

Analytical Study Of Uniform Civil Code

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Abstract

This paper is talks about the concept of Uniform Civil Code. This paper commences with the introduction to the Uniform Civil Code which defines the meaning and concept of Uniform Civil Code. It also discusses about the origin and history of Uniform Civil Code. It further discusses about the awareness of Uniform Civil Code among the people and perception of people towards Uniform Civil Code.

It further discusses about the various reasons of people who are agree with implementation and also who are not agree with the implementation of Uniform Civil Code. In this paper researcher conclude that, various major problems in India will be solved after the implementation of Uniform Civil Code and every citizen in India can enjoy the same rules and regulations.

The researcher has followed primary data with the help of random sampling method of 10 me and 10 women of various religions. And also followed secondary data by using books, internet website, research papers and articles. Uniform Civil Code is the need of hours. It will promote justice, gender equality and national integration and it will simplify the complicated legal matters governed by personal laws. It lead to betterment in the position of women.

Key Words – Indian Constitution, Personal laws, Public laws, Secularism, Government of India Justice, Gender equality etc.

1. Introduction

The question as to whether after 68 years of the Constitution India is ripe enough to have a uniform set of civil law has been raised yet again. The Uniform Civil Code (UCC) has always been an effective tool to realise and effect the empowerment of the Indian women and uplifting their status in the social institutions such as family and marriage. The debate for a uniform civil code dates back to the colonial period in India. Prior to the British Raj, under the East India Company (1757-1858), they tried to reform local social and religious customs. Lord William Bentinck, the Governor-General of India, tried to suppress *sati*, the prescribed death of a widow on her husband's funeral pyre, and passed the Bengal Sati Regulation, 1829. The Lex Loci Report of October 1840 emphasised the importance and necessity of uniformity in codification of Indian law, relating to crimes, evidences and contract but it recommended that personal laws of Hindus and Muslims should be kept outside such codification. The British separated this sphere which would be governed by religious scriptures and customs of the various communities (Hindus, Muslims, Christians and later Parsis). These laws were applied by the local courts or panchayats when dealing with regular cases involving civil disputes between people of the same religion; the State would only intervene in exceptional cases. There was a variation in preference for scriptural or customary laws because

in many Hindu and Muslim communities, these were sometimes at conflict; such instances were present in communities like the [Jats](#) and the [Dravidians](#). The [Shudras](#), for instance, allowed widow remarriage—completely contrary to the scriptural [Hindu law](#). The Hindu laws got preference because of their relative ease in implementation, preference for such a [Brahminical](#) system by both British and Indian judges and their fear of opposition from the high caste Hindus. Towards the end of the nineteenth century, favouring local opinion, the recognition of individual customs and traditions increased.

The Muslim Personal law (based on [Sharia law](#)), was not strictly enforced as compared to the Hindu law. It had no uniformity in its application at lower courts and was severely restricted because of bureaucratic procedures. This led to the customary law, which was often more discriminatory against women, to be applied over it. Due to pressure from the Muslim elite, the Shariat law of 1937 was passed which stipulated that all Indian Muslims would be governed by Islamic laws on marriage, divorce, maintenance, adoption, succession and inheritance.

Uniform Civil Code (UCC) is **defined** in our Constitution under Article 44 of Directive Principles of State Policy. It states that, The state shall endeavour to secure for citizens a **Uniform Civil Code** throughout the territory of India. In other words we can say that it means replace personal laws based on customs and traditions of each religion with one common set of rules governing to every citizen that is **one country one Law**. So what is personal law, it means certain class or group of people or a particular person based on the religion, faith and

culture. Personal laws are different from public laws and covers marriage, divorce, inheritance, adoption and maintenance. Article 44 of the Directive Principles expects the state to apply these while formulating policies for the country. Apart from being an important issue regarding secularism in India & fundamental right to practice religion contained in Article 25, it became one of the most controversial topics in contemporary politics. **Article 25** says "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." Government of **India** has for a few times have intervened in religions historically as mandated by the constitution.

2. Statement of problems

- According to Child Marriage Restraint Act, 1929, the age of marriage for girls is 18 and the age of boys is 21. But this term is not satisfied because of the personal marriage acts of every religion.
- Polygamy, the practice of having more than one wife is another problem that Uniform Civil Code will address.
- Personal laws also make it difficult couple to apply for divorce due to different marriage laws/acts.
- There is no equal distribution of property among daughters and sons. Means there is no uniformity in inheritance because of the personal laws of every religion.

Considering above all the points researcher are interested to find out solutions of following questions.

1. Why there is low awareness among the people regarding Uniform Civil Code?
2. Why people are opposing Uniform Civil Code?

3. Objectives

1. To study the importance of Uniform Civil Code.
2. To evaluate the perception of peoples towards Uniform Civil Code.

4. Significance of the study

A unified code is imperative, both for the protection of the vulnerable sections in Indian society (women and religious minorities) and for the promotion of national unity and solidarity. UCC will eliminate overlapping of personal laws. It will also liberate women from patriarchal domination and provide them with right to equality and liberty. UCC will lead to reduction in litigation emanating from multiple personal laws.

There will be no communal violence. There will be no caste and religion politics in the nation. Each individual will get equal opportunity to grow. The overall impact will be uniform growth, peace and prosperity. Also there will be no burden on the Government to maintain peaceful and growing

environment. In nutshell society and governance will run hand to hand in overall interest of nation. The study provide proper solution on research problem which mentioned in them statement of problems. This research plays an important role in awareness of UCC. The study shows the importance of UCC and provides positive view towards UCC.

5. Methodology

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

1. Primary Data

Primary data means **original data** that has been collected for some special purpose. It means someone collected the data from the original sources first hand. **Primary data** was collected by using questionnaire and interview method.

2. Secondary data

Secondary data refers to **data** that is collected by someone other than the user. The source of **Secondary data** is Internet websites, Research Papers, Articles and Books etc.

Sampling Design -

The researcher use survey method for collecting data. The researcher selects 10 male and 10 female samples from each religion. Total 100 samples selected by using convenient random sampling method samples were selected randomly for this study.

Table No. 1
Awareness of Uniform Civil Code

(Sources: - Primary Data)

6. Analysis and Interpretation

S r. N o.	Religion name	Sample		Aware		Unaware	
		M E N	W O M E N	M E N	W O M E N	M E N	W O M E N
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

From above table it is clear that only 30% men are aware about UCC and 70% men are unaware i.e. major part of men don't have awareness about UCC.

Similarly, only 24% women are aware and 76% women are unaware about UCC. Means only

73% peoples are unaware and only 23% peoples are aware about Uniform Civil Code.

Table No. 2

Problems in India which will be solved after the implementation Uniform Civil Code.

Sr. No.	Problems	Agree with implementation of UCC	Disagree with implementation of UCC
1	Child Marriage	50	50
2	Polygamy	40	60
3	Separation /Divorce	20	80
4	Inheritance	30	70
5	Women's poor condition	40	60

(Sources: - Primary Data)

From above table we can understand that only 36% peoples are agree with Uniform Civil Code and 64% people are disagree with Uniform Civil Code.

Following are the reasons of people who are agree with UCC –

- The enactment of UCC will promote Gender equality and welfare of women.
- The introduction of UCC will ensure uniform rights for the women all over India.
- UCC will simplify the complicated legal matters governed by personal laws
- The state can enact provisions for welfare of religious entities and we can argue that UCC is welfare legislation because it will remove the inherent injustice of Personal Law System.
- The introduction of UCC will promote monogamy among all the citizen of India.
- It will also remove prejudices against women regarding personal laws on divorce and maintenance.

Following are the reasons of people who are disagree with UCC –

- It is often viewed by many religions that UCC is aimed against their religious customs and values.
- Many people think that it is the crooked game of government to interfere in personal freedom of individuals.
- The Muslim community is opposing the implementation of the UCC and stating that it is not the correct time.
- The implementation of the UCC is complicated task due to wide diversity of our nation. Cultural differences from state to state and community to community is yet another problem for unified personal law.
- Religious freedom is being granted to religious communities of every religion by Indian

Constitution, on that basis some sect of rituals and customs are protected by this article.

- Not yet enough progressed: India, striving with communalism in day to day life, this step is still not required by most of the community members, which is seen by them as threat to their religion.

7. Conclusion

From table no. 1 we can understand that near about 70% people in India are unaware about Uniform Civil Code. Government should try to focus on this topic. They should take awareness campaign about Uniform Civil Code. Also, they should provide necessary information regarding UCC and try to clear the misunderstanding among the people about UCC.

From table no. 2 we can understanding that only 36% people are agree with Uniform Civil Code. Before the implementation of UCC, government should win the trust of minorities. If there is more people aware about UCC then only more people are agree with UCC. So, Government plays very important role in solving the problems and finding the solutions about UCC.

Uniform civil code is the need of the hour. A strong political will is necessary for the same. UCC will promote justice, Gender equality and national integration and it will simplify the complicated legal matters governed by personal laws. The objective of unity and integrity of India could be achieved only when Article 44 is transformed into enforceable Uniform Civil Code and it can promote monogamy among all the citizen of India and it will lead to betterment in the position of women. For an ideal state UCC would be an ideal safeguard of citizen's rights. Now a days the need has arisen for having a Common Civil Code for all citizens, irrespective of religion, ensuring that their fundamental and Constitutional rights are protected. Even Secularism and National Integrity can also be strengthened by introducing UCC. The principle is to treat each person equally and everyone is protected by just, fair and predictable laws.

8. References

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