
ONE NATION ONE LAW: NEED OF UNIFORM CIVIL CODE IN INDIA

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“All communal disputes will be end, when Uniform Civil Code becomes brand.”

- Mehak Saini

Introduction

India is one of the oldest civilized societies in the world. In this long journey of 5000 years, a lot of people migrated from other countries to India with different purposes. Besides this, India has witnessed several conquests and rulings by many rulers belonging to different religions and cultures, due to this the diversity of India become obvious. Since years together Indian society has been running with diversities in terms of religion, race, cast, creed, culture, economical, political etc. So India become home and well know for multiple religions, each with its own set of customs, traditions, and personal laws.

As India is renowned for its multifariousness in terms of culture, religion, and ethnicity, it is very much prone to be divided and may cause for disintegration. Already Indian nation witnessed this kind of division during 1947 and India divided into two different nations like Pakistan and India. Because of which the framers of our Constitution could not hammer out a consensus on the Uniform Civil Code despite debating it extensively.¹

To respect all minority cum majority communities and to maintain harmony among different religions since years together India has been maintaining personal laws for various religious

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¹ Ramesh Sharma, ‘Uniform Civil Code’, A News Article in India today dated Jul 7, 2023. Available at: <https://www.indiatoday.in/nation/story/uniform-civil-code-what-farmers-of-our-constitution-said-about-ucc-constituent-assembly-debates-2402758-2023-07-07>

groups, including Hindus, Muslims, Christians, Parsis, Jews, etc. even though it is against to the concept of right to equality. However, recently there is a proposal for 'Uniform Civil Code' with a vision of equality, Justice, and harmony, aiming to replace various personal laws with a common set of laws governing personal matters such as marriage, divorce, inheritance, and adoption, irrespective of an individual's religious affiliations just like common criminal code.²

What is Uniform Civil Code (UCC)?

Uniform Civil Code (UCC) is a proposed legislation in India to create and execute personal laws that aims to establish uniform personal laws applicable to all individuals, regardless of their gender, sexual orientation, or religious affiliation. Presently, personal laws are governed by religious texts specific to different communities.

UCC Bill – its purpose

UCC bill, 2018 is legislation proposed by the BJP in the year 2018, in Lok Sabha with the object of providing a common civil code or common law for every citizen who is residing in India irrespective of their religion, race, cast, etc. In the entire geographical territory of India with an objective to implement the right to equality and to eliminate discriminations rose because of religious beliefs.

The 21st law commission had sought the views of various stakeholders on implementation of a UCC. The Consultation paper on "Reforms of Family Law" was issued on 31st August 2018. Later on, the 22nd law commission sought consultation from all stakeholders including the general public as well as religious organizations on the implementation of the UCC. Through the official notice 22nd law commission clarified for fresh consultation on UCC from public that since more than 3 years have lapsed since the date of issuance of the said 21st commission consultation paper, bearing in mind the relevance and importance of the subject and also the various court orders on the subject.

However, recently Prime Minister Narendra Modi stated that there should be a common code of personal law, or family law, for all citizens of the country. By this statement along with 22nd law commission public notice for consultation on UCC, the need for UCC in India sparked a

² Madhavi Gaur, 'Uniform Civil Code in India', a post in Adda247 Current Affairs date July 9th 2023. Available at: <https://currentaffairs.adda247.com/what-is-uniform-civil-code-in-india/>

widespread debate in the country with input from individuals, organizations and political parties on all sides.³

UCC in India aims to safeguard vulnerable communities, including women and religious minorities, as envisioned by BR Ambedkar, while simultaneously fostering nationalistic fervor via unity.⁴

In fact if UCC put into effect, it may make laws that are currently divided based on religious views, such as the Hindu code bill, Sharia law, and all others, simpler in one common code. The code will obviously make the complicated regulations on marriage, succession, inheritance, and adoptions simpler and more universal. All citizens will then be subject to the same civil law, regardless of their religious affiliation.

Uniform civil code in the Constitution

Part 3 of the Indian Constitution provided right to religion from Articles 25 to 28 and right to cultural and educational rights under Article 29 and 30. By this framers guaranteed religious freedom to Indian citizens and permitted religious organization and minorities to conduct their own affairs, which are mandatory in nature. In Part 4 of the Indian Constitution, framers of the constitution provided the Directive Principles of State Policy (DPSP) figure from Articles 36 to 51. Here, Article 44 deals with UCC. It says that “The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.”⁵ It means the constitution expects the government to make efforts to make legislation according to this directive principle, but no time frame is fixed for their making and implementation. So, neither do the courts have the power to implement them or to order the government to do so. It is important to know that DPSP are ideal principles with a view to establish welfare state but they are not ‘enforceable’ in a court of law.

Uniform Civil Code in Indian History

Generally laws that are relevant to a particular group of people based on their caste, religion,

³ Ashwani Mahajan, Uniform Civil Code: the Beginning of a New India, Fair Observer: Independence, Diversity, Debate, Fair Observer Monthly magazine June 2023. Available at: <https://www.fairobservers.com/world-news/india-news/uniform-civil-code-the-beginning-of-a-new-india/>

⁴ Madhavi Gaur, ‘UCC uniform Civil Code: Full Form, History’, Published in Adda 24/7 Current Affairs, dated 9th July, 2023. Available at: <https://currentaffairs.adda247.com/what-is-uniform-civil-code-in-india/>

⁵ Article 44 of the Indian Constitution, 1950.

faith, and beliefs, are drafted after careful examination of traditional practices and religious scriptures.

For example: -

Hindu Personal Law: The Hindu personal laws are derived from ancient religious texts and customs. The Hindu Marriage Act, 1955 governs marriage and divorce among Hindus, while the Hindu Succession Act, 1956 deals with inheritance among Hindus, Buddhists, Jains, and Sikhs, etc.

Muslim Personal Law: Muslims in India follow the Muslim Personal law, which is based on the Shariah. The Muslim Personal law (Shariat) Application Act, 1937 regulates matters related to marriage, divorce, inheritance, and maintenance among Muslims.

Christians, Parsis, and Jews: the Indian Succession Act of 1925 applies. Christian women receive a predetermined share based on the presence of children or other relatives. Parsi widows receive an equal share as their children, with half of the child's share going to the deceased's parents if they are alive.

However, this kind of personal laws has been creating hurdles and confusion in application of law and for preparation and implementation of common civil code.

For the first time the idea of uniformity and codification of Indian law emerged during the British government's 'The Lex Loci Report of October 1840' on colonial India.⁶ In this report British government emphasized on need for uniformity in Indian law with regard to crimes, evidence, and contracts. But they suggested that personal laws of Hindus and Muslims should be kept outside from uniform codification, because the British feared opposition from community leaders and refrained from further interfering within this domestic sphere.

As for their understanding of religious divisions in India, they separated personal laws, which would be governed by religious scriptures and customs of the various communities such as Hindus, Muslims, Christians and Parsis etc. Moreover, these laws were applied by the local panchayats or local courts while they were dealing on such a subject involving civil disputes

⁶ An online article on 'Uniform civil code' in Citizen Rights Protection Council, a registered and Licensed by Ministry of Corporation affairs, Government of India. available at: <https://www.crpc.in/images/uniform-civil-code.pdf>

between people of the same religion. The State has no jurisdiction except in exceptional cases. By the Queen's Proclamation 1859, the British government promised for absolute non-interference in religious matters and Indian public will have the benefit of self-government in their own domestic matters.

Later, the British laws like Hindu Widow Remarriage Act of 1856, Married Women's Property Act of 1923 and the Hindu Inheritance (Removal of Disabilities) Act, 1928 etc are a significant move towards Hindu law codification and for women rights reorganization. However, during 'The All India Women's Conference (AIWC), 1933 Lakshmi Menon demanded a uniform civil code which guaranteed gender equality. In this way forward the British government was forced to create the B N Rau Committee in 1941 (The first Hindu law committee 1941-1946) to codify Hindu Law due to an increase in legislation addressing personal concerns at the end of British rule.⁷ So, this Hindu law committee was under a responsibility to suggest on a civil code for matters of Hindu marriage and succession. This committee submitted the draft code dealing with succession, maintenance, marriage and divorce, minority and guardianship and adoption issues. Finally this report sends to the Indian parliament in 1947. After the Indian Constitution was adopted in 1950, a select committee headed by BR Ambedkar was convened, and they were given the Rau committee report's draft to review. The Hindu Code Bill was discussed for a while before it expired and was resubmitted in 1952. Based on this committee report, the Hindu Succession Act, 1956 was adopted to reform and codify the legislations governing intestate or unwilled succession among Hindus, Buddhists, Jains, and Sikhs. The Act updated Hindu personal law.⁸ However, this committee restricted to work on only Hindu law but not common civil code for all religions.

However, the Special Marriage (Amendment) Act, 1923 permitted Hindus, Buddhists, Sikhs and Jains to marry either under their personal law or under the act without renouncing their religion as well as retaining their succession rights. It can be said that it is an indirect effort to a uniform civil law. But due to pressure from the Muslim elite, the Shariat law of 1937 was passed which stipulated that all Indian Islamic people would be governed by Islamic laws on marriage, divorce, maintenance, adoption, succession and inheritance.

⁷ A post on Uniform civil code, Drishtias online editorial dated on 30 May 2022. Available at: https://www.drishtias.com/daily-updates/daily-news-analysis/uniform-civil-code-in-uttarakhand/print_manually

⁸ In the year 2005 by an amendment the daughter right to receive the exact same portion as a son was provided.

Like above, there were several efforts made for uniformity in civil law before independence but they were not fruitful. Surprisingly after this, UCC has figured in political debates and electoral politics from time to time.⁹

Uniform civil Code in Constituent Assembly

At the time of making Indian Constitution, Constitutional makers had debated vigorously on the issue of UCC.

At the time of making of Indian constitution in the year 1947 Indian independence Act caused for partition of Indian nation in to two parts like India and Pakistan. The large scale communal violence had witnessed by the country and it created an atmosphere of mistrust among the Muslim community regarding Indian government. Besides this Mohammad Ali Jinnah and the Muslim League had propagated that the “congress government of Hindus’ would not allow Muslims to live according to their personal law and they are going to be discriminated based on religion in India. In this situation, preparation and implementation of UCC in the country become a challenging issue. For this reason constitutional maker’s enacted UCC provision in Constitution under DPSP with the hope that sometime in the future, a law could be made and implemented. In spite of Congress’s Meenu Masani, who is the member of the constituent assembly presented expansive debate on this matter in constitutional debate when UCC figured under Article 35 and proposed to provide under fundamental rights.

Except a few members almost all the Congress party members mainly the then PM Jawaharlal Nehru along with all 15 women members in the constituent assembly were supported for UCC. Hansa Mehta, one among 15 women members lobbied for a UCC as a member of the Fundamental rights sub-committee. Besides this Rajkumari Amrit Kaur, Dr. B R Ambedkar, Meenu Masani, Kanhaiyalal Manikla Munshi, Alladi Krishna wami Iyer strongly supported for enactment and implementation of a UCC and argued vociferously in its favour. However, they stressed the importance of secularism and individual rights, highlighting the UCC’s potential to foster a unified and progressive nation. They were supported UCC as it promotes gender

⁹ Avaneesh Mishra, ‘Uttarakhand forms a panel to implement Uniform Civil Code ’ News Article in Indian express, dated May 28, 2022. Available at: <https://indianexpress.com/article/india/uttarakhand-forms-panel-to-implement-uniform-civil-code-7940403/>

equality, national unity and integration, it modernizes legal system with harmonizing diverse traditions to promote secularism and individual rights.

In spite of support to UCC by maximum members of the constituent assembly there are several oppositions from members like Mohammad Ismail, Naziruddin Ahmed, Mehboob Ali Baig, B Pokar Sahed, and Ahmed Ibrahim etc. They argued that implementing a UCC would infringe upon religious and cultural autonomy, it would violate the fundamental rights, it creates complexity and it is not practicable. Moreover it is against to respect for diversity and pluralism and causes for social unrest etc.

Like above, the constituent assembly debates on the UCC reflected a range of perspectives and considerations and its discussions were crucial in shaping the future trajectory of India's legal framework, demonstrating the complexities inherent in addressing personal laws in a diverse and pluralistic society of India. By observing all the above the then President of the Constituent Assembly Dr Rajendra Prasad, acknowledged the challenges in implementing a UCC but stressed the importance of modernising India's legal system.

Goa is the only State in India presently implementing UCC

It is the notable point that almost all aspects of a UCC fall under Entry No.5 in the Concurrent List, covering marriage, divorce, adoption, wills, succession, partition, and all matters which were subject to personal law before the constitution was enacted. Hence it is clear that both state assemblies and the union government have the power to introduce the UCC if they wish. However at present, Goa is the only Indian State that has implementing UCC. Before and after independence Goa, a state in India, was expelled from the country due to colonial rule in the formerly Portuguese Goa, Daman and Diu, the Indian State of Goa was cut off from the rest of India. Even though all this three territories subsequently became part of India and has been implementing personal laws Goa kept its common family law, known as the Goa civil code, making it the only State in India to this day with a unified civil code.¹⁰As of now there are no conflicts or complaints for any Hindu, Islamic and Christian community about UCC implementation in Goa. Here it is the million dollars question that if UCC is possible in Goa then why not in rest of the Indian States.

¹⁰ Sudhir Vyankatesh Wanmali, *History of Goa*, Britannica. Available at: <https://www.britannica.com/place/Goa/History>

However, recently it has been reported that states such as Gujarat, Uttarakhand, and Assam are making strides towards the implementation of the UCC.¹¹

UCC - Indian Judiciary

In *State of Bombay v. Narasu Appa Mali*¹², The Bombay High Court observed that Hindus being punished for bigamy and Muslims being not punished cannot be said to be discrimination on grounds of religion and the sole reason behind this is the legislative intent that Hindu law can be reformed and marriage in it can be limited to one at a time and the same was not felt for Islam by the Legislature.

In *Mohd. Ahmed Khan v. Shah Bano Begum*¹³, the Supreme Court case observed that it is indeed a matter of regret that the aspiration of UCC which is contained in Article 44 of the Constitution has not been implemented. The State despite of having the unquestionable and undeniable authority of chalking out a UCC has not taken any effort to do so. The Supreme Court even went a step ahead to express its desirability of a UCC by stating that it will bring about national cohesion and integration by ending the scope of differential treatment of people according to the religion they follow.

The onus is on the State to bring out a UCC and not on the communities to express their desirability for the same. Political and ideological difficulties should not be hindrances in achieving what is sought in Article 44. The Court believed that UCC would lead to justice to all and also referred to what Dr. Tahir Mahmood stated that Muslims should no longer care about changes and legislations in their personal laws but should aspire towards a common civil code for India and how Islamic laws can contribute in it.

In this case the apex court said that it was a matter of regret that Article 44 of the Indian Constitution remained a dead letter- “No community is likely to bell the cat by making gratuitous concessions on this issue. It is for the State, which is charged with securing a uniform civil code, and it has legislative competence to do so”.¹⁴

¹¹ Bibek Debroy, Aditya Sinha Opinion in NDTV News online, “Why India Needs A Uniform Civil Code”. Dated 28th June 2023. Available at: <https://www.ndtv.com/opinion/why-india-needs-a-uniform-civil-code-4161333>

¹² State of Bombay v. Narasu Appa Mali , AIR 1952 Bom. 84.

¹³ Mohd. Ahmed Khan v. Shah Bano Begum, (1985) 2 SCC 556

¹⁴ Gurpreet Kaur Dutta, ‘Uniform Civil Code’, a legal post in Finology Blog on 14th December 2022. Available at: <https://blog.finology.in/Legal-news/uniform-civil-code-india>

In *Sarla Mudgal v. Union of India*¹⁵, the Supreme Court stressed the inability of the governments to bring out a UCC. It is observed that when more than 80% of the citizens are already under a codified law (Hindu Law) then it does not make sense to leave out the rest of the citizens from the ambit of a uniform civil code. It also stressed an option to a Hindu man to simply convert to Islam to marry two wives at the same time and get away with any punishment for bigamy which seems unfair on the face of it. It observed that opposition cannot be made by communities to challenge UCC. Matters like marriage and succession etc. cannot be said to have religious safeguards under the right to freedom of religion. It step a further ahead and requested the State and governments to consider and fulfil what is bestowed upon them under Article 44.

The Supreme Court has directed the Prime Minister to take fresh look at Article 44 of the Constitution which enjoins the State to secure a uniform civil code which, accordingly to the court is imperative for both protection of the oppressed and promotion of national unity and integrity. The court directed the Union government through the Secretary to Ministry of Law and Justice, to file an affidavit by August 1995 indicating the steps taken and efforts made, by the government, towards securing a uniform civil code for the citizens of India.

The above direction was given by the court while dealing with case where the questions for consideration was whether a Hindu husband married under Hindu law, after conversion to Islam, without dissolving the first marriage, could solemnise a second marriage. The Court held that such a marriage would be illegal and the husband could be prosecuted for bigamy under section 494 of the Indian Penal Code.

In this case four petitions were filed. The first petition was filed by a registered society working for the welfare of women as public interest litigation. The second was filed by one Meena Mathur. She contended that she was married to one Jitendra in 1978 and they had three children out of the wedlock. In 1988 her husband solemnised second marriage with one Sunita Narula alias Fatima after they converted to Islam. In the third case, Sunita alias Fatima contended that after marrying her Jitendra mathur had again reverted back to Hinduisim and leaving his first wife. Her grievance was that she still continues to be a Muslim but not being maintained by her husband and has no protection under either of the personal law. In the fourth case, the petitioner Gita Rani contended that she was married to one Pradeep Kumar according to Hindu

¹⁵ Sarla Mudgal v. Union of India, (1995) 3 SCC 635.

rites in 1988. In 1991 she came to know that her husband ran away with one Deepa and after conversion to Islam and married her. The fourth petitioner Sushmita Ghosh contended in the court that she was married to G.C Ghosh according to Hindu rites in 1984 but in 1992 her husband told her that he did not like her and he would embrace Islam and marry one Vinita Gupta. She prayed that her husband be restrained from entering into second marriage with Vinita Gupta.

On the fact of the cases, the court held – A Hindu marriage continues to exist even after one of the spouse has converted to Islam. There is no automatic dissolution of Hindu marriage. It can only be dissolved by a decree of divorce on any of the grounds mentioned in Section 13 of the Hindu Marriage Act. The second marriage of Hindu after his conversion to Islam is void in terms of Section 494 of IPC and the husband is liable to be prosecuted for bigamy.

As regards the question of UCC the division bench (Kuldip Singh and R.M. Sahai, JJ) in their separate but concurrent judgments held that since 1950 a number of governments had come and gone but they had failed to make any efforts towards implementing the constitutional mandate under Article 44 of the Constitution. Consequently the problem today is that many Hindus have changed their religion and have converted to Islam only for the purpose of escaping the consequence of bigamy. This is so because Muslim Law permits more than one wife and to the extent of four. Kuldip Singh, J., said that Article 44 is based on the concept that there is no necessary connection between religion and personal law in a civilised society. Marriage, succession and like matters are of a secular nature and therefore, they can be regulated by law. No religion permits deliberate distortions, the judges declared. Much apprehension prevails about bigamy in Islam itself. In many Islamic countries as in Syria, Tunisia Morocco, Pakistan, Iran and other Islamic countries have codified their personal law to check its abuse.

He pointed out that even in America it has been judicially acclaimed that the practise of polygamy is injurious to “public morals” even though some religion may make it obligatory or desirable for its followers. It can be regulated by the State just it can prohibit human sacrifice or the practice of Sati in the interest of public order.

The court, while hearing an appeal filed by one of the accused in the above case, clarified that its descriptions were only an obiter dicta and not legally binding on the government. This

clarification was given by Mr. Justice Kuldip Singh who had directed the government to take immediate steps for implementing the mandate of Article 44 of the constitution.

The Supreme Court in *Diengdeh v. S.S. Chopra*¹⁶ and in *Shayara Bano v. Union of India*¹⁷ had observed that it is required by the constitution of India that the State provides for a UCC to deal with the problems arising out of personal laws.

Later, In John *Vallamatton v. Union of India*¹⁸ a three Judge bench of the Supreme Court consisting of C.J. V.N. Khare, S.B. Sinha and Dr.A.R. Lakshmanan, JJ., has once again expressed regret for non enactment of common civil code. In the instant case the petitioners have challenged the validity of section 118 of the Indian Succession Act on the ground that it was discriminatory under Article 14 as well as violative of Articles 25 and 26 of the Constitution. Section 118 of the Act imposed restriction on a Christian having nephew or a niece or any other relative as regards his power to bequeath his property for religious or charitable purposes. The definition in the Act did not include wife of a testator having a nephew or niece must execute the will at least 12 months before his death and deposit it within 6months otherwise the bequest for religious or charitable use would be void. This restriction did not apply to a person having wife. The court held that section 118 of the Succession Act is unconstitutional being violative of Article 14 of the Constitution. The majority said that Articles 25 and 26 have no application in this case as disposition of property for religious and charitable uses is not an integral part of Christian religion. Articles 25 and 26 only protect those rituals and ceremonies that are integral part of religion. The Chief Justice of India in view of the facts of the instant case forcefully reiterated the view that the common civil code be enacted as it would solve such problems. He said, "Article 44 is based on the premise that there is no necessary connection between religion and personal law in a civilized society." Article 25 of the Constitution confers freedom of conscience and free profession, practice and propagation of religion. The aforesaid two provisions viz., Article 25 and 44 show that former guarantees religious freedom whereas the latter divests religion from social relations and personal law. It is not matter of doubt that marriage, succession and the like matters of a secular character cannot be brought within the guarantee enshrined under Articles 25 and 26 of the Constitution. It is a matter of regret that Article 44 of the Constitution has not been given effect to. A

¹⁶ *Diengdeh v. S.S. Chopra* 1985 3 SCC 62

¹⁷ *Shayara Bano v. Union of India* 2017 9 SCC 1

¹⁸ *Vallamatton v. Union of India*, AIR 2003 SC 2902.

Common civil code will enhance the cause of national integration by removing the contradictions based on ideologies.

In *Seema v. Ashwani Kumar*¹⁹, the Supreme Court has held that all marriages, irrespective of their religion, be compulsorily registered. Moved by the plight of women fighting for their rights under marriage like maintenance and custody of their children, a two judge bench of the Supreme Court comprising Justices Arijit Pasayat and S.H. Kapadia directed the Centre and State governments to amend the law or frame rules and notify them within three months.

The court directed the government to provide for “consequences of non-registration of marriages” in the rules which should be formalised after inviting public response and considering them. The rules so framed would continue to operate till the respective governments frame proper legislations for the compulsory registration of marriages. Giving no room for appeasement or dilution of the objective to be achieved through such legislations, all new laws framed by the governments have to be placed for scrutiny before the Supreme Court. This is necessitated by the need of time as certain unscrupulous husbands deny marriage leaving the spouses in the lurch, be it for seeking maintenance, custody of children or inheritance of property.

In the case of *Jose Paulo Coutinho v. Maria Luiza Valentina Pereira and ors*²⁰ Justice Deepak Gupta remarked on the lack of progress toward establishing a UCC despite the court’s previous urgings in cases like Mohd. Ahmed Khan and Sarla Mudgal cases.

Further, Delhi High Court in a recent judgement of *Satprakash Meena v. Alka Meena*²¹ observed again the need for UCC and observed that the young people of India should not be left to entangle with the issues arising due to varying provisions of personal laws according to the religions of the citizens regarding the civil matters like marriage, maintenance, divorce, adoption etc.

Like above, many a times Indian higher judiciary stressed on need and impertinence of UCC. But the court’s order in *the Ahmedabad Women Action Group case* (1997) and *Lily Thomas case* (2000) clarified that there was no court direction issued to the government to enact the

¹⁹ Seema v. Ashwani Kumar AIR 2006 SC 1156

²⁰ Jose Paulo Coutinho v. Maria Luiza Valentina Pereira and ors , Manu/SC/12572019. Available at: <https://lawansweronline.com/latest-case-updates/succession-laws-for-goan-domiciles/>

²¹ Satprakash Meena v. Alka Meena 2021 SCC OnLine Del 3645

code. But every time after delivering judgment on UCC became an important subject matter of discussion in media as well as in Indian politics. Later, the discussion then turned to Muslim Personal Law, which allows for unilateral divorce and polygamy and is considered one of the legal ways that Sharia law is applied then it was quickly removed either without being introduced in parliament or simply by putting it in public domain for discussion.

Why India needs uniform civil code?

The UCC in India aims at replacing the personal laws based on the religion, customs and scriptures of each religious community with common code.

It is essential to remember that the struggle for a UCC is not one of homogenizing diverse cultures or infringing on individual religious freedom. As rightly commented by PM Narendra Modi that a uniform code does not imply that all individuals must conform to the same beliefs, practices, or cultural norms; rather, it suggests that all citizens should be governed by the same set of civil laws regardless of their background or beliefs.²² It aimed to ensure legal uniformity, not enforcing cultural or religious conformity. In spite of this there are several reasons to say that it is the need of the hour to enact and implement UCC in India.

Some Pros of Uniform Civil Code:

1. To Uphold Secularism: as mentioned in Indian constitution India is a secular country. A secular republic like India needs a common law for all citizens rather than differentiated rules based on religious practices. Moreover, UCC aimed for legal uniformity not cultural conformity.

2. To provide gender equality: it is fact that the rights of women are generally a neglected concept under whatever the religion. However, it become more neglected one under some religious practices like allowing Muslim men to marry three or four wives at a time, Triple talaq, priority given to men in terms of succession and inheritance etc.

In Parsi law women marrying outside their community and non-Parsi women marrying into the Parsi community has been facing several inheritance restrictions.

²² Bibek Debroy, Aditya Sinha Opinion in NDTV News online, "Why India Needs A Uniform Civil Code". Dated 28th June 2023. Available at: <https://www.ndtv.com/opinion/why-india-needs-a-uniform-civil-code-4161333>

Even though the Hindu Succession Act through 2005 amendment granted daughters an equal stake in joint family property, it is insufficient.

3. To provide equal status to all the citizens: Many practices in the name of religion are contrary to the fundamental rights guaranteed in the Indian constitution. Especially under Article 14 of the constitution. So, to ensure equal right by equal protection of law is the need of the hour.

4. To support the national integration: as per secular concept state should be neutral in matters of religion and religion is the issue related to Individual. So, UCC would make the dream of 'legal uniformity' or 'one nation, one law' come true. and religion is not going to be any hindrance in implementation of law and it will promote national integration.

5. To bypass the contentious issue of reform of existing personal laws: it is true that at the time of making Indian constitution makers want to keep UCC in fundamental rights but because of prevailing conditions during those days they kept it in DPSP with a hope to implemented it future. So, as rightly expressed by the apex court in different occasions it is urgent need to implement UCC to avoid confusion regarding application of laws and to uphold justice.

6. To accommodate the aspirations of the young population: As law itself encouraging inter cast, religious marriages and from social and electronic media debates, surveys and suggestion on UCC in Public domain now a day's maximum people especially 55% of population social attitudes and aspirations are based on universal principles of modernity, equality and humanity and they are supporting UCC by realizing their full potential for nation-building. So, it is high time to respect their attitudes and aspirations.

Why UCC is not feasible in India?

It is important to note that the struggle for a uniform civil code is not one of homogenizing diverse cultures or infringing on individual religious freedom. It aimed for legal uniformity. However, it is also important to remember that India is multi divergent societies so as rightly stated by Justice Sahai²³ while advocating the idea of UCC there is a need to calm the sentiments and emotions and also need to take measures and activities which would bridge the

²³ Flavia Agnes, *Hindu Men, Monogamy and Uniform Civil Code*, Vol. 30 No. 50 Economic and Political Weekly 3243, 1 (1995), <https://www.jstor.org/stable/4403569>.

present status to a prospective future of UCC. Here are the some issues which should be keep in consideration by law makers and implementers while enacting and implementing UCC.

1. UCC is sensitive and tough task

India is a country which has been following diverse cultures. So this concept of UCC echoes voltaire's principle in "treatise on Tolerance", where he emphasizes that in a well governed state, everyone's ability to follow their personal beliefs should be protected as long as it doesn't harm others. So, the governments should be sensitive and unbiased at each stage while dealing with the majority and minority communities sentiments. Otherwise, it might lead to communal violence and create unrest in society.

2. Practical difficulties might arise in implementation of UCC due to diversity in India

India is a country with diversity in religion, race, creed, ethnicity, castes, culture, etc. hence it is practically not feasible to come up with uniform rules for personal matters like marriage, family, divorce, adoptions, etc. as since years together people are following age old traditions based on their religious practices. It may be a hard task to replace age old traditions with a new law UCC.

3. UCC may caused for interference of State in personal matters

Indian constitution has guaranteed several fundamental rights to people like right to life and liberty under article 21 and right to religion under articles 25 to 28 etc, which are promoting liberty in personal matters. Here, UCC would be indirectly violating that kind of right, so the government should be more conscious while dealing with UCC.

4. It is important to verify whether present time is suitable for this reform (in the era of Communal politics)

At the time of constitutional making Indian was divided into two territories on religious struggles so constitutional makers felt that 1950 is not a right time to implement UCC. But, even now there are so many incidents around us which indicating Muslim fundamentalist and extremist are under perception that UCC might be effect their ideology and they are also feeling that they are vulnerable and insecure by majority community. There are already controversies over the beef ban, saffronization of school and college curriculum, hijab, love jihad, etc. so it

is important to see present Indian society is ready for UCC or not otherwise it might cause for political and social struggles. The demand for a uniform civil code has been framed in the context of communal politics. Because of communal politics a large section of society sees it as majoritarianism under the grab of social reform.

5. Due to unawareness people may have perception that UCC as an encroachment on religious freedom guaranteed by constitution

India has majority and minority communities since years together. Moreover, minorities were given several protective and promotion rights like 'cultural and educational rights' under article 29 and 30. However, minorities are under perception that UCC may an encroachment on their right to religious freedom and their traditional religious practices will be replaced by the rules of majority religious communities.

Conclusion

Indian legal system successfully implementing uniform criminal code since years, so it can be presumed that uniform civil code also be implemented. Moreover, while not without its shortcomings the Goa model provides a viable template for the broader implementation of a UCC in India, offering a semblance of what a balanced, secular legal framework could look like. The government and society will have to work hard to build trust among the unaware people. It should be view as common cause with social reformers than religious conservatives, then only UCC can be understand by people as a necessity for equality, an instrument for social justice, and a constitutional promise that need to be fulfilled.

As stated by preamble of the Indian constitution if Indian State a secular State, then it should not be run on neither by scripture nor by custom. It must work on sociological and political grounds. However, UCC can only emerge through an evolutionary process. Hence, major sensitization efforts are required form government and also form communities to reform current personal law reforms. It is true that UCC does not imply that all individuals must conform to the same beliefs, practices, or cultural norms by leaving their religious practices. It suggests that all citizens should be governed by the same set of civil laws regardless of their background or beliefs how now all communities are governing by same criminal code.

“Common set of laws applicable to all citizens, irrespective of their religious backgrounds like

Implementation of Uniform Civil Code will promote national integration and eliminate divisions based on religious or community based laws.”

- *Sardar Vallabhbhai Patel*