



Uniform Civil Code: A Review

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Abstract

In the present scenario, it becomes necessary for Uniform Civil Code to put series of legislative acts for the purpose of governing individual problems of each and every people without taking their religion in to account, in order to ensure whether their basic rights are safe. It emerges in the form of normal governing rules in support of each and every citizen of our country. It take the place of individual laws which are formed on the basis of religious heritage and lifestyle. Such type of laws become famous in the form of laws which regulate relationship in the middle of state and individual. It covers marriage, divorce, inheritance, adoption, and maintenance. India is the only country whose parliament passes the a Special Marriage Act in the year of nineteen fifty four which permits each and every individual of our country to marry outside the realm of any special religious personal law. In the present scenario, it becomes necessary for Uniform Civil Code to put series of legislative acts for the purpose of governing individual problems of each and every people without taking their religion in to account, in order to ensure whether their basic rights are safe. Actually, it becomes the essential element for the principle of secularism. This dynamic reformation is able to put a stop on those racial activities which are tacked by the females of our country due to religious basis. In addition to this, it provides strength to the secularism structure of our country. It keeps integrity upstairs. The law and order of our country demanded reformation because there is a absence of equality which is not the favor of our Constitutional Rights. It is very well known by all of us that "Criminal Code" is applied to each and every people without taking their religion, status and nationality in to account. At the same time, Personal laws fails to govern such type of code for divorce.

key words: Criminal, Civil, Uniform, Constitutional, governing etc.

Introduction

Our country requires a law which can be applied equally to each and every people of our country without taking their religion in to account, for the resolution of bride and groom problems for separation problems for family matter and adoption. The code comes under Article 44 of the Constitution, which lays down that the state shall endeavour to secure a



Uniform Civil Code for the citizens throughout the territory of India. This issue is already become a central point in political debate from last hundred years. Saffron becomes the initial party who promises the implementation of UCC once they come in to power. It becomes the part of thier two thousand and nineteen Lok Sabha election manifesto .

Origin of Uniform Civil Code

Its roots is very old which originated when our country was not dependent. It originates in the year of eighteen thirty five when a document was submitted by the British authorities. In this document, British authorities placed their emphazion on the topic that there is a requirement of equality in the organization of our country legislation when it comes to offenses, criminal activities, testimony in addition to declaration.

Legal issues which are inextricably linked to the individual problems increased with a very high speed in the latter part of the Britishers dominance. For the classification of Hindus law,B N Rau council was created by the authorities in nineteen forty one. The basic responsibility of this council becomes the examination of necessary demands of general Hindu laws. On the basis of holy books, a systematic law was suggested by the council in support of people related to Hinduism. According to this law rights for male and females were equal. The Act which was passed in the year of nineteen thirty seven was examined and a civilian law for the progression of people releated to Hindu religion is suggested by the council..

Background of Uniform Civil Code

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On the basis of these suggestions, in the year of nineteen fifty six a bill was then adopted in 1956 in the form of "Hindu Succession Act". The basic intention behind the adoption of this act was the amendment and organisations of those laws which are related in the company of unwilled succession, in the middle of Hindus, Buddhists, Jains, and Sikhs.

For bringing regularity, of court always stated that authorities needs movement in the direction of general civilian law.

The verdict of Shah Bano case becomes very famous , still in some other most important verdicts courts points out in the direction of similar matter .

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Review of literature

(Pachauri, 2020) studied "*UNIFORM CIVIL CODE IN INDIA: A SOCIO- LEGAL PERSPECTIVE*" It is already found that guidelines related to State Policies are established by the fourth part of our country Constitution. Although these values are non-enforceable, they are important for the country's governance. Under Article 44 of the Constitution, which imposes a duty on the state to enforce a Uniform Civil Code, one such Directive principle is laid down. Over the years, different directions have been given for its implementation by the Supreme Court. But it is only a distant dream due to unnecessary politicisation. Different personal laws are applicable to various religious groups in the absence of a uniform law about personal matters such as marriage, divorce, adoptions, etc.

(Ghosal, 2019) studied "*UNDERSTANDING UNIFORM CIVIL CODE AND ITS PROBLEM IN IMPLEMENTATION*" Unfortunately, personal laws, though all aspects are considered, have little to do with a person's personal legal rights.¹ By tradition, personal laws are regarded as religious, but religion can have little to do with it. Personal rules, such as marriage laws, maintenance, adoption, guardianship of children and succession, are those that manage our own lives. During childbirth, faith is the basic affinity and the rules that we distinguish as personal



to him are passed along at one's own individual will. That if by impulse we take out the personal rules, we trench upon a person's most private feelings.

(Mudgal & Kalyani, 1995) studied "studied "*UNIFORM CIVIL CODE: A SUGGESTION* " It noted that, in the historic case of Sarla Mudgal1, THE SUPREME Court of India continuously emphasized the need for a uniform civil code for all Indians in cases related to personal law. In order to provide safety to the harmed people and for the improvement of our country internal harmony, introduction of UCC becomes the indispensable responsibility of our Government. It is continuously reminded by Apex Court. The judgement brings vibrations in the groups of political fundamentalist power mongers. From the year nineteen fifty in which the Constitution of our country start each and every central authority of our country fails to impose the "Uniform Civil Code" in support of our country citizens in problems related bride and groom, separation and many others. Article 44 of the Constitution of India seeks to create, for all people of India, a uniform civil code.

(Rajender kumar, 1985) studied "*Uniform Civil Code in India*" And found that the proposal of replacing personal laws in the company of universal regulating law is the "Uniform Civil Code" in India. In comparison to law on the basis of which matters related to marriage, divorce, succession, adoption and maintenance are handled, these laws are different. In our country, application of "Uniform Civil Code" in the form of State responsibility is defined by the policies of Article 44. In addition to being a significant concern about India's atheism, in the year of nineteen eighty five at the time of Shah Bano case, it emerges in the form of controversial topics. Discussion then concentrated on those Muslim Personal Law, which remain unchanged from the year nineteen thirty seven.

(SHRI CHANDRAKANT KHAIRE, 2018) studied "*THE UNIFORM CIVIL CODE IN INDIA BILL, 2018*" And found that while there were people like Dr. B.R. Ambedkar in the Constituent Assembly on the one hand who wanted changes in society and wanted to adopt the Uniform Civil Code, there were also Muslim members who took part in maintaining the Personal Laws based on religious enshrines. As a result, minority groups have rejected the Uniform Civil Code. Consequently, on the subject of "Uniform Civil Code", under Article 44 of Part IV, only one line may be applied to the Constitution as guidelines of State Policy. In this regard, it becomes necessary for State government that they developed a Uniform Civil Code in support



of our country's people. Due to the introduction of the "Uniform Civil Code" inside the guidelines of Policies of the State, such laws cannot, however, be enforced by the Constitution.

(Mohapatra, n.d.) studied "*Personal Laws, Uniform Civil Code*" The Personal Law emerges in the form of law which applies, based on religion, faith, and culture, to a certain class. It becomes the special features of the legal system in India. India is a secular society in which numerous ethnic communities have their own practises and beliefs. Their trust is dictated by the rules. And by considering the various practises practised by that religion, these laws are made. Thus, in India, various religious communities have different personal laws. Since the colonial era, Indians have been observing these rules.

(S.SADHANA, 2018) studied "*A CONTEMPORARY STUDY ON THE UNIFORM CIVIL CODE*" in which the underlying meaning, hypotheses and judicial level of the Universal Civil Code is investigated and discovered. It is the publication which defines its definition in addition to its origin or where it originated from is also discussed. This section also addresses its requirements, whether or not the Uniform Civil Code should be enforced, in addition to its strong and weak points Here, author also researched the way in which secularism and "Uniform Civil Code" are connected .

UCC and Implications

Safety to Society Weeker Section: Dr. Bhim Rao Ambedkar basic intention behind the proposal of UCC is the safety of Society Weeker Section including females. It also improves the internal harmony of our country.

Laws become simpler : The code will simplify the complex laws around marriage ceremonies, inheritance, succession, adoptions making them one for all. The same civil law will then be applicable to all citizens irrespective of their faith.

Once UCC will be passed it simplifes those laws which become isolated due to religious beliefs .

Knocking Secularism model: Secularism is the objective enshrined in the Preamble, a secular republic needs a common law for all citizens in place of different rules based on religious practices.



Gender Justice: Our country possess different groups of personal laws in support of all religion

At the same time, women rights under each and every religious law, whether it may be a Hindu or Islamic are normally restricted .

Challenges To UCC

Exceptions in Central Family Laws: The preliminary sections in all central family law Acts enacted by Parliament since Independence declare that they will apply to “the whole of India except the state of Jammu and Kashmir.”

In the year of nineteen sixty eight a secondary prospect was included in all these Acts. It pronounces “nothing herein contained shall apply to the Renoncants in the Union Territory of Pondicherry.”

Next prospect was included, all of this Acts were not applied in "Goa, Daman and Diu".

A further prospect, in connection with Nagaland and Mizoram north eastern part originates out of Constitution Articles three seventy one A and three seventy one G , announcing that no parliamentary legislation will replace the customary law and religion-based system for its administration.

Community based Political view: The requirement along the lines of uniform civil code is already set up for the purpose of community based party politics. Larger part of community consider it in the form of majoritarianism in the framework of communal reformation.

Way Forward

Collaborative Approach: The government and society will have to work hard to build trust, but more importantly, make common cause with social reformers rather than religious conservatives.



Brick by Brick Approach: Rather than an omnibus approach, the government could bring separate aspects such as marriage, adoption, succession and maintenance into a uniform civil code in stages.

Conclusion

The citizens' fundamental rights to equality before law and equal protection of the laws guaranteed by the Constitution call for a similar action in respect of these territories as well. So does the provision of Article 44 enjoining the state to make endeavours to secure for the citizens a uniform civil code throughout the territory of India. UCC would be an ideal safeguard of citizen's rights. Its adoption will be progressive legislation. In the present scenario, it becomes necessary for Uniform Civil Code to put series of legislative acts for the purpose of governing individual problems of each and every people without taking their religion in to account, in order to ensure whether their basic rights are safe.. In order to provide safety to the harmed people of our country and for the improvement of our country internal harmony, introduction of UCC becomes the indispensable responsibility of our Government. Uniform Civil Code is that India is a land of vast culture and diversity and it is very easy to initiate communal disharmony based on religious and social differences. In the year nineteen forty seven our country became the witness of religious fight which takes place at a very large scale. These kind of activities came in to existence at the time of Babri Masjid destruction and at the time of those fights which took place in the district's of Gujarat and Utter Pradesh. Our country is full from those type of politician which become selfish and for the purpose of winning elections they sacrifice communal harmony and brotherhood. .

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