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Uniform Civil Code: Why Implementation Is A Himalayan Task

Showkat Ahmad Dar[1*], Dr. Nasser Ahmad Lone[2]

[1]Department of Political science and Public Administration, India*
[2]Research Scholar of Annamalai University Tamil Nadu, India

Email id: [1]darshowkat41@gmail.comabstract*

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Abstract: ***Every strict gathering, paying little heed to class or orientation, are represented by common regulation, for example, the Uniform Civil Code, which administers issues like marriage, separation, reception, and property legacy. The government is expected by Article 44 of the constitution to bend over backward to guarantee that all Indian residents are dependent upon a similar common code. In 1835, the Britinsh governmnent gave a report suggesting that Indian agreement, proof, and wrongdoing regulations be arranged. Moreover, individual laws of Hindus and Muslims won't be classified, as per the record. The significance of having a uniform civil code in India is an interesting issue. Will the party's next huge political push, in front of the Lok Sabha elections in 2024, be the Uniform Civil Code (UCC). The motivation behind this paper is to cause to notice the squeezing need for an Indian Civil Code and challenges associated with it.***

Keywords: Uniform Civil code, Need, Debate, Diversity, Democracy and challenges etc.

1. INTRODUCTION

Article 44 of the Constitution's Directive Principles states, "The State shall endeavour to provide a uniform civil code (UCC) for its citizens throughout the territory of India." The goal of this effort should be to eliminate prejudice against marginalised groups and to harmonise global cultural practises. The debates over Ambedkar's position in the Constituent Assembly have lasted decades. While Dr. Ambedkar thinks a UCC is a good idea, he thinks it should be voluntary for the time being. The need for a Uniform Civil Code (UCC) has been debated in political and legislative circles since long before the Constitution was written. The Supreme Court has emphasised the importance of a UCC on numerous occasions. The Supreme Court has ruled that Goa's uniform civil code applies to all, regardless of religion, with the exception of a few limited rights. A consultation paper on Family Law **(Desouza 2015**) Reforms in India was also released by India's 21st Law Commission. Marriage, divorce, inheritance, and adoption are all governed by the Uniform Civil Code. The goal of a

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Uniform Civil Code is to ensure not only legal consistency between communities, but also gender equality in terms of rights. It will safeguard society's most vulnerable members. Women have been denied due to sociocultural-religious traditions. Thus, UCC could unite all communities in defence of women's rights to a **(Arya, 2006)** dignified existence and control over their bodies. A unified, rational personal law will contribute to the abolition of numerous evil, unjust, and illogical customs and traditions **(Paraphrased).** Consider the manual scavenging law. While this was once customary, it is no longer acceptable in a mature democracy like India.

2. RESEARCH METHODOLOGY

Ex post facto and analytical research is both applicable to the current investigation. As a result, the research is conducted using analytical and descriptive approach. As a result, the research relies on both primary and secondary sources. A qualitative approach has been used to analyse the secondary data that has been gathered from reputable sources such as books and websites on the internet and newspaper articles, as well as various international journals and magazines. In addition, the research is based on personal observations.

Objectives of Research

The significance of teaching more people about the issue, the challenges involved in putting into action the Uniform Civil Code in India, and the necessity of putting it all together are all explored in this article.

How did it come about?

The Constituent Assembly's debates on a possible uniform civil code reveal a lack of consensus, according to the Law Commission of India. In contrast to what many thought, others believed that the UCC was meant to replace personal law. Others thought that the United Church of Christ (UCC) would restrict religious freedom. Rather than being included in the section on fundamental rights, the Directive Principles of State Policy were chosen because of the inherent uncertainty.

Why does it matter?

Protests have been held against the codification of personal laws. The Hindu Code Bill, a major piece of social legislation, was met with fierce opposition. A common code is proposed to replace personal preferences in marriage and divorce, adoption, and succession. According to supporters, a single code will put an end to religious **(Verma, 2001)** discrimination. Opponents argue that it will destroy the country's religious diversity and violate Article 25's guarantee of religious freedom. They believe that the state imposing the UCC violates the very foundations of democracy. When it comes to religion and personal law, the secular state is an enabler rather than an impediment.

What is Next?

According to the experts, when the Supreme Court prohibited the triple talaq in 2017, it did not address the central question of whether personal law practises should take precedence

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over fundamental rights to life and equality. Experts After a two-judge Supreme Court bench ruled in October 2015 that the court should take notice of Muslim women's discrimination; the Constitution Bench made **(Mehrotra, 2022**) its decision. During the Shah Bano case, the Supreme Court asked for "assistance in the cause of national integration," as they put it.
A year after the Law Commission published a "questionnaire" on the UCC; the Constitution Bench issued its decision. In order to see how well the country's citizens would handle such a crisis, it was set up as a test. The question that was raised was, "What steps should be taken to sensitise society to the idea of a common code or codification of personal law?" A question that came up during the discussion was, "How do we get the public to accept that there should be a common code of personal law?" Article 44's "dead letter" status was criticised by the court in Shah Bano. For the foreseeable future, it will be that way. When it comes to ending religious discrimination, the Law Commission has suggested that personal law **(Rattan, 2004)** codification be used instead of the Uniform Civil Code (UCC). A wide range of practises and customs would be deemed "law" if Article 13 of the Constitution were to be codified. "Laws" cannot conflict with fundamental rights, according to the Law Commission. In addition, it would safeguard religious diversity and may be the best course of action for the near future **(Paraphrased)**. Such legislation, according to the Law Commission, is neither necessary nor desirable at this **(Seth, 2005**) time in the country. In the context of unification, "uniformity" is not required.

3. DISCUSSION

Political and legislative debates on the need for a Uniform Civil Code have been on-going since before the United States Constitution was drafted (UCC). There have been numerous Supreme Court rulings stating that a UCC is necessary. According to the Supreme Court, the uniform civil code of Goa applies to all citizens, with the exception of a few limited rights. An open-ended consultation paper on Indian family law reforms was published by the 21st Legal Commission and can be viewed by anyone. In the United States, the Uniform Civil Code governs personal issues like marriage, divorce, inheritance, and adoption. **(Manooja, 2000)** It is the goal of the Uniform Civil Code to ensure that both men and women have equal rights in the workplace. It will help those who are less fortunate in society. Voting rights have been denied to women because of social and religious norms. Consequently, the United Church of Christ may be able to bring together all communities to protect the rights and autonomy of women. Many bad, unfair, and irrational customs and traditions will be abolished as a result of a rational, unified personal law system. Manual scavenging laws **(Menon, 2005)** are an excellent illustration of this. In a mature democracy like India, this may have been customary in the past, but it is no longer the case.

Thomas Jefferson
Then there are the bills, the debates, and **(Paraphrased**) the delays a Uniform Civil Code regardless of caste, religion, or gender? No matter their race, religion, or sexual orientation, all citizens of a country must follow the uniform civil code. It differs from the Civil Code in that each religion has its own laws governing marriage, inheritance, divorce, and spousal support, all of which have different implications. Directive Principles of State Policy are

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rarely used or seen as having much impact on government policy because they are not enforceable in court. Part IV of Article 44 of the Indian Constitution mentions the Uniform Civil Code. Preamble: India is a secular state where all religions are respected, but the meaning of secularism **(Kumar, 2016)** is not stated in the Indian Constitution, leaving room for interpretation.

The Uniform Civil Code and Its Benefits

Many discriminatory acts are carried out in the name of religion, but the Uniform Civil Code is a step in the right direction. A non-Parsi woman married to a Parsi man cannot inherit the property. To end a marriage before reaching majority age may result in child marriages, which are a greater evil in society, Islam, and Hinduism. Polygamy and conversion to Islam to obtain this right should not be tolerated because they go against national values.Since the act has not been implemented, more conversions for the purpose of marriage have occurred. For example, if India had a Uniform Civil Code in place, these issues would have been buried before uprising. In the name of **(Ratan, 2003)** religion and faith, the Dawoodi Bohra community cannot continue to genital mutilate. Women were previously barred from entering the Sabarimala temple, and a Muslim woman cannot enter the dargah, but the right to worship is not gender-specific, as stated in Article 25 of the Indian Constitution. In Khasi tradition, a woman must inherit property while a man does not**. (Paraphrased**) The implications of cousin marriages in Islam and southern India are hotly debated. No riots against the National Registration of Citizens (NRC) would have occurred if all religions and genders were treated equally, regardless of ethnicity or political beliefs. Religion isn't a factor in enforcing the Universal Civil Code; it's people's own beliefs and misperceptions **(Kumar, 2012)** that are. And so we, the people, have shattered the entire religious system, which was meant to unite us all regardless of our differing practises and beliefs. Transforming our country's deteriorating civil law into one of the major obstacles to national advancement is a way forward in a world where uniform laws are the norm. A nation does not need to be female-centric to progress from developing to develop.Many people object to the special rights granted to minorities and other oppressed groups, but Articles 15(3) and 15(4) allow the government to pass laws addressing the needs of women, children, and other oppressed groups. Having a uniform civil code makes it easier for courts to handle cases involving religious **(Ghosh, 2003)** discrimination or other similar issues. A uniform civil code will strengthen the country's law and order. Despite the Supreme Court's repeated orders, the country's legislature, which we the people elect, has yet to act. In terms of national policy, the advantages of rule-of-law justice outweigh the disadvantages of case-by-case justice.

Getting a single civil code is a Himalayan task.

India has a diverse culture. Second-most populous, diversification. "Unity in diversity" refers to the area's social and cultural diversity. Multiplies socially or culturally. Multicultural, multilingual, etc. India's 3, 38,628 villages are socioeconomically and culturally diverse. India's rural majority divides societies. Religion affects population adaptability. Hinduism and Islam are prominent in our country. Different civil spheres represent sectional ideas. A section's civil law system. Muslim, Hindu, and Parsi law are religious procedures. Rule-of-law nations develop fault lines to reconcile civil laws. The UCC was created. Religious-

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neutral civil law uniformity is declared. State Directive 44. The constitution requires states to implement UCC. UCC applies the same civil laws to all communities based on citizenship equality. Pros and cons are weighed further. This will work in multireligious India. The idea promotes country and citizen UNITY and EQUALITY. This will keep the peace. Rioting, politics will end. Fault lines will blur and cross-community relationships will improve. In a religiously sensitive country like India, civil law regulates cultural life; therefore (Shahid, 2022) piecemeal engineering norms will enhance cross-cultural activities when this component is incorporated in law. Near-term deployment of this side is being discussed. UUC law making appears straightforward, leaving outcomes unpredictable. Possible best reveals likely greatest. Disagreement peaks throughout implementation. Conservative and religious, our civilisation. Hindus and Muslims are two of our country's most conservative communities. Hindus fear minority appeasement amid Muslim paranoia. Our country's riots and politics have (Shahid, 2022)) murdered thousands. Let's rethink our UCC strategy. This strategy favouring variety over conformity even in civic realm raises many issues. "Society must change," remarked RAJA RAM MOHAN ROY. This man's quote is helpful. Our country is a democracy with rule of law and a constitution that guarantees religious freedom. Religiously sensitive communities won't change all their rules at once. Majority community may invade minority community's personal space, and communal cohesion will disintegrate. It may be harmful until communities are ready to change. Minority-majority syndrome hinders collaboration. Imposed reality can't be accepted. Socioeconomic maturity leads to UCC reforms. Triple talak is ancient. Muslim women were victims of religious husband rights and personal law immunity until 2017. In the past year, women spearheaded the struggle against their own fraternity and sought judicial protection. So, UCC? In lok sabha's TRIPLE TALAK BILL, the community's consciousness leads to civil law rather than criminalising the husband. How did marriage make triple talak a crime? It's over. Community-law meeting location. Communities make contradictory assertions, like polygamy. Cracks? Third, the topic involves common law in civil issues usually addressed by personal laws. Like boys' and girls' marriage ages, where opinions diverge. Every community will want to win, extending the argument. Different social laws across ((Shahid, 2022) civilizations exhibit hostility. Only sun darkness might preserve us from inter caste and inter community marriages. If triple Talak problem is examined through Lok Sabha bill, dispute seems over. How can a civil offence get 3 years in prison when serious crimes do? UCC adoption corresponds with socioeconomic goals but falls short of socioeconomic progress given the topic's sensitivity. Implementation isn't viable yet, but significant discussion is needed.

Issues with the Uniform Civil Code in India

There is a deeply felt faith in the influence of religion in India, as well as a rich social legacy. Everything strict gatherings can be educated and actually spoke with to impact change. The way that participation in the Special Marriage Act is totally discretionary underscores the significance of the Uninform Civil Code. The Uniform Civil Code should be addressed with regards to spreading misleading data. The Uniform Civil Code means **(Singh, 2014)** to work on India's rule of peace and law framework instead of making it a Hindu state. Article 15 of the Indian Constitution guarantees that the Uniform Civil Code will significantly affect or

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obstruction with those privileges. Article 25 of the Indian Constitution safeguards the right of each citizen to rehearse their religion as they see fit. Due to the absence of political will to execute a Uniform Civil Cnode, governments should go to intense lengths as opposed to staying away from troublesome issues, remembering the nation and its citizens. Recognized legal advisers from all beliefs will compose the Uniform Civil Cnode. There are ways of assisting the country with becoming despite the fact that it is a**(Paraphrased)** touchy subject.

4. CONCLUSION

In India, which has a diverse range of religions and cultures, it is important to question laws based on religion and culture. The changing times have emphasised the need for a Uniform Civil Code in India. You should know that the Uniform Civil Code is meant to unite the nation, not just fight oppression and discrimination against women or one religious group in particular. As the world and the country's needs change, the government's traditional stance must change as well. No uniform civil code has been adopted despite overwhelming evidence to the contrary **.**All religions must work together to avoid any blunder or error. Extensive research and analysis are required to ensure the Uniform Civil Code has a positive impact on India. The question today is whether India can see the need for a Uniform Civil Code after 73 years of the Indian Constitution. In the current situation, we need a Uniform Civil Code, which cannot be delayed, or India will drown like Nokia without modernization. Adjust the method if the cat isn't catching the mouse. Long-term educational and cultural programmes can aid in the dissemination of ideas and the improvement of society. Any step in this direction is a departure from traditional thinking. The ground shines for society, but the literature shines for the readers. Building UCC on community coloration would be a huge mistake for our government. A long-term strategy based on piecemeal engineering is required to lessen the burden of uniform civil law. The timing is ideal for UCC adoption, but it appears to be rushed. Delay for the greater good of society would be wise.

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