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Proposal of Uniform Civil Code in India: What it Means for Youngsters

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ABSTRACT: The Uniform civil code is one of those many contentious topics in India that can stir up a hornet's nest. Uniform civil code is the proposal to replace the personal laws based on the scriptures and customs of each major religious community in India with a common set governing every citizen. In this case study take the response of youngsters in Kerala about the proposal of Uniform civil code in India. Because the youth of a nation shapes and moulds it's present and paves the way for its future, so I choose youngsters in Kerala for this case study. India is a secular republic need a common law for all citizens rather than differentiated rules based on religious practices. The ultimate aim of reforming Uniform civil code should be for ensuring equality, unity and integrity of the nation and justice both men and women. Most people are not ready to adopt truly secular laws separated from religious customs, so the implementations of these common laws are lagged. This case study based on whether youngsters in Kerala support or reject the proposal of uniform civil code. For that hypothesis raised are the youngsters in Kerala support the proposal of uniform civil code in India.

KEYWORDS: Uniform civil code, Personal laws, Secular republic.

I. INTRODUCTION

India has multiplicity of family laws. Article 44 of the Constitution of India requires the State to strive to secure for its citizens a Common civil code throughout India. A uniform law thus prepared and made applicable to all would on the contrary promote national unity. Communalism breeds discrimination at two levels: one, between people of different religions and two, between the two sexes. This dangerous and ruinous effect should be done away with, possibly by introducing a Uniform Civil Code. For women who constitute almost half the population of India, the uniform civil code provide with equality and justice in courts of law irrespective of their religion in matters pertaining to marriage , divorce, maintenance, custody of children, inheritance rights, adoption etc.

Some people argue against uniform civil code because they think that it will effect on their worship. Personal laws attracted the attention of the Constituent Assembly and heated debates in favour of Uniform Civil Code and against it took place. The youth of a country have a significant impact on national growth. I need to know youth opinion on proposal of uniform civil code in India. This case study is to identify whether the youth will accept or reject the proposal of uniform civil code. To specify the area, opinion of youngsters in Kerala is taken for this case study. It also helps to know what the youth think about the uniform civil code, and check whether they have knowledge in aspects of uniform civil code.

II. RELATED WORK

The literature survey included the journals Uniform Civil Code and Gender Justice: An Analysis under Customary Law and Uniform Civil Code for India: Prospects and Constraints. The [1] paper deals with what are the benefits of Uniform civil code, explains personal laws and discrimination against women, how uniform civil code remove gender inequality. The second paper deals with prospects and constraints of uniform civil code. It describes Personal laws in India, issues of uniform civil code and gender justice from a human rights point of view. All these are explained below.

[1]Women empowerment in core areas like social status, gender bias, health, security and empowerment are of urgent necessity. The Indian state has in fact encouraged codifying tribal customary laws. But there are inherent problem with codification as tribal laws have historically evolved and are still changing. Article 44 expects from the



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State to secure a Uniform Civil Code for all citizens of India. There is no Uniform Civil Code in India but a Uniform Criminal Code exists. The Criminal law is equally applicable to all citizens irrespective of their religious affiliation. However in the case of civil law particularly in the matter of personal laws there is no uniformity. The Indian Constitution, in its part IV, Article 44 directs the State to provide a Uniform Civil Code throughout the territory of India. However, it is only a directive principle of state policy; therefore it cannot be enforced in a court of law. It is the prerogative of the state to introduce Uniform Civil Code. The Constituent Assembly Debates clearly shows that there was a wide spread opposition to the incorporation of Article 44 (Article 35 in the Draft Constitution), particularly from the Muslim members. The foregoing discussion clearly establishes that the framers of the constitution were aware of the gender injustice and sexual inequality of women and they incorporated Article 44 in the constitution hoping that it would be introduced in future at the appropriate time.

[1] On a clear analysis of all these personal laws, it becomes obvious that the women have been conferred on inferior status in most of the personal matters compared to the men. Till the codification of Hindu Law in 1955 and 1956 the Hindu Women did not enjoy equal rights along with the Hindu men. Before 1955 polygamy was prevalent among the Hindus. The Hindu women could not hold any property as its absolute owner except in the case of Stridhana. She had only limited estate which was passed on to the heirs of the last full male owner called reversionary on her death. In the matter of adoption a Hindu woman had no right to adopt a child on her own. She could not be the natural guardian of her children during the life her husband. These examples are only illustrative in nature and not exhaustive. In the Pre-Islamic Arabia, the women enjoyed a secondary status in all respects when compared to men. The advent of Islam has contributed much for the amelioration of Muslim women and alleviation of their problems. The Holy Quran gives equal rights to men and women and places women in a respectable position. However there are certain aspects in Islam that render the position of Muslim women especially the wives insecure and inferior.

[2] India is a secular state, world's largest democracy and second most populous country (1,205,073,612 in 2012) emerged as a major power in the 1990s. It is militarily strong, has major cultural influence and a fast-growing and powerful economy. With its many languages, cultures and religions, India is highly diverse. This is also reflected in its federal political system, whereby power is shared between the central government and 28 states. Religions not only have been serving as the foundation of the culture of India, but have had enormous effect on Indian politics and society. In India, religion is a way of life. It is an integral part of the entire Indian tradition. A vast majority of Indians, (over 93 percentages) associate themselves with a religion. According to the 2001 census 80.5 percentage of the population of India practice Hinduism, Islam (13.4 percentage), Christianity (2.3 percentage), Sikhism (1.9 percentage), Buddhism (0.8 percentage) and Jainism (0.4 percentage) are the other major religions followed by the people of India. There are also numerous minor tribal traditions, though these have been affected by major religions such as Hinduism, Buddhism and Christianity. It is in this diverse context we have to analyse the necessity of Uniform civil code.

[2] It is a known fact that in the personal laws of all the communities' gender injustice is inbuilt. This is supposed to be the result of the socio- economic conditions under which they evolved. That is why there is a need to reform the personal laws or bring about a uniform civil code to ensure not only equality between men and women but also to bring about gender justice. Women undergo many difficulties and experience severe trauma in matters concerning their marriage, divorce and inheritance. Polygamy, desertion, triple divorces are just a few examples to show the possibilities of harassing women. Indian women are formally granted equality in political rights through the Indian Constitution. But due to the different personal laws, women experience inequality, deprivation and violence. Within the family, their position is pitiable. The question of women's rights as human beings is completely ignored. The personal laws are designed to keep them forever under the control of men. Even though the Constitution of India gives equality to women in certain areas { legal and social, they are not effective to ensure real equality. The Supreme Court in a few judgments has opined that legislation for a common civil code as envisaged by Article 44 of India's Constitution should be enacted. It said so in Shah Bano's Case in 1985, in Sarla Mudgal Case in 1995 and in Vallamattam case in 2003. A critical look at the constitutional debate, legislative enactments and judicial decisions very clearly indicate the lack of seriousness in ensuring justice to women. Gender issues need to be addressed very seriously. A uniform civil code is, therefore, foremost a matter of gender justice. If it is implemented it will lay the foundation for women to overcome many social evils like dowry system, bigamy etc which makes a woman feel inferior and degraded.

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III. METHODOLOGY

Research is an academic activity and as such the term should be used in a technical sense. The research design refers to the overall strategy that you choose to integrate the different components of the study in a coherent and logical way, thereby, ensuring you will effectively address the research problem.

The task of data collection begins after a research problem has been defined and research design/ plan chalked out. While deciding about the method of data collection to be used for the study, the researcher should keep in mind two types of data viz., primary and secondary. For this case study multiple choice questionnaire method is used as primary data. The sample area is taken as the youngsters in Kerala. So the samples are taken from different districts of Kerala. The sample size should neither be excessively large, nor too small. It should be optimum. In this case study the sample size is 100. Ten Questions are prepared for questionnaire is shown in figure 1.

QUESTIONNAIRE

I Nayana Prabha P, studying first semester M.Tech (CSE) at Ilahia College of Engineering and Technology, Muvattupuzha currently doing my case study work on "Uniform Civil Code In Kerala". The following questionnaire is administered by me as a part of my study requirements and I assure you that the information provided by you will be kept confidential. Kindly co-operate with me and be honest with your answer.

Q1. Do you think Uniform civil code is desirable in India?
 Agree Disagree Neutral

Q2. Do you think Uniform civil code empowers national integrity?
 Agree Disagree Neutral

Q3. Do you agree Uniform Civil Code will not destroy cultural identity of minorities?
 Agree Disagree Neutral

Q4. Do you think Uniform civil code will protect women's rights?
 Agree Disagree Neutral

Q5. Do you think Uniform civil code enhances equality among people?
 Agree Disagree Neutral

Q6. Do you think people will get their deserving rights through Uniform civil code?
 Agree Disagree Neutral

Q7. Do you agree that Uniform civil code would be an ideal safeguard for citizens right?
 Agree Disagree Neutral

Q8. Do you think Uniform civil code favours any particular religion?
 Agree Disagree Neutral

Q9. Do you think that Uniform civil code is a common for all Indians in civil matters?
 Agree Disagree Neutral

Q10. Do you agree that Uniform civil code will cover marriage, divorce, adoption and maintenance?
 Agree Disagree Neutral

Suggestions:
(if any)

Figure 1: Questionnaire

IV. ANALYSIS AND RESULTS

After collection, the data has to be processed and analysed in accordance with the outline laid down for the purpose at the time of developing the research plan. Data processing includes editing, coding, classification and tabulation of data. Analysis, particularly in case of survey or experimental data, involves estimating the values of unknown parameters of the population and testing of hypotheses for drawing inferences. Analysis of data collected by the questionnaire shows that the respondents were happy to participate in the case study and almost all of them answered all the questions. The survey details are shown in the Table 1 as percentage. In below table contain a Column Q.No to represent the question number given in questionnaire.



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Q. No	Agree (In %)	Disagree (In %)	Neutral (In %)
1	94	3	3
2	90	2	8
3	40	24	36
4	70	1	29
5	92	2	6
6	88	3	9
7	87	1	22
8	1	91	8
9	93	1	6
10	91	2	7

Table 1: Survey details

Here Chi- square test is used for hypothesis testing. A chi-squared test can be used to attempt rejection of the null hypothesis that the data are independent. The chi- square test is always testing what scientists call the null hypothesis, which states that there is no significant difference between the expected and observed result.

The equation for Chi- square testing is given below:

$$\chi^2 = \sum \frac{(O_{ij} - E_{ij})^2}{E_{ij}}$$

Where,

O_{ij} =observed frequency of the cell in ith row and jth column.

E_{ij} =Expected frequency of the cell in ith row and jth column.

Here, testing of my hypothesis is going to be conducted.

H_0 : The youngsters in Kerala do not support the proposal of uniform civil code in India.

H_1 : The youngsters in Kerala support the proposal of uniform civil code in India.

The questions 1 and 7 are used for Chi- square test. Contingency table prepared for Chi- square testing is show in below as Table 2.

Sample	Agree	Disagree	Neutral	Total
Q.No 1	$O_{11}=94$ $E_{11}=90.5$	$O_{12}=3$ $E_{12}=2$	$O_{13}=3$ $E_{13}=12.5$	100
Q.No 7	$O_{21}=87$ $E_{21}=90.5$	$O_{22}=1$ $E_{22}=2$	$O_{23}=22$ $E_{23}=12.5$	100
Total	181	4	25	200

Table 2: Test Data

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And Chi- square values are calculated from this Table 2 is also given below:

χ^2
0.135359
0.5
7.22
0.135359
0.5
7.22
Total=15.71

Table 3: χ^2 values

Here degree of freedom = $(3-1)(2-1) = 2$

At 2 degree of freedom and 5 percentage level of significance, the critical value is 5.991 and calculated value is 15.71. The calculated value 15.71 much greater than critical value, so I am rejecting the H_0 hypothesis, it states that Youngsters in Kerala does not Support Proposal of Uniform Civil Code in India. Therefore Accepting the H_1 (alternative hypothesis): Youngsters in Kerala Support Proposal of Uniform Civil Code in India.

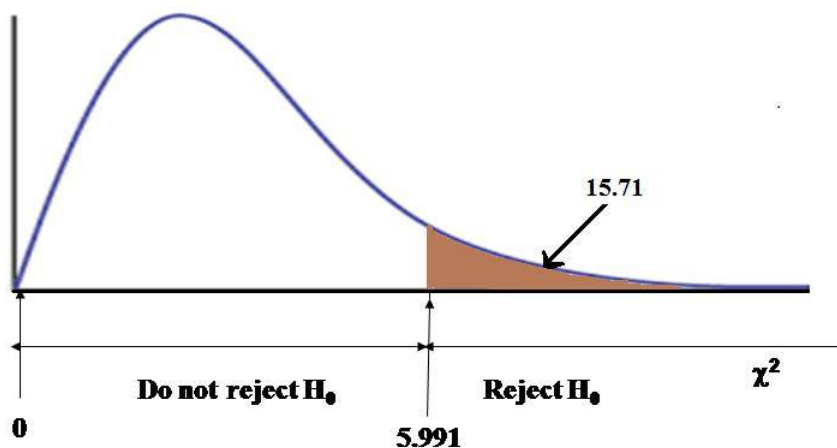


Figure 2: χ^2 test with degree of freedom 2

V. CONCLUSION AND FUTURE WORK

By doing this research I have reached the conclusion that Kerala youth support the proposal of Uniform civil code in India. The study was upon the youngsters in Kerala, I choose youngsters from different district of Kerala. There exists no uniform family related law in a single statutory book for all Indians which are acceptable to all religious communities who co-exist in India. The question is not of minority protection, or even of national unity, it is simply one of treating each human person with the dignity that he deserves, something which personal laws have so far failed to do, by implementing uniform civil code we can overcome these problems. This study leads to many more inferences also called as interesting pat-trens in data mining point of view.

Future work concerns deeper analysis of the subject, new proposals or viewpoints to it. It can be conducted for a large population. This case study only deals with Youngsters in Kerala. When you are considering country, there should a minimum number of states should be selected for the sample collection. Unfortunately this case study covers only a



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single state in India that is Kerala. The data may collect also through the online questionnaire. To increase the sampling area the online questionnaires can be send to the Youngsters all over India to analyse the proposal of uniform civil code.

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