

## Indian Democracy And Importance Of Uniform Civil Law With Special Reference To Women Empowerment In India

**Dr. Abhijit Sushilkumar Patil**

HOD, Department of Political science

Shri Shiv Chhatrapati College

Bodkenagar, Junnar, Dist. Pune, (MS), India

### Abstract

Indian Democracy is made by the People of India so its very crucial to understand the concerned conception of Uniform Civil law Code. Present article is focused on Indian Democracy and Important of Uniform Civil Law. If we see at the preamble of the Constitution there is a term secular and the citizens are guaranteed their freedom of religion and being a secular State, it should not interfere in matter of individuals' religion. Indian secularism imposes a negative command on the State to not to identify with any specific religion and treat its citizen with the spirit of "Sarva Dharm Sambhava" It has been argued by few scholars that the Indian society is not socially developed enough to utilize the "Uniform civil code" [Herein after UCC and thus UCC is still is a topic of discussion in Indian context]. The reason behind it, as the researcher has observed, is that India is a vast Country with diverse cultures, religion, etc. Enforcement of UCC can be seen as unnecessary imposition of State law, which would infringe many religious practices and cultures. Women's empowerment is defined as the process of improving the economic, social, and political position of traditionally underprivileged women in society. The research is entirely based on secondary sources. Despite the government's efforts, women in India are generally disempowered and have a lower status than men, according to the report. It has been discovered that women continue to accept unfair gender standards in society. The study continues by stating that women's empowerment is facilitated by access to health, education, employment, and changes in social and political systems.

**Keywords:** Women empowerment, social issues, political issues, social challenges, political challenges, Uniform Civil law, Democracy.

### Introduction

Uniform Civil Law & Indian Democracy is essentially means unifying all the "personal laws" to have one set of secular laws dealing with these aspects that will apply to all citizens of India irrespective of the community they belong to. Though the exact contours of such a uniform code has not been spelt out, it should presumably incorporate the most modern and progressive aspects of all existing personal laws while discarding those which are retrograde. The "directive principles" laid down in the Constitution says: "The State shall Endeavour to secure for the citizens a UCC throughout the territory of India." 3 As the Constitution itself makes clear, the directive principles "shall not be enforceable by any court". 4 Nevertheless,

they are “fundamental in the governance of the country”. This shows that although our constitution itself says that UCC should be implemented in some manner but its implementation is not mandatory. Hence, the debate on having a UCC for India still continues. Constitutional Assembly debated UCC at length and some Muslim members did not agree to the inclusion of UCC in the Constitution. Mr. B. Pocker Sahib Bahadur questioned the meaning of term UCC and what it stood. Absence of any particular law which could be taken as the standard was a subject of concern for Muslim member as they wanted to avoid any imposition of majoritarian law. 5 Unfortunately, this unwarranted concern prevailed over the need of a strong National Character of the Nation. The Muslim members opined that the word civil code should not cover strict personal law of a citizen. Allowing the fears of the members who questioned the connotation of the word UCC and the object of having such a provision in the Constitution, Shri K.M. Munshi said that, “the whole object of this Article is that as and when the Parliament thinks proper or rather when the majority in Parliament thinks proper an attempt may be made to unify the personal law of the Country”. The Chairman of the Drafting Committee, Dr. B.R. Ambedkar while replying to the questions on the provision of the UCC in the Constituent Assembly by the minority community said, “it was intended to have a Code which provided for uniformity of law in matters of marriages, divorce, succession etc. irrespective of religion, community<sup>6</sup>” etc. Today, we have seen various Acts and Schemes of the central and state governments aimed at empowering Indian women. In India, however, women are discriminated against and disenfranchised at every level of society, including social involvement, political participation, economic participation, educational access, and reproductive healthcare. All around India, women are observed to be economically impoverished. A few women participate in volunteer work and other activities. As a result, they require economic strength to stand on their own in comparison to men. Women, on the other hand, have been proven to be less literate than men. It has also been noted that some women are unable to work due to their physical limitations. They eat less, but they work harder. As a result, women who are weaker are to be made stronger from a health perspective. Another issue is female harassment in the workplace. There have been several incidences of rape, girl kidnapping, dowry harassment, and so on. As a result, they demand all forms of empowerment in order to protect themselves and maintain their purity and dignity. To summarise, women's empowerment will not be feasible until women join in and assist in their own empowerment. It is necessary to develop policies aimed at lowering feminised poverty, boosting women's education, and preventing and eliminating violence against women.

The world is enthusiastically progressing in the twenty-first century, and women are playing an increasingly important role in uplifting the world's society and economy. Women's empowerment is the most important key to socioeconomic development because it strengthens their participation in decision-making. Women make up nearly half of the population, and the majority of them are economically disadvantaged and unemployed. Women's empowerment is critical for the family, society, and country's future success.

## Review of Literature

In a rural and tribal community, Sethuraman K. (2008) investigates the association between women's empowerment and domestic violence, maternal nutritional status, and the nutritional status and growth of children aged 6 to 24 months across six months. Tribal and rural issues were included in India. In her article "The Role of Education towards Women Empowerment in India," R. Khatri (2016) discusses the impact of literacy and education on women's empowerment, as well as recommendations for improving the changes that must be considered for women's empowerment and economic development. According to Suresh, P., and Sivakumar, T. (2017), women's empowerment is defined as the process of improving the economic, social, and political status of women, who have traditionally been marginalised in society. It refers to the process of protecting kids from all types of violence. Dr. Antra Singh and Seema Singh\* (2020) The article examines constitutional safeguards, as well as government plans and programmes and their implementation, as well as indices of women's empowerment. However, when compared to other countries, the country ranks low. To achieve SDG-5 by 2030, programmes must be reevaluated and modified.

## Objectives of the Study:

1. To examine the elements that influence women's social and political empowerment through Indian Uniform Civil Code & Civil Law of Indian Constitution.
2. To investigate the social and political barriers to women's empowerment in concerned of Indian Uniform Civil Code & Civil Law of Indian Constitution.
3. To identify the challenges to Indian Uniform Civil Code & Civil Law of Indian Constitution.

## Methodology of the Study

This is a qualitative research project. The researchers gathered information from a variety of secondary sources, including books, magazines, journals, government agencies, and websites.

## DISCUSSION

The personal laws of the major religious communities had traditionally governed marital and family relations, with the Government maintaining a policy of non interference in such laws in the absence of a demand for change from individual religious communities. India is a land of diverse religions Hindus, Buddhists, Jains, Christians, Muslims, Parsees, and Sikhs form the Nation. Unity in diversity is the core feature of the Indian Nation. Each community has its own laws governing marriage and divorce, infants and minors, adoption, wills, and Succession. These personal laws go with an individual across the States of India where they are part of the law of the land, and the individual is entitled to have that individual's own personal law applied and not the law which would be applied in the local territory. Personal laws are statutory and customary laws apply to particular religious or cultural groups within a National Jurisdiction. They govern family relations in such matters as marriage and divorce,

maintenance and succession. India is a secular Country where every community is allowed its own personal laws.

## **A. SOCIAL EMPOWERMENT**

The process of changing the allocation of power in interpersonal relationships among diverse people, cultures, and activities of society is known as social empowerment. The enabling factor that strengthens women's social contacts and their place in social institutions is referred to as social empowerment. Discrimination in society based on disability, race, ethnicity, religion, or gender is addressed through social empowerment.

### **i) Health**

In India, women and girls face a crisis of escalating, unmet health demands. From conception through death, the female sex faces great hurdles, particularly for poor women who have limited access to health care. In an economically wealthy and progressive state like Punjab, the child sex ratio has dropped to as low as 793. Malnutrition starts in childhood and sets in action a cycle of bad health that lasts a lifetime. Anemia affects more than half of all Indian women, exacerbating maternal morbidity. In India, more women die from maternal death-related causes than in any other country. While NACO data shows that married women account for the majority of new HIV diagnoses, the National Family Health Survey from 1998-99 shows that only four out of every ten women of reproductive age have heard about HIV/AIDS. Furthermore, all forms of violence against women, including rapes, dowry killings, and domestic violence, have progressively escalated over the previous decade. Another important point to remember is that tuberculosis is India's leading cause of death among women. However, because of the emphasis on maternity and reproductive health, this fact is seldom understood, and there are no gender-specific policies or programmes in place to combat this condition.

### **ii) Education**

Education is a critical intervention in starting and maintaining empowerment initiatives. Women and marginalised communities can benefit from high-quality education because it allows them to better their position, have more access to information and resources, and combat various forms of prejudice. Education contributes to the strengthening of democratic processes by allowing for more widespread and equitable involvement. Being educated or literate boosts one's self-esteem and confidence. It enables participation in development processes and governance institutions from a position of strength. Poor women from socially disadvantaged groups are almost always illiterate, putting them at a disadvantage when it comes to participating in development efforts. They are unable to fully benefit from progressive policies like as PRI reservations. Many of the negative consequences of women being excluded from the educational system are well-known; nonetheless, the problem is often expressed only in rhetoric. It's crucial to remember, though, that while being literate or educated is necessary for empowerment, it doesn't guarantee it. For this, we require a high-quality education that encourages critical thinking. From a gender viewpoint, education and literacy should empower

women and girls to critically analyse their situations, raise issues about their subordination, and assist them in making informed decisions.

### **Recommendations:**

- The National Health Policy of 2002 must take a life cycle approach to concerns of women's survival and health. Women-friendly, free, complete primary health care should be made available to all, particularly underprivileged groups, with full preventative, promotive, and curative care.
- The policy should address the hazards and demands of women working in hazardous environments such as mines, plantations, quarries, construction, the informal sector, free trade zones, and rubbish disposal.
- Integrate the grievance cell and assistance lines with health services to ensure prompt inquiry and remedy for users and health care providers. Set up specific counters and easy referrals in all health centres to provide access to free comprehensive health care, especially for stigmatised populations like sex workers and hijras.
- Ensure that women with disabilities have access to public services and transportation by providing ramps, lifts, and rehabilitation (wheelchairs, hearing aids, etc.) as a right.
- Health policies and plans should encourage initiatives that empower adolescent girls by providing them with health information, community activism roles, and increased awareness of how to negotiate power with their families, potential partners, and in the workplace.
- The XI plan, as implemented through the Sarva Shiksha Abhiyan, shall pay special attention to individual populations, situations, and locales when developing programmes. Special projects within SSA should be used to reach out to the most difficult-to-reach communities.
- Educational data should be disaggregated by gender, but it should also be collected by other social groups. To improve planning and programme design processes, systematic mapping of social groups should be conducted.
- Programs that focus on girls, such as the NPEGEL and KGVB, should be continued and strengthened.
- Adult learners should have access to equivalency programmes and certification systems so that they can take advantage of the different opportunities that are available. This can be accomplished by utilising the open learning mode and widening the NIOS mandate.
- Gender should be included in regular in-service and pre-service training programmes.
- Sexual harassment guidelines should be implemented and monitored at all levels of educational institutions, including schools (from upper primary through secondary). Sexual and other types of violence against girls and women should be addressed in teacher training programmes.

## B. POLITICAL EMPOWERMENT

Creating mechanism for women's equal participation and equitable representation at all levels of the political process and public life in each community and society, allowing women to express their concerns and needs, and ensuring women's full and equal participation in decision-making in all spheres of life. The Constitution (108th Amendment) Bill, often known as the Women's Reservation Bill, is a pending bill in India that proposes to reserve 33 percent of all seats in the Lok Sabha, India's Lower House of Parliament, and state legislative assemblies for women. The Rajya Sabha, the Parliament's Upper House, approved this bill in March 2010. Before being presented to the President of India for his approval, it must be passed by the Lok Sabha and at least half of all state legislative assemblies. Reform efforts in India, both before and after independence, have aided women in gaining political power. They were among the first to become involved in politics.

Much of the country's governance has been entrusted to elected officials and the official apparatus. It is becoming increasingly clear that a centralised strategy has not yielded the anticipated results, particularly when it comes to the involvement of excluded groups in governance processes. The 73rd and 74th amendments to the Constitution, as well as continuous administrative decentralisation through programmes like NRHM, have underlined the Indian government's commitment to enhancing the political involvement of underprivileged groups, particularly poor women, throughout the last decade. Increased political participation by women has resulted in favourable outcomes.

### Recommendations

- Amend the no-confidence clause, which is frequently used to remove women sarpanches, so that a no-confidence motion can only be passed after a year and a half in office.
- Ensure that state-by-state two-child norm legislation prohibiting anyone with more than two children from holding public office are abolished. These laws are frequently utilised against women, and impoverished, Muslim, and tribal women are disproportionately affected. More regrettably, the standard has resulted in an increase in female feticide.
- Electoral changes should include state sponsorship for women running for Parliament, state legislatures, city councils, and PRIs.
- A greater focus should be paid to how national and state policies might encourage local governments to oversee the PRI's meaningful engagement of women.
- Provide funding for a time-series evaluation of women's impact on the PRI, as well as what policy and other contextual factors encourage and enable women to participate in politics.
- Both the federal and state governments should move quickly to complete devolution and decentralisation of powers so that PRIs can carry out their mandated responsibilities.

- Encourage programmes that provide more opportunities for women and girls to gain political leadership experience.

## SOCIAL AND POLITICAL WOMEN EMPOWERMENT CHALLENGES

In terms of education, nutrition, and other chances, society is more prejudiced in favour of male children. The assumption that male children inherit the clan in India, with the exception of Meghalaya, is the primary source of this mindset. Women frequently internalise the old view of their duty as natural, causing them to suffer injustice. For the vast majority of women in India, poverty is a fact of life. It is just another aspect that makes achieving women's empowerment difficult. The topic of women's rights in India is beset by a number of difficulties. The empowerment of women in India will immediately benefit from addressing these concerns. Education: In terms of education, the country has progressed by leaps and bounds since independence. There is a significant disparity between males and women. Only 65.46 percent of adult women in India are known to be literate, compared to 82.14 percent of adult men.

### The main Problems that were faced by women

- Gender discrimination
- Lack of Education
- Female Infanticide
- Financial Constraints
- Family Responsibility
- Low Mobility
- Low ability to bear Risk
- Low need for achievement
- Absence of ambition for the achievement
- Social status
- Dowry
- Marriage in same caste and child marriage (still existing)
- Atrocities on Women (Raped, Kicked, Killed, Subdued, humiliated almost daily)

### Conclusion

After studying the facts, judgments and social history of our Nation and forming a holistic approach towards UCC, it can be concluded on following observations. Some provisions of Constitution makes implementation complicated as Art 44 of the Constitution talks about UCC for the citizens and on other hand Art 37 states that “the provisions of Part 4 shall not be enforceable in any Court...” in the next part, it seems to have created a duty on the State to apply these principles in making laws, by stating “...but the principles therein laid down 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.” Therefore we can say that Art 37, makes a duty of the State to make UCC for its citizens because it became fundamental in the governance of the Country. It appears to be Duty against which there exists no legal right that can be enforced on the breach of such duty by the State. . Women's empowerment has become one of the most pressing issues of the twenty-first century. However, in practise, women's empowerment remains a fantasy. In our daily lives, we see how women are afflicted by a variety of social ills.

Education is a critical tool for empowering women and girls to make decisions that affect their lives and improve their social position. Women's empowerment allows them to make their own decisions. Women's empowerment can help a country's social, political, and economic development. As a result, a country woman needs be empowered from all angles in order to develop.

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