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## Uniform Civil Code

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**ABSTRACT:**In Article 44, Section IV of the Indian Constitution, the Uniform Civil Code is referred to in the Directive Principles on State Policy. This paper notes that the state shall endeavour to secure for the people a UCC in the territories of India. This article reflects on the perspectives and implementation of the Uniform Civil Code, and the study focuses on the core purpose and consequences of the Uniform Civil Code. This paper starts with the adoption of the Uniform Civil Code and then addresses the need for the application of the Uniform Civil Code and its positives and disadvantages. If we continue to advance in reading the study paper, it explores the link between the Uniform Civil Code and secularism, as well as providing us with insight into the decisions and the viewpoint of law and order around the Uniform Civil Code. This paper offers a clearer explanation of the Uniform Civil Code, the explanations why it could be relevant and the constant questions about its essence.

**KEYWORDS:**Constitution; Personal Laws; India; Uniform Civil Code.

### I. INTRODUCTION

The purpose of this research paper is to make the reader aware of the existing status and role of the Uniform Civil Code and, if applicable and accepted by the constitution, its functional consequences. Implication and adoption of the code is on the basis of the following factors: 1) Rule of Judiciary in reading the Uniform Civil Code and the efforts implemented by the means of case laws. 2) To comprehend the ties between body of rules (constitution) & uniform civil code and how it was encapsulated in the constitution. 3) To consider the connection between personal laws and the effect of such law in the context of religious beliefs. Under Article 44 of the Constitution, which means state policy under the Directive Principles, the Uniform Civil Code (UCC) is issued. It notes that it is the state's responsibility to secure a clear civil code for people in India's territory[1].

A collection of laws to manipulate the affairs of all citizens irrespective of religion is placed in the Uniform Civil Code and is probably the requirement of the hour and ensures that their fundamental and constitutional rights are protected. The word secularism was adopted in the 44th amendment to the Preamble of the Constitution, which means that people have the ability to practice either religion. India is a secular nation which observes the concept of secularism. Under the Constitution, this is defined as a constitutional right under Article 25 & Article 26[1].

The word secularism holds a vital importance amongst the people of India. The principle of faith has already been used by the authorities and forums along with their ruling bodies as a tactic. The rules of a country like India are regulated by multiple faiths. The Hindu Marriage Act of 1956 regulates distinct communities such as the Hindus, Buddhists, Jains and Sikhs. Regarding marriage, custody, divorce, etc., those laws apply to them[2].

On the other hand, India did not go through the reform or rejuvenation process, pointing to pressure on the sovereign state to infringe on matters of faith in order to eliminate the hurdles that hamper the functioning of a state, the reason is exceedingly clear why a rustic like India cannot undergo a reformation. It should be noted that there is a uniform penal code in India that is equivalent to everyone, regardless of caste, creed, gender or domicile. However, no common code exists with regard to marriage, divorce, succession, maintenance and inheritance when it comes to the uniform civil code[2].

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In the landmark case of SarlaMudgal, the Supreme Court of India highlighted once again the need for a common civil code for all Indians in matters of personal law. The Apex Court reminded the Government of India of its indispensable responsibility to introduce a uniform civil code, both for the security of the poor and for the promotion of national unity and integration. The decision has sent shock waves into the camps of political and religious fundamentalist power mongers[3].

Since the Constitution started in 1950, no central government has ever had any power to impose the Uniform Civil Code for all Indian people in matters of marriage, succession, descent, adoption, etc. Article 44 of the Constitution of India aims to create, for all people of India, a uniform civil code[3].

One of the Directive Values of State Policy is this article. It puts a constructive duty on the state to establish a common civil code in the jurisdiction of India for all Indians. While not enforceable by the courts of justice, it is central to the country's government. No time limit has been set down for the enforcement by the builders of the Constitution of the Directive principles of state policy. This was given because the participants wished to repair the wounds of the partition and ready the country for a transition in private legislation[4].

To date, the Government of India has not exercised its intention to meet this constructive duty laid down by the Constitution of India on the ground that Article 44 is not a mandate for it. In its application, this truth itself is a hindrance. Another challenge is the great power to legislate on any of the issues that could be included in the uniform civil code, in both the Parliament of India and state legislatures[4].

## II.DISCUSSION

Women's human rights in India have always been related to personal legislation that covers social structures such as marriage and families. Indeed, in these social structures, it is personal rules that set down the legal contours of the status of women. India, unlike the West, is far from being a homogeneous nation-state and is home to one of the populations most diverse and variable mixes. It is ethnically diverse, linguistically diverse, cultural and culturally diverse, and these definitions are not water-tight either. They thus mix up and build a mash up of a society that is incredibly colourful but difficult to manage[5].

A Kashmiri Brahmin woman, thus, would have separate existential realities than a Brahmin woman from Sarayupari. Not only would a Brahmin woman in West Bengal have different social and religious norms than a low-caste Bengali woman, but even a Brahmin Namboodiri in Kerala. The injustice of patriarchy seems to be a common phenomenon from a distance for all these women, but as one attempts to get into each and every woman's skin, we learn that what seems identical in shape and nature is really very different[5].

A formula of a uniform personal law is implemented in such a landscape, and uniformity is presented as a solution to undo all the repressive evils that have crept within our current personal laws. As envisaged in our Indian Constitution, UCC is consistently celebrated as the miraculous solution for all the social problems Indian women face. In reminding the legislature of the magnificent dream of a uniform civil law that was reserved to the future by the makers of our Constitution, the Indian Supreme Court was ceaseless[5].

The UCC theory basically covers the topic of secularism. Secularism is a philosophy that needs to be discussed at considerable length. Various conceptions of secularism exist and the UCC is both glorified and mocked on the altar of all these interpretations. The UCC is considered anti-secular by some factions of our society, while some regard it as the harbinger of communal harmony and secularism. Finally, in the context of the UCC, the issue of the human rights of Indian women looms big. It is therefore necessary to understand whether uniformity in personal laws will definitely contribute to the equal status of women in society, or whether it will simply remain a common agenda[6].

The introduction of the Uniform Civil Code, it is argued, will undermine the secularism and plurality that is the pillar of the rich heritage of India. The right to exercise and confess one's religion openly would be distorted by the introduction of the Uniform Civil Code. This will also suggest that the influence retained by different religious figures would be

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confiscated. It is assumed that people should be granted the freedom to openly chose if they want to make significant choices in life, such as marriage and inheritance[6].

The female voice leader is very important to have when developing and enforcing the Uniform Civil Code. It has been argued that the female voice of every culture and class must be recognized during the formulation of the policy and execution of the act. UCC's crux is women's empowerment. Nevertheless, taking so many different points of view into account will get difficult. It has also been argued that a female voice will not be considered at all which causes more risk to the implementation of UCC. Therefore, it would not be feasible to adopt UCC in a country like India[6].

There are the Directive Values of Public Policy in Section IV of the Constitution of India. Despite the fact that these values are non-enforceable, they are nevertheless central in the nation's government. According to Article 44 of the Constitution, one such concept puts a duty on the state to create a Uniform Civil Code. Various directives have been given by the Judiciary for its implementation over the years. Be it as it can, it is still a far off dream due to exorbitant politicization[7].

As India is a complex nation of distinct individuals governed by their own personal rules, it is often difficult to equally provide justice to the various individuals governed by their distinct personal laws. The need to approve a Uniform Civil Code is of considerable significance, but this should be achieved gradually and slowly as a result of the general public, particularly minorities, recognizing its meaning and scope[8].

India is a multi-religious and multi-language nation. India, a vast country with a variety of persons with their own cultures, traditions, customs and religions, is ruled by their own personal laws. There are numerous codes for various cultures, such as the Hindu Marriage Act, the Hindu Inheritance Act, the Hindu Adoption and Preservation Act, the Hindu Guardianship Act, and their personal laws regulate Muslims and Christians[9].

Article 44 of the Constitution of India provides for the Uniform Civil Code, which includes all facets of the rules, except marriage regulations. The object of Article 44 is that an effort should be made to unify the country's personal rules, i.e. uniformity of law in matters of marriage, divorce, inheritance, irrespective of religion, community, etc., when and when the majority of Parliament feels it is necessary[10].

In Article 44 of the Constitution of India, the State shall strive to ensure that people throughout the jurisdiction of India have a uniform civil code. But it's been more than 60 years, and we have not been able to recognize and implement the Legislative imperative to achieve the degree of maturity. It is crystal clear that, in contrast to the personal rules of numerous cultures, the term universal civil code was used[10].

### III. CONCLUSION & IMPLICATION

The Standardized Civil Code is a proposed issue that has been misused by one political group to concentrate and look radical at the same time on its favourite communal opponent. Mostly a master political move, enabling them to take moral high stand as the Hindu Marriage act is inclusive in gender equality whereas the Muslim marriage act is unequal. It also helps the group to incite distrust in those who refuse to grasp the act by making them think that one culture is more favoured by this legislation than the other.

While, I strongly believe that reforms of personal laws on modern and liberal lines should be proposed by each society. Communities should be reassured that the UCC is not suppressing changes, and would never seek to interfere with a community's rights, customs, ceremonies or religious convictions. Instead of a comprehensive overhaul, a piecemeal reform that begins with what minorities are more comfortable doing away with.

The idea of introducing a uniform civil code is to enable women to act according to their personal religious codes. To do away with many archaic rules, the UCC is often applied. If the UCC is introduced, then India will conform with developed countries' cultural and social norms that empower women.

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Most notably, India wants a change in perspective and a change of attitude. It begins by inspiring our women to live the way they want to live their lives. We have to allow women to collaborate with men in their professions, encourage women to empower themselves and encourage households with mutual obligations. The government needs to regulate the khap panchayat and identify its limits and scope for law enforcement. Due to stronger political powers that are impossible to do away with, they can even be functional.

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