



INTRODUCTION

Uniform Civil Code is the ongoing point of debate within Indian mandate to replace personal laws based on the scriptures and customs of each major religious community in India with a common set of rules governing every citizen. In India the purpose of Uniform Civil code is to replace the personal laws based on the scriptures and customs of each major religious community in the country with a common set governing every citizen.

A uniform civil code will mean a set of common personal laws for all citizens. Currently, for example, there are different personal laws for Hindus and Muslims. Personal law covers property, marriage and divorce, inheritance and succession.

The objective of Article 44 of the Directive Principles in the Indian Constitution was to address the discrimination against vulnerable groups and harmonize diverse cultural groups across the country. Dr. B R Ambedkar, while formulating the Constitution had said that a UCC is desirable but for the moment it should remain voluntary, and thus the Article 35 of the draft Constitution was added as a part of **the Directive Principles of the State Policy in part IV of the Constitution of India as Article 44**. It was incorporated in the Constitution as an aspect that would be fulfilled when the nation would be ready to accept it and the social acceptance to the UCC could be made.

MEANING OF UNIFORM CIVIL CODE

Uniform Civil Code resonates with one country one rule, to be applied to all religious communities. The term, 'Uniform Civil Code' is explicitly mentioned in Part 4, Article 44 of the Indian Constitution.

Article 44 says, ***“The State shall endeavor to secure for the citizens a uniform civil code throughout the territory of India.”***

A Uniform Civil Code means that **all sections of the society irrespective of their religion shall be treated equally according to a national civil code, which shall be applicable to all uniformly.**

They cover areas like- Marriage, divorce, maintenance, inheritance, adoption and succession of the property. It is based on the premise that there is no connection between religion and law in modern civilization.

THE CONSTITUTION OF INDIA ON UNIFORM CIVIL CODE

Part IV, Article 44 of the Constitution states that *“The State shall endeavor to secure the citizen a Uniform Civil Code throughout the territory of India”*.

However, Article 37 of the Constitution itself makes it clear *the DPSP “shall not be enforceable by any court”*. Nevertheless, they are *“fundamental in the governance of the country”*. This indicates that although our constitution itself believes that a Uniform Civil Code should be implemented in some manner, it does not make this implementation mandatory.

WHAT WILL UNIFORM CIVIL CODE DO?

The UCC aims to provide protection to vulnerable sections as envisaged by Ambedkar including women and religious minorities, while also promoting nationalistic fervor through unity. When

enacted the code will work to simplify laws that are segregated at present on the basis of religious beliefs like the Hindu code bill, Shariat law, and others. The code will simplify the complex laws around marriage ceremonies, inheritance, succession, adoptions making them one for all. The same civil law will then be applicable to all citizens irrespective of their faith.

INTERNATIONAL SCENARIO ON UNIFORM CIVIL CODE

Israel, Japan, France and Russia are strong today because of their sense of oneness which we have yet to develop and propagate. Virtually all countries have uniform civil code or for that matter uniform law- civil or criminal. The European nations and US have a secular law that applies equally and uniformly to all citizens irrespective of their religion. The Islamic countries have a uniform law based on shariah which applies to all individuals irrespective of their religion.

NEED FOR UNIFORM CIVIL CODE

1. It Promotes Real Secularism

What we have right now in India is selective secularism which means that in some areas we are secular and in others we aren't. A uniform civil code means that all citizens of India have to follow the same laws whether they are Hindus or Muslims or Christians or Sikhs. This sounds fair and secular to me. A uniform civil code doesn't mean it will limit the freedom of people to follow their religion, it just means that every person will be treated the same. That's real secularism.

2. All Indians should be Treated Same

Right now we have personal laws based on particular religions, which means that while Muslims can marry multiple times in India, a Hindu or a Christian will be prosecuted for doing the same. This doesn't seem like equality to me. All the laws related to marriage, inheritance, family, land etc. should be equal for all Indians. This is the only way to ensure that all Indians are treated same.

3. It will provide More Rights to the Women

A uniform civil code will also help in improving the condition of women in India. Our society is extremely patriarchal and misogynistic and by allowing old religious rules to continue to govern the family life we are condemning all Indian women to subjugation and mistreatment. A uniform civil code will help in changing these age old traditions that have no place in today's society where we do understand that women should be treated fairly and given equal rights.

4. Every Modern Nation has it

A uniform civil code is the sign of modern progressive nation. It is a sign that the nation has moved away from caste and religious politics. In fact it might be right to say that socially and culturally we have degraded to a point where we are neither modern nor traditional. A uniform civil code will help the society move forward and take India towards its goal of becoming a developed nation.

A uniform civil code is of an absolute necessity for individuals belonging to different religions and denominations and it is

imperative for the promotion of national unity and solidarity. Thus, divergent religious ideologies must merge and culminate in to common and unified principles and objectives, adhering to the true spirit of secularism. However, after more than 60 years of independence the aspiration of a Uniform Civil Code remains unrealized.

THE PROGRESS OF UNIFORM CIVIL CODE IN IMPLEMENTATION IN INDIA

The government of India has made some progress towards implementing a Uniform Civil Code. In 2016, the Law Commission of India released a report that recommended a number of changes to the personal laws. These changes included raising the minimum age of marriage for both men and women, abolishing polygamy, and giving women equal rights to property and inheritance.

State where Uniform Civil Code already Exists in India

The only state in India that has implemented a Uniform Civil Code is Goa. The Goa Civil Code was enacted in 1961, and it applies to all citizens of Goa regardless of their religion. The Code covers a wide range of matters, including marriage, divorce, inheritance, and adoption.

DRAWBACKS FOR UNIFORM CIVIL CODE

1. Difficulties due to India's diversity

The implementation of Uniform Civil Code is a cumbersome task due to wide diversity of our nation. Cultural differences from state to state and community to community is yet another hindrance for a unified personal law.

2. Interference of state in personal matters

The constitution provides for the right to freedom of religion of one's choice. With codification of uniform rules and its compulsion, the scope of the freedom of religion will be reduced.

3. The people from different communities are not willing to adopt the secular laws separated from personal laws. So, it is not fair to impose the traditions of one group upon other groups. The focus should be on other less contentious issues that the Indian society is facing.

4. As far as the protection of human rights or social obligations is concerned, the nation has laid bottom line policies through general laws. For instance, there is general law that prohibits child marriage and reigns over all personal laws.

5. Every religion will say it has a right to decide various issues as a matter of its personal law. We don't agree with this at all. It has to be done through a decree of a court"

PROGRESS ON UNIFORM CIVIL CODE AFTER INDEPENDENCE

Today, the Supreme Court of India has also expressed, on various occasions, that steps should be initiated to enact the uniform civil code as directed by Article 44 but the Court seems to have an ambiguous opinion in this matter.

In **Pannalal Bansilal V. State of Andhra Pradesh**, the court held that "a uniform law, though is highly desirable, enactment thereof in one go perhaps may be counter-productive to unity and integrity of the nation." While in **Maharshi Avadhesh V. Union of India**, the Supreme Court dismissed the petition by the petitioner to introduce a uniform civil code on the ground that matters relating to drafting a new law are matters of the legislature.

The Supreme court seems to have a divided opinion on the ground that in **Sarla Mudgal V. Union of India** the court in its judgment held it invalid, the practice of converting to another religion to have a second marriage without dissolving the first marriage. The court directed the Government of India to file an affidavit regarding the steps taken by the Government toward securing a Uniform Civil Code under Article 44.

In another case of **John Vallamattom V. Union of India**, the court held that articles 25 and 26 protect only those practices which are integral parts of a religion. Then Chief Justice V.N. Khare emphasized how the Uniform Civil Code could have avoided this situation. The court in **Mohd. Ahmed Khan V Shah Bano Begum** observed that 'Article 44 of our Constitution has remained a dead letter.

There is no evidence of any official activity for framing a common civil code for the country. A common Civil Code will help the cause of national integration by removing disparate loyalties to laws which have conflicting ideologies. It is the State which is entrusted with the duty of securing a uniform civil code for the citizens of the country and, unquestionably, it has the legislative competence to do so. A beginning must be made if the Constitution is to have any meaning.'

CONCLUSION:

There are a number of challenges to implementing a UCC, but there are also a number of reasons why it is needed. India is a vast country with a rich cultural heritage. It is so culturally diverse that besides major religions, every religion has denominations in itself. The adoption of a Uniform Civil Code in India is a vital step towards achieving equality, justice, and social harmony. It upholds the principles of fairness, gender justice, and national integration, while also adapting to the needs of a changing society. By implementing a UCC, India can transcend religious boundaries and foster a society that celebrates its diversity while standing united in the pursuit of justice and equality for all its citizens besides from a Geo-political view point, a UCC would send a message to the world that India is a secular country that respects the rights of all its citizens.

Currently, some countries view India as a country that is divided along religious lines. A UCC would show the world that India is committed to secularism and that it is a country where all citizens are treated equally, regardless of their religion.

Suggestions for Implementing a Uniform Civil Code:

To realize the goals of the DPSP and to maintain the uniformity of laws, the following suggestions need immediate consideration:

A progressive and broadminded outlook should be encouraged among the people to understand the spirit of the UCC. For this, education, awareness and sensitization programs must be taken up.

The Uniform Civil Code should be drafted keeping in mind the best interest of all the religions.

A committee of eminent jurists should be constituted to maintain uniformity and care must be taken not to hurt the sentiments of any particular community.

The matter being sensitive in nature, it is always better if the initiative comes from the religious groups concerned.