

## UNIFORM CIVIL CODE AND NATIONAL INTEGRATION

*By*

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One of the major problems that has provoked in secular India is the enactment of a Uniform Civil Code for all the citizens of India. No doubt that adoption of a common civil code *i.e.*, unifying the personal laws into common family law to all citizens alike may be solidarity factor strengthening a sense fraternity and it will help the cause of National Integration as suggested by the Apex Court in the leading CHRISTIAN-BEQUESTS case 2003; but at the same time it is not proper to think that in the absence of Uniform Civil Code we cannot achieve National Integration.

In multi religious country like India, National Integration can be achieved by preserving the secular values and giving a sort of assurance to minority brothers that their sacred family law will not be jettisoned and creating communal harmony among various religions by eliminating narrow-minded fundamentalists societies which are endangers to National Integration. Further making people to assimilate Patriotism in their thoughts and actions, resolving the border disputes and language controversies *etc.*, are also contributory factors for achieving the National Integration.

Our founding fathers of Indian Constitution have already foreseen the problems that are creating by the use of Common Civil Code therefore they have been cautious in their phraseology while drafting the Article 44 of Indian Constitution and placing the same in Part IV of the Indian Constitution instead of Part III of the Indian Constitution. Before healing of the wounds inflicted on Muslim sentiments by demolition of Babri - Mosque, militant demand and cry for uniform Civil Code is unwarranted. Article 44 of the Indian

Constitution is not only the goal of our Indian Constitution. There are other several important directive principles of Indian Constitution have to be enforced for the welfare of all the citizens of India. Under Article 41 right to work, under Article 43 living wage for workers. Under Article 45 state is under obligation to provide free and compulsory education for children. Under Article 46 protection to weaker section in particular schedule caste and schedule tribe from social injustice and all forms of exploitation and creation of egalitarian society *etc.*, important issues are still remaining as distant dreams.

Every citizen of India has to salute the Apex Court for giving its golden suggestion that to enact Uniform Civil Code, in SHABANO AND CHRISTIAN - BEQUESTS cases. But enactment of uniform civil code is not the sole dream of our founding fathers of Indian Constitution and National leaders. First citizen and President of India Honourable A.P.J. Abdul Kalam rightly said "that every citizen of India must have a vision of socio - economic development in an atmosphere of peace and harmony. There should be integrated action through moral ethical and spiritual foundation in making integration among various religions. The aim of every citizen of India is to build a prosperous world with value systems derived from our civilisational heritage. This is possible only through the unity of minds". In the words of Hon'ble President of India that:

*"Religions are beautiful gardens. But they are islands. If we connect all the islands with love and compassion in a garland project for the new millennium, we will have a prosperous India"*

Having this vision one should not forget and neglect rights and privileges enjoyed by the minority groups, on the pretexts of making Uniform Civil Code for National Integration.

The main concern of majority is that personal laws relating to marriage, inheritance, guardianship, divorce, maintenance and property relations in all communities are unjust especially unjust to women. Uniformity of law is no doubt desirable but one has to think that by enactment of such law produces counter results for the unity and integrity of the nation. And it should not create communal fume in religious groups, further demand for uniformity of law should not be made for the cause of political achievements and using it as a political weapon to dominate the minorities

and making pressure on the minorities to yield for Common Civil Code without a national debt on the core issue is really threatening the secular values enshrined in our Indian Constitution. For progressive civilized nation views of all legal luminaries, National leaders and religious leaders should be respected and same have to be considered in drafting the common civil code by avoiding injury or insult to any religion. Creating healthy atmosphere for paving the way for communal harmony is at most important. Mobilization of Hindus, Muslims, Christians, Sikhs, Parsis is at most necessary in getting salutary results in creation of socialist secular democratic integrated state thereby achieving the goal of *Sarve Jana Sukhino Bhavanthu* i.e., welfare of all the people.

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## INTELLECTUAL PROPERTY RIGHTS - A QUEST FOR IDENTITY

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Intellectual Property Rights are legal and institutional devices to protect creations of the mind in all fields of technology. It can be said that intellectual property rights are indispensable for human development and that they promote sustainable development of Nations and mankind. Yet these rights are suspected to hamper progress and encourage monopoly. Therefore, there is a need for a objective evaluation of these rights and examine whether they cater to the needs of all - the developed, the developing and the least developed countries. These rights are now in the quest for an identity - that they have attuned to the new technologies without harming the old ideologies and practices. Intellectual property rights are multi-dimensional and are all pervading. These rights

not only protect the corporate rights but also the private rights of an individual. This paper seeks to examine the various dimensions of the intellectual property rights that are in the agenda of this international conference.

The intellectual property rights regime has been significantly expanded in recent times. The IP regime has increased and has incorporated protective measures to promote new forms of technology. The application of patent protection covers all forms of biotechnology, life forms, cell lines and DNA sequences. All inventions that contain a “technical contribution” and “the method of solving a technical problem” are also given a legitimate right under the patent system as they fulfill the basic elements of a patent -