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## Understanding the Uniform Civil Code and Its Implementation

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**ABSTRACT:** This paper specifically explores the definition and issues involved of the Universal Civil Code. The underlying essence of the Universal Civil Code what it means and its stock market indices and hypotheses are discussed in this paper. This paper begins with an introduction to the Uniform Civil Code, in which the definition of the Uniform Civil Code is defined and the roots and who it originated from is also discussed. It also addresses the need or need for the Uniform Civil Code within this section itself, whether or not the Uniform Civil Code should really be enforced, and what pros and cons of it are. This paper explores the relationship including its Uniform Civil Code with secularism whereas we move further towards the approach including its research paper and discusses how the introduction of the Uniform Civil Code will proceed to the implosion of the nation and whether it will lead to the breakdown of peaceful coexistence among citizens.

**KEYWORDS:** Civil code, Religion, Hinduism, Women empowerment, Secular, Constitution, Muslim, Rights.

### I. INTRODUCTION

India is a country where, to name a few, different religions are practised, such as Hinduism, Islam, Buddhism, Jainism, Zoroastrianism, Christianity, Sikhism, etc. Secularism approaches India. It is enshrined in this Constitution and, and after 42nd Amendment in 1976, was included in the bill of rights. The word "secular" means that almost no single religion will be practised by the state and neither will citizens be punished against because of the religion they practise. This means that only the right to practise any religion would be granted to individuals. Under Article 253 and 264, all of this is enshrined by our Constitution as a constitutional right. This word is extremely significant in India because it is important to remember that, because of religion, the partition of India and Pakistan itself occurred. Religion has always been used by sovereign states as a tool and was a source of controversy for centuries. Israel's dispute might be because of religion[1].

Similar personal laws regulate different religions in India. For illustration, in cases relating to marriage, divorce, maintenance, etc., Hindus, Sikhs, Jains and Buddhists are regulated by the Hindu Marriage Act of 1956. Christians are governed by the laws of Christianity, and Muslims remain dominated by Islamic law. In India, these three large sects of private law are Hindu Law, Christian Law and Islamic Law. Now the problem resides in the fact and within the personal laws there are gaps and contradictions. No conformity exists. There have also been cases where women's rights were denied by personal laws or did not even grant them rights. It is possible to enforce the Uniform Civil Code to counter these vulnerabilities. For all citizens of the world, the Universal Civil Code signifies a uniform personal law. This code will replace the current personal religious laws in India and will provide a comprehensive legislation that will apply to all people, regardless of their faith. Under Article 44, this has been contemplated by the creators of our Constitution. However, it was firmly opposed since it was perceived to be a violation of Article 25 of the Constitution[2]. The goal of this paper is to take a more realistic and provides a detailed overview to the definition of the Uniform Civil Code in important to maintain that these can be properly applied in India and to see if it is even acceptable for a country like India. Its ethical aspects are taken into account.

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## II. DISCUSSIONS

### *Uniform Civil Code and personal laws*

Compared to men, women are considered unequal in most personal matters, especially as it relates to discussing the issue of marriage or progression, pregnancy and perhaps even descent. Specifically, under Hindu rule, Hindu women didn't mind equal rights with Hindu men in 1955 and 1996, either be everything or other. Polygamy was predominant among Hindus before 1955. As its absolute owner, the Hindu women can neither hold any land, except in the case of Stridhan. She had only a small estate which on her death would passed on to every full legal heirs including its male job duties revisionary. She maintained a zero success, in the sense that she could not do it and have her own if there was a problem with the desertion of the property and indeed the mortgage or sale of the property[3]. A Hindu woman had no right to raise a child on her own when it came to the issue of adoption. During her husband's life, she was unable to be a guardian of the child of hers children. Such examples are sufficiently illustrative to illustrate the traditional essence of Indian society. While Hindu law has been legislated, there are still some oppressive guidelines even today. For instance, except in a couple of states such as Andhra Pradesh, Maharashtra, Karnataka and Tamil Nadu, a Hindu woman isn't really a coparcener in Hindu successors. Such examples are sufficiently descriptive to illustrate the traditional essence of Indian society. While Hindu law has been legislated, there are still some oppressive guidelines even today. For instance, except in a couple of states such as Andhra Pradesh, Maharashtra, Karnataka and Tamil Nadu, a Hindu woman isn't really a coparcener in Hindu successors. She is also not entitled to the benefits in the coparcenary. The fact that the standardisation of Hindus' personal laws has not fully worked in trying to eradicate gender discrimination is also ignored[4].

Once it comes to debating Muslim rule, women enjoyed a secondary role in Pre-Islamic Arabia because it has been a patriarchy although women have been seen as secondary to men. Once it contributes to the decline of Muslim women and the worsening of their issues, the Islamic civilization has added a lot. The Holy Quran grants males and females equal treatment and positions women in a respectable role. In Islam, furthermore, there are certain aspects that make the role of Muslim women, especially wives, insecure and inferior. A man is permitted to marry four times in Islam, while women does not, and therefore are treated as unjust and impure if they do. Women were never even given the right to divorce their husbands, especially when it is usually ineffective to divorce the wife from the husband by pronouncing triple Talaq. This is attributable to the message conveyed in the Holy Quran. This was held illegal and unconstitutional in the Allahabad High Court judgement recently. A Muslim woman is discrimination against, even in the matter of succession, by the claim of some Muslim scholars that Islam is more democratic and liberal in this regard. The legal position is that when the property of the deceased is inherited by two scholars or residues of the opposite sex but of the same degree, the Muslim male receives twice the compensation of the female[5].

The Muslim wife is not expected to be preserved beyond the Iddat era, except maybe in the matter of maintenance. The Code of Criminal Procedure, which imposes a duty on the husband to keep his wife, except the divorced wife, unless she preserves herself, is a secular law and applies to everyone, although there is a dispute surrounding this clause about the Muslim citizens.

The Supreme Court, in the famous incident of Mohd. Ahmed Khan v. Shah Bano Begum<sup>6</sup>, speaks via Y.V. Chandrachud, the then Chief Justice, observed that Muslims are also subject to Section 1257 of the Criminal Procedure Code and that even a Muslim husband is responsible for preserving his divorced wife after the time of iddat. The dispute started and the Muslim Women (Protection of Rights on Divorce) Act, 1986, was passed by Parliament to invalidate the judgement mostly in Shah Bano Case. The consequence of all this act is that, even if both spouses apply to the court at the proper time that they would like to be regulated by the Criminal Procedure Code, a Muslim husband is not responsible for holding their divorced wife past the iddat era. This is like providing the provision but not using for the sake of preserving the space of personal law and not denying the woman who suffers too much adequate justice.

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## *Uniform Civil Code and the Indian Constitution*

The key issue derives from the fact that because the makers of the Constitution had wanted to have a uniform Civil Code implemented in India, they should not have made it part of the Directive Principles of State Policy under Article 44 of the Constitution. As the name suggests, the Directive Principles of Public Policy found in Part IV (Art. 36 - 51) are merely instructions to the State. They should to be enforced in a mandatory manner and are not enforceable by the Court. They are merely constructive promises to the state that will assist in good governance. The Indian Constitution's preamble explicitly found that India is a secular, democratic country[6]. This indicates that almost no religion of the state exists. On the basis of religion, a legal constitution did not discrimination against anybody. Religion is fascinated only with man's relationship with God. This ensures that religion does not interfere with an individual's mundane existence. As a right and wrong, the secularisation process is closely related to the purpose of the universal Civil Code. In the instance of S.R. As per Justice Jeevan Reddy, Bommai v. Union of India, it was held how religion is a question of personal faith or cannot be mixed with secular activities and can be governed by law either by State. In India, as distinct from the philosophy of secularism adopted by the United States and the European States, there is a principle of strong secularism, i.e. a wall of segregation between religion and the state.

Effective secularism distinguishes spiritualism from individual faith in India, which is why America and the European States have passed through all the phases of renaissance, reformation and enlightenment and can thus pass a law specifying that Christianity is not to be interfered with by the State. On the contrary, India has also not encountered any kind of renaissance or reformation, and it is therefore the duty of the state to intervene in religious affairs in order to eliminate the hindrances to state governance. It is very clear that a country such as India cannot survive a renaissance. The chances are that disputes could continue to increase and show reverse effects on the laws that were already developed instead of decreasing them. For example, in one's legal systems, a practise or a custom may be appropriate, but on the other hand, this might not be acceptable to individuals with other personal rules. Therefore, when the principles are in practise, the essence of the disagreement will change through general disagreements to hard-core hostility[7]. People find it easier to embrace or adjust to such changes, then when it comes to a country such As India where the society is determined by religion, people interact with their religion rather than realising that it is the religion that individuals create and that religion does not make human beings. In the cemetery, this idea finds itself when some people still believe in fire. A uniform law needs to be in place that controls and regulates the actions of people of different faiths and not another single part of society[8].

When a new idea progresses and falls into widespread attention, many problems emerge and criticisms pave their way. A significant topic that emerged in the integration of personal laws was what might be the components including its Uniform Civil Code. Because each religion's personal laws include separate provisions, their convergence can not only bring animosity to each other, but will also bring public enmity to each other, so the Uniform Civil Code will have to enact laws that strike a balance between the protection of fundamental rights and the religious values of the diverse regions that exist in society. Problems such as marriage, divorce, custody, etc. can be secular issues, and they can be governed by statute.

### III. CONCLUSION

Not only is a matter of gender equity, the Uniform Civil Code also a topic of how a country accommodates its own diversity. In India, like other rights like dignity and ou pas, freedom of religion exists. India's liberal multiculturalism strikes a balance instead of reaching in civilian populations or leaving communities entirely to themselves. Although providing rights to disadvantaged people within minority communities, it has been more prepared to change majority practises.

Is there a better way of negotiating this for India? The prevailing opinion is that while the liberalism of Western democracy is a blueprint. But how do the US and France conceptualise law and freedom of religion, a compromise between the rights of the majority and indeed the rights of minority groups? What are Canada and the UK doing? But the issue is that, since the circumstances are not identical, India can never have Western countries as a model. Despite pretending to be secular, most western countries tend to display a prejudice against Christianity and even the countries

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of the Middle East explicitly obey Islamic law. We should realise, even although we are calling for a Uniform Civil Code, that law really shouldn't live too far apart from social norms. Despite pretending to be secular, most western countries tend to display a prejudice against Christianity and the countries of the Middle East explicitly obey Islamic law. We should realise, perhaps as we are calling for a Uniform Civil Code, that law ought not live farther apart from societal expectations. We risk going people into pursuing alternative collective justice, such as sharia courts or Khappanchayats, absent social support or state capacity to enforce our particular values. A universal civil code would need to be cautious in its decisions. Then the question remains whether it should be compulsory to erase all personal laws, or that it should require Indians, if they choose, to continue to live under their own religious umbrellas. Either way, in the pursuit of a dream universal civil code, it is time that we discuss our principles and disputes. And there's been no sincere attempt in the six decades since the Constitution was adopted to even initiate this very dialogue.

It is also clear that Articles 25 and 26 of the Constitution do not breach the Uniform Civil Code. Rather, it should be a new law and not a combination of personal laws. The challenge with combining existing law is that there is every likelihood that a prejudice will occur. Parliament should adopt a new code identical to the Special Marriage Act of 1954 in the International Journal of Pure and Applied Mathematics Special Issue 4691, which does not apply any favours or prejudice to any community.

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