

Uniform civil code - an ideological debate or an institutional reform needed .

Same Constitution, Different Outcomes

The Indian Constitution is the central document that establishes the republic as one country, with the idea of equal protection under the law for every citizen. Yet, while the Constitution guarantees equality for citizens of India, they experience vastly different outcomes from a legal perspective, based solely upon their religion. In India today, over 1,300 unique personal law provisions exist through multiple religious codes governing the areas of marriage, divorce, inheritance, adoption and inheritance. Because of this fragmentation, an individual who falls under the same Constitution may receive unequal treatment under civil law due to his or her religious heritage, rather than because of his or her own choices or actions. Such a practice poses significant constitutional problems. Selective equalities and justices cannot exist within the realm of democracy. A modern, democratic republic cannot effectively exist when civil rights are regulated through multiple codes of law, without equitable protections and obligations for all communities. The legal fragmentation created by personal laws, creating different results for otherwise equal citizens, undermines the promise that citizenship is equal for every citizen of the republic. Such a fundamental inconsistency is not simply a nuisance from a legal standpoint, but a fundamental aspect of the structural moral, ethical, and democratic failings of the Constitution of India.

Uniform Systems Exist everywhere (why not in Civil Law?)

Because of the existence of uniform systems of law within India, I say that there already exists uniformity in many ways that should demonstrate that you can operate within a single system of laws.

For example, all contracts have the same status in India regardless of the religion of the parties to the contract. All people pay tax on the same law regardless of religion. No person can claim to be exempt from the income tax law on the basis of being part of a particular religion. No company can claim that it is entitled to a different contract standard than the one applicable to companies in general on the basis of the religious beliefs of its owners or management. The government of India does not make such distinctions because it is understood that the foundation of economic and legal equality is necessary for the unity of India as well as for the functioning of government in India.

Therefore, since we accept the concept of uniformity in taxation, commerce, and criminal laws, we must question why we accept the fragmentation of civil rights (the family and individual rights) through religious identity. Civil rights (dignity, autonomy, and equality) exist to a far greater extent than taxation or contract law. To permit civil rights to be determined by religious identity creates a confused legal philosophy that treats a person as equal in public life but not in private life. Therefore, selective uniformity in civil rights undermines the concept of citizenship and creates a situation that should stimulate an important examination of the implications of these inconsistent approaches to how we define citizenship in a constitutional democracy.

Uniform Civil Code Cannot Be Selective

The foundation of a Uniform Civil Code is built on the constitutional principle of uniformity, and if the code is not implemented uniformly across the Country, it will lose its constitutional meaning. If civil law reforms are made in some states while other states continue with separate, disparate, and fragmented personal laws, it creates the appearance of legally different sets of standards within the same Republic. The selective application of a Uniform Civil Code raises an issue of constitutional concern: it is not constitutionally permissible to have conditionality concerning uniformity. The civil rights of Citizens should not differ in relationship to geographical location or state border. Therefore, if the intention of a Uniform Civil Code is to provide for equality in respect to the law, then partial, or non-uniform,

implementation negates the purpose of establishing a Uniform Civil Code. The objective of establishing a Constitution with uniform Civil Principles cannot be accomplished through fragmented or otherwise haphazard execution. While Federalism maintains the ability of individual states to create their own Bylaws, the equality of all Citizens concerning civil rights must remain a National commitment. Anything less than this would result in the transformation of the Uniform Civil Code from a constitutional ideal to a symbolic statement. True reform will require not only the will but also a commitment to the consistent application of the principles of a Uniform Civil Code at the National level in accordance with the principles of Equality established in the Constitution.

Religious Concerns with Historical Context

Many people oppose the Uniform Civil Code as it was seen to interfere with the religious laws of Muslims, in particular. One of the most frequently referenced verses from the Quran when speaking about polygamy is Quran 4:3, which allows males to marry as many females as they wish. However, the meaning of the verse should be understood in the historical context in which it was revealed. The Qur'an was revealed during a time when numerous wars were being fought and thousands of men were killed; many women were widowed and left without ways to support themselves or their children. Allowing polygamous marriages was a way to help protect the welfare of these needy women, as well as stabilising the social structure at a time of upheaval; it was not a requirement for the entire universe, for an indefinite length of time. This type of situation no longer exists and the social order has changed dramatically. Also, opposition to reform is not only a problem amongst Muslims; there are many Hindu customs that also require reform (e.g. unequal division of inheritance and property; the polyandry custom that historically existed in parts of the prayer states of Himachal Pradesh), all of which are not based on the principles of Islam, nor are they universally accepted as Islamic standards. In essence, the debate surrounding the UCC is not simply a matter of targeting an individual religion, but rather a matter of revisiting the standard customs of

a particular community; it must address reforming the various customarily accepted practices of all religions without singling out any individual faith or creating any prejudice against it.

In conclusion, uniform civil code doesn't mean uniform life or uniform religious laws implemented to all forcefully ,it just means a uniform or basic set of civil laws for all the citizens to give them a basic standard of living.