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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **UNIFORM CIVIL CODE IN INDIA: STRIKING A BALANCE BETWEEN EQUALITY AND CULTURAL DIVERSITY**

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“The Constitution can provide only the organs of State such as the Legislature, the Executive, and the Judiciary. The factors on which the working of those organs of the State depends are the people and the political parties they will set up as their instruments to carry out their wishes and their politics.”<sup>1</sup>

Dr. B. R. Ambedkar

## **ABSTRACT**

The present article discusses the ongoing debate in India about the Uniform Civil Code . The UCC aims to abolish personal laws in favor of a national, one applicable to all citizens, irrespective of their religious belonging. On the one hand, proponents of the UCC suggest new opportunities for cultural rights. On the other hand, its opponents argue that the UCC may infringe on the rights of several cultural groups. The article emphasizes the necessity in preserving the balance between justice and equality and cultural rights. Specifically, the UCC discussion in India is significantly further complicated by its religious diversity and the impact it has on individual religious communities. Hence, this article needed to pay special attention to the religious groups in the country, including Hindus, Muslims, Christians, Sikhs, Buddhists, and Jews. The role of personal laws deeply rooted in religious texts and customs is explored, highlighting their significance in preserving cultural and religious identity.

Additionally, the article critically examines the recommendations of the Law Commission,

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<sup>1</sup> :Bar and Bench: <https://www.barandbench.com/columns/dr-ambedkar-1949-constituent-assembly-speech> (Last Visited on 04/04/2024)

highlighting the contrasting viewpoints of different commissions over time. The concluding argument stresses the need for a balanced approach that respects diverse cultural and religious practices while eliminating discriminatory elements from personal laws.

**Keywords:** Religious Affiliation, Justice and Equality, Cultural Rights, Balanced Approach, Law Commission

## INTRODUCTION

India is a multicultural country with a deep cultural history and a complex legal structure. In order to ensure peace and justice among its residents, the nation's government is essential. The adoption of a Uniform Civil Code is a topic of continuing debate in India. The UCC intends to substitute a common set of laws that apply to all citizens, regardless of their religion or community, for personal laws that currently regulate issues like marriage, divorce, inheritance, and adoption.

While advocates claim that a UCC would promote equality and uniformity in the legal system, critics raise issues regarding possible conflicts with personal laws and violating cultural rights. They contend that enforcing a single code may damage India's variety and extensive cultural heritage.

### A. Understanding the Concept of Uniform Civil Code

The Uniform Civil Code is a body of law that seeks to unify personal laws across India. It believes in a single body of rules that would govern all citizens equally, regardless of their religious convictions.

The concept of a Uniform Civil Code derives from the idea of cultivating a coherent legal framework that transcends religious divides, with the goal of establishing a single set of laws applicable uniformly to all citizens.

### B. Historical Background of the Uniform Civil Code in India

The roots of the Uniform Civil Code can be traced back to the colonial era when the British introduced codified laws to govern various aspects of Indian society. However, these laws were limited in scope and often favored the dominant Hindu community. After gaining independence, the framers of the Indian Constitution recognized the importance of a uniform legal system that would transcend religious boundaries and promote equality among all citizens.



### **C. Article 44 of the Indian Constitution and Its Relevance to the UCC**

Article 44 of the Indian Constitution<sup>2</sup> states that "The State shall endeavour to secure for the Citizens a uniform civil code throughout the territory of India." This article captures the framers' intention for the nation to eventually adopt a UCC. In a landmark judgement of **Shah Bano Begum Vs. Mohammad Ahmad Khan**,<sup>3</sup> the SC upheld the right of a Muslim woman to claim maintenance from her husband under Section 125 of the Criminal Procedure Code for the first time, which is considered an important step towards a Uniform Civil Code. The demand of a UCC was also reiterated in the case of *Sarla Mudgal v. Union of India*. Although, it is crucial to keep in mind that the UCC's implementation is optional and up to the government's choice.

## **The Role of Personal Laws in India**

In India, personal laws are derived from religious texts and customs. They govern issues like marriage, divorce, inheritance, and adoption for different faiths, including Hindus, Muslims, Christians, and others. These personal regulations have existed for many years and are firmly ingrained in the cultural and religious customs of each community. Article 26 of the Indian Constitution provides freedom to manage religious affairs.

Amidst the rich tapestry of personal laws deeply rooted in India's diverse cultural and religious landscape, the constitutional provision of Article 26 holds significance. This article not only acknowledges the existence of these personal laws but also affirms the freedom of religious communities to manage their own affairs. However, this freedom is not absolute, as it is circumscribed by considerations of public order, morality, and health. This delicate balance between the preservation of religious autonomy and the broader societal welfare underscores the nuanced relationship between personal laws, constitutional provisions, and the evolving social fabric of India.

### **A. Interpretation of Religion in Context of Indian Judiciary**

The term "religion" has not been defined in the Constitution of India. In the case of **Sri Shirur Mutt**<sup>4</sup>, the Supreme Court has observed that religion is a matter of faith with individuals or in a system of

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<sup>2</sup> The Constitution of India, 1950, Part IV: Directive Principles of State Policy, Art. 44

<sup>3</sup> AIR 1985 SC 945

<sup>4</sup> The Commissioner, Hindu Religious Endowments, Madras Vs. Sri Lakshmindra Thirtha Swamiar Of Sri Shirur Mutt, 1954 SCR 1005

beliefs. The religion may lay down a code of ethical rules for its followers to accept and prescribe rituals, ceremonies, and modes of worship, which are regarded as integral parts of religion<sup>5</sup>. Although, many followers go beyond viewing their religion merely as a set of ceremonies or modes of worship; instead, they perceive it as a collection of principles offering comprehensive guidance on living life in accordance with the path chosen by God.

### **B. The Importance of Special Provisions in India**

India is renowned for having a wide range of cultures and religions. People from many cultures, languages, and religions live there. To ensure that the rights and interests of every person are respected in such a multicultural society, additional provisions are necessary. Without compromising the concepts of equality and justice, these specific provisions permit the accommodation of various practises and beliefs. Even though a UCC aims for uniformity, it is crucial to strike a balance and acknowledge the necessity for special provisions to protect and preserve cultural and religious diversity.

## **Conflicts between Personal Laws and the Uniform Civil Code**

One of the main challenges in implementing the Uniform Civil Code in India is the conflict between personal laws and the principles enshrined in the UCC. Opponents argue that personal laws are an integral part of religious and cultural identity and any attempt to impose a uniform code would infringe upon the fundamental rights of religious minorities. They fear that it would lead to the erosion of their traditions and beliefs.

### **A. Arguments in Favour of Implementing the UCC**

Proponents of the Uniform Civil Code argue that it is essential for achieving gender equality and social justice. They believe that personal laws, which often discriminate against women, perpetuate inequality and hinder progress. The UCC would provide a level playing field for all citizens, irrespective of their religious background, and uphold the principles of justice and equality enshrined in the Indian Constitution.

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<sup>5</sup> Dr. Kailash Rai: The Constitutional Law of India 11<sup>th</sup> Ed. 2017, Chapter 12, Pg. 341

### **i. Gender Equality**

The possibility for a UCC to overcome the gender inequality existing in various religious personal laws is one of the main arguments in favour of it. Equal rights for men and women could be ensured by a uniform code.

### **ii. Secularism**

A UCC is considered a step in the direction of a more secular legal system. Regardless of their religious origin, the state can advance a secular culture and avoid favouring any particular religion by treating all citizens equally<sup>6</sup>.

### **iii. Simplicity and Confidence**

The increasing number of personal laws frequently causes complications and confusion in legal issues. A UCC might simplify the legal system, facilitating citizens' knowledge of and use of their rights.

## **B. Arguments against Implementing the UCC**

Critics of the Uniform Civil Code argue that it threatens religious freedom and personal autonomy. They believe that personal laws, which are rooted in religious teachings, should be preserved out of respect for different faith traditions. They are concerned that introducing a uniform code could undermine the unique cultural tapestry of Indian society and impose the beliefs of the majority on minority religious groups.

Another factor to consider is the potential backlash a UCC can have on communal harmony. India has a long history of coexistence among its diverse religious communities. A UCC that appears to favour one religious community over others could disrupt this harmony, leading to increased tensions and conflicts among different religious groups. To maintain peace and stability, it is crucial to preserve the special provisions that protect the unique rights and practices of each community.

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<sup>6</sup> The word "Secular" was added in the Preamble under the Forty-Second Amendment Act of the Constitution of India, enacted in 1976.

**i. Religious Sensitivities**

Implementing a UCC could be met with resistance from religious communities that fear losing their distinct legal identities. The issue has the potential to be deeply polarizing, particularly in a country as diverse as India.

**ii. Cultural Diversity**

India's cultural diversity is reflected in its personal laws. Imposing a uniform code could overlook the nuances of different cultures, traditions, and practices.

**iii. Legal Complexity:**

Merging various personal laws into a single code is a complex task. Careful consideration is needed to ensure that the code is comprehensive, unbiased, and practical.

**iv. Marriage and Divorce**

Different personal laws have distinct criteria for marriage and divorce. Conflicts might arise if the UCC contradicts specific practices within a community, such as the Hindu practice of 'saptapadi'<sup>7</sup> or the Muslim practice of 'nikah'.<sup>8</sup>

**v. Inheritance**

Inheritance laws differ significantly across religious personal laws. A uniform code could lead to disagreements, particularly regarding the share of women in property inheritance.

**C. Adverse Effects on Unity in Diversity**

Cultural diversity is also at stake when considering the negative effects of a UCC. Implementing a UCC may infringe upon religious freedom. The Constitution of India guarantees every individual the

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<sup>7</sup> The Hindu Marriage Act 1955, Section 7: **Ceremonies for a Hindu Marriage**

(1) A Hindu marriage may be solemnized in accordance with the customary rites and ceremonies of either party thereto.

(2) Where such rites and ceremonies include the **Saptapadi** (that is, the taking of seven steps by the bridegroom and the bride jointly before the sacred fire), the marriage becomes complete and binding when the seventh step is taken

<sup>8</sup> Nikah is considered as a sacred and legal contract between a man and a woman that is recognised by Islamic Law.

right to practice and propagate their religion freely. By imposing a UCC that may contradict certain religious practices or beliefs, the state could potentially disregard religious freedoms that have been protected for centuries. This disregard may lead to conflicts and a sense of marginalization among these religious communities, disrupting the harmonious existence of various religious identities in India.

## **The Impact of the UCC on Different Communities in India**

The implementation of the Uniform Civil Code would have a significant impact on different religious communities in India. While some communities may welcome the change as a step towards gender equality and social justice, others may view it as an infringement on their religious rights and traditions. The government must consider the diverse perspectives and ensure that no community feels marginalized or discriminated against.

### **i. Hindu Community**

The UCC has the potential to have a huge impact on the Hindu community, which accounts for a sizable section of India's population. While many Hindu personal laws have been codified, topics such as divorce and inheritance continue to vary according to local norms and traditions. The UCC might give consistency in many areas, increasing gender equality and making judicial proceedings easier. However, certain conservative Hindu groups may regard the UCC as an attack on their customs and practise.

### **ii. Muslim Community**

The UCC is especially important to India's Muslim community. Marriage, divorce, and inheritance are currently governed by Muslim personal laws derived largely from the Quran and Hadith. The establishment of the UCC could result in a contradiction between religious beliefs and consistent legal regulations. While supporters advocate for gender equality and legal modernization, opponents see the UCC as an infringement on their religious freedom. Balancing the demands of Islamic practices and the UCC's ideals is a significant difficulty.

### **iii. Christian Community**

The UCC's impact on the Christian community may be less visible, as Christian personal laws already include many elements similar to civil laws. Nonetheless, the UCC's application may bring clarity to matters such as divorce and inheritance that differ between Christian churches. The community's reaction will most likely be determined by how closely the UCC matches their existing practices and beliefs.

### **iv. Other Communities**

Besides the major communities in India i.e. Hindu, Muslim and Christian, the implementation of the Uniform Civil Code could have adverse effects on other communities as well such as Sikhs, Buddhists, and Jews. These communities also have their unique and personal laws that could be affected by the UCC.

## **Scheduled Castes and Scheduled Tribes**

### **A. Scheduled Castes Determination**

Scheduled caste communities were considered avarna or outside the existing varna system. They were considered to be a section of people in Hindu society who are not from the four major varnas, i.e., Brahmin, Kshatriya, Vaishya, and Shudra<sup>9</sup>.

Sub-communities within the Hindu caste system known as scheduled castes have historically faced poverty, oppression, and severe social isolation in India due to their perceived "low status. Article 341 gives the power to the President to make a list of these communities, and the government can offer them special opportunities like jobs, education, and social assistance to uplift their status in society.

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<sup>9</sup> Vivek Kumar, Professor of Sociology, Jawaharlal University (The Quint Reported, Updated: June 12, 2018): <https://www.thequint.com/explainers/scheduled-caste-scheduled-tribe-obc-ebc-sc-st-prevention-of-atrocities-act-explainer> (Last visited to the site on 28/02/2024)

## **B. Constitutional Provisions for Scheduled Castes**

### **i. Prohibition of Discrimination**

The Constitution of India addresses the upliftment of socially and financially underprivileged groups, including SCs, STs, and OBCs.<sup>10</sup> This article emphasizes on special provision for these groups, which enable numerous schemes and provisions for them. In this context Dr. Kailash Rai, in his book<sup>11</sup>, highlights that Article 15(4) empowers the “State”<sup>12</sup> to make special provisions for the advancement of any socially and educationally backward classes of citizens.

In the landmark, judgement of **MR Balaji Vs State of Mysore**<sup>13</sup> the Supreme Court judgement introduced the concept of “reasonable limits” on reservation. It also held that while Article 15 (4) serves the historically disadvantaged, it could not bypass the interests of the society.

### **ii. Equality of Opportunity in matters of public employment**

Article 16 (4) of the Indian Constitution allows the State to make special provisions for any reservation in matters of promotion to any class of post in the service under the State in the favour of Scheduled Castes and Scheduled Tribes<sup>14</sup>. In the case of **Indira Sawhney Vs Union of India**<sup>15</sup> SC upheld the government decision to provide reservations to OBCs, stating that it was not violative of the fundamental rights of citizens. The Supreme Court has made it clear that the classification of backward classes into backward and more backward is constitutionally possible.

### **iii. Prohibition of Untouchability**

Article 17 of Indian Constitution abolishes untouchability and forbids its practice in any form. The term “untouchability” refers to the social practice where certain individuals or groups in society were considered “untouchable” or outside the social hierarchy, often

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<sup>10</sup> The Constitution of India, 1950, Article 15 Clause 4

<sup>11</sup> Dr. kailash Rai, The Constitutional Law of India, 11<sup>th</sup> Ed., 2017, Pg.175

<sup>12</sup> The term “State” is defined under The Constitution of India, 1950, Article 12

<sup>13</sup> MR Balaji Vs State of Mysore, AIR 1972 SC 649

<sup>14</sup> The Constitution of India, 1950, Article 16 Clause 4

<sup>15</sup> Indira Sawhney Vs. Union of India, AIR 1993 SC 477

subjected to severe social discrimination and deemed basic human rights. This article makes untouchability a punishable offence under the Law.

**iv. Promotion of Educational and Economic Interest**

Article 46 of the Indian Constitution encourages the government to promote the educational and economic interests of weaker sections, especially Scheduled Castes, Scheduled Tribes, and other disadvantaged groups. This article reflects the commitments to social justice and the upliftment of marginalized communities in India.

**v. Reservation of Seats for SCs and STs in the Parliament**

Article 330 states that a certain number of seats in the Lok Sabha shall be reserved for members of the Scheduled Castes and Scheduled Tribes. The President of India based on the proportion of SCs and STs in the population determines the number of these reserved seats.

**vi. National Commission for SCs and STs**

Article 338 of the Indian Constitution pertains to the National Commission for Scheduled Castes. It outlines the establishment and functions of this commission, which is responsible for safeguarding the rights and interests of the Scheduled Castes in India. The President of India appoints a Chairperson, a Vice-Chairperson, and other members to the commission. These appointments aim to ensure adequate representation of both SCs and STs.

In the **E V Chinnaiah v State of Andhra Pradesh and Others**<sup>16</sup> case, the Supreme Court ruled that only the President has the power to notify the inclusion or exclusion of a caste as a Scheduled Caste, and states cannot tinker with the list.

**vii. Identification of Scheduled Castes**

Article 341 allows the President of India to specify, through a public notification, the castes, races, or tribes or parts of groups within these castes, races, or tribes, which shall be considered Scheduled Castes in relation to a particular state or union territory. The

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<sup>16</sup> AIR 205 SC 6758



President can also specify the SCs for a state or union territory after consulting with the Governor of that state or the Administrator of that union territory.

### **C. Effects of UCC on Special Provisions for Scheduled Castes**

The implementation of a Uniform Civil Code could potentially affect the special provisions afforded to Scheduled Castes. These rights, which aim to support and safeguard marginalized groups, are closely connected to personal laws and traditions. A uniform code may not fully consider the particular difficulties and historical injustices experienced by Scheduled Castes, potentially reducing the effectiveness of these special provisions. Moreover, since Scheduled Castes often have distinct customary practices and social structures, a one-size-fits-all approach under a Uniform Civil Code might not adequately cater to their specific needs and rights..

### **D. Scheduled and Tribal Areas Determination**

Scheduled Areas are regions inhabited by tribal communities, and they are typically characterized by socio-economic backwardness and distinct cultural practices. Article 244 and 244a of the Indian Constitution primarily focuses on the administration of these areas to safeguard the interests of tribal communities.

### **E. Constitutional Provisions for Scheduled and Tribal Areas**

Special Provisions for Scheduled Tribes are an integral part of the Indian Constitution, aimed at safeguarding the rights and promoting the welfare of these marginalized communities. Article 244 and 244a of the Indian Constitution deal with the administration of Scheduled Areas and Tribal Areas. It empowers the President to designate certain areas in states as Scheduled Areas and Tribal Areas and to make regulations for the peace and good governance of these areas.

#### **i. Special Provisions giving under Fifth and Sixth Schedule**

The Fifth Schedule safeguards the land rights and interests to the tribal community. It restricts the transfer of tribal land to non-tribal without the approval of the Governor. It also outlines provisions for the administration of justice, land disputes, and tribal welfare. It ensures that the cultural, social, and traditional practices of the tribal communities are respected and protected.

The Sixth Schedule of Indian Constitution states about the administration of Tribal Areas in the States of Assam, Meghalaya, Tripura, and Mizoram. It establishes autonomous districts and regional councils within these states, providing for a separate administrative structure.

The autonomous districts and regional councils have legislative, executive, and financial powers to manage local affairs, including land and resources. The intent of Article 244 and 244a of Constitution of India along with respective schedules<sup>17</sup> is to enable local self-governance that respects the distinct identity and needs of tribal communities.

## **ii. Educational & Cultural Safeguards**

The Constitution of India provides various provisions for educational and cultural safeguards, particularly for Scheduled Tribes. Article 15(4) outlines special provisions for the advancement of other backward classes, which includes Scheduled Tribes (STs). Article 29 ensures the protection of the interests of minorities, including STs. Article 46 mandates the state to promote the educational and economic interests of weaker sections, specifically Scheduled Castes and Scheduled Tribes, protecting them from social injustice and exploitation. Additionally, Article 350 grants the right to conserve distinct language, script, or culture.<sup>18</sup>

## **iii. Economic Safeguards**

Article 244 mandates the application of the Fifth Schedule for the administration and control of Scheduled Areas and Tribes in states, while Article 275 provides grants-in-aid to specified states, including those covered under the Fifth and Sixth Schedules of the Constitution. Article 16 (4)(a) provides reservation in matter of employment to Scheduled Tribes.<sup>19</sup>

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<sup>17</sup> The Constitution of India, 1950, Fifth and Sixth Schedule

<sup>18</sup> National Commission for Scheduled Tribes, <https://ncst.nic.in/content/constitutional-safeguards-sts> (last visited to the site on 25/03/2024)

<sup>19</sup> Ibid

#### **iv. Political Safeguards**

Article 164(1) of the Indian Constitution mandates the appointment of Tribal Affairs Ministers in Bihar, Madhya Pradesh, and Orissa; Article 330 ensures reservation of seats for Scheduled Tribes in the Lok Sabha, Article 337 reserves seats for STs in State Legislatures; Article 334 establishes a ten-year period for reservation, subject to multiple amendments extending this duration; Article 243(d) stipulates reservation of seats for STs in Panchayats; and Article 371 provides special provisions concerning Northeastern States and Sikkim.<sup>20</sup>

#### **F. Effects of UCC on Special Provisions for Tribal Communities**

The implementation of a Uniform Civil Code in India could impact special provisions for Scheduled Castes and Scheduled Tribes in several ways. Recognition of these communities as historically disadvantaged groups, outlined in Article 341, might face re-evaluation. Constitutional provisions ensuring equality of opportunity, reservation of seats, and commissions for SCs, along with safeguards for STs' educational, cultural, and economic interests under Articles 244 and 244a, could undergo scrutiny.

Additionally, implementing a UCC in India might have potential consequences on the cultural and traditional practices of the tribal communities, as it could potentially eliminate certain special provisions that are currently in place i.e. mentioned under fifth<sup>21</sup> and sixth schedule.<sup>22</sup>

### **The Role of the Law Commission in the UCC debate**

The discussion surrounding the Uniform Civil Code greatly involves the Law Commission of India. It is a statutory organisation that carries out research and makes recommendations regarding legal issues. The Commission has spent several years researching whether a UCC is feasible and desirable. It has investigated public opinion, held consultations, and examined the difficulties and consequences of enacting a UCC in an ethnically diverse nation.

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<sup>20</sup> Ibid

<sup>21</sup> The Constitution of India, 1950, Fifth Schedule: The Administration and Control of Scheduled Areas and Scheduled Tribes in Specified States.

<sup>22</sup> The Constitution of India, 1950, Sixth Schedule: The Administration of Tribal Areas in the States of Assam, Meghalaya, Tripura, and Mizoram.

### **A. Recommendations by the Law Commission on the Need for a Uniform Civil Code**

In a 2018 consultation paper on "Reforms of family law," the 21st Law Commission, led by former Supreme Court judge Justice Balbir Singh Chauhan, noted that the "formulation of a Uniform Civil Code is neither necessary nor desirable at this stage." It emphasizes the need for secularism to coexist with the country's existing plurality. However, it recommended that prejudices and discriminatory practices found in current personal laws be changed.

In 2022, the 22<sup>nd</sup> Law Commission led by the retired judge Justice Rituraj Awasthi, issued a notification seeking nationwide opinions from various stakeholders on the UCC. In contrast to the earlier commission report, the current Law Commission places significant emphasis on advocating for the implementation of a Uniform Civil Code in India.<sup>23</sup>

### **Uttarakhand's 2024 Uniform Civil Code Bill**

On February 7, 2024, the State Government of Uttarakhand passed a significant bill known as the Uniform Civil Code, aiming to establish a unified legal framework governing marriages, divorce, land, and property for all residents of Uttarakhand, irrespective of their religious, caste, gender, or creed affiliations. Notably, Scheduled Tribes are exempted from the provisions of the UCC in the state. Advocates of the UCC assert that it will address gender discrimination in personal laws, fostering equal treatment for both men and women in matters such as inheritance and marriage.

However, the Uttarakhand's UCC Bill has faced criticism on several fronts. Certain clauses within the bill, such as Clause 6, pose challenges for individuals with limited literacy or financial resources, as it mandates the registration of marriages after the commencement of the code. Additionally, Clause 7 makes it compulsory for marriages conducted between 2010 and the initiation of this Code to be registered, unless they have already been registered under the Uttarakhand Registration of Marriage Act, 2010. Opponents argue that these provisions may disproportionately affect marginalized communities.

Furthermore, critics contend that the bill seems to target the traditions of specific communities, particularly as it exempts tribals from its purview<sup>24</sup>. This exemption has sparked debates about the

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<sup>23</sup>Drishti IAS: <https://www.drishtiias.com/current-affairs-news-analysis-editorials/news-analysis/05-02-2024> (last visited to site on: 29/03/2024)

<sup>24</sup> The Uniform Civil Code, 2024, Section 2: Applicability of the Code to Scheduled Tribes

potential unequal impact of the UCC, raising concerns about the balance between legal uniformity and the preservation of diverse cultural practices.

## Conclusion

The debate on the Uniform Civil Code ultimately boils down to finding a balance between equality and special provisions. While a UCC aims to provide equal rights and opportunities to all citizens, it is important to recognize and respect the diverse cultural and religious practices especially in a country like India. The challenge lies in ensuring that personal laws do not perpetuate discrimination or deny basic rights to individuals. A balanced approach would involve reforming personal laws to eliminate discriminatory practices while also providing for special provisions that respect and preserve cultural and religious diversity. In India, numerous uncertainties pose significant challenges that make the implementation of a Uniform Civil Code almost impossible to accomplish.

India's rich cultural tapestry, with its multitude of religions and customs, is protected by personal laws that cater to the unique traditions of each community. Implementing a Uniform Civil Code could threaten this diversity by enforcing laws that may not be suitable for all. The personal laws, rooted in religious beliefs, hold a special place in society; enforcing uniformity could potentially violate religious freedoms and lead to social tensions. In a country as diverse as India, it is crucial to respect the sentiments of all communities. Additionally, overlooking regional differences and cultural intricacies when assuming the need for uniformity highlights the importance of region-specific and nuanced legislation.

In addition to these considerations, the intentions of the law enforcers carry significant weight. Dr. Ambedkar, in his final speech in Constituent Assembly expressed that “however good a Constitution may be, it is sure to turn out bad because those who are called to work it, happen to be a bad lot. However bad a Constitution may be, it may turn out to be good if those who are called to work it, happen to be a good lot.”<sup>25</sup>

In conclusion, a Uniform Civil Code in Indian Personal Laws would have adverse effects on cultural diversity, religious freedom, and social harmony. Instead of imposing a uniform set of laws, it is

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<sup>25</sup> Bar and Bench: [www.barandbench.com](http://www.barandbench.com) (Last visited to the site on 04/04/2024)

essential to promote dialogue, understanding, and reforms within existing personal laws to ensure justice and equality for all citizens.

## **Suggestions**

In the pursuit of achieving equal justice in a diverse and multicultural country, the government can explore alternative strategies instead of implementing a Uniform Civil Code. Here are some suggestions for promoting justice, equality, and social harmony:

i) **Legal Reforms within Existing Frameworks**

Instead of overhauling the entire legal system, the government can focus on targeted legal reforms within existing personal laws. This approach allows for addressing specific issues related to marriage, divorce, inheritance, and adoption without imposing a uniform code.

ii) **Promoting Awareness and Education**

Invest in educational programs to enhance public awareness about legal rights and principles. Empowering citizens with knowledge about their rights and the legal system can contribute to reducing injustices and disparities.

iii) **Community-Specific Legal Committees**

Establish community-specific legal committees or councils to address issues related to personal laws. These committees can work within the existing legal frameworks while ensuring that cultural and religious nuances are considered in dispute resolution processes.

iv) **Legal Aid and Support Services**

Strengthen legal aid services to ensure that individuals, especially those from marginalized communities, have access to legal representation. This can help in addressing disparities in legal awareness and representation.

v) **Public Consultations and Feedback**

Conduct regular public consultations and seek feedback on legal reforms. Engaging the public in decision-making processes ensures a more inclusive and democratic approach to justice.

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