

“Navigating The Uniform Civil Code: Perspectives, Challenges, and Prospects”

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Abstract

The phrase "unity in diversity" has been used to describe states in general and their geographical features in particular since the beginning of time, conflicts involving interpersonal laws are inevitable in today's society.

There are many who believe that enforcing UCC would be an unwarranted invasion of religious and cultural freedoms by the state. If UCC comes to fruition, tribal unification will provide an additional obstacle. There is still a large portion of India's population that identifies as tribal, and this group has traditionally sought and been granted autonomy in matters of traditional governance.

This paper provides conceptual framework of proposed Uniform Civil Code in India and also critically analyses its effect on Indian society.

Keywords- unity, diversity, implementation, unification, autonomy and etc.

1. INTRODUCTION

Being a secular state, government should not meddle in matters of individual religion, as stated in the Constitution's preamble, and citizens are granted freedom of religion. In accordance with the negative mandate of Indian secularism, the state must not take its identity from any particular religion and must treat its citizens in accordance with the principle of "Sarva Dharm Sambhava." The idea that Indian society lacks the level of social development necessary to implement a "Uniform civil code" has been put forth by many scholars. India is a huge country with many different religions, traditions, and ethnic groups, implementing UCC will have a serious impact on the country.¹

1.1 Research Questions

1. How do different socio-religious groups in India perceive the implementation of a Uniform Civil Code and its impact on religious and cultural freedoms, especially among tribal communities?
2. What are the societal implications, including communal tensions, of enforcing a Uniform Civil Code in India?

1.2 Research Methodology

The researcher has used a doctrinal research methodology to procure information and data. The researcher has consulted various books, journal articles, judgments and commentaries to gather awareness and knowledge about the subject.

¹ Tanya Sharma, 'Uniform Civil Code: A Detailed Analysis' (2020) 12 Pen Acclaims 13-25.

2. CONCEPTUAL FRAMEWORK

The Fundamentalists raised some valid points in their critique of the Hindu Code. The sacred traditions of the Hindu Shashtras must be preserved, the argument went first. As a second point, several people were angry because the Muslim Personal Laws were not changed. Finally, the giving of equal property rights to women posed a danger to the long-established economic rights of men in society, and thirdly, the measures were being rushed through without taking public opinion into account.²

In addition to this, there was an attempt to argue that the Hindu Code was really just a communal policy and that the country's secular principles would have been better served by a Uniform Civil Code. The fact that the Bill was unfinished was acknowledged by Jawaharlal Nehru. Although he believed that the nation needed a Uniform Civil Code, he was hesitant to impose it on any municipality, particularly one that wasn't prepared. It was agreed to include the establishment of a Uniform Civil Code as a Directive Principle in Article 44 as a gesture to show that Parliament is open to discuss a Uniform Civil Code at some point.

Because there is no prejudice in criminal trials based on a person's religion, political affiliation, business or educational background, etc., if the laws governing marriage, divorce, maintenance, inheritance, adoption, etc. were unified under a single statute, most disputes involving personal law would be resolved. Although everyone must follow the Uniform Criminal Procedure, no one is required to follow the Uniform Civil Code, which promotes prejudice against indigenous people, leaves room for interpretation in cases of human rights violations, and stunts progress. Another exemption to this rule is secular procedural laws and other statutes. It would require extraordinary community cooperation to implement a UCC across the country recently.

3. IMPACT OF UCC ON INDIA

All citizens, regardless of their gender, religion, socioeconomic background, or caste, must be subject to the same civil and personal laws under a secular democratic republic if it is to guarantee equality of status. To a greater or lesser extent, women face discrimination in religious traditions where males enjoy special privileges with regard to succession and inheritance. Equal protection under the law for men and women is a goal of the Uniform Civil Code.³

Modernity, equality, and humanity are worldwide values that impact the social attitude and aspirations of the younger generation. Therefore, they will be able to contribute to nation development to the best of their abilities after the Uniform Civil Code is enacted. The rule of law, whether criminal or civil in nature, applies equally to all citizens (excluding Personal Laws). As a result, when the Uniform Civil Code is put into effect, everyone will have access to the same set of personal laws. This will put an end to the politicization of issues related to

² Dr. B.R. Ambedkar, *The Annihilation of Cast: The Annotated Edition* 11 (Navayana Publication 2014).

³ Shambhavi, 'Uniform Civil Code: The Necessity and the Absurdity' (2017) 1 ILI Law Review 12-29.

discrimination, concessions, or special benefits enjoyed by certain communities based on their religious personal laws.

There is a high expectation that the government will handle minority and majority populations with sensitivity and impartiality as they work to implement the Uniform Civil Code; otherwise, the situation could deteriorate into communal violence and riots. In light of the strong resistance from India's Muslim population, there are matters pertaining to beef, the saffronization of educational institutions, love jihad, etc. As a result, the community needs enough time to build confidence; otherwise, they risk becoming more insecure and susceptible to extremist views.⁴

4. CONCLUSION AND THE WAY FORWARD

Economic, social, and political issues are more consequential to society as a whole. There has been zero attempt at social uniformity among reformers, political theorists, and economists who have launched reformations in the past with the aim of attaining political and economic uniformity.

More and more social conflicts are breaking out as a result of the growing number of religions, sects, and sub-sects in today's society due to the lack of effective methods of uniformity.

Although difficult, the process of implementing a Uniform Civil Code is certainly not impossible. According to Dr. B.R. Ambedkar's Council, a compromise could be reached by suggesting that in the beginning, the Code could only be applied to those who voluntarily declare their willingness to be bound by it. This would make the application of the Code entirely voluntary.

⁴ Ibid.