



NEWS ANALYSIS

18 DECEMBER 2024

BAJIRAO IAS ACADEMY

Bills on simultaneous elections

Two Bills on simultaneous elections rock Parliament

Opposition terms legislation an assault on basic structure of Constitution; Law Minister says no change to powers enjoyed by the States, agrees to send Bills to Joint Parliamentary Committee

Sandeep Phukan
NEW DELHI

Two Bills seeking to implement simultaneous elections to the Lok Sabha and the State Assemblies were introduced in the Lok Sabha on Tuesday by Law Minister Arjun Ram Meghwal after an intense debate during which Opposition members asserted that the legislation were “anti-federal” and went against the basic structure of the Constitution.

The Constitution (129th Amendment) Bill was introduced in the House by Mr. Meghwal after a 90-minute debate, followed by a division of votes as Opposition members insisted on it. While 263 members voted in favour of introducing the Bill, 198 opposed it.



Arjun Ram Meghwal introduces the two Bills in the Lok Sabha during the Winter Session of Parliament. ANI

The Law Minister also introduced the Union Territories Amendment Bill, which seeks to align elections in the Union Territories of Puducherry, Delhi, and Jammu and Kashmir with the Lok Sabha election.

Responding to the debate, Mr. Meghwal said the

legislation did not tamper with the powers enjoyed by the States. He said that principles such as judicial review, federal character of the Constitution, separation of powers, secular character, supremacy of the Constitution did not change with these Bills.

“There will be no tam-

pering with the basic structure of the Constitution,” Mr. Meghwal said, before agreeing to move a resolution to send the Bills to a Joint Parliamentary Committee.

Leading the Opposition’s charge was Congress member Manish Tewari, who called the move an “assault on the basic structure of the Constitution and beyond the legislative competence of this House”. “How is it possible under our constitutional scheme that the tenures of State legislatures can be made subject to the tenure of the national legislature... Under the constitutional scheme, the States are separate and equal constituents,” he said.

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CONTEXT

- Two Bills seeking to **implement simultaneous elections to the Lok Sabha and the State Assemblies** were introduced in the Lok Sabha on Tuesday by **Law Minister Arjun Ram Meghwal** after an intense debate during which Opposition members asserted that the legislation were **“anti-federal” and went against the basic structure of the Constitution.**

- **The Constitution (129th Amendment) Bill** was introduced in the House after a 90-minute debate, followed by a division of votes.
- While **263 members voted in favour** of introducing the Bill, 198 opposed it.
- The Law Minister also introduced the **Union Territories Amendment Bill**, which seeks to align elections in the Union Territories of **Puducherry, Delhi, and Jammu and Kashmir with the Lok Sabha election**.
- The legislation did not tamper with the powers enjoyed by the States. Principles such as **judicial review, federal character of the Constitution, separation of powers, secular character**, supremacy of the Constitution did not change with these Bills.
- There will be no tampering with the 'basic structure' of the constitution.



- **A simple majority is required to introduce a Bill to amend the Constitution**, its passage requires two-thirds majority. So, of the 461 MPs present on Tuesday, the government would have required more than 307 MPs voting in its favour.
- **This is the first time that the electronic voting system was used in the new Parliament.**

Union Territories (Amendment) Bill, 2024

- **This bill aims to align the duration of Legislative Assemblies in Union Territories with the simultaneous elections for the Lok Sabha and State Assemblies. It will amend the Union Territories (UT) Act, 1963, the National Capital Territory of Delhi Act, 1991, and the Jammu and Kashmir Reorganization Act, 2019.**

Key provisions of 129th CAB, 2024

- **Insertion of new article 82A:**
 - **Simultaneous Elections:** Election Commission will conduct general elections for Lok Sabha and all SLA simultaneously.
 - **Term of Legislative Assemblies:** Term of all State Legislative Assemblies(SLA) will end with full term of the Lok Sabha.
- **Amendment to Article 83:** It defines Unexpired Term, Mid-term and General Elections.
 - It says when Lok Sabha is **dissolved before full term of 5 years as stated**, period between date of dissolution and expiry of full term shall be an unexpired term.
 - Pursuant to dissolution, a **mid-term election** shall take place and a new Lok Sabha shall be **constituted only for unexpired term**.
- **Amendment of Article 172:** it defines unexpired term and Full term for SLA.

Constitution on minority rights

The Constitution on minority rights

The reservation of diversity is the rationale behind minority rights in the Indian Constitution. On Minority Rights Day, it is essential to remember Franklin Roosevelt's words, 'by democracy can long survive which does not accept as fundamental to its very existence the recognition of the rights of minorities.'

LETTER & SPIRIT

Faizun Nisafata

The debate on minority rights should be held from its current framework of centrifugalism versus centralism and substantive equality. Recognizing the importance of minority rights, the UN General Assembly adopted a declaration on the 'Rights of Persons Belonging to National, or Ethnic, Religious and Linguistic Minorities' on December 18, 1992. This day is celebrated as Minority Rights Day all over the world. Minority rights are essential to a democratic polity because as Franklin Roosevelt rightly said, 'no democracy can long survive which does not accept as fundamental to its very existence the recognition of the rights of minorities'.

Origin of minority rights

Article 19 of the Austrian Constitutional Law (1867) acknowledged that ethnic minorities have an absolute right to maintain and develop their nationality and language. Similar provisions were found in Hungary's Act XLIV of 1868, and in the Constitution of the Swiss Confederation of 1848, which granted the three languages of the country equal rights in civil services, legislation and in courts. The provision of the peace treaties after the First World War, focused particularly on the status of minorities. Minority protections were codified in the four treaties negotiated between the allied and associated powers on the one hand, and Poland, Czechoslovakia, Romania, Greece and Yugoslavia on the other. Special provisions for minorities were incorporated in the peace treaties with Austria, Bulgaria, Hungary and Turkey, while Albania, Finland and Iraq declared that they would protect their minorities. Article 27 of the Universal Declaration of Human Rights gives every individual a right to community – that is the right to enjoy their own culture and to participate in cultural tours, associations etc.

Debate in the Constituent Assembly

The framers of the Constitution showed profound sensitivity to the needs of minorities. Pandit G.B. Pant, moving the resolution to set up an Advisory Committee on Fundamental Rights and the Rights of Minorities, explicitly stated that the 'satisfactory solution of questions pertaining to minorities will ensure the health, vitality and strength of the free State of India... now it is necessary that a new chapter should start and we should all realize our responsibility. Unless the minorities are fully satisfied, we cannot make progress, we cannot even maintain peace in an unshattered manner'. The committee headed by Sardar Vallabhbhai Patel examined the issue of minority rights and accordingly Articles 29 to 30 were enacted in our Constitution. The underlying argument in these Articles is that individualistic universal rights are not of much use in a heterogeneous country such as India, and that one needs to have discussions on the basis of multiculturalism, difference, and the rights of minorities that meet contemporary political theory.

Rationale behind minority rights

The preservation of diversity is the rationale behind minority rights in the Indian Constitution. In fact, individualistic rights under Articles 14-15 (equality), 19 (Free speech) and 21 (Freedom of religion) are not enough for



Notion for all: A woman holds up a poster during a protest against the CAA during Republic Day at Shaheen Bagh, in New Delhi in 2020. (Santosh Kumar/ANI)

the conservation of language, script or culture which comes under Article 29. One may not be individually originally involved but it hurts if the group to which one belongs is subjected to ridicule or denied any value. This also undermines an individual's right to dignity. An individual's right to culture holds little meaning or significance, unless the community of which a person is a member of, or is identified with, is accorded the right to exist in a viable form. It requires not only the presence of a group that shares a common culture but a conducive environment in which such culture can flourish. Thus, under Article 30 both religious and linguistic minorities are allowed to establish and administer institutions of their choice so that such a space is created in these institutions. Recently, seven judge Bench in Aligarh Muslim University (2020) in unequivocal terms described Article 30 as 'a facet of equality and non-discrimination'. A nine judge Bench in St. Xavier's College Society (2024) too had observed that 'the whole object of conferring the right on minorities under Article 30 is to ensure that there will be equality between the majority and the minority. If the minorities do not have such special protection, they will be denied equality'. In *Chunjab Lal Bahadur (2023)*, rights under Article 30 were held to be part of the basic structure which even Parliament cannot change through a constitutional amendment.

What are minority rights? Interestingly, though the term 'minority' has been used in these Articles it does not have a constitutional definition. This is also a National Commission for Minority and its members in Punjab, Kashmir and in the northeastern States, they too are entitled to minority rights. There are hundreds of Hindu minority institutions in India. Article 29(2) lays down that 'any section of the citizens residing in the territory of India or any part thereof having a distinct

language script or culture of its own shall have the right to conserve the same'. This provision signifies two vital dimensions. First, it connotes that different groups do have different cultures and that all people may not have just one culture. Since these linguistic and religious cultures are valuable for their members, they need to be given explicit rights to conserve their own culture especially since such minority cultures can face disadvantages in a majoritarian society. Secondly, the right to culture is an individualistic right, that is, individuals have been given the right to preserve their distinctive culture. Article 30 guarantees that all religious and linguistic minorities shall have the right to establish and administer educational institutions of 'their choice'. In the *re Kerala Education Bill (1957)*, the Supreme Court said that the dominant word in Article 30 is 'choice' and minorities can expand their choice as much as they want. The court also said that the term 'educational institutions' includes universities. The courts have also been consistent in extending protection under Article 30 to pre-constitution institutions in cases like *S.K. Patil (1960)*, *St. Stephen's (1962)* and *Kareem Bank (1967)*. In the latest judgment of *Aligarh Muslim University (2024)*, the majority has held that even an institution of national importance can claim minority character. Additionally, Article 250 A provides for instruction in the primary stages of education in the mother tongue, and Article 250 B for the appointment of a special officer for linguistic minorities. This religion based personal laws have also been constitutionally protected, for example, the customary law of Naga. There is no religious qualification attached to the holding of high constitutional positions. There is also a National Commission for Minority and its members in Punjab, Kashmir and in the northeastern States, they too are entitled to minority rights. There are hundreds of Hindu minority institutions in India. Article 29(2) lays down that 'any section of the citizens residing in the territory of India or any part thereof having a distinct

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THE GIST

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Introduction

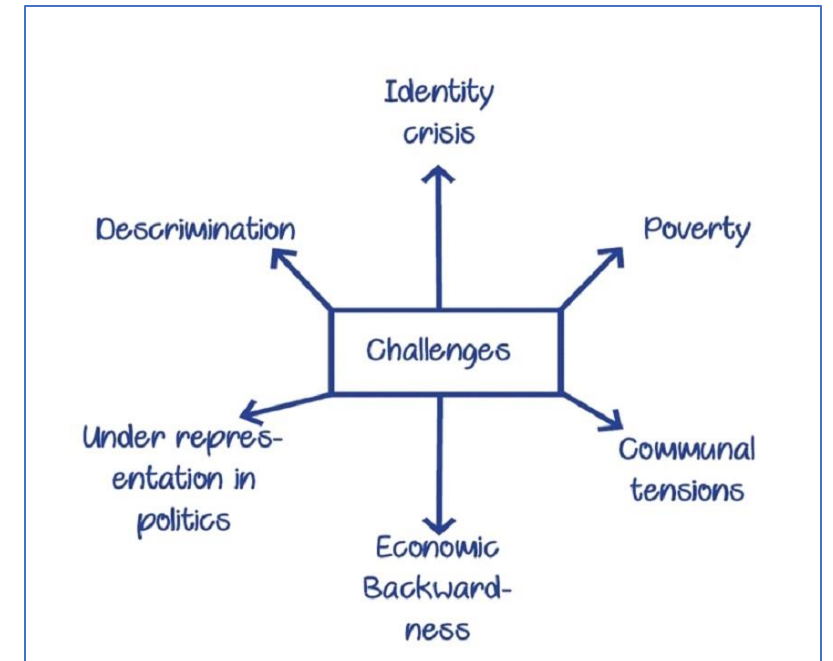
- Minority rights are a cornerstone of democratic governance, ensuring the preservation of cultural, linguistic, and religious diversity.
- Recognizing this, the Indian Constitution and international frameworks like the United Nations' 1992 Declaration on Minority Rights aim to protect minority communities.

Historical Context

- Austria (1867): Recognized ethnic minorities' rights to preserve their languages and national identities.
- Post-World War I Treaties: Incorporated minority protection clauses in agreements with nations like **Poland and Czechoslovakia**.
- India incorporated these principles during its Constitution drafting process, emphasizing the preservation of diversity.

Provisions in the Indian Constitution

- **Article 29:** Grants all citizens the right to conserve their distinct culture, language, or script.
- Recognizes and protects diverse cultural identities, ensuring equality and dignity.
- **Article 30:** Empowers religious and linguistic minorities to establish and administer educational institutions.
- The Supreme Court views Article 30 as integral to equality and non-discrimination.



- **Article 350 A:** Mandates primary education in one's mother tongue.
- **Article 350 B:** Provides for appointing a Special Officer for linguistic minorities.
- The Constitution also supports personal laws for various communities, exemplified by the customary laws of the Nagas.

Significance in Contemporary India

- **Constitutional Legacy:** Articles 25-30 symbolize India's commitment to pluralism.
- **Global Relevance:** Aligns with international principles, such as the Universal Declaration of Human Rights.

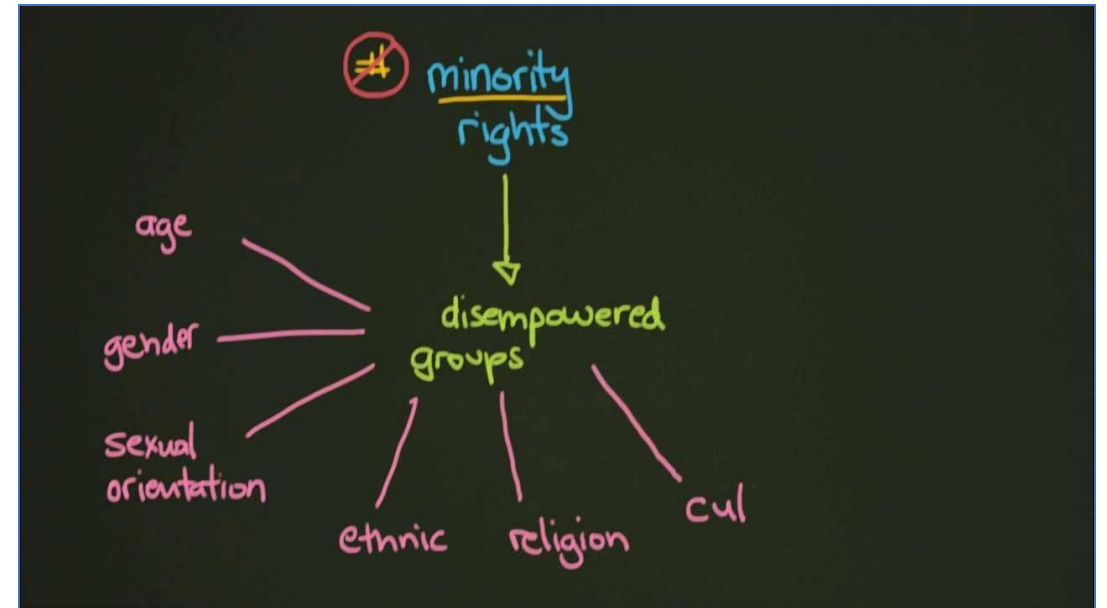
PART III OF THE INDIAN CONSTITUTION

FUNDAMENTAL RIGHTS



Rationale Behind Minority Rights

- The preservation of diversity underpins these rights. Cultural identity thrives not in isolation but within an enabling environment.
- **Individual vs. Group Rights:** Individual equality (Articles 14-18, 19, 25) is insufficient without group recognition.
- **Judicial Observations:** Courts consistently emphasize the necessity of special protections for minorities to achieve substantive equality.



Committee recommends statutory MSP

Committee recommends statutory MSP, says it can help end suicides by farmers

The Hindu Bureau
NEW DELHI

Echoing the long-standing demand of farmers' organisations, the Standing Committee of Parliament on Agriculture, headed by Congress leader and former Punjab Chief Minister Charanjit Singh Channi, has recommended legally guaranteed minimum support price (MSP) for crops.

The panel, in a report tabled in Parliament on Tuesday, said such a policy step will address the issue of farmers' suicides. The

panel asked the Centre to increase the amount given to farmers under the PM-KISAN scheme to ₹12,000 a year from the ₹6,000 given at present. Such seasonal incentives may be extended to tenant farmers and farm labourers, it said.

The panel noted that the MSP remains a focal point in the dialogue surrounding agricultural reform and farmers' welfare.

"Implementing a legally binding MSP in India is essential not only for safeguarding farmers' livelihoods but also for

The panel asked the Centre to increase the amount given to farmers to ₹12,000 a year from ₹6,000 given at present

promoting rural economic growth and enhancing national food security. The benefits and advantages of implementation of MSP as legal guarantee far outweigh its challenges," the panel said in its report.

The panel said legalised MSP would stimulate eco-

nomical activity in the farming areas, benefiting local businesses and economies. "With assured income through MSP, farmers are more likely to invest in their agricultural practices, leading to increased productivity and sustainability in farming. This investment can also contribute to long-term food security for the nation," the report said.

"Consistent income allows farmers to plan better and maintain production without the fear of market fluctuations undermining

their efforts," the panel said, recommending the Centre to declare a road map for implementation of MSP as a legal guarantee at the earliest.

Predicting that such a measure will be a game changer, the panel said a legally binding MSP system could play a crucial role in reducing farmer suicides in India by providing financial stability, protecting against market volatility, alleviating debt burdens, and improving overall mental health among farmers.

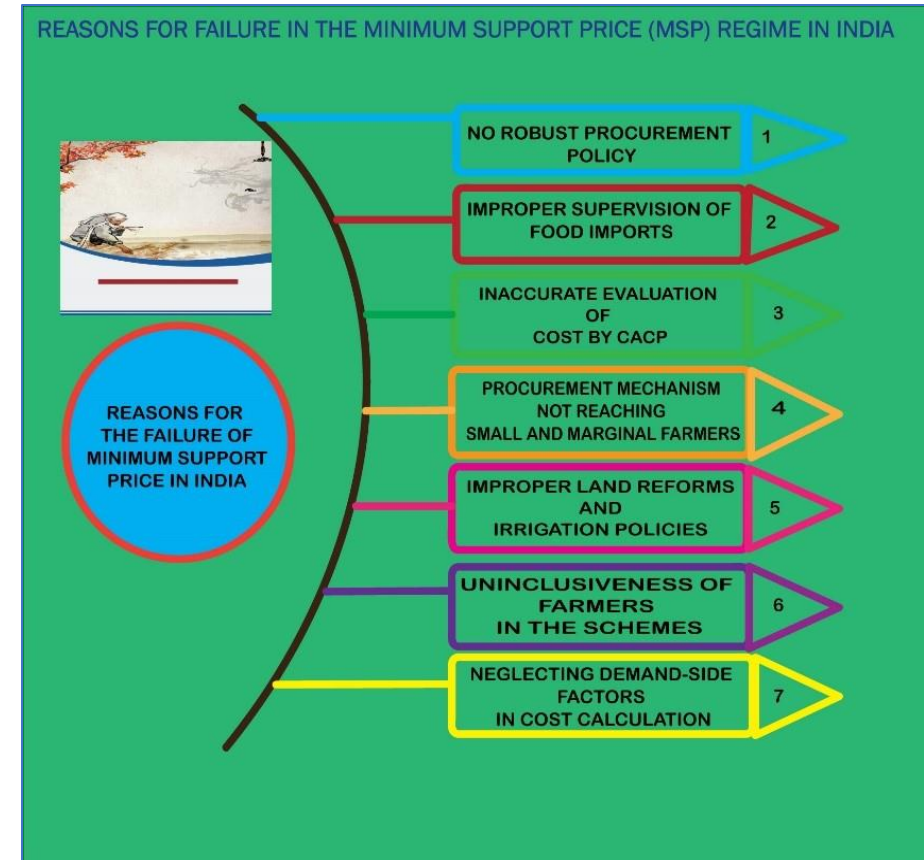
Context

- Echoing the long-standing demand of farmers' organisations, the **Standing Committee of Parliament on Agriculture**, headed by Congress leader and former Punjab Chief Minister Charanjit Singh Channi, has recommended **legally guaranteed minimum support price (MSP) for crops**.

- Panel asked the Centre to increase the amount given to farmers under the **PMKISAN scheme to ₹12,000 a year from the ₹6,000 given at present.**

Significance of recommending statutory MSP

- The policy step will address the issue of **farmers' suicides.**
- MSP remains a focal point in the dialogue surrounding **agricultural reform and farmers' welfare.**
- **“Implementing a legally binding MSP in India is essential not only for safeguarding farmers' livelihoods but also for promoting rural economic growth and enhancing national food security.**
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- **Legalised MSP** would stimulate economic activity in the farming areas, benefiting local businesses and economies.
- **Assured income through MSP**, farmers are more likely to invest in their agricultural practices, leading to **increased productivity and sustainability in farming**. This investment can also contribute to long term food security of nation.
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Arguments for Law

- » **Financial security-** Financially securing them against the **vagaries of price instability** in the market.
- » **Risk Cover-** Security to farmers from the risk of crop failure due to **climate change** and **pests attacks**
- » **Promotion of crop diversification-** Farmers incentivised to grow less water-intensive crops like **pulses** and **millets** rather than water guzzling crops like **rice, wheat and sugarcane**.
- » **Baseline or benchmark price-** MSP sends a **price-signal** to private players in the market
- » **Solution to rural economic Distress-** Solving the problem of rural economic distress, which has been exacerbated due to **demonetisation** and **COVID-19**.



Arguments Against Law

- » **Huge Fiscal burden on Govt exchequer-** According to an estimate, **Rs. 5 trillion would be required** for implementation of MSP guarantee Law
- » **Risk of undervaluation of crops with low yields-** Farmers growing Cotton (Kharif crop) instead of millets in the drought prone region of Marathawada
- » **Increase in Food Inflation-** Would eventually affect the lower middle class and the poor.
- » **Market Distortionary and economically unsustainable practice-** Push away private traders. For ex- **Failure of Maharashtra MSP guarantee Law**
- » **Violation of WTO subsidies principle-** India would face opposition in the WTO dispute settlement bodies

Sewer cleaning an occupation based work

Sewer, septic tank cleaning an occupation-based work: govt.

The Hindu Bureau
NEW DELHI

Citing data from its first-ever survey of sewer and septic tank workers across India, the Union Social Justice Ministry on Tuesday told Parliament that sewer and septic tank cleaning is “occupation-based activity rather than caste-based” work.

The data from the survey, part of the government’s NAMASTE programme and first reported by *The Hindu* in September, showed that nearly 92% of all workers profiled were from the Scheduled Caste, Scheduled Tribe and Other Backward Classes communities, with the remaining around 8% from the general category.

Responding to a question from the Congress MP for Ganganagar, Kuldeep Indora, Union Minister of State for Social Justice



Ramdas Athawale. PTI

Ramdas Athawale said a total of 54,574 such workers across 33 States and Union Territories had been profiled and validated under the programme.

Of these, 67.91% (37,060) were from SC communities, 15.73% (8,587) were from OBC communities, 8.31% (4,536) were from STs, and 8.05% (4,391) were from the general category.

“Sewer and septic tank cleaning is an occupation-based activity rather than caste-based,” Mr. Athawale said. Profiling of these workers is being carried

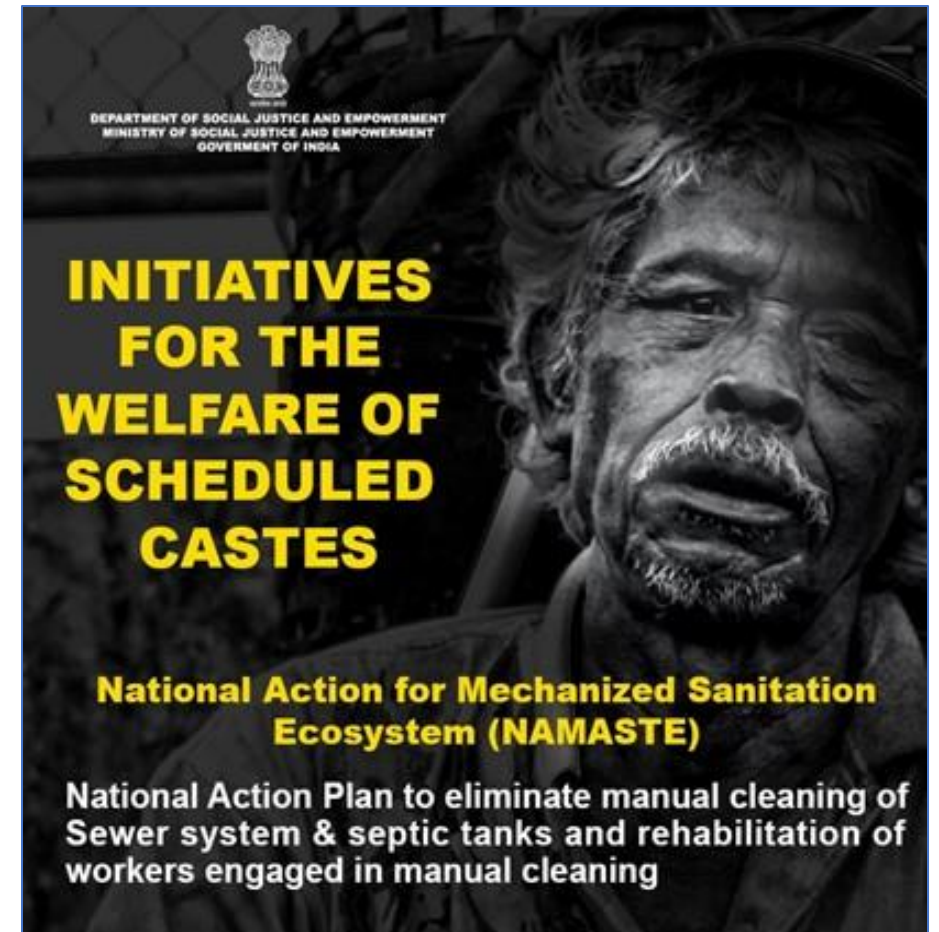
out as part of the NAMASTE programme, a scheme to mechanise all sewer work and prevent deaths due to hazardous cleaning work. In 2023-24, it was brought in to replace the Self-Employment Scheme for Rehabilitation of Manual Scavengers.

The Centre’s rationale is that manual scavenging as a practice has ended across the country and what needs to be fixed now is the hazardous cleaning of sewers and septic tanks. It draws this distinction based on a technical difference in how manual scavenging and hazardous cleaning are defined in the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act. Between 2019 and 2023, at least 377 people died from hazardous cleaning of sewers and septic tanks, according to data tabled in Parliament.

Context

- Citing data from its **first-ever survey of sewer and septic tank workers across India**, the Union Social Justice Ministry on Tuesday told Parliament that **sewer and septic tank cleaning is “occupation based activity rather than caste-based” work.**

- The data from the survey, part of the government's **NAMASTE programme** showed that **nearly 92% of all workers profiled were from the Scheduled Caste, Scheduled Tribe and Other Backward Classes communities**, with the remaining around **8% from the general category**.
- **67.91% (37,060) were from SC communities, 15.73% (8,587) were from OBC communities, 8.31% (4,536) were from STs, and 8.05% (4,391) were from the general category.**
- **The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013**: This Act supersedes the 1993 Act and prohibits all forms of manual excrement cleaning of insanitary latrines, open drains, or pits.
- It also focuses on the rehabilitation of manual scavengers and provides measures for their welfare.



- As part of the **NAMASTE programme**, a scheme to **mechanise all sewer work and prevent deaths due to hazardous cleaning work**. In 2023-24, it was brought in to replace the **Self-Employment Scheme for Rehabilitation of Manual Scavengers**.
- The Centre's rationale is that manual scavenging as a practice has ended across the country and what needs to be fixed now is the **hazardous cleaning of sewers and septic tanks**.
- It draws this distinction based on a technical difference in how manual scavenging and hazardous cleaning are defined in the **Prohibition of Employment as Manual Scavengers and their Rehabilitation Act**.
- **Between 2019 and 2023, at least 377 people died** from hazardous cleaning of sewers and septic tanks, according to data tabled in Parliament.

WHAT THE LAW SAYS

- Manual scavenging was earlier prohibited after Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, but its implementation in states depended on their ratification
- Manual scavenging was centrally prohibited under Section 5 of the 'Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013' in all states and Union territories from December 6, 2013
- The Supreme Court had in March 2014 ordered compensation of Rs 10 lakhs in each of such deaths since 1994



“ A worker was made to enter a manhole in the state capital, ironically a day after Independence Day celebrations. I made several representations to concerned officials seeking strict action against the guilty, but nothing happened. Had they paid heed, it would have served as an example and prevented incidents like the one in Bopal in the future

Jignesh Mevani | VADGAM MLA

MANHOLE DEATHS IN GUJARAT	2015	2016	2017	2018	2019
	7	7	7	2	16

Q) Do you agree with the idea of Uniform civil code as Secular civil code? Justify your answer.

In Constituent Assembly, Ambedkar & Munshi's views on UCC

RISHIKA SINGH
NEW DELHI, DECEMBER 18

PRIME MINISTER Narendra Modi once again pitched for a nationwide Uniform Civil Code (UCC) on Saturday, recalling the views of Dr B R Ambedkar and K M Munshi in the Constituent Assembly.

"The Constituent Assembly...decided...it would be good for the future elected government to...implement the UCC...Bhambhambh Ambedkar advocated for eradicating religion-based personal laws," the PM said in Lok Sabha.

K M Munshi, who would go on to serve in the Cabinet of PM Jawaharlal Nehru, "described the UCC as being integral for national unity and modernisation", Modi said.

UCC refers to a common set of laws governing personal matters (succession, marriage, inheritance, etc.) instead of the current system, in which religious communities have their own sets of personal laws.

The UCC was discussed as Article 35 in the Constituent Assembly, put to vote, and passed. It was later renumbered as Article 44 of the Indian Constitution.

Criticism of the UCC

The debate in the Constituent Assembly on November 23, 1948, focused on a draft Article on the UCC, to be included under the "Directive Principles of State Policy" – broad ideas that the state might incorporate in policymaking, but would not be legally bound to abide by.

Draft Article 35 said, "The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India".

Some members, like Mohamad Ismail Saikh of the Indian Union Muslim League, criticised it. He said the idea may be "to secure harmony through uniformity", "but...for that purpose it is not necessary to regiment the civil law of the people including the personal law".



B R Ambedkar (left) and K M Munshi.
Wikimedia Commons

"Such regimentation", he said, "will bring discontent and harmony will be affected".

It was likely in anticipation of such opposition that the article was only suggested to be incorporated in the Directive Principles.

Munshi: not 'tyrannical'

Munshi disagreed that having a UCC would be "tyrannical" to minorities.

"Nowhere in advanced Muslim countries the personal law of each minority has been recognised as so sacrosanct as to prevent the enactment of a Civil Code," he argued.

He said "there [were] many among Hindus who [did] not like a uniform Civil Code, because they...feel that the personal law of inheritance, succession etc. is really a part of their religion". But in that case, "you can never give, for instance, equality to women", Munshi said – even though "you have already passed Fundamental Right(s) to that effect...".

Munshi pointed out that in Hindu Law, "you get any amount of discrimination against women; and if that is part of Hindu religion or Hindu religious practice, you cannot pass a single law which would elevate the position of Hindu women in that of men". Thus, he argued, there was no reason for not having a civil code for India.

He asked Muslims to realise "that the

sooner we forget this isolationist outlook on life, it will be better for the country". Religion must be restricted to spheres pertaining to it, and the rest of life must be regulated so that India evolves into a "strong and consolidated nation", he said.

Ambedkar backed Art 35

Ambedkar said he would not discuss the merits or demerits of a UCC, but he advocated for Article 35.

He said he was "very much surprised" at the suggestion that a UCC was not possible or desirable in a vast country like India. "...We have in this country a uniform code of laws covering almost every aspect of human relationship... [including] a uniform and complete criminal Code operating throughout the country, which is contained in the Penal Code and the Criminal Procedure Code," he pointed out.

Muslim personal law was not "im-

mutable and uniform through the whole of India", Ambedkar said. For example, "up to 1935 the North-West Frontier Province... followed the Hindu Law in the matter of succession and in other matters".

Later on December 2, during another discussion on the power of the state to legislate on religious matters, he said: "...do not understand why religion should be given this vast, expansive jurisdiction... to prevent the legislature from encroaching upon that field."

When the task is to reform a social system full of inequities and discrimination, "it is...quite impossible for anybody to conceive that the personal law shall be excluded from the jurisdiction of the State," he said.

Ambedkar added that "all that the State is claiming... is a power to legislate", and there was no need to fear "that if the State has the power, [it] will immediately proceed to execute or enforce [it] in a manner that may be...objectionable [to] Muslims or...Christians or any other community in India".

EXPLAINED HISTORY



Introduction: The idea of a **Uniform Civil Code (UCC)** seeks to replace personal laws based on religious scriptures and customs with a common set of laws governing every citizen, irrespective of their religion.

Constitutional Basis:

1. **Article 44 of the Directive Principles of State Policy** in the Indian Constitution advocates for a UCC for all citizens. It aims to unify and integrate the country by ensuring that all citizens are treated equally under the law, irrespective of their religion.
2. **Article 14 guarantees the right to equality before the law** and equal protection of the laws, which supports the idea of a UCC as it promotes uniformity in legal matters.
3. **Article 25 guarantees the freedom of religion**, but this freedom is subject to public order, morality, and health, and the other fundamental rights, which suggests that personal laws can be regulated to ensure equality.

Arguments in Favour of UCC as a Secular Civil Code:

1. **Secularism and Modernity:** • A UCC aligns with the idea of a modern secular state where the law is separate from religion.
2. **Ensures Equality:** • A UCC would provide equal legal protection to all citizens, eliminating **gender and religious biases present in personal laws.**
3. **Strengthens National Unity:** • By applying a common set of laws to all citizens, a UCC could reduce the fragmentation of society based on religious lines, fostering national integration.
4. **Simplifies the Legal System:** • A single set of laws would simplify the legal system, making it easier for citizens to understand and follow, and for courts to adjudicate.
5. **Promotes Gender Justice:** • Personal laws often discriminate against women; a UCC could ensure gender equality in matters of inheritance, marriage, and divorce.

Arguments Against UCC as a Secular Civil Code:

1. **Religious Freedom Concerns:** • Critics argue that a UCC could infringe upon the religious freedoms guaranteed under **Article 25**, by forcing a homogenised set of laws on diverse religious communities.
2. **Judicial Overreach:** • Imposing a UCC might be seen as judicial overreach into the domain of personal laws, which traditionally have been **handled by religious bodies**.

Conclusion: 21st law commission has recommended that a **UCC is neither necessary nor desirable at this stage**. Government must take a piecemeal approach in removing the gender disparities in matters of marriage, divorce, inheritance of personal laws. Government must **restrain implementing all aspects in single legislation**.



Thank you

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