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Abstract

A uniform civil code is provided under Article 44, i.e. Directive Principles of State Policy of the Indian Constitution, 1950. Article 44 provides that "The State shall endeavor to secure for the citizens a uniform civil code throughout the territory of India".

Uniform civil code means "one nation one law for all religions.

The agenda behind the enforcement of it is to make a single law for the territory of India among all religions and to remove all the discrimination or deformities among people based on their religion. However, after enforcing this precious concept of law, there is no infringement of the fundamental rights of any person which is provided under Articles 25-28 of the Indian constitution.

Even our framers of the Indian constitution intended to create a uniform law that unite our nations. India is a melting pot of various religions, each with its own set of personal laws. The existence of separate laws for different religious communities has often been justified on the grounds of protecting cultural and religious diversity. Critics argue that this legal pluralism perpetuates gender inequality and goes against the principles of equality enshrined in the Constitution.

While there is still no blueprint or model document for the UCC, the constitution's framers envisioned it as a single body of law that would replace the separate personal laws of each religion in matters such as marriage, divorce, adoption, and inheritance. Part IV of the Constitution defines the directive principles of state policy, which are not enforceable or justifiable in court but are important from the perspective of public administration.

Basic Principles of Uniform Civil Code in India

The British government drew up Uniform Laws of Crimes, Evidence, and Contracts in 1840 based on the Lex Loci Report, but the personal laws of Hindus and Muslims were deliberately omitted. On the other hand, the legal system of British India told British judges to apply Hindu, Islamic, and English law. Also at that time, reformers raised laws related to women against discrimination that they practiced based on religious practices like Sati, etc.

The common civil code, sometimes referred to as the uniform civil code or common law, applies to all Indian citizens, regardless of their caste or religion.

For this, the Uniform Civil Code, 2019 was enacted. It is to provide for the constitution of the National Inspection and Investigation Committee for the preparation of the Uniform Civil Code and its implementation throughout the territory of India.

Objectives and reasons behind Uniform Civil Code

In the beginning of 1840, Uniform Law was developed based on the Lex Loci Report and included offenses, evidence, and annexure; nevertheless, it excluded certain personal laws of Muslims and Hindus from the scope of Uniform Civil Law. However, the British Indian Judiciary had made it easier for British Judges to apply English Laws. Furthermore, a lot of social reformers at the time advocated for legislation to end the discrimination against women practiced by Sati and other religious traditions.

In the Constituent Assembly, Muslim delegates supported keeping the Personal Laws based on religious enshrines, unlike individuals like Dr. B.R. Ambedkar who supported social reforms and the adoption of the Uniform Civil Code. Because of this, the minority communities opposed the Uniform Civil Code. As a result, the Constitution's Part IV—Directive Principles of State Policy—allows for the addition of only one line, which relates to the Uniform Civil Code. This says that the State will work to ensure that citizens of all of India have access to a Uniform Civil Code. Ever since the Directive included the Uniform Civil Code.

The second instance in which the Supreme Court again instructed the Government under article 44 is the *Sarla Mudgal Case v. Union of India*. The Supreme Court declared that it is an abuse of personal laws to embrace Islam as a religion for marriage. It stated that a Hindu marriage may only be dissolved under the Hindu Marriage Act, 1955. This indicates that if a Hindu marriage is completed after converting to Islam, it cannot be canceled under the Hindu Marriage Act and is illegal under the Indian Penal Code section 494(5).

Arguments in favor of UCC

Drawing from the previously mentioned discourse and expert opinion, some arguments might be advanced in support of adopting a Uniform Civil Code.

Personal laws, which are currently divided based on religious beliefs, will be made simpler if there is only one set of rules for everyone. Consequently, this would streamline the legal system and procedure. A UCC seeks to provide equal legal treatment for all Indian citizens, regardless of their faith. As a result, it will support the Preamble's vision of equality.

In terms of marriage, divorce, inheritance, and property rights, women are disadvantaged by the personal laws that are currently in place in various religious communities. Enforcing equal treatment and opportunities for women in these domains through the implementation of a UCC will advance the causes of women's empowerment and gender equality.

Also in *Shah bano's (1985)* case the honourable supreme court ordered that Under the All India Criminal Code's "maintenance of wives, children, and parents" provision (Section 125), which applies to all citizens regardless of religion, the Supreme Court made a decision in her favor in 1985. It also suggested that a unified civil code be established.

Arguments Against the Uniform Civil Code

Arguments made by opponents of the UCC include that it violates the right to religion freedom guaranteed by Article 25 of the constitution and the right of communities to maintain their own cultural identity as guaranteed by Article 29 of the same constitution. Enforcing uniformity will

conflict with the various personal laws and customs that various communities in India observe. For example, the Special Marriage Act, 1954 (A Secular Law) forbids the custom of marriage between first cousins, even though it is a widespread tradition in several Indian communities. Hindu communities in South India are accustomed to seeing second cousins get married. Critics speculate that the UCC would force a "Hinduised" code upon every community. For example, UCC might legally compel other cultures to adopt Hindu customs on marriage, divorce, and inheritance.

Conclusion:

In spite of its controversial nature, the Uniform Civil Code has several benefits that advance the general development and advancement of Indian society. A UCC can clear the path for a more welcoming and peaceful country by supporting gender equality, social cohesion, secularism, streamlining the legal system, and embracing modernity. Prioritizing the values of equality and justice while approaching the implementation of a UCC with tact and respect for other religious views is vital.