



Uniform civil code and Gender Equality

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Abstract

Law is essential for society, through which human activities have regulated. The legal system of India has, different types of law like personal law, corporate law, customary law. It is based on principle of justice. India has land of multi culture, multi religion, and race, popularly it is known as land of religious tolerance. The people of different community have been governed by their own personal laws.

India has a common code for laws related to contracts, transfer of property, penal laws, and procedural laws which are independent of religion that is uniform civil code which is mentioned in Part IV Article 44. Article 44 of the Constitution states that "The State shall endeavour to secure the citizen a Uniform Civil Code throughout the territory of India." The uniform civil code is cornerstone of national unity interiority, gender equality and justice.

First time it was mentioned in Lex Loci Report in 1840 which were concerned with importance of uniformity in the codification of Indian law. Jawaharlal Nehru and Dr B.R Ambedkar also wanted to introduce uniform civil code in India, after detail discussion it has mentioned in directive principle of state policy in part 4th, even it is nonjusticiable. UCC is important for Indian democracy, but the main drawback of UCC is nonjusticiable, no strict implantation its dependences upon state government. Apart from its weakness there are some other challenges like Religious Diversity, Political Resistance Social Resistance Judicial Intervention. It will help to strengthen national unity and provides justices to citizens'

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Introduction

Uniform civil code is cornerstone of Indian democracy. It has mentioned in part 4th of Indian Constitution under Directive Principle of state policy, which is nonjusticiable but it is very important for central and state government to keep these guideline in mind when they prepare laws for nation. Uniform Civil Code (UCC) is legal reform to creating a unified set of personal laws applicable to all citizens without any discrimination, The UCC is based on the Equality, secularism, and gender equality by uniform personal laws related to marriage, divorce, inheritance, and adoption.

In India personal laws have influenced by religious customs, which lead to discrimination, especially against women. The UCC stands for equal right for all, strengthen national unity and simplifying judicial processes. UCC helps to establish just society in which all citizens' treaty equally before law. It represents progressive society by harmonizing personal law and addressing patriarchal norms. While the implementation of the UCC faces political and legal challenges, including resistance from religious communities and the need to balance constitutional rights, but its importance in modern India cannot be overlooked. Individual rights and gender equality have been protected by Uniform civil code. Judiciary also supported it, Which is strengthen our national integrity and Secularism.

India is land of multi culture, religion and race, each has its own cultural and social features which has reflected of their personal law regarding marriage, Inherent property, divorce and adaptation, disparities in these laws have often led to conflicts, discrimination, and legal inequality, particularly affecting women's rights across different communities, in this situation of diversity of law uniform civil code is way to set uniform law for all community. UCC essential for Indian

society. In a culture where social connections are governed by standard laws and rules of conduct, norms tend to stay stable and become outdated and inflexible. The Supreme Court has given several directives for its execution over the years, but because of overzealous politicization, it remains a pipe dream.

Objective

I have chosen this topic for research paper because in these days Our government want to introduce UCC in our country on the basis of One Nation One Law. In the process of implementation after Goa Uttarakhand is 1st State in India which implemented UCC on 27th January, 2025. We are influence of this code, which is helpful to promote gender equality, Justice and strengthen our democracy. Along with this positivity, some negative impact also emerged in India.

Methodology

The Study is based on secondary data which I collected from various other magazines, journals, books and websites. Uniform civil code is cornerstone of Indian democracy. It has mentioned in part 4th of Indian Constitution under Directive Principle of state policy, which is nonjusticiable but it is very important for central and state government to keep these guidelines in mind when they prepare laws for nation. Uniform Civil Code (UCC) is legal reform to creating a unified set of personal laws applicable to all citizens without any discrimination, The UCC is based on the Equality, secularism, and gender equality by uniform personal laws related to marriage, divorce, inheritance, and adoption.

It is not a new concept it was prevailed in ancient Vedas period. During that period women enjoyed equal rights as men in the field of education, marriage and rituals. During

19th century Raja Ram Mohan Roy also supported the women inherent right of property. In British period Uniform civil code was introduced in 1840 in Lex Loci Report. The criminal law codified by British Government and became common law for country. There was no codification of personal law. It was governed by different codes of communities. When Third Law commission appointed the demand for social reform become louder. There were many laws passed for social reform like Hindu Bills Act, 1870, Special Marriage Act, 1872, The Married Women's Property Act 1874, The Indian Majority Act 1875, Divorces Registration Act 1876.

The legislation regarding the personal law became the issue of controversy between communities. In 1939 through Muslim Marriages Act gave Muslim women right to divorce. 1955 Hindu Marriage Act provides Hindu women right to divorce. Now marriage is legal contract for both communities.

It is not only confined to India but it also prevailed in other countries in the world. Uniform Civil Code successfully implemented in France on the Napoleonic Code in 1804. In 1900 German Civil Code is unified legal frame work. Turkey also adopted secular legal system in 1920. In Brazil Civil Code first adopted in 1916 and updated in 2002.

During the drafting of the constitution Jawaharlal Nehru and Dr B.R Ambedkar pushed for a uniform civil code. But conducive atmosphere for a unanimous Uniform Civil Code (UCC). The broad view was that the initiative and impetus to change personal law within the scope of the constitution should originate from the leaders of the community in question. Despite opposing opinions, the Constitution's writers incorporated the UCC in the Directive Principles of State Policy (DPSP, Article 44). Sucheta Kripalani, a Congress MP, said Muslims weren't fully prepared at the moment, but the government will be able to establish UCC sooner rather than later. The Communists too wanted the personal laws of all communities to be reformed instead of UCC. Pt Nehru said the UCC had his "extreme sympathy," but the time was not "ripe" for it. He said, "I want to prepare the ground for it and this kind of thing (Hindu code) is one method of preparing the ground." The Hindu code bill was drafted by Dr B R Ambedkar to reform Hindu laws, which legalized divorce and opposed polygamy.

The enactment of the Special Marriage Act in 1954 was an essential first step towards the realisation of a Uniform Civil Code, allowing civil weddings between people of the same or other faiths. Under 1955, the Hindu Marriage Act established the notion of separation and divorce, which did not exist under religious legislation because marriage was considered a sacrament.

The contentious Shah Bano case prompted the passage of the Muslim Women (Protection of Rights on Divorce) Act in 1985, allowing Muslim women to receive alimony for 90 days after their divorce. The Hindu Succession (Amendment) Act of 2005 granted equal property rights to the daughters of Hindu Sikh, Jain, and Buddhists. In 2017, the Supreme Court ruled that triple talaq was unconstitutional, and in 2019, the Indian Parliament passed the Muslim Women (Protection of Rights on Marriage) Act, making triple talaq a cognisable violation punishable by up to three years in prison and a fine. The divorced woman is also eligible for a subsistence allowance. The 21st Law Commission, led by former Supreme Court judge Balbir Singh Chauhan, stressed the significance of revising family

laws across religions to ensure gender justice, rather than simply enacting a Uniform Civil Code (UCC).

Women's Rights and Gender Justice

Uniform Civil Code is a legal framework for women empowerment through provide rights and justice to women. In India personal law is based on patriarchal norms and discriminating against women. By outlawing discriminatory practices and ensuring equal rights for women in marriage, divorce, adoption, and inheritance, a UCC would promote gender justice. Registration of "Live in relation" is mandatory.

UCC ensure uniform marriage and divorce law given women equal rights.

Indian society personal law favour main in inheritance. The UCC would establish equal property right for both gender.

The UCC would prevent dissimulatory practices like Triple Talaq and promote fair divorce law for all. It prohibited polygamy, and unequal inheritance rights.

The UCC give equal rights for guardianship for both parents.

Secularism and Equality

The UCC's core concept is equality before the law. UCC would level the playing field by ensuring that all citizens, regardless of religion, are held to the same legal standards. This would boost India's secular credentials and result in greater legal uniformity.

National Unity and Integration:

India is a land of diverse culture and there are different personal law for different community. can foster division and disunity. By placing all citizens under the same legal framework, the establishment of a UCC might act as a unifying factor and foster a sense of national integration. Additionally, it would lessen the possibility of conflicts between communities stemming from disagreements over religion personal regulations.

Simplification of Legal Procedures

A UCC would streamline the legal process by establishing a single code that applies to everyone, increasing judicial efficiency and lessening the burden of case backlogs. Having various personal laws confuses the legal system and frequently results in confusion and drawn-out litigation.

Evolution of the Debate

The UCC has been a topic of discussion for decades, and as social standards, ideas of justice, and the pursuit of gender equality have changed, so too has the UCC's importance. The UCC is a major issue in modern India as a result of political, legal, and civil society activities that have brought it into the public eye.

The Constitution and the Directive Principles of State Policy

The UCC is envisioned as part of India's larger constitutional vision to ensure equality and justice for all citizens, as stated in Article 44 under the Directive Principles of State Policy, which states that "the State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India." The Directive Principles are non-justiciable, which means that courts cannot enforce them, but they serve as guiding principles for governance and aim to create a framework for a just and equitable society.

Article 14 and Equality Before Law

One of the most important parts of the UCC is its connection to Article 14 of the Constitution, which guarantees all citizens equal treatment under the law. Current personal laws range greatly between religious communities, resulting in discrimination, notably for women, and causing a conflict between Article 14 (right to equality) and Article 25 (right to religious freedom). A UCC would harmonise these laws while upholding the concept of equality established in the Constitution, guaranteeing that persons are not treated differently under the law because of their religious affiliation.

Judicial Intervention and Landmark Judgments

Indian courts have frequently discussed the need for a UCC, particularly when personal laws have resulted in injustice or inequality. The Supreme Court of India has highlighted the importance of having a uniform set of laws governing personal matters to ensure justice and equality in landmark rulings like the Shah Bano Case (1985), Sarla Mudgal Case (1995), and Danial Latifi Case (2001). For example, the court in the Shah Bano case stressed the need for a UCC to protect the rights of Muslim women, while the Sarla Mudgal case raised concerns about polygamy and conversions to get around personal laws. These cases highlight the urgent need to reconcile religious laws with the principles of gender equality and human rights.

Uniform Civil Code in Uttarakhand

After the Goa Uttarakhand is first state which implemented Uniform Civil Code on 27th January, 2025 for the citizen of Uttarakhand state. Its main features as below

- 1. Standardized law:** The UCC mandates registration of marriage and divorce and both parties have equal rights to petition for divorce.
- 2. Inheritance and succession:** The UCC aims to ensure equal property rights for sons and daughters regardless of their religion or community.
- 3. Live in relationship:** The UCC mandates the registration of live in relationship. Both their commencement and termination and children born in such relationships are considered legitimate.
- 4. Penalties:** The UCC includes penalties for failing to register marriages, divorces or live in relation.
- 5. Online portal:** There is a portal for mandatory online registration of marriage, divorces or live in relation.
- 6. Exemptions:** Scheduled tribes are excluded from the purview of the UCC.

UCC is essential for our national Unity and integrity it also strengthens the democracy through one nation one law. It is also helpful to promote Gender Equality. In spite of its importance it has to face some challenges like –

1. Critics said that “Some provisions of UCC have been in conflict with Article 25 of part-III of Indian Constitution. Article 25 says Freedom of conscience and free profession, practice and propagation of religion. UCC preferred uniform personal law for all community, as we know India is a land of diverse religion and culture that is why many communities did not ready to accept the provision of UCC.
2. UCC promotes one nation one law, but it does not apply on Schedule Tribes.
3. Lack of consensus among the government and the civil society to initiate and implement UCC.

4. Many religious groups view that UCC would impose majoritarian law disregarding their identity and diversity. It is difficult to find a common ground and uniformity among the diverse group in society.
5. There is no such provision for the Third Gender, Lesbian including laws regarding LGBTQ.
6. UCC promotes the concept of women empowerment and as we know economic independence of women is one of the main dimensions of women empowerment, but it has not mentioned about the married women property right in her laws.
7. Critics said that “Provision of live in relation” is not good for society which is mentioned in UCC.

In spite of having these drawbacks in UCC, we cannot deny that it is a way to promote unity, integrity, gender equality and justice in society. In the era of globalization our society is highly influenced by western culture and our social values and culture adversely affected. Through UCC we can protect our social values and culture. Like registration of Live in relation. Those who live unobtrusively from their families, now have to refrain from doing such illicit activities due to the need of a registration process. Moreover, the child born in live-in relation will get the right to know the identity of their parents and legal rights from the registration of live-in relation.

Conclusion

From the above discussion we come to conclusions that UCC is a legal way to promote Unity, integrity, gender equality, justice as well as also promote a women Empowerment in society. But it has faced many challenges from different communities, legal challenges, political challenges and it can't be applied on tribal society. But we can't deny its importance that it promotes unity and strengthens our society. It would require a robust mechanism of enforcement and awareness to ensure compliance acceptance by the people.

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