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## Uniform Civil Code One Nation One Law

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**Abstract:** *This paper primely attempt to analyze the origin, nature, ideas and concepts of uniform Civil code. UCC also known as "One Nation- One Law".this is defined in DPSP. This paper focus on inequality, challenges and suggestions and judicial judgements of UCC. This research paper highlights the importance of UCC in the changing social and political environment of Indian society. Thus, in this research paper the major issues and hindrances have also been discussed. Therefore this research paper begins with an introduction of UCC and how it originated in past. Followingly, this paper indicates the problems of gender inequality in Indian society in aspects of religions and perpetually being followed in Hindu and Muslim personal laws. The paper tries to perceive warily the humanitarian aspects like equality, liberty and fraternity .this paper also talks about how's ucc can be the backbone of egalitarian and modern United society of world largest democracy.*

**Key Words :** Origin, nature, ideas, concepts, inequality, challenges, judicial judgements, highlights.

**Introduction-** Mahatma Gandhi called " I reject any religious doctrine that does not appeal to region and is in conflict with morality." India is not a land of continental size but is also a country of huge diversity and social stratification This reflects the beauty of India as a nation which is United amidst this multitudinal diversity.

India being a secular nation was once a British colony where all the citizens was governed by British Indian law. Before British rule various religion committees in India or governed by their personal law. When it comes to religious diversity it is alright to a certain point but when it comes to practice and customs followed in the name of the religion that do not conform to reason this arise a problem of full feeling the constitutional goals which is founded on the bedrock, secularism, Integrity, equality and morality.

**What is ucc and it's origin-** The uniform civil code calls there formulation of one law for India which would apply to all religious communities .this is a generic set of governing laws for every citizen without taking into consideration the religion. UCC is based on the premise that there is no connection between religion and law's in modern civilization. It will in the sense, replace the irrational personal law of the communities under which the above matter are being regulated at present.

The concept of ucc developed in colonial India when the British government submitted its report in the year of 1835 emphasizing the need to bring about uniformity in the codification of Indian law on various subject such as offences evidences contracts. However ,the report recommended the exclusion of the personal laws of Hindus and Muslims out of this uniformity. The increase in the number of laws dealing with individual issues at the end of British rule promoted codify of Hindu laws in the year 1941 with BN Rao was forehead to set up a committee on the recommendation of this committee able was adopted in the year 1956 as the Hindu succession act to amend and codify the laws. Universal civil code comes under dpSP article 44 of the constitution. Article 44 of the constitution says that the state shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.

**Need of UCC- What should the UCC for a country as diverse and plural as India look like-** UCC will ensure that all citizens have an equal status . Equal laws in the areas of marriage, Inheritance, family, land and other things are required. UCC will serve as a saviour bring everything under one roof and it will simplify the complex personal laws by substituting the same civil laws for all the citizens. The UCC will address and remove gender disparity produced by specific religious laws. India is notorious for patriarchal and misogynistic traditions perpetuated by society and ancient religious norms that continue to dominate family life. These subject Indian



women to subjugation and cruelty and it will be eliminated to a vast extent by framing and applying UCC for all irrespective of religious faith. It can help to keep pace with the global progress. A uniform civil code has become the hallmark of modern progressive nations legal structure. It demonstrates the nations transition away from caste and religious politics. Over the years there have been numerous judgments ruled by the supreme court of India where it directly or indirectly recommended UCC. The adoption of the UCC will promote real secularism. India practises selective secularism and the UCC will put an end to this and will promote secularism in real sense. A uniform civil code requires all citizens of country to adhere to same set of laws, regardless of whether they follow Hinduism, Islam, Christianity or Sikhism. The people's right to freedom of religion will not be affected by applicability of UCC to all citizens. Belonging to different faiths. The UCC will aid in the integration of India. UCC will contribute to the unification of all Indians regardless of caste, religion, or tribe. The UCC will also aid in reducing vote bank politics which has become a perennial problem and so there is urgent need to stop vote bank politics and the UCC will act as a brake on the vote bank politics. When all religions are subject to same laws, there will be no room for politicising issues of discrimination, concessions, or special privileges enjoyed by a community on the basis of their religious personal laws. throughout India for justice, fairness and equal treatment to all including the women and other vulnerable sections of the society. To accommodate the aspirations of the young population.

Their social attitudes and aspirations are shaped by universal and global principles of equality, humanity, and modernity. Law Commission stated that a unified nation did not necessarily need uniformity.

**Feminist perspective on ucc-** Flavia Agnes said ucc is not a silver bullet that will bring justice automatic guarantee that women have achieved equality, and even constitution does not envisage uniformity. In the Indian constitution personal laws are in concurrent list this itself means constitution permits diversity. Different ethnic communities such as in 6th schedule are allowed to practice their customs and traditions. arrogance of Hindu customs and traditions in many ways Muslim personal laws are most advanced then Hindu personal laws, among Muslims all wise have equal status by gaming is more in practice among Hindus until recently the second wife had no protection.

**Gender justice and equality-** Women's rights are frequently restricted under patriarchal rhetoric by religious regulations. UCC will free women from patriarchal oppression and grant them the right to liberty and equality that they deserve. UCC would lead to the defeat of divisionist and communal movements in the long run. Gender equality is more than a goal in itself. "It is a precondition for meeting the challenge of reducing the poverty, promoting self-development and building good governance" - Kofi Annan. The rights of women's are usually limited under religious law be it in Hindu or Muslim. The practice of triple talaq is also a classic example.

**Secularism and UCC-** The term 'secularism' is akin to the Vedic concept of 'Dharma nirpekshshta'. Indian philosophy of Secularism is associated to "Sarva dharma sambhava" which means equal respect to all religions. Secularism and uniform civil code are the hallmarks and requirements of a civilised and developed society. Though initially religion evolved as a human response to the 'transcendental', it has come to involve both the sacred and non-sacred life of human being.

**Stand of supreme court on UCC-** Shah bano case was a landmark judgment where a personal law was overridden by constitutional arrangement. Sarla Mudgal v. Union Of India in this case question was whether Hindu husband Married under the Hindu law, by embracing Islam, can solemnise a second marriage It is consider. Lily Thomas vs Union of India case relates to issues arising out of conversion to Islam and subsequent second marriage to avoid prosecution under bigamy. A landmark decision that highlighted the need for a uniform civil code.

**Arguments in favour of ucc-** UCC will work to simplify laws that are segregated at present on the basis of religious belief like Hindu code bill sharia laws and others. The same civil law will then be applicable to all citizens irrespective of their faith. UCC will also help in speedy disposal of cases and reduce burden on the



judiciary. So many laws leads to complexity, confusion, and inconsistency in the adjudication of personal matters, which can result in delayed or no justice. This overlapping of laws will be eliminated by the UCC. Secularism is the objective enshrined Hindi preamble a secular republic needs a common law for all citizens rather than differentiated rules based on religious practices. Existing personal laws are mainly based on the patriarchal notions of the society in all religions. UCC will remove such patriarchal notions by destroying their sanctity. A Uniform Civil Code will eliminate the scope of politicisation of issues of perceived discrimination or concession's, special privileges enjoyed by communities on the basis of their religious personal laws. A single commission is essential for the protection of India's most vulnerable citizens as well as the development of solidarity and national unity. ucc would make it easier to administer India's massive population base.

Negative consequences of bringing uniformity in civil laws Less education to understand this: India is a country of a diverse culture where the beliefs of the people are too vehement but with the right communication and education to all the religious groups, the implementation can take place efficiently and effectively. Fear of the certain section of society who are subjected Special rights, shall be addressed since such rights will have no impact or interference by enactment of the Uniform Civil Code, which shall be ensured to the society as this is one of their Fundamental Rights as under Article 15 of the Indian Constitution. There are practical difficulties due to Religious and cultural diversity in India.

The UCC is often perceived by the minorities as an encroachment on religious freedom. It is often regarded as interference of the state in personal matters of the minorities. Experts often argue that the time is not ripe for Indian society to embrace such UCC. The demand for a uniform civil code has been framed in the context of communal politics. A large section of society sees it as majoritarianism under the garb of social reform. Article 25 of Indian constitution, that seeks to preserve the freedom to practise and propagate any religion gets into conflict with the concepts of equality enshrined under Article 14 of Indian Constitution. Such a code, in its true spirit, must be brought about by borrowing freely from different personal laws, making gradual changes in each, issuing judicial pronouncements assuring gender equality, and adopting expansive interpretations on marriage, maintenance, adoption, and succession by acknowledging the benefits that one community secures from the others.

This task will be very demanding time and human resource wise. The government should be sensitive and unbiased at each step while dealing with the majority and minority communities. Otherwise, it might turn out to be more disastrous in a form of communal violence. Religious personal laws are misogynistic in nature and by allowing old religious rules to continue to govern the family life, condemning all Indian women to subjugation and mistreatment. A uniform civil code will also help in improving the condition of women in India. All the laws related to marriage, inheritance, family, land etc. Should be equal for all Indians. UCC is the only way to ensure that all Indians are treated the same.

**Critical analysis of ucc-** Late any fear maybe allayed from the minds of concerned religious communities that a ucc does not imply the imposition of Hindu code on them. The uniform civil code should be drafted keeping in mind the best interest of all the religions. India has a unique blend of codified personal law of Muslim, Christian, Hindu and Paris. The matter being sensitive in nature it is always better if the initiative comes from the religious groups concerned. Instead of using it as a motive issue to gain political advantage political and intellectual leaders should try to evolve a consensus. The question of minority protection or even of national unity it is simply one of treating each human person with dignity something which personal laws so far failed to do. The difference of opinion are on its timing and the manner in which it should be realized. The Supreme Court in 2019 hailed Goa as a "shining example. Goa is the only Indian state to have UCC in the form of common family law.

**Conclusion-** The need for Uniform Civil Code has a humanitarian aspect as well. There is no denying of the fact that the place and position of women in our society is far from satisfactory, if not pitiable. on the one hand we put forth equality, liberty, fraternity and all other egalitarian ideals as the objective of our social existence, on



the other hand we have been continuing with unjust practices, maltreatment and deprivation of women. The preamble of our Constitution enshrines these cherished ideals but they should not remain merely decorative. The problem with the implementation of the UCC is that the content of UCC has not been spelled Out, leading minorities to believe that it is a way of imposing majoritarian views on them especially since the Narendra Modi-led government is often portrayed as a Hindu majority-led government. For years the nation lacked the political will to work towards implementing the UCC because of The sensitivity behind the issue. It is simply about ensuring every citizen irrespective of the caste, creed and sex is treated with human dignity and treated fairly. The court is right in saying that a UCC must be legislated, not left to courts to decide through a hundred piecemeal verdicts in different cases. Nevertheless, the Supreme Court must be part of the consultative process, ensuring that all stakeholders have their say. This will instill social confidence and avoid a zillion post-legislative suits.

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