

An Analytical Examination of the Uniform Civil Code

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Abstract: *This essay discusses the idea of the Uniform Civil Code. The introduction to the Uniform Civil Code, which explains its definition and basic idea, opens this essay. It also goes into the Uniform Civil Code's beginnings and development. It also goes into detail on how people perceive the Uniform Civil Code and how much knowledge there is of it.*

It also goes into detail about the many arguments put forward by those who support and oppose the Uniform Civil Code's implementation. The researcher's conclusion in this study is that the Uniform Civil Code would address a number of significant issues in India and provide equal rights to all Indian citizens with regard to laws and regulations.

Ten of us and ten women of other faiths were randomly picked to let the researcher follow primary data. further used books, websites, research papers, and articles to gather secondary material. Hours are required under the Uniform Civil Code. In addition to facilitating national integration, gender equality, and justice, it will streamline the many legal issues covered by personal laws. It resulted in women's status improving.

Keywords: Indian Constitution, Personal laws, Secularism

I. INTRODUCTION

It has been questioned once again if India is ready for a unified body of civil law after 68 years of the Constitution. The Uniform Civil Code (UCC) has long been a useful instrument for realizing and achieving Indian women's empowerment and improving their standing in social institutions like marriage and families. The discussion of a unified civil code began during India's colonial era. They attempted to alter regional social and religious norms under the East India Company (1757–1858), which preceded the British Raj. The Bengal Sati Regulation, 1829, was issued in an attempt to stifle sati, the custom of a widow dying on her husband's burial pyre. Lord William Bentinck was the Governor-General of India at the time. The October 1840 Lex Loci Report emphasized the need for consistency in the codification of Indian law with regard to crimes, evidence, and contracts, but it also suggested that personal laws of Muslims and Hindus be excluded from this codification. This area, which would be regulated by the religious texts and cultural practices of the different groups (Hindus, Muslims, Christians, and eventually Parsis), was divided by the British. When it came to ordinary situations involving civil conflicts between members of the same faith, these rules were administered by the local courts or panchayats; the State would only become involved in extraordinary circumstances. There was a difference in the preference for religious or customary regulations since, in many Muslim and Hindu groups, they may sometimes be at odds with one another; examples of this could be seen in the Jat and Dravidian populations. For example, the Shudras permitted widow remarriage, which is entirely against Hindu law as written in the scriptures. Due to the relative simplicity of the Hindu rules, the fear of resistance from the upper caste Hindus, and the desire of both Indian and British judges for a Brahminical system, the Hindu laws were given precedence. Individual customs and traditions began to be recognized more often towards the end of the nineteenth century as local opinion gained traction.

In contrast to Hindu law, Muslim personal law, which is based on Sharia law, was not rigorously enforced. It was heavily constrained by bureaucratic processes and used inconsistently in subordinate courts. This resulted in the application of customary law over it, which was often more biased against women. The Shariat legislation of 1937 was

established as a result of pressure from the Muslim elite, and it stated that Islamic rules regarding marriage, divorce, maintenance, adoption, succession, and inheritance would apply to all Muslims in India.

Our Constitution defines the Uniform Civil Code (UCC) in Article 44 of the Directive Principles of State Policy. It says that the government would work to ensure that all Indian people live under a uniform civil code. To put it another way, it means replacing individual laws based on religious customs and traditions with a single set of national laws that apply to all citizens. In light of this, personal law refers to a class, group, or individual based on their culture, religion, and level of education. Personal laws govern marriage, divorce, inheritance, adoption, and maintenance; they vary from public laws. The state is required under Article 44 of the Directive Principles to take these into consideration when creating national policy. In addition to being a crucial matter concerning India's secularism and the basic freedom to practice one's religion guaranteed by Article 25, it turned into one of the most contentious issues in modern politics. Article 25 states that "all persons are equally entitled to freedom of conscience and the right to freely profess, practice, and propagate religion subject to public order, morality and health." As required by the constitution, the Indian government has historically interfered in religious matters on a few occasions.

Statement of problems

1. The Child Marriage Restriction Act of 1929 states that males and girls must marry by the ages of 21 and 18, respectively. However, this word is not fulfilled since marriages in every faith are private affairs.
2. Another issue that the Uniform Civil Code will handle is polygamy, or the practice of having many wives.
3. Divorce applications are further complicated by personal laws because of various marital laws and actions.
4. The property is not divided equally between sons and daughters. implies that due of the individual regulations found in each religion, there is no homogeneity in inheritance.
5. Taking into account everything said above, researchers are curious to learn the answers to the following questions.
6. Why is the Uniform Civil Code so little known to the public?
7. What makes people against the Uniform Civil Code?

Objectives

To study the importance of Uniform Civil Code.

To evaluate the perception of peoples towards Uniform Civil Code.

Significance of the study

A single code of conduct is essential for fostering national cohesion and solidarity as well as protecting the weaker segments of Indian society, such as women and religious minorities. Personal law overlap will be eliminated by UCC. In addition, it will provide women their rights to equality and liberty and free them from the oppression of patriarchy. There will be less litigation resulting from certain personal laws thanks to UCC.

Violence within the community won't occur. The country will not practice politics based on caste or religion. Every person will have an equal chance to develop. Overall, there will be prosperity, peace, and steady progress. Furthermore, the government won't have any extra responsibility to preserve a tranquil and developing environment. In summary, society and government will work together for the benefit of the country as a whole. The study offers a suitable answer to the research challenge that is stated in the problem statement. The awareness of UCC is greatly aided by this study. The research presents a favorable opinion of UCC and highlights its significance.

Methodology

The researcher use primary as well as secondary data for this research study.

Primary Data

Original data that has been gathered with a specific goal in mind is referred to as primary data. It implies that the information was gathered directly from the original sources by someone. Through the use of questionnaires and interviews, primary data was gathered.

Secondary data

Data that is gathered by a party other than the user is referred to as secondary data. Books, articles, research papers, and other online resources are the sources of secondary data.

Sampling Design -

The survey technique is used by the researcher to gather data. Ten samples, ten male and ten female, are chosen by the researcher for each faith. For this investigation, a total of 100 samples were randomly chosen using the practical random sampling approach.

Table No. 1 Awareness of Uniform Civil Code

Sr. No.	Religion name	Sample		Aware		Unaware	
		MEN	WOMEN	M E N	WOMEN	MEN	WOMEN
1	Hinduism	10	10	4	4	6	6
2	Islam	10	10	2	1	8	9
3	Christianity	10	10	3	2	7	8
4	Jainism	10	10	4	3	6	7
5	Sikhism	10	10	2	2	8	8
6	Total sample	50	50	15	12	35	38

Analysis and Interpretation

The aforementioned table makes it evident that 70% of men are ignorant of UCC and just 30% of men are aware of it—that is, the majority of men are not aware of UCC. In a similar vein, just 24% of women know about UCC, while 76% do not. That means that just 23% of people are aware of the Uniform Civil Code and 73% of people are ignorant about it.

Constitution; hence, this article protects a certain set of rites and traditions. Not enough has changed: Despite India's daily struggles with communalism, the majority of the populace still does not consider this necessary, seeing it as a threat to their religious beliefs.

II. CONCLUSION

Table No. 1 indicates that around 70% of Indians are not aware of the Uniform Civil Code. Try to make this issue the government's main priority. They ought to start a campaign to raise knowledge of the Uniform Civil Code. Additionally, they must to dispel people's misconceptions about UCC and provide the pertinent facts about it.

The aforementioned data indicates that 64% of individuals disagree with the Uniform Civil Code, while just 36% of people agree with it.

The reasons why individuals agree with UCC are as follows:

1. The welfare of women and gender equality will be advanced by the passage of UCC.
2. The implementation of UCC will guarantee women's rights across India.
3. UCC will make complex legal issues covered by personal laws simpler.
4. Since the UCC would eliminate the fundamental inequity of the Personal Law System, we may claim that it is welfare legislation and that the state is authorized to make laws for the welfare of religious groups.
5. The implementation of UCC would encourage monogamy among Indian citizens.
6. It would also eliminate discrimination against women with reference to private divorce and support legislation.
7. The reasons why some individuals disagree with UCC are as follows: 8. Many faiths believe that UCC goes against their religious traditions and beliefs.
9. A lot of people believe that government meddling in people's personal freedoms is part of its corrupt scheme.
10. The Muslim community claims that this is not the right moment to adopt the UCC and is against it.
11. Because of the great variety in our country, implementing the UCC is a difficult undertaking. Cultural variations between states and communities provide another challenge to unified personal law.

Indian religious groups of all religions enjoy religious freedom. It is clear from Table No. 2 that just 36% of respondents support the Uniform Civil Code. Minorities should have faith in the administration before the UCC is put

into effect. More individuals who are aware of UCC will inevitably agree with it more. Therefore, the government is crucial in resolving issues and developing solutions pertaining to UCC.

It is imperative that we have a uniform civil code. For the same, a strong political will is required. In addition to promoting justice, gender equality, and national integration, UCC will make complex legal issues covered by personal laws simpler. Only once Article 44 is changed into an enforced Uniform Civil Code, which would improve the status of women and encourage monogamy among all Indian citizens, will the country's goals of unity and integrity be accomplished. The UCC would be the perfect means of defending citizens' rights in a perfect state. These days, in order to guarantee the protection of their basic and constitutional rights, all citizens—religious or not—need a Common Civil Code. By implementing UCC, Secularism and National Integrity may also be reinforced. Everybody is protected by reasonable, equitable, and predictable rules, and the guiding idea is to treat everyone equally.

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