



UNIFORM CIVIL CODE: A NEED OF THE HOUR

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ABSTRACT

The UCC helps make it more likely that a nation will eventually reach its full potential. India is home to a large number of religious and cultural traditions, all of which contribute to the country's rich diversity. However, some theological disagreements across the spectrum of potential to either boost or sink contemporary India. The scenario had been entirely reconstructed in accordance with Article 44 of the Indian Constitution as well as a number of court precedents that had been set in cases that are generally considered as pioneer verdicts in India. In a broader sense, however, what do you consider to be the next significant advance in the collective understanding of the world's religions? The moment has come to do conclusive research and get more clarity on the UCC, as well as its implementation in the process of defending all religions. During this session, we will investigate the many varying degrees of success and failure that have been experienced by UCC projects in India and all over the world.

Keywords: *Uniform Civil Code, effecting legal and judicial, religious wings*

INTRODUCTION

India is characterized by the myriad of cultural traditions that it has, in addition to its language variety, ethnic diversity, religious diversity, community diversity, and community diversity. One of the many things that makes India such a wonderful nation is the fact that it is home to such a wide variety of peoples and civilizations, all of which can live peacefully.

The myriad of religious and cultural practices that have been passed down through the generations in India will continue to play a significant role in the formation of the nation's identity for the foreseeable future. India has always been a place where different religious practices from all over the world may come together and coexist. The great figures of Indian religion are well known across the globe. At the same time, India has been open and accepting to the arrival of Christianity and Islam, two major global religions that emerged one after the other in relatively recent history. Because of their lengthy histories of practice, which together cover close to two thousand years, both religions have established strong footholds in Indian culture. India is the only country in the world that can make the claim that it is the spiritual core of all four of the world's major religions. In addition to Hindus, there are also significant populations

of Sikhs, Jains, and Jews in India. The religious tolerance and values that have been practiced throughout India's history have had a significant impact on the country's richly diversified culture.

Uniform Civil Code (UCC)

According to Article 44 of the Indian Constitution, "The State shall make every effort to ensure for all its citizens a uniform civil code throughout India," the Indian government is obligated to "make every effort." However, despite the fact that no other article in the Constitution makes any reference to the Uniform Civil Code, this article of the Constitution commands the state of India to develop and implement such a code.

The term "Uniform Civil Code" (UCC) refers to a common set of rules of governance for all people of the nation, with the objective of replacing the many sets of laws that are based on the scriptures and practices of the many different faiths that are followed in the country. The UCC was created with the intention of achieving this replacement.² Article 44 of India's Constitution dictates that the state shall make every effort to obtain a UCC in order to promote uniformity of conduct and compliance by all people throughout the territory of India, and the code is a vehicle for achieving this provision. This clause specifies that the state shall make every effort to acquire a UCC in order to encourage compliance by all people across the territory of India.

It is possible for a civilization to become rigid and behind the times if it does not have a consistent set of rules and standards of conduct that manage social interactions. For this reason, all legal codes, whether in the past and in the present, emphasize legal uniformity as their ultimate goal (Summum Bonum, the principle on which the values and priorities in social and inter-community relations are founded). When everyone in a community is expected to adhere to the same rules and norms, there is less opportunity for anarchy and chaos to exist within that society. There is little question that social disorder is the root cause of disruption in society. This disorder has shown itself throughout history in the form of discriminatory laws that manage a variety of different groups and industries. The norms of Indian society, which have been presented alongside the constant rules that control social connections, have been shown to have been impacted by discrimination and prejudice. These norms have been displayed alongside the regulations.

India is a country that is home to a great diversity of religious practices and cultural traditions. This diversity is reflected in the way that personal laws that are specific to many faiths are organized within our legal system. Legislators have been debating for decades whether or not to adhere to the Directive Principles of State Policy (DPSP) and draft a personal legislation that is applicable to people of all religions. As a result of the fact that the UCC is mandated by the Constitution of India, it has ignited a heated debate that has brought into question not just the concept of secularism but also basic rights and responsibilities. The influence of UCC on our nation may be observed in the political realm, as well as the social and religious spheres.

The Constitution of India and Uniform Civil Code

Part III of our Constitution offers powerful safeguards for the rights that are guaranteed to all persons in the country, regardless of their caste, creed, race, sex, place of birth, or religion. These provisions are outlined in the Constitution's Equal Protection Clause. Because of this, it is against the law for the government to pass any legislation that might possibly result in discrimination on the reasons that have been outlined above. In India, secularism is considered to be the guiding concept, and as such, it dictates that all religions be treated in an equal manner by the state. This has also allowed every denomination to adopt its own set of laws with the knowledge that those laws would not be challenged in court. These new laws have been made possible as a result of this. At first glance, especially within the context of matters pertaining to religion, the incorporation of fundamental rights and liberties into our Constitution seemed to be both desired and rational. But things have taken a dramatic turn for the better, and educated women of today are making demands across the board even as they take on some of the most prominent and demanding leadership posts in the world. There is no correlation between the rigidity of personal laws and the progress of women; yet, this has become a cause of conflict for the whole nation as a result of these rules.

According to Articles 25– 28 of our Constitution, everyone has the freedom to freely exercise their religion. This right is guaranteed to everyone. The formation of personal laws that are based on a person's religion and culture became possible as a result of this development. Personal laws in India have often been in conflict with other fundamental rights provided by Articles 14– 15 and Article 21 of the country's Constitution, despite the fact that these laws have been passed under the pretext of protecting religious liberty. There is evidence of discrimination against other groups and abuses of fundamental rights in almost every national statute, although in a variety of subtle and not-so-subtle ways. An investigation of Articles 14, 15, and 21 demonstrates that they perform the function of a barrier to prevent the violation of any and all other basic rights on the grounds of discrimination. On the other hand, the evidence from real-world applications demonstrates that our efforts are fruitless, since we have not yet achieved outcomes that can be considered satisfactory.

OBJECTIVES

1. The study Uniform Civil Code (UCC) can increase the possibility of a better nation.
2. The study This is the reason why uniformity of law has been eternally stressed as the ultimate goal.

Personal Law' s status in India

India is home to several well-known civilizations and religions that originate from all over the globe; this is a testament to the great variety of peoples and traditions that can be found in India. A environment of mutual respect has been formed among people of all faiths as a result of the country's legislative structure and cultural values, which have contributed to the growth of

religious diversity. It is odd that in a nation like India, where secularism is inscribed into the constitution, there is a contradiction in the basic notion of secularism when contrasted to the personal laws of different religious groups. However, this is not the only country where this is the case.

Personal laws covering civil concerns like marriage, divorce, adoption, inheritance of property, succession, maintenance, etc. are carried by Hindus, Muslims, and Parsees, which creates a tangled social system. Christians also carry personal laws covering civil matters. Although this is not always the case, almost every religious organization in India adheres to its own set of personal norms when it comes to matters pertaining to marriage and divorce. This may not always be the case, however. In spite of the fact that people of India's many religions speak the same language and share a shared culture, they are subject to a hodgepodge of different civil and family rules. As a result, they unquestioningly conform to the societal standards that have been created by that religion, despite the fact that these norms may be antiquated and outdated. The following are some well-known instances of personal laws that have been codified and control matters such as marriage, divorce, inheritance, and support:

The authors of the Constitution paid special attention to "The Universal Declaration of Human Rights (UDHR), 1948" while they were developing the Constitution. They were the impetus for the incorporation of the human rights that are outlined in the UDHR into our Constitution as fundamental and constitutional rights, where they are referred to as directive principles of state policy. The reality, however, is very different from what was envisaged at the time of the addition of these traits since the state has not yet achieved these goals of accomplishing the objective of fulfillment of the rights. Because the majority of people think that their personal rules originate from God and were not intended to be altered, religion is the most significant aspect of people's lives. This is not the case since it would suggest that people of different religious backgrounds, including Christians, Muslims, and Hindus, are all subject to the same legal framework. On the other hand, a person who identifies as Hindu and lives in the north of the country can be held to a different set of standards governing civil affairs than a person who identifies as Hindu and lives in the south. The rules governing inheritance in Sunni and Shia Islamic communities are completely incompatible with one another. If "God" and "Allah" are the same thing, then it is nonsensical to differentiate between those who worship him and those who worship him or her.

Even while it is often assumed that India's child-free state after independence was the impetus behind the idea of a single its roots in the war for Indian freedom. Throughout its history, India was divided into a number of autonomous republics, each of which was ruled, administered, and regulated by a were responsible for led to an increase in the urgency of establishing a legal framework that was applicable to all people living on the subcontinent. Before that time, both civil law and criminal law were founded on conventions that were revered by the territorial leaders and were handed down from one generation to the next. These conventions were passed down from generation to generation. Each country had its own set of laws, and the institutions that were put in place to uphold those laws were also distinct. There was no unifying element that could guarantee that legal processes were followed in a same manner throughout all states since each state was autonomously managed.

During the time that Britain ruled India, hasty steps were taken to establish a body of law that would be applicable to all British Indians, with the exception of those who lived in the princely kingdoms. They were totally free from the jurisdiction of whatever government they were subject to. However, the British were aware of their capabilities when it came to doing strenuous activities. It was determined that altering the personal law that is specific to each village would be offensive to the religious sensitivities of the local people. As a result, no modifications were made to the law, and it has remained in existence ever since.

During the time when our constitution was being written, personal laws were one of the most often debated subjects. They were blamed by some for creating an excessive amount of friction. They believed that by enacting a Uniform Civil Code, caste and religious divisions would be eradicated, which in turn would facilitate the development of a single Indian identity. On the other hand, the idea was greeted with criticism on the grounds that carrying out the proposed action would be damaging to the cultural identities of various minority groups. In the end, the two camps met in the middle and reached an agreement. The UCC must comply with the principles outlined in the Directive, which the state is obligated to make an effort to put into practice but which are not legally binding. During the talks on the measures, significant segments of the Hindu population voiced their opposition to the Hindu holding rallies and holding protests against the legislation.

They maintained that Hinduism is incompatible with divorce and that marriage is an institution that cannot be dissolved in the eyes of Hindus. They were also against granting women the same property rights as males because of the fear that doing so would damage the concept of the traditional nuclear family. They had the impression that their particular religious community was being singled out as the only one whose practices were going to be altered. Nehru, on the other hand, was of the opinion that this form of codification was required in order to successfully unify the Hindu population, which he considered as a crucial step in the process of successfully uniting the nation as a whole.

NEED OF UNIFORM CIVIL CODE IN INDIA

There were proponents of a uniform civil code in India even before the country gained its independence. Due to the enormous amount of cultural variety that existed inside India before to its independence in 1947, the nation was notoriously difficult to characterize. If it weren't for the struggle for independence against British dominance, India wouldn't be here today. Even back then, it was understood that India could not become a truly secular republic without first establishing have not yet been successful in accomplishing this goal.⁹ When it comes to understanding why this has not been done in the past, politics is by far the single most critical element. Playing politics with vote banks and attempting to appease various castes and tribes has always been seen by politicians as a more lucrative strategy than attempting to integrate our nation into a single entity. For a change, let's take a look at the positive side and talk about the numerous reasons why a unified civil code is absolutely vital.

It Promotes Real Secularism

At the present time, India adheres to a form of secularism referred to as "selective secularism," in which some areas of the country are secular and others are not. According to India's universal civil code, all of the country's people, regardless of their religious affiliation (Hindu, Muslim, Christian, or Sikh), are required to abide by the same rules and laws. This makes perfect sense to me, and it has nothing to do with any religion. Under the framework of a universal civil code, the freedom of individuals to exercise their religion would not be subject to any constraints; rather, all people would be treated in the same manner. That is what genuine secularism looks like.

All Indians should be Treated Same

As things are, the personal regulations that apply to people in India differ depending on their religious affiliation. For example, although Muslims are permitted to marry many times, a Hindu or Christian may face criminal charges if they did so. This does not seem to be treating either party in a fair manner to me. Regarding marriage, inheritance, family, and property, among other things, the law should treat all Native Americans in the same manner equitably. This is the only method to ensure that all Native Americans are treated on an equal basis.

It will give More Rights to the Women

The adoption of a civil code that is harmonized throughout the country of India would lead to an improvement in the position of women in that country. If we allow outmoded religious standards to continue to govern the structure of the family, then all Indian women are bound to a life of captivity and abuse. This is because our society is rife with patriarchy and sexism, and each of these traits contributes to the other. These archaic practices have no place in today's society, where it is generally accepted that women need legal rights that are comparable to those enjoyed by men and for which there is no room in the contemporary world.

Every Modern Nation has it

A well-established and up-to-date civil law system is one of the defining characteristics of a developed nation. It is evidence that politics in the nation are moving away from being based on religion and caste. Our economic growth has reached previously unimaginable heights, but the speed of our social improvement has not kept up. In point of fact, one might argue that, on both a cultural and a social level, we have hit a new low, where we are neither moving ahead nor moving backward. If India had a civil code that was uniform throughout the country, it would be one step closer to achieving its goal of being part of the developed world.

Personal Laws Are a Loop Hole

When it comes down to it, the myriad personal rules are nothing more than an opening that the strong may use to their benefit. When our panchayats make decisions that are in violation of our constitution, we continue to do nothing about it. Assaults committed in the name of family honor and female foeticide are pervasive issues in our culture and a violation of human rights. We have created a parallel legal system that is founded on conventions that have been there for millennia because we have acknowledged personal laws. That would be different if we had a civil law system that was uniform.

OBSTACLES TO UNIFORM CIVIL CODE

Communities in India are mostly concerned about the following aspects of UCC implementations: In the first place, Article 44 of the Indian Constitution has to be removed since personal laws are holy and unalterable, and no legislative body is permitted to amend them. Because there is nothing divine about individual rules, this argument has no basis in reality and is thus without value. The misconception that religious literature that claim to be 'divine revelations' are the source of all "personal laws" and are thus superior, infallible, sanctimonious, and unchanging is a prevalent one that surrounds this issue. Although 'divine revelations' may be regarded as a precedent in the court of law, they do not genuinely comprise 'law' in the sense that it is used today.

The UCC poses a danger to the fundamental rights that are safeguarded by Articles 25 and 26 of the Constitution. Articles 25 (the right to freely profess, practice, and propagate religion) and 26 (the freedom to manage religious affairs) of the Indian Constitution are "subject to individual's right to freely profess, practice, and propagate religion, while Article 26 guarantees the individual's freedom to manage religious affairs. While protecting the right to exercise one's religion, Article 25 of the Indian Constitution also grants the government the ability to restrict "any economic, financial, political, or other secular activity which may be associated with religious practice." This establishes a new line of demarcation between the sacred and the profane. As a result, practices including question of whether or not a boundary should be formed, and if so, where it should be, may be up to debate.

THE HINDU CODE BILL AND UNIFORM CIVIL CODE

In 1944, the government began the process of developing a Hindu legal code by establishing the Hindu Law Committee and appointing B.N. Rao as its head. Derret contends that the Hindu code is a significant step forward toward the establishment of a universal civil law norm.¹⁷ Even D.E. Smith had the same feelings about it. As an alternative to the law proposing the Hindu code, there has been widespread support for a unified civil code. Nehru, on the other hand, fought against its implementation. According to what was reported, he said this. You can depend on getting my whole support for any legislation that seeks to modernize the Civil Code, regardless of who proposes it. But I feel obligated to state that I do not think it is the correct time to seek to get it through in India at the present. I do not believe the timing is right. I'm attempting to get everything organized for it, and one way to achieve so is by using this method.¹⁸ On two consecutive times, 1947 (before to India's split), and 1951, the Hindu Code Bill was presented in the Indian legislature, but it was eventually withdrawn. In the years 1955 and 1956, the primary legislation that would later be included into the Code were passed.

The Hindu Code Bill was defeated by the votes of a number of legislators. The conversations covered a wide range of topics. There were many people who believed that God's will was represented by Manu's code, and they all agreed that the Bill went against what God wanted. A significant portion of Hindus hold the view that marriage is a holy institution that must be guarded at all costs. However, there were some who contended that since Hindu law is founded

on the Vedas, it should not be altered in any way. Opponents of the bill said that it would discriminate against women by assigning them different levels of responsibility than males. They said that the bill's breach of Hindu law would cause strife among families and communities. Some guys have even said that females themselves are against the adjustments that are being suggested. As a direct consequence of this, the legislation only just barely won approval from the Senate. During the course of this conversation, many issues were brought up that illustrated how difficult it is to make modifications to existing personal laws.

This illustrates that Hindu women were unable to attain equality for two primary reasons: first, Hindu orthodox thinking prohibited it, and second, Hindus had a very strong religious and communitarian identity. Both of these factors contributed to the inability of Hindu women to achieve equality. In spite of the fact that divorce and inheritance rights for women were improved as a result of adjustments to Hindu personal law, these reforms did not fully achieve equality. The reason for this was due to the fact that the objective of the reform was to standardize the application of Hindu law. The political interests of the state, together with the interests of males in the family and society, were prioritized higher than those of women. This was done at the expense of the women's rights.

If women are granted equal rights to property, custody, guardianship, and other important matters, they will be one step closer to obtaining the basic human rights to which they are entitled. Because of this, there would be a reduction in the number of women who were victims of violent acts. The personal laws, on the other hand, are the primary factor in the subjugation of women to men. "A number of restrictions are placed on women by society, family, and religion under the pretense of the concept of "honor," with the eventual purpose of ensuring that women continue to be dependent on males and their families.

In among other negative consequences. This lends support to the patriarchal structure of the family. The rejection of a woman's rights to property, inheritance, and marriage is a sign of male authority and a contempt for the contributions that women provide to the family. These rights include the ability to marry and own property. Legal systems that control child custody and adoption also continue to preserve the traditional position of the father as guardian of his children. Under Hindu law, it is forbidden for a woman who is married to engage in such activity. As a direct consequence of this, patriarchal power systems inside families are given a veneer of respectability. In the same vein, the clause in Hindu succession law that requires one to write a will in order to protect the rights of sons is still in effect.

CHALLENGES IN IMPLEMENTING UNIFORM CIVIL CODE

The process of developing a global set of standards is intimidating and time-consuming due to the wide variety of viewpoints that need to be taken into account.

- The leading members of the minority have been provided with sufficient information on the substance of the UCC to misinterpret it as an effort to impose the values and beliefs of the majority on them.

- The precarious nature of the position is made even more so by the absence of political information, which further complicates the matter.
- In spite of improvements in law benefiting women, such as the Hindu inheritance Act, neither the percentage of women who own property nor women's social position has increased to the degree that was expected. This is the case despite the fact that there have been changes in legislation favoring women. Therefore, there is reason for the general public to anticipate there will be no change.
- It is possible for the UCC to reach a deadlock owing to the fact that persons of different religions have different personal laws. This might lead to polarization within the UCC.

Those who are opposed to the UCC maintain that personal laws are driven by and formed from religious principles. It may be in everyone's best interest to avoid upsetting them by imposing a single code, since this might result in an increase in antagonism and friction between various religion groups. Articles 29 and 30 of the Indian Constitution serve to safeguard the rights of the country's many religious and cultural minorities, reflecting India's status as a secular state. However, to the secular nature of India.

Uniform Civil Code in Political Narrative

The fundamentalists' opposition to the Hindu Code was based on their own unique set of arguments. It was first proposed that the holy Hindu Shashtra traditions need to be preserved in some way. The ongoing preservation of Muslim personal laws was the second factor that stoked hatred between the two groups. Fourthly, the giving of equal property rights to women undermined the long-established economic rights of the male in the society. The third issue was that legislation was being rushed through without first polling the public. In addition, one of the subsections stated that the Hindu Code was, in reality, a piece of communal legislation and that, instead, the government ought to have developed a Uniform Civil Code in order to carry out its secular goals.

Uniform Civil Code in Indian Constitution

Jawaharlal Nehru admitted that the Bill had a number of deficiencies. He was of the opinion that a statewide uniform civil code was required, but he was cautious to impose it on any area that was not prepared for it. He thought that a nationwide universal civil code was essential. The insertion of the adoption of a Uniform Civil Code to Article 44 as a Directive Principle was regarded as a symbolic gesture by Parliament to express its openness to the notion of a Uniform Civil Code at some time in the future. This move was considered as a symbolic move by Parliament to signal its openness to the idea of a Uniform Civil Code. The progressive female members Rajkumari Amrit Kaur and Hansa Mehta were two of the women who voted against the decision to designate the Uniform Civil Code as a rule that cannot be subject to legal challenge in court.

Suggestions

In today's complex and diverse society, the need for a Uniform Civil Code (UCC) has become increasingly evident. This code would serve as a unifying legal framework that applies consistently to all citizens, regardless of their religious affiliations, in matters pertaining to personal laws such as marriage, divorce, inheritance, and property rights. A thorough study on this subject is imperative to gauge the current state of personal laws in the country and understand the pressing demand for a UCC. To facilitate this study, several key areas should be explored in depth. It is essential to delve into the historical context to trace the evolution of personal laws and the factors contributing to their diversity. Colonial rule, in particular, had a significant impact on shaping these laws, and understanding this historical backdrop is crucial to appreciating the need for reform. A comparative analysis of the existing personal laws across different religious communities should be conducted. This analysis would highlight the disparities and inconsistencies among these laws, underscoring the necessity of establishing a uniform legal code that ensures equal treatment and justice for all citizens. The study should also meticulously examine constitutional provisions, particularly Article 44 of the Indian Constitution, which encourages the implementation of a UCC. Exploring the constitutional intent and the debates surrounding this article would provide valuable insights into the legal framework.

CONCLUSION

If the Uniform Civil Code had been implemented on a national level from the beginning, difficult topics like these may have been resolved via legislative acts alone. Because India honors and respects the many various religions and civilizations that have developed inside its borders by cooperating as one. In order to meaningfully accomplish the principal constitutional objective of brotherhood, civil processes involving citizens should be subject to the same laws. If nothing is done, these forces of division will go on with their activities that secular India, there is now no immediate need to impose such a law on a population that is averse to doing so. The vast majority of people are not ready to adhere to standards that are wholly untethered to any particular religious tradition. It will not be able to establish a unified civil code until literacy rates grow, people learn about and discuss significant social and political issues, and individuals have greater opportunity to go ahead in the world. Only then will it be possible to do so.

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