



Article 44 uniform civil code

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ABSTRACT

The researcher has done the research on the topic Article 44- uniform civil code. Article 44 of the Indian constitution provides that- “state shall Endeavour to secure for the citizens a uniform civil code throughout the territory of India”. This was the basic introduction of the UCC. Now the thing comes that although UCC is mentioned and provided in the constitution of India but whether it will be implemented or not. These major questions have no answers, which is becoming a major obstacle in its implementation. The uniform civil code has always empowers Indian women and their social status in the society. It includes that does the existence of uniform civil code is necessary for us. The various contradictions that are not allowing UCC to be implemented are summed up here. This research paper also contains that what are the major challenges, besides from political subject, does India face in implementing a uniform civil code for all religion or we can say that common personal laws for every religion.

Keywords— Uniform civil code, Article 44

1. INTRODUCTION

Article 44(which comes under the directive principle of state policy) of the Indian constitution provides that- “the state shall Endeavour to secure for the citizens a uniform civil code throughout the territory of India”. But at present over 60 years have been passed but this view has not been yet implemented. It is accompanied by various issues and drawbacks, which are the main reasons for not implementing the uniform civil code. We are the citizens of a country which has a diverse culture, background, religion, customs, and faith. That’s why India is said to be the mother India. But on the other hand, due to this diverse nature, various problems to have to be faced by the people, who are the citizens of India belonging to the diverse background. In India, we have criminal laws and civil laws but we don’t have the particular personal laws. It is rightly said that no one has an authority to speak in between anybody’s personal matter but when it comes to the whole citizens of the country it is a necessity. And where the necessity arises there should be some solutions and provisions to face the problem and overcome it. The mainly uniform civil code has to be introduced in India to replace the personal laws which are based on the scriptures, statues, myths, and customs of each religious community in the country with a central common set of rules and regulations governing each and every citizen. There is uniqueness in every single religion but having a mashing up of all religion will be of no harm, nevertheless, it will be a great plus point because its outcomes will be in the favor of everyone’s thinking and every religion will be respected equally and will have its own importance. Today is the modern era and it’s not the time of having biases on the basis of religion, class, caste, gender etc. In today’s modern time there is a need for a secular community without having any issues and discriminatory opinion and thinking. Uniform civil code is all about changing the whole scenario with the uniformity. Secularism is a thing which is very necessary for every aspect and where there is secularism there arises uniformity i.e., a uniform civil code.

2. WHY THERE IS A NEED FOR A UNIFORM CIVIL CODE?

There are various reasons which justify the need for a uniform civil code. Although it’s the 21st century then also there is a need to provide equal status to all citizens, to promote gender parity, to accumulate the thinking of young population, to have the national integration etc. To apply and promote all these factors, the uniform civil code is a must.

We all know that from the last many decades’ women is dominated over men and till now date too, women are facing various difficulties in their day to day life. And it is observed that women are always discriminated in the religious matter. Men are always given first preference in case of a matter of succession and inheritance. Usually, men are considered as the shareholder and the ruler of the family, society, and community. Whereas women never get the opportunity to withstand on their own side due to which women are always dominated. The implementation of a uniform civil code will eradicate the difference between men and women.

In India, we have 55% of population below the age of 25 years. So we can say that half of our population is youth. A society in which half of the population is youth needs modernization and uniqueness. In the society of youths, social attitudes and aspirations have to be molded by the universal and evergreen principles of equality, humanity, and modernity. The youth always withstand new and modern thoughts and conservative solution but the thing they want is the only opportunity nothing else. The view of youth on giving their identity on any religion has to be given equal importance so that they can give their hundred percent

participation in the building of the nation. At every generation, youth is the only stage who brings huge and observational changes in the society for the upliftment of the society.

Colonial India has come over many of her laws getting codified by the British such as the law of contracts, transfer of property, criminal laws, civil laws etc. These laws were made by the British, who never interfered in the religious matter and leave behind the religious and cultural factors. That's why till now date there are no particular and common personal laws made so far. The only thing that was left behind was the personal laws which rule and governs the lifestyle of the people, such as marriage, family, succession etc. Then in the Article 35 of the draft of Indian constitution was added as a part of the directive principles of the state policy in part IV of the constitution of India as Article 44. It was included in the constitution of India as aspects which will be included and implemented when the nation will accept it. But after 66 years after it remained a dream of implementing UCC. Although there is a serious need of implementing UCC in India then also there is some queries and hesitation in people in the topic of uniform civil code that can change the lives of women, can alter the standard of living and much more. But today also majority stands against it. People think that after introducing UCC in India their religious customs will be harmed but it's not at all like that. The implementation of a uniform civil code will be in favor of everyone.

Almost every country other than India has uniform civil code for all citizens. The thing that the people should understand is that the implementation of uniform civil code will eradicate the discrimination on the basis of religious beliefs. In various religious matters, women are usually suppressed and dominated. We all know that we are secular people but I don't think so in a right manner although India is a secular country but not completely. In a right manner uniform civil code means all the citizens of the country have to follow the same laws irrespective of their religion. Means it's not a matter of discussion that they are Hindu, Muslim or Sikh. Everyone has to follow the same laws. This sounds fair and is in the favor of secularism too. A uniform civil code can never encroach the freedom of people to follow their religion; nevertheless, it meant that everyone will be treated equally. This will be the real meaning of secularism and a secular state.

According to Article 14 of the Indian constitution, every single citizen is equal in the eyes of law and court. But in India, we have personally based on the particular religion. For example, a Muslim can marry multiple times and he will not be prosecuted but if there is any Hindu, Christian or Sikh then he will be prosecuted by the court which is against the saying of Article 14 of Indian constitution. This is not equality in right means. If we want equality then there should be the same laws related to marriage, adoption, divorce, inheritance, family, land etc. Then the exact definition of equality will be defined and will be in the right manner.

Implementation of uniform civil code in India will be a sign of modernization. Then there will be the eradication of caste and religious politics. Although we have gained much from our neighboring countries still we are lagging behind in many aspects. We have degraded socially and culturally to the extent that at present situation we are neither considered as modern nor traditional. Uniform civil code will upgrade India and help to be a developing the nation and will help the society to move forward and achieve all possible goals and will turn into a developed nation. We know that India is a democratic country but we are not aware of what our politicians do for making votes. Uniform civil code will reduce the chain of vote bank politics in every manner. There will be an end of vote bank politics. If all religions well are mashed up then there will be no minor and major. Everyone will be treated equally and then there will less to offer by the politicians to the minor in the exchange of votes. Then there will be democracy in a right manner. The absence of uniform civil code will degrade the democracy of the country.

We know that we are a citizen of an independent country but then also there are some people who are treated badly and wrongly. They are considered as minor. But the implementation of uniform civil code will be against the caste discrimination. It will in the favor of every single caste, religion, and tribes, irrespective of their social background and religious beliefs.

Although we are a citizen of the country in which everyone is treated equally but then there arises the issue of gender discrimination. This is a huge problem nowadays in Indian society. Women are always dominated over man. In every aspect, men are treated as more powerful and responsible but it's not like that woman can too handle everything and better than man. So uniform civil code can help women to take their own stand and compete with men in every manner. Rights of women are always limited in every religion be it be Hindu or Muslim. In the matter of Muslim religion triple Talaq is the recent example. In which Muslim women fight for their rights against the personal laws that are enforced in their religion. In various aspects, Dr. B. R. Ambedkar fought for Hindu women to raise voice for the implementation of uniform civil code but till date, there are no solutions for the present and upcoming problems.

The principle of UCC essentially involves the question of secularism. Secularism is a principle which needs to be analyzed at a great length. There is a various interpretation of secularism and it is on the altar of all these interpretations, the UCC is both glorified and criticized. Some factions of our society consider the UCC anti-secular while some regard it as the harbinger of communal harmony and secularism. Lastly, the question of human rights of Indian women looms large in the background of UCC.

3. WHAT WILL BE THE OUTCOMES OF UCC AFTER ITS IMPLEMENTATION?

Till now date UCC has not yet implemented and there is no guarantee that it will be implemented or not but on a serious note, there is a huge need of uniform civil code because it will change the whole scenario and the doings of the society. Secularism promotes the idea of coexistence. While secularization disregards religions as a whole, much similar to atheism. The issue of triple talaq has once again ignited the age-old debate on the desirability of the uniform civil code (UCC) in India. The outcomes will be in a very positive way that is in everyone favor and there will be the genesis of a new secular nation in which everyone will be treated equally without any discrimination between the citizens. The thing is that nowadays women are dominated in the society.

So the implementation of uniform civil code will be new life for the women who are not getting their rights. The Muslim women will be treated commonly because then there will be common laws for everyone after the implementation of UCC because then there will be common personal laws for everyone and then there will be no discrimination between the citizens.

At present because of absence UCC, Someone can marry with 4 Girls which leads to 40 kids. Now, these 40 kids practically grow up without any father supervision. In Animals Kids are grown by females of the species, In Humans Male (Father) Also take Active Role in Bringing up of Kids so If UCC will be implemented we will have more father involved in Bringing up of Kids. Which will give more Civilized Citizens to India Means Fewer Crimes; More Educated Citizens will help in the development of the society as well as the nation. Sometimes family planning to plays an important role in the upliftment of the nation as well as society.

The implementations of uniform civil code will be the first ray of the sun in the modernization and secularism. It will be the major sign of change for the whole nation because one or the other way it will be helpful for everyone such as for women, family, all religions, minorities, tribes etc. women will never feel inferior in the society, their standard will be upgraded and there will be equal respect and honor for them too. In the other way, they can think of competing with men at every level and in every field. In changing the whole scenario there can be the great hands of UCC which is only possible after its implementation.

4. THE VARIOUS REASONS WHICH ARE STANDING AGAINST ARTICLE 44

Till now we got the concept that what article 44 is all about but still there are some issues and queries between the people in this subject. The major drawback is that till now date some people are unable to understand this concept and are standing against it because of their negative thinking and ill mind which are becoming a hurdle in the implementation of UCC. This is not enough, on the other hand, some are considering it as the shameful thing that will destroy their self-respect and will degrade their value but it's not like that. Some have the thought that the implementation of UCC will harm their religion but they are unable to understand it is not the subject of any particular religion; it is a nation as a whole. The thing is in the favor of every single citizen who lives in the country.

Religious faith is important in every religion but making religious matters an issue is against the society. Every single citizen has a different religion and has faith in different religion. UCC is not asking you to leave your customs and faith but it is in the favor of making common personal laws, keeping in mind every single religion their beliefs and customs. The UCC will symbolize a modern progressive nation that has moved away from discrimination based on religion, race, caste, sex, and place of birth. UCC is the sign of abolishing discrimination in every way and standing in favor of every single citizen in every aspect. Our economic growth may be among the highest in the world, but our social growth has been in a state of paralysis. Socially we are lagging behind which is a major drawback is a sign of shamefulness. These are the various reasons which are becoming a hurdle in the implementation of UCC. Political parties to establish a greater side of contradiction that they feed Muslims that their religion will be robbed and they will not consider as majority religion anymore, which is a major drawback. The issue of Uniform Civil Code is erroneously seen through the spectrum of religion. The most common argument put forward by opponents of UCC is that under the garb of uniformity, the state may seek to invade the religious freedom of minorities. These are the major reasons which are standing against the implementation of the uniform civil code.

5. HURDLES IN ADOPTING A UNIFORM CIVIL CODE

In today modern era every single person has its own and different thought which varies to a huge extent. This extends becomes the hurdle in the path of UCC because the thoughts of people clashes due which more issues arise and UCC again remains a dream only. Uniform civil code is not that big issue that the people are considering it. The ill thought is that people are considering it as the robber of their religion that is not at all worthy. The only thing is that there should be the positive thinking of the people in every aspect. The things which are not allowing the adoption of UCC are the mindset of the people.

6. CONCLUSION

Uniform civil code is not a boon for our society nevertheless it can uplift our nation and that will be the sign of modernization and that day we will become socially and traditionally rich. We are the citizens of a country which has a diverse culture, background, religion, customs, and faith. That's why there is a huge need for UCC. The UCC will symbolize a modern progressive nation that has moved away from discrimination based on religion, race, caste, sex, and place of birth. UCC is the sign of abolishing discrimination in every way and standing in favor of every single citizen in every aspect. The thing that the people should understand is that the implementation of uniform civil code will eradicate the discrimination on the basis of religious beliefs. There is uniqueness in every single religion but having a mashing up of all religion will be of no harm, nevertheless, it will be a great plus point because its outcomes will be in the favor of everyone's thinking and every religion will be respected equally and will have its own importance. The principle of UCC essentially involves the question of secularism. Secularism is a principle which needs to be analyzed at a great length. There is a various interpretation of secularism and it is on the altar of all these interpretations, the UCC is both glorified and criticized. So at present time, there is a serious need for uniform civil code

7. REFERENCES

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