

DOES INDIA NEED A UNIFORM CIVIL CODE

Abstract

Being a multicultural country, India is home to many different religions, each of which has its own unique set of laws governing marriage, divorce, adoption, inheritance, and succession. Indian religion can be compatible with the demographic ideals of liberty, equality, and dignity despite the nation's diversity and multiculturalism. Additionally, it is completely feasible to create a civil law that upholds the principles without making any mention of religious practice. This study focuses on the diverse perspectives of people from various social groups about the recent proposal made by the Indian government to create a uniform civil code.

Keywords: Uniform Civil Code, Society, Customs, Religion, Communities, Secularism, diversity.

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I. INTRODUCTION

India being a diverse nation is a home to many religions each with its distinct personal laws governing marriage, divorce, adoption, inheritance and succession. Despite of being a diverse and multicultural nation/society, Indian religion can be in accord with demographic principles of liberty, equality and dignity.

The UCC is intended to replace the many laws that are now in force and that are relevant to different communities but are incompatible with one another. These laws include the Parsi Marriage and Divorce Act as well as the Hindu Marriage Act, Hindu Succession Act, Indian Christian Marriages Act, and Indian Divorce Act.

Some laws, such as Sharia (Islamic law), are not codified and are instead only dependent on religious texts and interpretations. Monogamy, equal rights for sons and daughters to inherit paternal property and gender- and religion-neutral legislation regarding wills, charity, divinity, guardianship, and custody sharing are among the ideas in UCC.

Given that Hindus have already been subject to these laws through the Hindu Code Bills for many years, these measures may not significantly alter the position of Hindu society.

Objectives

- To study and understand the implications of implementing Uniform Civil Code (UCC) on society.
- To know and present the views from different domains of society.
- To give valuable suggestions to the government for trouble-free implementation of UCC.

Discussion: In this paper, the researcher intends to examine the various perspectives that support and oppose the prevalent proposal that the Indian government intends to turn into a legal draught.

II. VIEWS FROM DIFFERENT DOMAINS OF SOCIETY

1. The Economist Views

- “We have been without UCC for thousands of years and can also be without it in future” -**Amartya Sen**. He further said that “Hindu Rastra” Cannot be the only way in which the country can progress and one should look at this questions with the broader outlook. He added that attempts to implement UCC seem to overtly simplify a complicated issue with so many differences among the people.
- In the words of another economist named **Pulapre Balakrishna**.”There needs to be a universal civil code applicable to all, irrespective of faith, gender and sexual orientation” he further added that democracy guarantees the minorities liberty and equality in all spheres of life, including access to the rule of law, freeing them from arbitrary governments. A reform of their personal laws to end gender, discrimination, rendering them compatible with democracy, would be no more to seek a balance between their rights and their responsibilities

2. The Political View

- Barack Obama, the former president of the United States of America, stated that India may 'tear apart' over minority rights because there are so many class, religious, and gender differences in the country that could all pose a problem.
- Kerala's chief minister, Pinarayi Vijayan, claimed that "the ruling government is using the debate over a uniform civil code as an electoral tactic to advance its agenda for widening communal division." To change or modify discriminatory practises in personal legislation, he urged for a consensus rather than a "hurried executive decision."
- The absence of a uniform civil code, according to M. Venkaiah Naidu, India's former vice president, has impeded the nation's development towards social peace, economic fairness, and gender equality. He also encourages political and religious leaders to put aside their differences and promote the implementation of the UCC.

3. The Minorities View

- According to the minority organisations, article 25 which guarantees everyone the right to practice their faith and follow their own customary laws does not support a uniform civil code. They emphasised once more that the term secularism would only have value if all differences, whether social, religious, or cultural, remained independent of the voice of the majority.
- The Muslim JAC stated that 'Uniform Civil Code should not be seen from the perspectives of Hindu-Muslim divide as it will have far reaching ramifications'

4. The Tribal Communities View

- Tribal villages worry that if UCC is implemented, important aspects of their way of life would be destroyed. The idea of UCC poses a danger to a wide range of customs that were common in tribal societies.
- In the words of a tribal woman named Neelmani Oraon, 30, from Masmano, "If we start claiming our father's property, our husband's sisters will also claim what is rightfully ours," women do not have the right to stake claim to their father's property, but this is "balanced" by the fact that they can stake claim to their husband's property. The tribal groups of Jharkand believe that civil courts are too cumbersome and inaccessible. "If I had gone to court, I would probably still not have possession of the land that I fought for. The dispute was settled with the decision of the gram Sabha (which followed from the Munda customary practices)," says Shyama.

5. The Eastern States View: Many believed that these are the states and citizens who will be most impacted by the introduction of the UCC.

- Tribal organisations in Nagaland believe that the constitution is undermined by the statement "one code for one country." However, as history teacher Adani Ngullie notes, patriarchal traditional norms prevent Naga women from inheriting land, despite the fact that some parents in urban areas have begun leaving their daughters a portion of their estates.
- In Meghalaya, the situation is reversed; girls receive their parents' ancestors' property. Pyniaid sing syiem, the top executive member of the Khasi hills independent district

council, says, "We can't let a common code that is likely to be written based on the practises of the majority patriarchal society affect our traditional system."

III. CONCLUSION

After considering the various views and opinions from the different sections of the society, the researcher observed that the people and communities do not have the awareness regarding the UCC rather than the opposition. It is advised to the authority to get consensus among the people of different communities.

India is a country standing for unity in diversity, with various religions, castes and groups following their traditions and customs. Different personal law boards are working based on their faiths and religious practices. If these practices are to be streamlined, that should be done through the personal law boards since they have a fair idea and understanding about these practices and they can only avoid misrepresentation. If these are to be changed, the Supreme Court, the law commission and the central government is advised to discuss the issues together with the various personal law boards. Otherwise, it may not work in India, which is guided by diversity.

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