Indian History, Culture and Identity* (Penguin 2005).

Crucially, feminist theory emphasizes process as much as substance. Any move toward a UCC must involve broad, democratic participation, including women's groups from all communities. Historically, family laws have often been changed by political compromise or judicial diktat, without grassroots input (as seen in the controversies over *Shah Bano* and triple talaq). A genuinely gender-just code would require inclusive drafting – perhaps through a parliamentary committee with feminist and minority representation – and even referenda or state-level experimentation with safeguards. In short, the end goal should be gender justice, and the means must respect democratic values.

Ultimately, the question is not only legal but political. A UCC enacted by force could legitimize fears that it is aimed at a particular religion or community, undermining social cohesion. By contrast, reforms that build consensus (through education, dialogue and incremental legislation) may advance women's rights more sustainably. Feminist commentators argue that the focus should be on protecting women's choice: for instance, ensure that women of any religion can opt into a common code or a secular alternative if they wish, without losing their fundamental freedoms. The 21st Law Commission's distinction – uniform rights, not uniform laws – is instructive: it suggests aiming for the same substantive freedoms (dignity, inheritance, autonomy) across communities, rather than imposing identical rituals or terminologies.

VII. CONCLUSION

The analysis above underscores that the Uniform Civil Code is a complex, double-edged proposition for gender justice in India. Its promise lies in uniform enforcement of rights: if drafted with a truly gender-sensitive vision, a UCC could guarantee equal marriage and divorce laws, property rights, and protection from violence to all citizens regardless of religion. It could uphold constitutional values of equality and dignity. However, feminist theory warns that law is never neutral; any UCC fashioned without careful democratic deliberation risks replicating patriarchal and majoritarian norms. The legacy of the *Shah Bano* backlash and the triple talaq debate shows that women's rights can be perceived as entangled with community identity, making reforms contentious.

A balanced appraisal suggests that while the goal of equal rights for women is paramount, it may be achieved better through a combination of codified rights and cultural pluralism. The Constitution itself envisions diversity (Arts. 25–29) alongside equality. In practice, the preferred approach – as also suggested by the Law Commission and many feminists – may be

to harmonize personal laws incrementally (for example, by abolishing gender-biased practices in each religion) and to provide strong secular alternatives, rather than to rush a single uniform code. If a UCC is to be pursued, it must enshrine substantive equality (guaranteeing equal outcomes), protect individual autonomy and privacy, and allow cultural pluralism insofar as it does not disadvantage women.

In summary, a Uniform Civil Code could, in theory, advance patriarchal reform, but only under stringent conditions: it must be rights-based, not religion-blind, and must be implemented through an inclusive democratic process. Feminist analysis shows that simply mandating uniform laws without addressing social power structures would be inadequate. The Constitution's aspiration (Art. 44) should guide us, but realization of that aspiration requires more than a political slogan – it demands substantive legal changes coupled with social transformation to truly uproot patriarchy.

VIII. RECOMMENDATIONS

Guarantee Substantive Equality: Any legal reform (whether a UCC or piecemeal laws) must ensure that women have equal substantive rights. For example, inheritance and succession should be based on proximity to the deceased rather than male lineage; married and unmarried women must have equal rights to divorce and maintenance; and all couples should enjoy equality of citizenship (e.g. equal right to pass nationality to children). In practice, this may require abolishing polygamy outright and recognizing post-marital support for women across communities. A model is the Hindu Succession (Amendment) Act 2005, which enfranchised daughters' inheritance – the UCC must guarantee no less.

Insist on Uniformity of Rights, Not Uniformity of Laws: The goal should be that all Indians enjoy the same basic rights in personal matters, while permitting legal pluralism in form. For instance, a UCC could standardize minimum marriage age, divorce rights, custody rules, and maintenance entitlements, but allow variations in religious ceremonies or permissible rites so long as they do not subvert gender equality. This approach, endorsed by the 21st Law Commission, prevents imposing one community's traditions on another while still achieving equality.

Ensure Inclusive, Democratic Process: Any codification project must be participatory and transparent. The government should establish a broad-based committee to draft proposals,

including women's rights activists, legal scholars, religious leaders and representatives of marginalized groups. Extensive public consultations (including in local languages and regions) are essential. This minimizes accusations of cultural insensitivity and helps the law gain legitimacy. Education campaigns should explain how reforms protect women's interests and respect legitimate traditions.

Protect Privacy and Autonomy: Women's bodily autonomy and privacy must be fundamental considerations. Any code should avoid invasive measures (such as mandatory registration that could expose personal relationships to surveillance) and should explicitly protect rights of conscience. For example, consenting adults should be free to marry interfaith under civil law if they choose, but their religious identity should not be policed. The Supreme Court's recognition of privacy in *Puttaswamy case*¹⁰ underscores that intimate family matters warrant judicial protection, not coercive intervention.

Strengthen Supporting Institutions: Legal reform alone is insufficient without effective enforcement. The state should simultaneously strengthen family courts, legal aid for women, gender-sensitization of judges and police, and community education. Support measures (like helplines, counseling, shelter homes) must accompany any new law. If a UCC is enacted, specialized family courts across communities would be crucial to ensure that women actually receive the promised rights in practice.

Align with International Standards: India's obligations under international law should guide reform. For instance, CEDAW (1979) Article 16 obliges states to eliminate discrimination against women in all matters relating to marriage and family, and its General Recommendation No. 29 urges gender-equal family codes. The UCC or its alternatives should be aligned with these norms. This includes abolishing child marriage and outlawing all forms of gender-based violence in the domestic sphere (as recommended by CEDAW).

Adopt a Gradualist, Monitored Approach: Given the social sensitivity, reforms should be phased. Rather than a sudden blanket code, the legislature could introduce key equality measures one by one (as in Tunisia and Morocco) and evaluate their impact. Oversight bodies (e.g. National Women's Commission) should monitor implementation and report on gaps. Transitional safeguards (such as allowing existing personal-law marriages to be grandfathered)

¹⁰ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 S.C.C. 1, A.I.R. 2017 S.C. 4161.

may ease tensions. Throughout, care must be taken that no law is interpreted to punish women (for example, criminalizing consensual acts under the pretext of morality).

Implementing these recommendations would help ensure that the project of a Uniform Civil Code (or equivalent reform) truly serves feminist and democratic values. By embedding the principle of substantive equality, upholding autonomy, and fostering an inclusive dialogue, India can move toward dismantling patriarchal inequities without sacrificing its pluralistic ethos.

REFERENCES:

1. Constitution of India, arts. 14, 15, 25, 44, 37.
2. Constituent Assembly Debates, Vol. 7 (23 Nov. 1948) (speech of B.R. Ambedkar).
3. Hindu Marriage Act, 1955; Hindu Succession Act, 1956 (as amended 2005).
4. Mohd. Ahmed Khan v. Shah Bano Begum, AIR 1985 SC 945 (SCC 1985).
5. Muslim Women (Protection of Rights on Divorce) Act, 1986.
6. Shayara Bano v. Union of India, (2017) 9 SCC 1.
7. Sarla Mudgal v. Union of India, (1995) 3 SCC 635.
8. Danial Latifi v. Union of India, AIR 2001 SC 3958 (2001) 7 SCC 740.
9. A. Jagadishwarananda Avadhuta v. Comm'r of Police, (2004) 12 SCC 770.
10. K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.
11. CEDAW (1979) art. 16; CEDAW General Recommendation No. 29 (2013).
12. Catharine A. MacKinnon, *Toward a Feminist Theory of the State* (1989).
13. Carol Smart, *Feminism and the Power of Law* (1989).
14. Flavia Agnes, *Family Law*, Vol. I: *Family Laws and Constitutional Claims* (Oxford Univ. Press, 2011).
15. Ratna Kapur, "The Fundamentalist Face of Secularism," *Cleveland St. L. Rev.* 209 (1999).
16. Nivedita Menon, *Recovering Subversion: Feminist Politics Beyond the Law* (Oxford Univ. Press, 2004).
17. Kimberlé Crenshaw, "Mapping the Margins," 43 *Stan. L. Rev.* 1241 (1991).
18. Law Commission of India, 21st Report: *Uniform Civil Code* (2018).
19. Law Commission of India, 22nd Report: *Uniform Civil Code* (2023).
20. Code du Statute Personnel (Tunisia, 1956); Morocco, *Family Code* (Moudawana) 2004; Turkey, *Civil Code* 1926.