

Uniform Civil Code and Gender Justice in India: A Special Reference to Debates on Uniform Civil Code

ASWATHY Y ¹

¹ Research Scholar at Department of Political Science, Sree Narayana College, Kollam, University of Kerala

ARTICLE INFO

ABSTRACT

Article History:

Received: July 20, 2022
Revised: August 30, 2022
Accepted: September 07, 2022
Available Online: October 05, 2022

Keywords:

Uniform Civil Code, Personal laws, Article 44, Gender Justice, women Empowerment

JEL Classification Codes:

O15, O47, R13

India is a multi cultural and multi religious country. In which the people have different kinds of faith, worship, belief and customs. The personal laws are also played very dynamic role in the country like India, in this context, Uniform Civil Code has to perform a divergent task. Uniform Civil Code is a kind of rules governs each and every citizen's personal lives in the country, without any kind of distinctions. Article 44 of the Indian Constitution outlines the Uniform Civil Code and mandates its implementation through the states. In a large country like India, the Supreme Court, Parliament, Politicians, and various women's organisations occasionally mention the necessity of the establishment of Uniform Civil Code, and there are numerous discussions and debates concerning the benefits and drawbacks of Uniform Civil Code. Gender justice is also a critical component of women's empowerment. As a result, only a progressive society willing to accept the needs of the moment can accomplish empowerment of women and the gender justice.



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Corresponding Author: aswathyprijilal@gmail.com

INTRODUCTION

The Directive Principle of State Policy in the Indian Constitution asserts, "the state shall endeavour to achieve for all its inhabitants a Uniform Civil Code throughout the territory of India" (Kumar, V.& Vats, N. 2017 p.2). Marriage, divorce, maintenance, guardianship, succession and inheritance

are the major aspects consisted within the wide realm of Uniform Civil Code in India. These are key issues addressed under the broad scope of the Civil Code. Gender justice and the Uniform Civil Code are interconnected ideas, and women's empowerment and equitable social order cannot be achieved without gender justice. The significance of Article 44 of the Constitution in a country like India, with its vast array of castes, creeds, sects, and faiths, cannot be overstated. While Article 37 states, the Directive Principles of State Policy (DPSP) are not enforceable through the courts, it also states that they are "nevertheless fundamental in the governance of the country, and it shall be the duty of the state to apply these principles in making laws." It also easily overlooked, the equality rights and the equality before the court of law is ensuring through Article 14. In the case of marriage and divorce, however, there can be no rational connection to distinguish between citizens of various religions or between men and women. Therefore, any legislation which discriminates between citizens in matter of marriage in the ground of religion would be violation of Article 14. At the same time, Article 15 states, the State shall not discriminate against any citizen, including the basis of religion or gender. Therefore, any law relates to marriage and divorce, which discriminates between two classes of citizens on grounds of religion, would be against Article 15. Similarly, any law which discriminates against women in the matter of marriage and divorce would be void and violating of Article 15 (Raina, D. 1996. pp. 56-61).

In India, the criminal laws should apply to all citizens without regard to religion, caste, race, or creed, but in case of civil matters such as Marriage, Divorce, Maintenance, Guardianship, Succession, and Inheritance, distinct religious communities in India follow their own personal laws, with certain exceptions with Special Marriage Act and Divorce procedure. Religion has always been a sensitive issue in the continent. Minority communities in India are always sceptical of any attempt by the numerically dominant community toward the implementation of the Uniform Civil Code. Uniform Civil Code is a matter of contention before the Government of India since it affects the minority group. However, when drafting Uniform Civil Code, the governing body must exercise extreme caution so as not to infringe on the Constitutional rights of the minority community and to ensure gender justice. The Research Objectives are (1) Determine the significance of Uniform Civil Code in a gender just Society. (2) To analyse the effectiveness with which constitutional and other political debates contribute to the country's successful enforcement of Uniform Civil Code.

RESEARCH METHODOLOGY

The present study takes up an analytical and descriptive study used Secondary data sources from the reputed published sources such as books, National and International Journals, Newspaper articles and websites from the Internet sources. All the collected information's are evaluated and interpreted using both quantitative and qualitative methods. Apart from it the research is also comprised of Personal observations and evaluations. The paper focuses on the importance of Uniform Civil Code in Gender Just society, with a particular emphasis on key disputes on the Uniform Civil Code that occurred over time. Attempt to collect and use all available facts linked to the value of Uniform Civil Code in a secular democratic society like India and the importance of gender equity in a relevant socio-cultural and political domain through the study.

REVIEW OF LITERATURE

The methodical identification and collection of literature assists the researcher in studying the various facets of the research area. The researcher has referred to a handful of materials dealing with the Uniform Civil Code and the gender justice perspective in the suggested study titled “Uniform Civil Code and Gender Justice in India: A Special Reference to Debates on Uniform Civil Code”. Ram Puniyani’s book, ‘Contours of Hindu Rashtra, Hindutva, Sangh Parivar, and Contemporary Politics’(2006), gives an overview of the concept of Religion and Society, Hindutva, Minorities, Hindutva threats and the various dimensions of Sangh Parivar organisation. And the book tries to convey the problems of the Indian Muslims, social marginalisation and authoritarianism from different dimensions. Women Rights and role of fundamentalist aspects are discussed from the hindu and Islamic fundamentalist dimension.

Dinanath Raina's 'UCC and Gender Justice' (1996) book provides an outline of the relevance of Uniform Civil Code in a gender Just society and how religion might contribute to the country's political effects. And through the book author examine the evolutionary existence of the personal laws and critically examine why reforms in the personal laws are important and the constitutional debates on Uniform Civil Code from the post independence period onwards.

Madhu Kishwar's 'Religion in the Service of Nationalism and Other Essays' (1998) examined the subject in all of its multifaceted dimensions. The book examines the role of nationalism from the religious perspective and its different aspects. And it discuss about the various issues related with religion, religious nationalism and nationalist sentiments of the people. The collection of essays was dealt in the book from the period from 1984 to 1996, in response to the situations of ethnic violence and conflict. Alok Prasanna Kumar's an article titled 'Uniform Civil Code, A Heedless Quest?' featured in Economic & Political Weekly. (2016) examines the constitutional issues as well as the significance of Article 44 of the Constitution. Furthermore, the paper addresses the country's religion-based personal laws, with the author emphasising that uniformity in personal matters in a divergent Indian society is not a solution in and of itself.

Shimon Shetreet and Hiram. E.Chodosh's book “Uniform Civil Code for India”; Proposed Blueprint For Scholarly Discourse” (2015) discusses comparative perspectives of the Uniform Civil Code, covering the religious and cultural perspectives of law and its various dimensions. In modern civilization, a social and political conflict arose when negotiating with the Uniform Civil Code. Conflicting concepts of authority and law, as well as reform conflicts, were articulated by the authors in the book.

UNIFORM CIVIL CODE AND GENDER JUSTICE IN INDIA

Gender justice is an important goal entrenched in the Indian Constitution, as is Social Justice. Equality right is a fundamental human right that guarantees every human being equal treatment in law of the court. If Uniform Civil Code replaced with the norms and practises of various personal laws followed by India's many religious communities, it is obvious that gender justice will be ensured. Because the idea of Gender justice prohibits all kinds of discriminations on the grounds of sex, race, religion and so on (Das, J. 2017). Socio-political debates and discussions revolving

around Uniform Civil Code is focussed on different dimensions of women's issues and their rights, it fundamentally rooted with the genesis of gender justice. Gender Justice ensures equal rights for women and their empowerment without prejudice. In the wider ambit of Gender Justice, the needs for uniformity of personal laws are analysed and it ensure the dignity and justice towards women. So the concept of gender justice and Uniform Civil Code is linked with in wider ambit of social justice.

Personal Laws and Gender Justice

In Concurrent List III, 7th Schedule, the forefathers of the Indian Constitution specified meaning and definition of the term "personal law" as, "marriage and divorce, infants and minors, adoption, wills, intestacy and succession, joint family and partition, all matters in respect of which parties in judicial proceedings were immediately before the commencement of this constitution subject to their personal law". Article 246(2) specifies that the Indian Parliament or State legislative assemblies may enact laws on the problems listed in Seventh Schedule. Several attempts at codification and reform of Personal Laws were conducted during the 1980s. As a result of the reforms in personal legislation implemented during Rajiv Gandhi's tenure as Prime Minister, the government faced a significant reduction in Muslim electoral support (Purohit, R. & Saraswat.2017. pp.22-25).

During the British period the reforms in Muslim Personal Law are very low. But after India got independences voices are raised for the changes within the Muslim Personal Law. The conservative sections among the community were trying to keep no changes in their Muslim Personal law and follow the laws based on Quran and Hadis (Dwivedi, P. 2016). The Wakf Act of 1913, the Muslim Personal Law (Shariat) Application Act of 1937, and the Dissolution of Muslim Marriage Act of 1939 were all passed during the British period. In the period of 1930s, the codification process of Muslim Personal Law initiated on basis of the Shariat Act of 1937, after that, Dissolution of Muslim Marriage Act, 1939 passed. These laws are initiatives for empowerment to Muslim women against the denial of their rights. The Shariat Act also unites majority of the Muslims follow the Shariat Laws in concerns of inheritance, marriage, divorce, guardianship, and so forth. (Anand, E. &Kumar, S. 2017)

The Wakf Act was emerged due to the unpractised of Privy Council ruling in the case of Abdul-Fata-Mohammed Ishak vs Rasomoy Dhur Chowdary in 1894. The strong sentimental reaction of the Indian Muslims against the judicial decision on, not consistent with the true view of shariat, finally obtained the enactment of Mussalman Waqf (Validating) Act of 1913. The Khojas, Vohras, Menons are the converted Muslim Community from the Hindu religion, and they didn't abandon Hindu customs completely especially in areas of the inheritance and succession. As a result, in 1937, the Muslim Personal Law (Shariat) Application Act was adopted, the purpose of avoiding the Hindu law rites and putting these communities under Muslim law. The primary objective of the application of Muslim personal law (Shariat) in Daniel Lattifi case was to raise the living status of Muslim women. A kind of another significant milestone in the history of personal law was enacted in 1939 was the Muslim Marriage Act, the Act provided in specific circumstances the Muslim married women has the right to judicial separation (Dwivedi, P. 2016).

In the British period the Hindu and Muslim community's personal laws are undergone through a stage of progressive dimension. But in the case of Christians and Parsis, they were considered as a very progressive and enlightened community, since they had raised no cry against the imposition of English Law. After independence, a progressive section within the Muslim community are always demands for a changes in the existing 'Mohamedan Law', because it is not a pure and genuine Muslim Law, it is a deformed version of 'Mulla Law' it is being administered in today through the courts (Rahman, K. 1986). Intimate laws are the most personal and religiously outfitted in nature, and it has been noted that practically all faiths' personal rules are prejudiced towards women. In concerns of succession and inheritance, men are given a higher preference. The unified civil code and personal laws can coexist. The government should seek consensus and helpful feedback from the country's many communities for to enact Uniform Civil Code. Because it impacts the minority group, the Civil Code is a sensitive issue before Government of India. However, when drafting the Common Civil Code, the governing body took extra precautions not infringe up on constitutional rights of the minority group.

DEBATES ON UCC IN INDIA

The concept Uniform Civil Code postulated within the Constituent Assembly as Article 35 of such Draft Constitution, and it was later adopted as Article 44 as a Directive Principle of State Policy (DPSP), Part IV, states "the state shall endeavour to secure for the citizens a uniform civil code throughout the territory of India" (Eapen, P. 2017. P.108). In Constituent Assembly, the question of a Common Civil Code became contentious, and amendments were presented to protect the religious freedom especially the personal law of any class, community, or segment of the people. The primary motivation for enacting the Uniform Civil Code was to separate religion from various types of personal legislation as well as social connections concerning inheritance or succession. Thus, the proposed uniform code believes in unifying, integrating and consolidating the nation without interfering with religious practices (Srivastava, C. 2017. P .32). In a secularist country like India, personal laws has very dynamic role in the wider ambit of religious life. Secularism is a topic of debate and discussion in the Indian society for past two decades. Because of the role of religion in the Indian politics and it linked with the contemporary problems of the society. The concept of secularism upholds different kinds of criticism-the critics argued that secularism has two points of misinterpretation like,

1. Secularism is a western concept, when it uphold to the Indian constitution as part of the mental enslavement to the west.
2. Secularism has anti-religious dimension and it is not suitable to the religious country like india, So secularism practiced in India, it means that equal respect for all religions (Puniyani, R. 2006. p.33)

As a result of the secularist feature of the Constitution, application of Uniform kind of laws got much more dynamic aspect. During the independence period, the debate on Common Civil Code (UCC) began. Civil Code has long years of history of conflict with minority groups and the different sections of people from the British India. The recent debates on Uniform Civil Code also related with the triple talaq issue and also the current Central Government election manifesto in 2014, which pave the way for new democratic conflict with minority sections of the people. The

role of Shah Bano during 1985 and Shyara Banu in 2016 is the two courageous women who lead the historical verdict on triple talaq and also related with Uniform Civil Code. They are victims of injustice existed in personal law of each community.

Uniform Civil Code and personal laws of different minority community has created most heated political issue in the country. The policy taken by the governmental authority in the matter of UCC always handled by the various government as part of their electoral strategy and which created rivalry between hindu and muslim community, The recent time hindu -muslim conflict is not only a religious conflict, it has its roots from before the medieval period (Kishawar, M. 1998. p.225).

Shah Bano Case, 1985

The Shah Bano Case in 1985 was a milestone case in India's history of personal law reforms, and it played a vital role in upholding the rights and dignity of Muslim women. Begum Shah Bano's husband, Advocate Mohammed Ahmed Khan, divorced her at the age of 70. She went to court to seek assistance from Ahmed Khan, who had divorced her via triple talaq. The judiciary ruled in Shah Bano behalf. After the court favour, Shah Bano sought support from her ex-husband. The court's decision to provide maintenance to a divorced Muslim lady under Section 125 was not a substantial one (The Hindu, 2003).

The disagreement erupted into a major sociopolitical issue, with hundreds of Muslims demonstrating on the streets to protest the Supreme Court ruling. It eventually led to Rajiv Gandhi government yielding to forcing and enacting a statute exempting Muslim women from the ambit of Criminal Procedure Code, with the Muslim women (Protection of Rights on Divorce) Act entering into force in 1986. According to Progressive Muslim and others, this legislation represents a big setback for Muslim women. They believed tht Criminal Procedure Code had not been fundamentally un-Islamic (if it has not already been paid), provide a one-time provision for her as prescribed by the Quran, and pay three months maintenance. As a result, a woman was to get a lump sum payment upon divorce (Engineer, A. 2000).

On April 25, 1985, Justice Y.V Chandrachud, the then-Chief Justice of India, delivered his verdict in the Begum Shah Bano case, stating that,

“Section 125 was enacted in order to provide a quick and summary remedy to a class of persons who are unable to maintain themselves. What difference would it then make as to what is the religion professed by the neglected wife, child or parent? Neglect by a person of sufficient means to maintain these and the inability of these persons to maintain themselves are the objective criteria which determine the applicability in section 125. Such provisions, which are essentially of a prophylactic nature, cut across the barriers of religion. The liability imposed by section 125 to maintain close relatives, who are indigent is founded upon the individual’s obligation to the society to prevent vagrancy and destitution. That is the moral edict of the law and morality cannot be clubbed with religion” (chaudhry, 2017).

The Apex Court's verdict in the Begum Shah Bano case has remained fundamentally relevant and vital, especially in today's sociopolitical and cultural environment. The case's win inspired a number of Muslim women to come out and speak out against injustice.

RECENT DEBATES ON UNIFORM CIVIL CODE

A quick look of the debates over through Uniform Civil Code during and after the formation of Constitution sheds light on how discussions began and ended. During the post-independence period, the desire for unification of personal laws became a contentious subject in the public sphere, sparking disagreement among Constituent Assembly members. Personal legislation unification causes considerably more disagreements in the Constituent Assembly, as well as conflicting opinion along communal lines. B.R. Ambedkar attempted to calm Muslim members about the Common Civil Code declaring that, State has the right to overturn personal laws but would not do so immediately (Kewalia, V. 2017. pp.90-91).

On January 26, 1950, the Indian Constitution came into effect. No government, however, had taken the initiative to draft Uniform Civil Code. In the political framework of the country, the demand for Uniform Civil Code has been recently emerged one, as many Muslim women have petitioned the Supreme Court to uphold the Fundamental Rights to Equality and Liberty based on the provisions of the Constitution, claiming that they are victims of personal laws and are adversely affected. As a result, a realisation is gaining traction that a Uniform Civil Code will protect Indian citizens' constitutional rights. In the heated controversies over Civil Code, it sometimes ignored that a discretionary Code already exists in the forms of Special Marriage Act of 1954 and the Indian Succession Act of 1925. Any Indian citizen may register his marriage under the Special Marriage Act, and the Act states, following such registration, the partners are ruled by the Indian Succession Act apart from their personal law matters (Jawad, 2016). There is different cases and issues were emerged against the injustice existed in personal laws of different communities, especially from woman's.

The Supreme Court banned the controversial Islamic practise of instant divorce, 'Triple Talaq' on 22nd August, 2017. The Court called triple talaqs 'arbitrary and unconstitutional', in a landmark verdict and it will stop Muslim men calling off a marriage on his own whim. According to the ruling, three of the five judges on the case stated that the practise of saying 'talaq' or divorce three times in one time, even over email, WhatsApp, or other social medias, violates equality rights of the women and it is not vital to the Islam (India News, 2017). In the history of personal law and faith, triple talaq has much more years of practise among the Muslim community, so many neighbouring countries banned the practice of triple talaq very early but among the Muslim community the practise has got much relevance till it declared a punishable offense by the court.

The five Muslim women, the main petitioners of the Triple Talaq case, including Shayara Bano, Ishrat Jahan, GulshanParween, Aafreen Rehman and Atiya Sabri, are the victims of instantaneous triple talaq. Bharatiya Muslim Mahila Andolan (BMMA) was also put in place the petition in case of triple talaq. They were collected 50,000 signatures; all are part of the campaign against the abolition of triple talaq in India. The BMMA is a national coalition, led by a group of Muslim women; they were fighting for constitutional rights of the Muslim women's. As part of their campaign, the BMMA approached the National Commission for Women (NCW). Noorjehan Safia Niaz and Zakia Soman, the founders of BMMA, disclosed in a letter to the Prime Minister Narendra Modi on 27th November, 2015, that they had conducted a state-wide survey and produced a sample of 4710 Muslim women from ten states. According to their survey, 92.1% of

women want a complete prohibition on oral or instantaneous divorce, while 91.7% oppose polygamy. According to 83.3% of women, codifying Muslim Family Law will help Muslim women seek justice (NGS, 2015). These organisations are also played significant role in the fight against triple talaq issue. All of these efforts contributed to the landmark verdict on triple talaq, which brings the Common Civil Code back into the spotlight.

Supreme Court Judgement on UCC Verdict

The Supreme Court prompted Central Government to create a Uniform Civil Code in the pioneering decision of Mohammed Ahamed Khan versus Shah Bano Begum and others (1985). Through the several cases the High court's and the Supreme Court of India mention the need to the implementation of Uniform Civil Code in India. From the women's perception and the denial of the basic rights of the women from the different communities lead to the interventions of the courts. In the Begum Shah Bano Case in 1985, Supreme Court stated,

“a common civil code will help the cause of national integration by removing disparate loyalties to law which have conflicting ideologies”.

Women have recently been denied rights under Criminal Procedure Code Section 125, despite the Supreme Court emphasising the necessity of Uniform Civil Code in several significant cases such as Daniel Latifi, Iqbal Bano, and Shyara Bano. In the Shah Bano case the court observed, once the 'iddat' time expires, a divorced woman from the community is able to demand support from her husband on the basis of Criminal Procedure Code, as far as she does not remarry (Rani, A. 2016. p.65). The various cases dealt with the draw backs of the existing personal law issues and it concerns.

In the case of Jordan Deignden Versus S.S. Chopra (1985), Justice D. Chinnappa Reddy addresses the court and references to Chief Justice Chandrachud's opinions in the Shah Bano case, stating that "the current case is yet another event that stresses on the imminent compulsive need for a Uniform Civil Code (Tanushree. 2016. p. 5). Mrs. Zohra Khatoon vs. Mohammed Ibrahim (1981), an important legal concern appeared in this case (Kaur, P. 2015. p. 5). Apart from the act of the Allahabad High Court, the Apex Court ruled in favour of her, granting justice to the lady.

In the Sarla Mudil vs. Union of India case (1995), Justice Kuldeep Singh made a decision on the importance of Common Civil Code and the implementation of it, which is yet another step in the right path. The case involves the discussion of a Hindu husband's second marriage. A person who converts to another personal law in order to legalise his second marriage is prohibited. And the Court has ruled that such marriages are bigamous and hence null and void (Tanushree. 2016. p.6). In this case, women's justice was evaluated, and the need for UCC implementation was highlighted once again.

In Daniel Latif vs Union of India (2001), a five-judge Supreme Court bench affirmed the constitutionality of the Muslim Women Act of 1986, ruling that a divorced woman from the muslim community had a claim to get the maintenance even after the "iddat period." In John Vallamattom Vs Union of India (2003), Chief Justice V.N Khare, J. Sinha, and J.A.R Lakshmanan, three bench ruled that it is against the constitutional provisions and violation of equality right of

an individual. According to the majority perceptions, the Religious Rights in the Indian Constitution do not relate to the transfer of property for religious and humanitarian purposes, hence it is not an inherent feature of Christians faith (Rani, A .2016. p. 65). Both Justice Sahai's accompanying opinion in the Sarla Mudgal case and the result in Pannalal Basiral Pitti and others Vs State of Andhra Pradesh and others (2006) recognise that, while uniform law is sought, it cannot be imposed all at once and that a consensus on the matter must be created.

In the Shyara Bano VS Union of India (2016), a writ suit put in the Apex Court by Shyara Bano challenging the constitutional legitimacy of "triple talaq," has reintroduced the Uniform Civil Code back into the spotlight. In such arguments, the Civil Code is presented as a type of remedy to the country's personal law difficulties (Kumar, A. 2016. p.10). The introduction of Civil Code has been warmly welcomed by women's organisations, courts, and organisations advocating for women's rights, as well as mainstream right-wing political parties. The Supreme Court recently observed in its decision on triple talaq among Muslims, divorce through the triple talaq based on Muslim Personal Law means was 'void' and 'invalid'. And the court observed, triple talaq was not Qur'anic, Quran only permits talaq provisions. A five-judge constitution bench on 22nd August, 2017 said that, "in view of the different opinions recorded by a majority of 3:2, the practice of 'talaq-e biddat' - triple talaq is set aside" (The Indian Express. 2017).

The Supreme Court of India issued a landmark decision in which it considered whether triple talaq is legally enforceable and also fundamental to Islam. Three judges among the five-bench panel held, triple talaq was against the tenants of the Quran. Apart from caste, creed, and religious diversity, the success of the triple talaq occurrence opened the door for another contentious argument in the development of the Uniform Civil Code for all people of the country. The aspects of social and cultural transformation and changes through a common set of laws from diverse personal laws in to the uniformity should be a gradual process and it cannot be happen in a day. In a unified and multi divergent country like India, its diversity is more protected and secure when it remains independent identity, rather than the forced unification of divergent personal laws. (The Hindu. 2016). Unity and Integrity of the nation is the basic fundamental aspect ensured in the Preamble of our Constitution, However, Unity is the key attribute for a nation to hold diversified communities all together. Through the personal laws codification diversifies communities can be unified, but the matter is whether the means of unification through coercive means or willingness. Historically, minority communities saw the majority community's efforts to construct the Uniform Civil Code as a means of dominating the majority's laws and rituals. The Uniform Civil Code, like the Gender Justice Perspective, provides women's dignity and equality without any predefined goal.

CONCLUSION

India is a multi-cultural and multi-religious country, in which each and every community in India have their own unique practices in family law, from marriage to inheritance and from separation to maintenance and adoption. Unfortunately, majority in the practices are unfair to women, in different ways. Indian secularism allows each and every community to practise its own personal law. In India, this circumstance sparks ongoing discussions about the Uniform Civil Code. The matter has recently emerged as a key concern in India's political scene. Two issues have provoked

such discussion. One example is the new government's stated support for the development of a Common Civil Code in India. The second concern is court cases involving Muslim women who have been negatively affected by Muslim personal laws. From Shah Bano in 1985 to Shyara Banu in 2016, Muslim women have raised their concerns about Muslim personal law. Religion has evolved into a sort of nationalist sentiment, promoting togetherness and honesty. However, the main distinction between these two aspects is that Uniform Civil Code promotes one religious sentiment and aims to promote a Common Civil Code for all the communities apart from the religious, caste, and linguistic. At the same time, religious nationalism tries to promote one religious belief and custom, though they want to portray the nationalist sentiments. Bharatiya Janata Parties Hindu nationalism is also similar to the ideological conception of religious nationalism. Religious nationalism and Uniform Civil Code are closely connected because many religions are unfairly treating women in matters of personal law. In a country like India, the relationship between religious nationalism and democracy is largely empirical. The concerns of the Uniform Civil Code, Minority Rights, Citizenship, and Majority-Minority Conflict are all in a bind. Because of the Hindu nationalist regime, Indian Muslims feel alienated from their homeland. The Indian Muslims feel alienated from India's land because of the Hindu nationalist regime. In which religious nationalism has peaked, it questions the minority community's demands and aspirations.

In a multi-cultural and multi-religious country like India, the majority community has certain predominance. However, the minority community fears the loss of their identity. Because of the majority group's dominance, the community naturally fears enacting the Common Civil Code. The dispute over the Uniform kind of Civil Code is intimately related to issues of secularism, multiculturalism, communication, and so on. In it the matter of religion and politics has attained another dimension, it must separate from politics because of the role of the repressive power of the state and the state authority's coercive power adversely affected the relationship between religion and politics in the country (Shetreet & Chodosh. 2015). After the partition of India based on religious criteria, religion has become the most important aspects of influencing Indian politics. Religion and caste mobilization have become important factors capable of determining the electoral politics in India. The Uniform Civil Code's politics revolve around the personal laws of numerous religious denominations. The Shariat Act of 1937 is very important in Muslim personal law. It generated significantly more debate than other personal laws.

So the debates and discussions on the Uniform Civil Code will continue, because active and democratic discussions are the pillars of a democratic form of government, so the discussions, contradictions, opinions, and active debates will strengthen the Uniform Civil Code and make it more suitable to gender just society and a common code at a time when genuine demands from the minority community have been made.

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