

UNIFORM CIVIL CODE

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ABSTRACT

This paper essentially discusses the idea of the Uniform Civil Code and its legitimate measurements. In this paper, the essential substance of the Uniform Civil Code is inspected and what does it mean and its lawful point of view and speculations. This paper initiates with the presentation to the Uniform Civil Code where it characterizes the idea of the Uniform Civil Code and furthermore examines about its inception or where it has gotten from. It further examines the need or want for the Uniform Civil Code under this part itself, that whether the Uniform Civil Code ought to be actualized or not and what are the advantages and disadvantages of the equivalent. As we further continue towards the methodology of the examination paper, this paper talks about the relationship of the Uniform Common Code with the Secularism and examines how the usage of the Uniform Civil Code may prompt the deterioration of the country and how this will prompt the breakdown of the harmony and agreement among the general population. At that point it further talks about the Uniform Civil Code and the established assurances. This paper likewise discusses the decisions and the take of the Indian Judiciary towards the Uniform Civil Code. Last yet not the least, this paper finishes up with specific arrangements of suggestions and ends. The analyst has pursued optional information accumulation.

INTRODUCTION

At the moment, with the gravity of democracy turning into more potent and the polity being dependent based at the identities of castes and groups, power struggle has turn out to be a process based totally on these identities. Democracy cannot be successful without respecting

the pluralistic ethos particularly in an area wherein the pluralist lifestyle has been in existence for more than thousand years. Modernisation has been an idea of duplicating the west yet not appreciating the unbending social structure despite the fact that the thought of pluralism has advanced simply after the Second World War in the west, marking it a post-modern occurrence, unlike to in India. Individuals from the privileged can adapt up to changes contrasted with other financial classes. Larger part being the white collar class, doing combating between the estimations of lower centre and high societies; they append themselves to their standing and public characters. With the given political situation, the execution of a Uniform Civil Code is an extremely confounded undertaking. The origination of common code demonstrates the whole assortment of laws overseeing rights identified with property and if not, in close to home issues like

- a. Marriage
- b. Divorce
- c. Maintenance
- d. Adoption
- e. Inheritance

Which are presently administered by their particular individual laws, for example, the Hindu Civil Code and Shariat Law. The present talks on the uniform common code pair with the personal laws were generally set by the political positions which clarified on account of Mohammed Ahmed Khan v. Shah Bano Begum and Ors.¹, where the judges said that "a common civil code will help the cause of national integration by removing disparate loyalties in laws which have conflicting ideologies".

This idea was rehashed in the case of Sarla Mudgal v. Association of India and Ors.², judges held that "In the Indian Republic there was to be only one nation – Indian Nation – and no community could claim to remain a separate entity on the basis of religion." By the above said realities it is apparent that the UCC is viewed as, a device to address the disruptive arrangements which rose up out of the pilgrim rule and, a strategy for the integration of the

¹ AIR 1985 SC 945

² AIR 1995 SC 1531

nation. Be that as it may, the UCC, throughout the years has been underplaying women's rights or has been utilizing it as an agreeable position for rhetoric debates. Aside from this issue and the issue of utilizing UCC for vote bank legislative issues, on the off chance that one takes a gander at the subtleties, it tends to be seen that the thought has been laying on the idea of coordinating diverse networks by consistency of laws, connecting the idea of joining and solidarity to the estimations of a cutting edge state. Be that as it may, it has been focusing just on consistency of personal laws not consistency in the societal existence of nationals, completely.

In its choice on account of *Ahmedabad Women Action Group v. Union of India*³, the Supreme Court held that "custom and usage" are subject to the rights guaranteed by Constitution of India in Part III, "personal law" is impervious to face its violation of fundamental rights. It tends to be contended that the distinction between personal law and custom and usage stops to exist when one finds that personal law has its underlying foundations in custom and usage and originates from the same. In this way making it as a law as referenced in Article 13 of the Constitution and clearing approach to subdue such laws. Uniform Civil Code is important not just in light of the fact that it would make an endeavour to incorporate the country or get consistency common codes but since of the way that it would give the driving force to the country to comprehend its float from mechanical solidarity to a condition of natural solidarity and furthermore let go of the past and move towards a period of civil cultivation. In any case, it is critical to recollect that we should structure investigate and characterize the UCC, constantly before its usage, as this would fill in as a compass in the voyage of our country towards civil equity, individual freedom and nationhood sooner rather than later and from now on. Towards a phase where quest for bliss is conceivable in India, bolstered, directed and as to the rules that everyone must follow. At present, just the province of Goa has a uniform common code for itself, known as the Goa Civil Code or Goa family law, which likewise needs modifications. So as to shield reality and the law from the steel jaws of disarray, bamboozlement and against scholarly components we should furnish ourselves with knowledge, fearlessness, commitment and steady carefulness thus that we are not "up for grabs by the next charlatan who comes along".

³ AIR 1997 SC 3614

WHAT IS UNIFORM CIVIL CODE?

A uniform civil code administers the same set of secular civil laws to govern all people irrespective of their religion, caste, and tribe. The need for such a code takes into account the constitutional mandate of securing justice and equality for all citizens. A uniform criminal code is applicable to all citizens irrespective of religion, caste, gender and domicile in our country. But a similar code pertaining to marriage, divorce, succession, and other family matters has not been brought into effect. The personal laws vary widely in their sources, philosophy and application. Therefore, there is an inherent difficulty and resistance in bringing people together and unifying those when different religions and personal laws govern them.

Article 44 of the Directive Principles in the Constitution says the “State shall endeavour to provide for its citizens a uniform civil code (UCC) throughout the territory of India.” The objective of this endeavour should be to address the discrimination against the vulnerable groups and harmonize diverse cultural practices. The stand taken by Dr. B.R. Ambedkar in the Constituent Assembly debates has survived the years. Dr. Ambedkar had said a UCC is desirable but for the moment should remain voluntary.

HOW DID IT COME ABOUT?

We all must know what does it mean by “Uniform Civil Code” and from where the idea came from? Uniform Civil Code is not an alien concept. Article 44 of the Indian Constitution says the “State shall endeavour to provide for its citizens a uniform civil code (UCC) throughout the territory of India.” State failed to observe the Directive Principles of State Policy in this respect. Just imagine the scenario in 1955. The nation had been independent just for eight years. Parliament functioned for five years. The Kashmir problem was already giving a headache to the first Prime Minister, Jawaharlal Nehru. There was so much to do for the country after nearly 300 years of colonial rule. He had his hands full. Yet, he thought of attempting codification of Hindu rituals and customs as part of his reformist vision. The process had already begun in the Constituent Assembly. A select committee had been formed to draft a new Hindu code to systemize social practices. The orthodox elements violently opposed this and recommendations of committee could not be made into law.

But Nehru was convinced about it and brought in the Hindu Code Bill in 1955, which gave birth to a host of legislations including Hindu Marriage Act, 1956. When the debate was raging on the Hindu Code Bill in Parliament in May 1955, a valid question was raised by many members including J B Kripalani, that is why only codify Hindu rituals and customs and not those of Muslims? The response from Nehru and his Law minister was that the Muslims were not ready for reforms. Ridiculing this argument, Kripalani had said, “It is not the (Hindu) Mahasabhites who alone are communal; it is the government also that is communal, whatever it may say. It is passing a communal measure. I charge you with communalism because you are bringing forward a law about monogamy only for Hindu community. Take it from me that the Muslim community is prepared to have it but you are not brave enough to do it. It is not the Hindu voice that is raised against the Prime Minister of Pakistan for having married a second wife. If you want to have (provision of divorce) for Hindu community, have it; but have it for the Catholic community also.”

Poignant words, weren't they? He accused the Prime Minister of lacking in courage to bring in reforms by codifying the Muslim Law. Exactly 50 years later, The Supreme Court delivered the Shah Bano judgment, applying the secular provision of Section 125 of Criminal Procedure Code to rule that Muslim women could not be allowed to be rendered destitute by denial of maintenance by their husbands citing the customary laws of the community.

Another Prime Minister, Rajiv Gandhi, rushed to enact Muslim Women (Protection of Rights on Divorce) Act, 1986. But it turned out to be overt act to show that the government did not have courage to initiate reforms in Muslim personal Law and it would not allow even the Apex Court to interfere with it.

The Law Commission of India notes that the tracts of the Constituent Assembly debates reveal a lack of consensus on what a potential uniform civil code would entail. While many thought the UCC would coexist alongside the personal law systems, others thought that it was to replace the personal law.

There were yet others who believed that the UCC would deny the freedom of religion. It was this uncertainty that led it to be included in the Directive Principles of State Policy rather than the chapter on Fundamental Rights in the Constitution.⁴

WHY DOES IT MATTER?

The codification of personal laws have historically generated protests. The Hindu Code Bill, one of the foremost pieces of social legislation, had triggered enormous opposition.

The debate on the UCC is centred on the argument to replace individual personal customs and practices of marriage, divorce, adoption and successions with a common code. Those in favour of one code argue that it will end discrimination in religions. Detractors contend that it will rob the nation of its religious diversity and violate the fundamental right to practice religion enshrined in Article 25 of the Constitution. In fact, they hold that a state action to introduce the UCC is against the quintessence of Democracy. The secular state is, after all, an enabler of rights rather than an inhibitor in sensitive matters of religion and personal laws.

COLONIAL HISTORY

The Lex Loci Report of October 1840 emphasized the importance and necessity of uniformity in the codification of Indian Law, relating to crimes, evidence and contract but it recommended that personal laws of Hindus and Muslims should be kept outside such codification. According to their understanding of religious divisions in India, the British separated this sphere which would be governed by religious scriptures and customs of 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.

⁴ <http://www.newindianexpress.com/opinions/2018/jul/17/uniform-civil-code-how-did-we-get-here-1844280.html>

Each specific practice of any community, case-by-case, made customary laws harder to implement. Towards the end of nineteenth century, favouring local opinion, the recognition of individual customs and traditions increased.

The Muslim Personal Law or 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. Women, mainly in northern and western India, often were restrained from property inheritance and dowry settlements, both of which the Sharia provides. Due to pressure from the Muslim elite, The Sharia 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.

NEED FOR A UNIFORM CIVIL CODE IN INDIA

Ours is a nation with a few distinct religions and belief systems. The acknowledged principle of law is that personal belief systems and laws must be in similarity with the Constitution and not the other path round. Article 25 of the Constitution assures to every person the freedom of conscience and the right to profess, practice and propagate religion. Article 26 of the Constitution guarantees to every religious denomination the right to manage its own affairs in the matters of religion. No arrangement of laws can abuse these Articles, which basically secure the religious opportunity of various persons or communities. We are in this manner given a circumstance that appears to be fairly opposing; in what manner can there be a uniform arrangement of laws which secures religious opportunity in the meantime? The usage of a uniform arrangement of laws calls for disposing of certain individual laws which conflict with society's general standpoint all in all, and this may add up to infringement of the previously mentioned Articles of the Constitution. With different conviction frameworks, come numerous ideological clashes. To live together in concurrence with such diversity, we need consistency at some dimension to stay away from such clashes. What we need is a Uniform Civil Code as a modern, blended arrangement of lawful control that keeps up and skilfully utilizes the contribution of personal laws but then accomplishes a proportion of legitimate consistency. For

whatever length of time that the code does not conflict with the embodiment for example the centre or principal conviction of a specific religion, it won't conflict with the religious opportunity ensured by the Constitution.

The need for Uniform Civil Code has been felt for more than a century. The country has already suffered a lot in the absence of a uniform code for all. It is rather a pity that the longest and most elaborately written constitution in the history of mankind, the Indian Constitution is responsible for creation of erosion in the society. The society has been fragmented in the name of religions, sects and sex. Even at present, in India, there are different laws governing rights related to personal matters or laws like marriage, divorce, maintenance, adoption and inheritance for different communities. The laws governing inheritance or divorce among Hindus are thus, very different from those pertaining to Muslims or Christians and so on. In India, most family law is determined by the religion of the parties concerned Hindus, Sikhs, Jains, and Buddhists come under Hindu Law, whereas Muslims and Christians have their own laws. Muslim law is based on the Shariat; in all other communities, laws are codified by an act of the Indian Parliament.

These are other sets of laws to deal with criminal and civil cases such as Criminal Procedure Code (CrPC) and The Indian Penal Code. The multifarious castes and creeds and their sets of beliefs or practices are bewilderingly confusing and nowhere is a scenario like in India, of various personal laws jostling together, allowed. To the question, whether India needs a Uniform Civil Code, would be a yes in my personal capacity. All the developed countries including Italy have one, even India should have one but it must be realized that the scenario in India is extremely complex. India has a long history of personal laws and it cannot be given up easily. Unless a broad consensus is drawn among different communities, the Uniform Civil Code can't do much good to the country. The reality in India is much more complex than Western societies which have been totally secularized. The need is to work on the existing laws in such a way that they don't go against any particular faith or religion.

Uniform Civil Code will in the long run ensure Equality. While other personal laws have undergone reform, the Muslim law has not. It perhaps makes little sense to allow Muslims, for

example, to marry more than once, but prosecute Hindus or Christians for doing the same. Therefore, there is the demand for a Uniform Civil Code for all religions. Also, UCC will help to promote Gender Equality. Several liberals and women groups have argued that the Uniform Civil Code gives women more rights.

However this concept has also faced unjustified criticisms. The opponents of UCC argue that this law is poking into their religious practices. They feel that this code will affect the religious freedom of minorities. One fails to understand how abiding the law of land can go against religious principles! The claim that the sentiments of the minorities are not considered while implementing a common law is thus beyond comprehension. UCC does not insist people from one religion to start practicing rituals of other religions. All it says is, with changing living styles along with the time, there should be a Uniform Civil Code irrespective of all religions as far as social ethics are concerned. One reason why personalized laws based on religion is not favoured is because religious laws tend to be highly gender biased. Most major religions developed, over time, a bias towards women-treating them as somewhat inferior. In Christianity, Eve was meant to be the root cause of all evil. In Hinduism, Sati was practiced in some communities for ages till the British formally put a stop to it. The practice of dowry and the ill treatment of widows continue till today in many regions. In Islam, the staunchest Muslims don't let women travel alone, wear something revealing or go to work. These are just a few examples of the deep underlying biases that lie within faiths. Such practices are justified via religious texts or customs that simply "must not be broken". It has taken generations of rebellion to inculcate any change within these religions. Also, religious laws cannot be viewed objectively. They are created from sentiments regarding what is correct according to the conceptions of God. Thus to alter such a law one also has to change perceptions regarding core religious fundamentals. As a result, true progress in terms of equality can be hindered by many years. The perception that a Uniform Civil Code would change only Muslim personal Law is wrong, and probably came about because the Bhartiya Janta Party (the so-called Hindu ideological party) is the only political party that actively supports it. Orthodox practices in Hindu personal law or Christian personal law will also have to undergo changes. For instance, the law pertaining to succession among Hindus is unequal in the way it treats men and women. The concept of the "Hindu undivided Family", with respect to succession, would be changed

under a Uniform Civil Code. Christian personal law does not allow the succession of wealth to charitable organizations. Under a Uniform Civil Code, this law may very well be altered. This also explains why historically changes in personal law have been resisted not just by one community, but also by ruling orthodoxy in all of them.⁵

ENFORCEMENT OF ARTICLE 44

- **Mohd. Ahmed Khan v. Shah Bano Begum**

Also referred to as the Shah Bano case⁶, was a controversial maintenance lawsuit that created political havoc across the country. It is important to note that while the founding father of our constitution and Chairman of the Constitution Draft Committee, Dr. B.R. Ambedkar, supported by eminent nationalists like Gopal Swamy Iyenger, Anantasayam Iyengar, KM Munshiji, Alladi Krishnaswamy Iyer and others favoured the implementation of the Uniform Civil Code; it was strongly opposed by Muslim fundamentalists like Pocker Saheb and members from other religions. On 23rd November 1948 a Muslim member, in Parliament, gave an open challenge that India would never be the same again if it tried to bring in Uniform Civil code and interfere with Muslim personal law. In this case, a penurious Muslim woman claimed for maintenance from her husband under Section 125 of the Code of Criminal Procedure after she was given triple talaq from him. The Supreme Court held that the Muslim woman have a right to get maintenance from her husband under Section 125. The Court also held that Article 44 of the Constitution has remained a dead letter. The then Chief Justice of India Y.V. Chandrachud observed that, “A common civil code will help the cause of national integration by removing disparate loyalties to law which have conflicting ideologies”. After this decision, nationwide discussions, meetings, and agitation were held. Besides her case, two other Muslim women had previously received maintenance under the Criminal code in 1979 and 1980. The Shah Bano case soon became nationwide political issue and a widely debated controversy. Many conditions, like the Supreme Court’s recommendation, made her case have such public and political interest.

⁵ <https://www.youthkiawaaz.com/2017/11/uniform-civil-code-required-in-india/>

⁶ AIR 1985 SC 945

After the 1984 anti-Sikh riots, minorities in India, with Muslims being the largest, felt threatened with the need to safeguard their culture. The AIMB or the All India Muslim Board defended the application of their laws and backed the Muslim conservative traditions. The criminal code began to be seen as a threat to Muslim Personal Law, which was considered as their cultural identity. According to them, the judiciary recommending a uniform civil code was evidence that Hindu values would be imposed over every Indian. The then Prime Minister, Rajiv Gandhi and his Government, which had previously supported the UCC lost local elections held in late 1985. There was a nation wide protest where members of the Muslim board and other orthodox extremists started campaigning for complete autonomy in their personal laws. As a result, the Prime Minister, Rajiv Gandhi, overturned the Shah Bano case decision by way of Muslim Women (Right to Protection on Divorce) Act, 1986 that curtailed the right of a Muslim woman for maintenance under Section 125 of the Code of Criminal Procedure. The explanation given for implementing this Act was that the Supreme Court had merely made an observation for enacting the UCC, not binding on the government or the Parliament and that there should be no interference with the personal laws unless the demand comes from within.

- **Sarla Mudgal v. Union of India**

The second instance in which the Supreme Court again directed the government of Article 44 was in the case of *Sarla Mudgal v. Union of India*⁷. In this case, the question was whether a Hindu husband, married under the Hindu law, by embracing Islam, can solemnize second marriage. The Court held that a Hindu marriage solemnized under the Hindu law can only be dissolved on any of the grounds specified under the Hindu Marriage Act, 1955. Conversion to Islam and Marrying again would not, by itself, dissolve the Hindu marriage under the Act. And, thus, a second marriage solemnized after converting to Islam would be an offence under Section 494 of the Indian Penal Code. Justice Kuldeep Singh also opined that Article 44 has to be retrieved from the cold storage where it is lying since 1949. The Hon'ble Justice referred to the codification of the Hindu personal law and held, "Where more than 80 percent of the citizens have already been brought under the codified personal

⁷ AIR 1995 SC 1531

law there is no justification whatsoever to keep in abeyance, any more, the introduction of the 'uniform civil code' for all the citizens in the territory of India.”

POSITION OF THE SUPREME COURT

The Supreme Court seems to have a divided opinion on the introduction of a Uniform Civil Code. On one hand, it has rejected attempts to do so through public interest litigation but on the other, it has recommended early legislation for its implementation. In *Pannalal Bansilal v. State of Andhra Pradesh*⁸, it held that a uniform law though highly desirable, the enactment thereof in one go may be counter-productive to the unity and integrity of the nation. Gradual progressive change should be brought about. Similarly, in *Maharishi Avadhesh v. Union of India*⁹, the Supreme Court dismissed a writ petition to introduce a common Civil Code on the ground that it was a matter for the legislature and in *Ahmedabad Women Action Group v. Union of India*, the Supreme Court showed reluctance to interfere in matters of personal law. But in *Sarla Mudgal v. Union of India*¹⁰, the Supreme Court directed the then Prime Minister P.V. Narsimha Rao to take a fresh look at Article 44, which the Court held to be imperative for both protection of the oppressed and promotion of national integrity and unity. It instructed the Union.

Government through the Secretary to Ministry of Law and Justice to file an affidavit, enumerating the steps taken and efforts made by the Government towards achieving a common civil code for the citizens of India. The Division Bench of Kuldip Singh and R.M. Sahai said that since 1950 a number of Governments have come and gone but have failed to make any efforts towards implementing the constitutional mandate under Article 44. It is based on the concept that there is no necessary connection between religion and personal law in a civilized society. No religion permits deliberate distortion. Marriage, succession and the like are matters of a secular nature and therefore can be regulated by law. Unfortunately, it was later clarified in an appeal that the direction issued by the Court was only an obiter dicta and not legally

⁸ 1996 AIR 1023, 1996 SCC (2) 498

⁹ 1994 SCC, Supl (1) 713

¹⁰ AIR 1995 SC 1531

binding on the Government. In *John Vallamattom v. Union of India*¹¹, it was held that Articles 25 and 26 of the Constitution protect only those rituals and ceremonies which form an integral part of a religion, and that matters of a secular character cannot be brought under the guarantee enshrined under them. The Chief Justice of India firmly emphasized that enactment of Uniform Civil Code would end all such problems arising out of ideological conflict. In *Danial Latifi v. Union of India*¹², a very controversial question of political significance (in the background of a secular constitution and the concept of welfare state) was revisited i.e. whether or not a divorced Muslim woman after divorce post iddat period is entitled to maintenance by her husband. Here, the Supreme Court adopted a middle path and held that reasonable and fair provisions include provision for the future of the divorced wife (including maintenance) and it does not confine itself to the iddat period only.

PROS

Gender Equality

By the usage of a uniform common code the country over will empower to nullify sexual orientation segregation from the country. For instance, as indicated by different religions, legacy, relational unions and so forth are male-commanded. Following seven many years of freedom likewise ladies are engaging for balance.

A boost to National Integrity

The arrangement of UCC will support the national honesty. Despite the fact that our nation has different social qualities, a brought together close to home law independent of sexual orientation, standing, belief and so on will support the national solidarity.

Cornerstone of secularism

The introduction of our constitution plainly expresses that India is a sovereign, communist, mainstream state. However, ample opportunity has already past to imagine that whether the natives of India will appreciate genuine secularism without the usage of UCC. Indeed, even

¹¹ AIR 1997 242

¹² 2001 7 SCC 740

following quite a while of freedom additionally extraordinary individual laws are in presence for various religions.

Social reforms

When the UCC is defined the country over, India will experience another social change in this century. For example, in the Indian setting, Muslim ladies are denied individual laws in connection to marriage, separate and so forth. On opposite, different Muslim countries like Pakistan, Bangladesh, Turkey, Morocco and so forth ladies appreciate classified individual laws. So after the usage of UCC Indian ladies [especially Muslims, Christians etc] will likewise appreciate an arranged individual law. In this manner, a venturing stone towards another social change the nation over.¹³

CONS

A threat to communal harmony

Potential mistaken assumptions in regards to the Uniform Civil Code made a dread among different religions particularly minorities. It is frequently seen by numerous religions that UCC is pointed against their religious traditions and qualities. Before the usage of UCC, specialists should win the trust of minorities. Else, it will decimate the shared agreement of the country.

Government's interference into personal freedom

It is regularly seen by numerous that it is the warped round of the legislature to meddle in individual flexibility of people. Be that as it may, Uniform Civil Code is pointing just to secure and shield the privileges all things considered.

Not yet the correct time for implementation

The Muslim people group is restricting the execution of the Uniform Civil Code and expressing that it isn't the right time. Likewise, they are contending that the subject should mull over alongside other late issues the quietness of experts in connection to saffronization of schools,

¹³ <https://www.clearias.com/uniform-civil-code-ucc/>

hamburger issues and so forth are activating them and further expressing as the overruling of larger parts over minorities.

Difficulties due to India's diversity

The execution of the Uniform Civil Code is an unwieldy errand because of a wide decent variety of our country. Social contrasts from state to state and network to network is one more block for a bound together close to home law.

CRITICAL ANALYSIS

How secure will be the UCC? Will there be more maltreatment and less acquiescence of UCC? Will UCC have negative impact on the general public? Such inquiries will undoubtedly be raised after the usage of the UCC. All laws are detailed to be complied, however they are mishandled. This does not imply that law ought not be actualized. Likewise, there is an incredible probability of the UCC being mishandled, yet this ought not shun the Parliament from ordering the UCC; the social welfare and advantages coming about because of the execution of UCC are far more noteworthy. While clarifying the purpose behind incorporating Article 44 in the Directives Principles, it was watched, "When you need to merge a network, you need to think about the advantages which may collect to the entire network and not to the traditions of a piece of it. On the off chance that you take a gander at the nations in Europe, which have a Civil Code, everybody who goes there structures a piece of the world and each minority needs to submit to that Civil Code. It isn't felt to be overbearing to the minorities." Some lawful specialists contend that dynamic law is invited yet an appropriate environment must be made in which all areas feel safe enough to sit together and winnow out the most dynamic of their own laws. Be that as it may, this can be replied by a case of Hindu law. At the point when the Hindu Code Bill, which covers Buddhist, Sikhs, Jains just as various religious divisions of Hindus, was informed, there was a great deal of dissent. What's more, the then Law Minister, Dr. Ambedkar, had said that for India's solidarity, the nation needs a systematized law. Along these lines, the UCC can be actualized, which will cover every one of the religions, regardless of whether major or minor, rehearsed in India and any individual who comes to India needs to comply with the Code.

Relatively few realize that a UCC exists in the little territory of Goa acknowledged by all networks. The Goa Civil Code aggregately called Family Laws, was confined and implemented by the Portuguese frontier rulers through different enactments in the nineteenth and twentieth hundreds of years. After the freedom of Goa in 1961, the Indian State rejected all the pilgrim laws and stretched out the focal laws to the region however made the exemption of holding the Family Laws since every one of the networks in Goa needed it. The most huge arrangement in this law is the pre marital Public Deed in regards to the transfer of relentless and versatile property in case of separation or passing. Amid marriage, the two guardians have a typical directly over the domain, however on disintegration, the property must be separated similarly; child and little girls have the equivalent ideal on the property. As the methodology includes mandatory enrolment of marriage, this viably checks kid and bigamous marriage.

The theory behind the Portuguese Civil Code was to reinforce the family as the foundation of society by teaching a soul of resistance among a couple and accommodating inbuilt defend against foul play by one companion against the other.¹⁴

SECULARISM v UCC

The spine of debate spinning around UCC has been secularism and the opportunity of religion identified in the Constitution of India. The Preamble of the Constitution expresses that India is a "mainstream vote based republic"? This implies there is no State religion. A common State will not oppress anybody on the ground of religion. A State is just worried about the connection among man and man. It isn't worried about the connection of man with God. It doesn't mean enabling all religions to be rehearsed. It implies that religion ought not to meddle with the unremarkable existence of a person. In *S.R. Bommai v. Association of India*¹⁵, according to Justice Jeevan Reddy, it was held that "religion is the matter of individual confidence and can't be blended with mainstream exercises, Secular exercises can be managed by the State by sanctioning a law". In India, there exist an idea of "positive secularism"? As recognized from precept of secularism acknowledged by America and some European states for example there is a mass of partition among religion and State. In India, positive secularism isolates mysticism

¹⁴ <https://thelawblog.in/tag/uniform-civil-code/>

¹⁵ 1994 2 SCR 644

with individual confidence. Article 25 and 26 ensure appropriate to opportunity of religion, Article 25 assurances to each individual the opportunity of inner voice and the privilege to maintain, practice and proliferate religion. In any case, this privilege is liable to open request, ethical quality and wellbeing and to different arrangements of Part iii the Constitution, Article 25 likewise enables the State to direct or confine any monetary, money related, political or other common movement, which might be related with religious practice and furthermore to accommodate social welfare and changes. The insurance of Articles 25 and 26 isn't restricted to issues of precept of conviction. It stretches out to acts done in compatibility of religion and, in this way, contains an assurance for custom and perceptions, functions and methods of love, which are the indispensable pieces of religion. UCC isn't against secularism or won't abuse Article 25 and 26. Article 44 is base on the idea that there is no fundamental association among religion and individual aw in a humanized society. Marriage, progression and like issues are of common nature and, in this manner, law can control them. No religion grants conscious twisting. The UCC won't and will not result in impedance of one's religious convictions relating, basically to upkeep, progression and legacy. This implies under the UCC a Hindu won't be constrained to play out a nikah or a Muslim be compelled to complete saptapadi. Be that as it may, in issues of legacy, appropriate to property, upkeep and progression, there will be a precedent-based law. The entire discussion can be summed up by the judgment given by Justice R.M. Sahai. He stated:

"Our own is a mainstream majority rule republic. Opportunity of religion is the center of our way of life. Indeed, even the smallest of deviation shakes the social fiber. Be that as it may, religious practices, violative of human rights and nobility and sacerdotal suffocation of basically considerate and material opportunity are not self-rule but rather persecution. In this way, a brought together code is basic, both for assurance of the mistreated and for advancement of national solidarity and solidarity."¹⁶

CONCLUSION

¹⁶ <http://indiafacts.org/secularism-uniform-civil-code/>

After such a conscious talk it very well may be said that the negligible three words and the country breaks into crazy celebration and hysterical crying. This uniform common code has social, political, and religious angle. The UCC would cut a harmony between security of crucial rights and religious doctrines of people. It ought to be a code, which is simply and appropriate as per a man of normal reasonability, with no inclination concerning religious and political contemplations. In any case, to close, I might want to state that residents having a place with various religions and sections pursue diverse property and marital laws which isn't just attack against the country's solidarity, yet additionally makes one marvel whether we are sovereign common republic or free confederation of medieval states, where individuals live at the impulses and likes of mullahs, religious administrators and intellectuals. I emphatically bolster the campaign for the usage of the UCC and homogenizing the individual laws. I bolster it, not on account of any inclination, but since it is the need of great importance. It is the high time that India had a uniform law managing marriage, separate, progression, legacy, and support.

The implementation of the Uniform Civil Code can be considered as the need of the hour. Even after years of achieving independence, citizens are not enjoying real freedom yet. The unified personal law cannot be viewed with religious emotion but it as the need for the country.