



Voluntary Acceptance: Reasonably Circumventing the UCC Deadlock.

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Abstract

The recent assertion by the Hon'ble Home Minister of India regarding the implementation of the Uniform Civil Code ("UCC") in the State of Jharkhand has brought the perennial issue of UCC, tracing its origin from Constitutional debates in the late 1940s, back into the limelight.

The application of the Uniform Civil Code in India has been extensively discussed in policies, reports, articles, and books by the cabinet, think tanks, legal experts, and other relevant agencies. Some prominent pieces include the implementation of UCC in Uttarakhand, the 21st Law Commission recommending that UCC is not feasible, and several divergent views of prominent entities.

It has been observed that whenever the aforementioned literature has been used to comprehend the issue of the UCC in India various advantages and disadvantages that are more or less equally weighed out have created a situation of intellectual and judicial deadlock. Many attempts have been made to break this deadlock by proving the upside of UCC outweighs the downside or vice versa, yet, a unified consensus remains elusive thus leading to a dead end.

In this context, the paper aims to provide a pragmatic approach to breaking this deadlock via promoting 'Voluntary Acceptance', a mechanism suggested by Dr. Ambedkar for normalizing UCC which can now be leveraged as the primary implementation method.

The paper first engages with the deadlock, analyses the voluntary acceptance approach and the inhibitions against it, and finally provides an enforcement framework that brings in the factor of consent via voluntary acceptance. The core idea behind providing such a mechanism is to show that instead of engaging with the legal dilemma we can solve the same by circumventing it while maintaining the advantages and on the other hand also mitigating the disadvantages of UCC in the best way possible.

Introduction

The debate surrounding the implementation of the Uniform Civil Code (UCC from hereon) in India has persisted for decades, rooted in constitutional discussions from the late 1940s. There have been a series of efforts to find a suitable and practical solution for implementing UCC. This includes Constituent Assembly debates, Article 44, Judicial interventions etc. This paper analyzes the past efforts and proposes a fresh perspective of Voluntary Acceptance in the UCC. These efforts have faced various issues like gender inequality, non-uniformity due to distinct personal laws, smooth execution, religious conflicts, and political tussles. In order to circumvent these challenges, the concept of voluntary acceptance can be effective in developing a sense of legitimacy and public acceptance of the law. By integrating consent as a foundational principle, this approach, initially propagated by Dr. Ambedkar as a short-term solution¹, seeks to navigate the legal conundrum pragmatically, offering a balanced enforcement framework that addresses both the potential benefits and challenges of UCC implementation. The proposed policy model tries to address the requirements of the community along with a detailed and comprehensive explanation of the seamless implementation of the approach.

Research Methodology

The study employs a multi-disciplinary and doctrinal research approach, integrating constitutional analysis, case law examination, and policy evaluation. The methodology includes:

1. Legislative and Judicial Analysis:

- i. Examining relevant constitutional provisions such as Articles 25, 29, 44, 371A, and 371G, which interact with personal and tribal laws.
- ii. Review landmark judgments like the *Sarla Mudgal* and *Shah Bano* cases to understand judicial stances on UCC.

2. Policy Review:

- i. Evaluating past governmental efforts, such as UCC implementation in Uttarakhand and proposals for state-wise application.

¹ Law Commission of India, *Consultation Paper on Reform of Family Law* (Aug. 31, 2018), <https://lawcommissionofindia.nic.in/reports/p201883101.pdf>. Pg 4 Para 1.9.

- ii. Further going ahead of Dr. Ambedkar's original ideas on "Voluntary Acceptance" and its implications.

3. Socio-Legal Analysis:

- i. Considering public opinion, including surveys and sociological data, to understand acceptance and resistance to UCC.
- ii. Highlighting gender issues and cultural diversity challenges in current personal laws.

Research Objectives

1. Analyze the persistent deadlock in UCC implementation, and incorporate cultural, religious, and constitutional challenges.
2. Study the viability of voluntary acceptance as an alternative model of implementation.
3. Suggest a dual-operational framework that puts at play individual choice and legal standardization.
4. Balance religious liberties with constitutional precepts of equality and fairness.

Literature Review Explaining

the Deadlock

Discussions on implementing a Uniform Civil Code have often reached a deadlock due to various longstanding hurdles. It is crucial to discuss these hurdles to understand and fill the loopholes of various administrative efforts that were executed in consonance with these challenges. Following are the issues which require attention:

The Religious Angle

An important task to tackle is the infringement of religious liberty and the rights of the minority, which has become the prime reason for many people to resist this code. The idea of uniformity is something that UCC offers and due to the deeply rooted notions of faith and culture, we often see a staunch opposition to it which has eventually led to the situation of a deadlock. Most of the religious laws and interpretations are not codified or documented and may be based on oral or written sources that often contradict each other². The relationship between religion and culture forms a key part of India's social fabric. This invites profound reflection on whether the legal

² Arya, Usharbudh. "Hindu Contradictions of the Doctrine of Karma." East and West, vol. 22, no. 1/2, 1972, pp. 93–100. JSTOR, <http://www.jstor.org/stable/29755748> Accessed 9 Dec. 2024.

system should aim to accommodate or overcome such differences. The quest for a uniform legal system may cause cultural shock thus being opposed by traditionalists. UCC will be viewed as a threat to the preservation of its liturgical heritage, which is a huge hurdle in its adoption and implementation. In this context, proponents of religion-based personal laws argue that the minority groups' interests are likely to be affected adversely in India by the implementation of a nationwide UCC because it does not give recognition to their spiritual and religious beliefs. But at the same time, conflicts of any nature between the maintenance of Constitutional principles like equality, liberty, and justice with a community's beliefs about something have indicated that the former must always be placed above the latter, thus ensuring constitutional supremacy.

UCC and Public Opinion

The opinions of the Indian masses toward the Uniform Civil Code are as varied as the nation itself and these differences of opinion have accelerated the deadlock. Numerous surveys and studies obviously

show that the UCC gives a plethora of reactions, many of which are influenced by political ideologies, socioeconomic status, religious beliefs, and level of education. Most surveys also point to the fact that opinion among individuals regarding the UCC varies. A significant quantifiable minority is totally against the UCC viewing it as a threat against religious liberty and cultural diversities, though a greater proportion of the population supports implementation as a measure for gender equities and national cohesion³. Religious disparities often lead to this division and, in general, smaller groups tend to demonstrate more caution and inhibition toward the majority in prevalent society. Misinformation or diffusion of misinformation breeds opposition, leading to the idea that there must be the proper communication of logic and benefit of a Uniform civil code. Tackling the same requires a heavy mandate by the government as it would involve a delicate method of understanding and commitment to upholding constitutional principles.

UCC and Tribal Rights

Tribal rights and protections have been another contentious issue contributing to the deadlock. Tribes protected under constitutional provisions like Articles 371, 371A, 371G, and the Sixth Schedule, UCC present a threat to their customary practices and governance.

³ Amit Kumar, Uniform Civil Code Implementation: Challenges And Implications in Indian Diversity, 14 IJFMR [6] (2024), available at <https://www.ijfmr.com/papers/2024/2/14939.pdf> (accessed Dec. 13, 2024)

Barriers to the Implementation of UCC in Tribal Regions

i. Constitutional Safeguards.

Tribal communities in Nagaland, Mizoram, Meghalaya, and Arunachal Pradesh enjoy special constitutional protections in terms of their unique cultural and legal systems. For example, Article 371A prohibits Parliament from legislating on Naga social practices or land ownership without the state assembly's approval. Likewise, Article 371G guards Mizoram's customary laws unless the state assembly has decided otherwise.

ii. Land and Resource Rights.

For many tribes, land is not just an asset but part of their identity: ancestral traditions and community practices are attached to it. Standardized approaches from the UCC could cut off such ties, as can be seen in Arunachal Pradesh, where the threat of losing rights to the land has inspired resistance⁴.

iii. Gender and Customary Laws.

Tribal practices, however, tend to marginalize women, particularly in inheritance and decision-making processes. For example, women are not allowed to inherit ancestral property in Nagaland and are dominated by patriarchal norms⁵. Even in matrilineal societies like Meghalaya's Khasis, decision-making power remains with men in the traditional councils, known as Dorbar Shnongs⁶.

Gender and UCC

One area that falls grossly within the ambit of the Uniform Civil Code (UCC) is the issue of gender equality, a very crucial one, however often complicated by the impact of personal laws. The feminist views hold that the fragmentation in personal laws often sustains gender inequalities and hence needs a thorough discussion about whether UCC can offer a better law for society⁷. In the

⁴Anusha Mukherjee, Arunachal Pradesh at a danger level: Mega dams a threat to its environment and people, Frontline (The Hindu) (Oct. 20, 2022), <https://frontline.thehindu.com/the-nation/mega-dams-in-arunachal-pradesh-a-threat-to-its-environment-and-people/article66004544.ece> (accessed Dec. 13, 2024).

⁵Jeremy Kangdhi & Thangmoi Haokip, Inheritance and Succession Custom of the Nagas, 9 JETIR c155 (Sept. 2022), available at <https://www.jetir.org/papers/JETIR2209237.pdf> (accessed Dec. 12, 2024).

⁶HP News Service, Women in dorbars: Time to change the mindset of men says Khongdup, Highland Post (July 9, 2024), available at <https://highlandpost.com/women-in-dorbars-time-to-change-the-mindset-of-men-says-khongdup/> (accessed Dec. 13, 2024).

⁷Sangeetha Lakshmi V & Dr Brinda P, Uniform Civil Code in India: An Analysis of the Conflict Between Collective Interest of the Society, 6 Vishwakarma U. Law J. 9 (2024), available at <https://vulj.vupune.ac.in/archives6/19.UNIFORM%20CIVIL%20CODE%20IN%20INDIA%20AN%20ANALYSIS%20OF%20THE%20CONFLICT%20BETWEEN%20COLLECTIVE%20INTEREST%20OF%20THE%20SOCIETY%20A.pdf> (accessed Dec. 13, 2024).

legal sphere, the introduction of a uniform code is going to drastically alter the present scenario, either for better or for worse, in terms of women's rights. Socially, the introduction of a UCC may eliminate gender-biased clauses in personal laws, thereby having far-reaching effects on women's empowerment. The complex interplay of these legal and social factors suggests that the tapestry of women's rights can be written anew under one body of law, though it must do justice to the nuanced and differentiated impacts on women in different communities. The problem of gender inequality is that many religions and their practices portray women as the more vulnerable sex who require safeguarding through institutions like marriage and the joint family system. A woman's existence is validated not by her own identity, but by the identity of the man or men to whom she is connected. This guideline is used in all personal law issues such as Marriage, Divorce, Guardianship, Property rights, Inheritance, and to determine lineage.

At a time when the right to privacy is considered to be one of the fundamental rights under the Constitution provisions representing progressiveness, the personal laws that come up from the ancient religious (uncertain) documents are placing women in a disadvantageous position by connecting their identity to a male member. The Supreme Court held that there should be no disparity in rights for women in the name of personal law and that the adoption of UCC will be the only panacea to root out all types of gender discrimination in various religions which were brought to the forefront by the Sarla Mudgal case⁸. Further, the maintenance rights of a Muslim divorced woman even after the Iddat period, was upheld in the landmark SC judgment in Shah Bano⁹. Legislative action of the Parliament reversed the landmark ruling¹⁰. However, socially stigmatized practices like child marriages, unilateral divorces, denial of inheritance rights, discrimination in custodial rights, etc., are against the interest of females in most religious personal regulations.

Constitutional Challenges and UCC

The Uniform Civil Code (UCC) has been a contentious issue in India, not only because of its socio-political implications but also because of the constitutional challenges it poses. Though the idea of a UCC is enshrined in Article 44 of the Directive Principles of State Policy, its implementation is

⁸ Sarla Mudgal v. Union of India, 1995 (3) SCC 635, 651-52 Para 44 (1995).

⁹ Mohd. Ahmed Khan v. Shah Bano Begum, 1985 (2) SCC 556 (1985).

¹⁰ Gupta, Ambika. Mohammed Ahmed Khan v. Shah Bano Begum (AIR 1985 SC 945), 2 Int'l J. Legal Sci. & Innovation 454 (2023).

fraught with potential conflicts with other constitutional provisions that protect India's diverse cultural, religious, and tribal identities. The following challenges have further worsened the deadlock situation.

1. Conflict with Fundamental Rights

- i. Religious Freedom (Article 25): Article 25 mentions the right to freedom of conscience and the right to freely profess, practice, and propagate religion. The UCC can be said to violate such freedoms by negating personal laws based on religious usage.
- ii. Cultural and Educational Rights (Articles 29 and 30): These articles protect the rights of minorities to conserve their culture, language, or script and to establish and administer educational institutions. A UCC could potentially disrupt cultural practices that are integral to these communities.

2. Federalism and Legislative Authority

- i. State Autonomy: The federal form of India provides the states with much autonomy on matters dealing with personal laws since they fall in the Concurrent List. Imposition of a UCC by the Centre can be considered as an encroachment on the rights of the states.
- ii. Special Status: Articles like 371A (Nagaland), 371G (Mizoram), and 371F (Sikkim) give certain states the right to follow their own customary laws and governance systems. These provisions create constitutional barriers to implementing a UCC in these regions.

3. Tribal Rights and Practices

- i. Sixth Schedule (Article 244): This schedule provides autonomy to tribal areas in the northeast to self-govern them under customary laws. UCC's implementation could run contrary to these guarantees and disrupt tribal governance and practice.
- ii. Article 371 Provisions: Specific protections for tribal states like Nagaland, Mizoram, and Arunachal Pradesh ensure that their customary laws remain unaltered without the state legislature's approval. A UCC might be perceived as undermining these guarantees.

4. Gender Equality and Religion

- i. Article 14 Equality before the law: The UCC promotes equality, mainly gender equality, in areas such as marriage, divorce, and inheritance. The implementation of this could bring

conflict with Articles 25-28, which deal with religious freedom.

- ii. Intersection of Rights: The constitutional problem lies in balancing gender equality with the right to religious freedom. Overhauling personal laws to align with a UCC may face opposition from groups that view such changes as an attack on their cultural or religious identity.

Approaches to Implementation and Voluntary Acceptance

After understanding the deadlock in detail we are in a good position to understand the potential approaches to implementing UCC, which are given below:

Mandatory for all.

The most widely advocated way of implementing UCC in India is making it mandatory nationwide. This creates a situation wherein everyone is exposed to the same law and everyone has the same obligations and rights bestowed upon them. It carries all the benefits of UCC like gender justice, equality before the law, rationalization of the law, and reduction of legal burden or at least reduction of ambiguity in the relevant legal sphere. The general drawback of public backlash and political resistance is common to most laws and shouldn't be the reason why UCC is not made mandatory.

Yet, there exists a more legally rooted reason why making UCC mandatory can be an issue. This reason is Art 25 of the Constitution that obligates the government to protect the religious rights of the people and as personal laws are connected to religion they can come under the ambit of the free profession of one's religion which is protected under it.

Though the government can somehow justify that their right to free profession of their religion is not hampered by the UCC, there is the Sixth Schedule that provides special protection to the tribal communities that are predominantly situated in North East India which have their own personal laws. There are various authorities like *Madhu Kishwar and Ors. V. State of Bihar*¹¹ which has provided protection to tribal customs and has said that imposing a uniform code on them by declaring that their personal laws are violative of Art 14, 19 and 21 is not desirable, and thus every case would have to be judged on its facts and a generalization cannot be made for the same. To corroborate this there is also Articles like 371 A which were added to the Constitution via the 13th Amendment Act of 1962 which makes it mandatory for the union government to get permission before making any changes to the customary personal laws of those people

These are some core reasons why making UCC mandatory is not legally feasible and thus is not the approach to go with even though it helps us to benefit from the UCC to its fullest.

State-wise implementation

Recently the government has been trying to implement UCC state-wise as it has done in Uttarakhand¹² and has also promised to do so in Jharkhand¹³. But this phased approach doesn't solve the problems and in fact, adds to it. This is because state-based UCCs create an environment wherein inter-state interactions become a problem as issues of marriage and inheritance that at times transcend borders of states will be really difficult to adjudicate on as two different laws will apply to the same dispute and application of both will seem equally legitimate and choosing any one will be unjust to the other. Similarly, when issues arising out of personal laws go to the Supreme Court from the High Courts the SC will now have more burden and a higher level of ambiguity as they will have to apply different laws for the same issue which arises from different provinces. When this seeps down into precedents and authorities it will create a bigger issue. Thus, even this approach is not feasible for implementation.

¹¹ Madhu Kishwar and Ors. V. State of Bihar 1996 AIR 1864.

¹² "President Approves Uttarakhand's UCC Bill," *The Hindu* (Dec. 13, 2023), <https://www.thehindu.com/news/national/president-approves-uttarakhands-ucc-bill/article67947099.ece>.

¹³ Gulaam Jeelani, Livemint, Amit Shah Reaffirms BJP's UCC Push in Poll-Bound Jharkhand, Won't Allow Reservation for Muslims as Long as BJP in Power, Livemint (Nov. 12, 2024, 02:37 PM), <https://www.livemint.com/elections/amit-shah-reaffirms-bjps-ucc-push-in-poll-bound-jharkhand-won-t-allow-reservation-for-muslims-as-long-as-11731400510198.html>, (accessed Dec. 13, 2024).

Rationalization of personal laws.

Some scholars and jurists have also suggested rationalization of the relevant personal laws as the unjust nature of these laws is the prime reason why UCC is advocated and if rationalized they will meet the purpose that UCC wants to fulfill without having to implement it.

This is an interesting approach but at best it can be called a half measure that can be used to suffice the need for justice until a UCC is implemented. This is because the main purpose of a UCC is to reduce the role that religion plays in personal legal issues. Moreover, it also aims at treating everyone equally in front of the law as is envisioned in Art 14 of the Constitution. Rationalizing laws is a step towards the right direction but the problem with it is two-fold. First, people will revolt at a higher intensity as most of the communities consider their laws as a legal recognition and representation of their religion and thus altering them will be considered as an alteration of their religion. Second, inter-religion interactions, that a UCC will advocate, will somewhere be ignored, and the compartmentalization among religions which attains its legitimacy from having separate personal laws for the people of the same country will be sustained and thus will be a huge drawback for our society's integrity.

Voluntary Acceptance as a Solution

After analyzing the prospective approaches as to how UCC implementation is speculated in India we are in a good position to understand Voluntary Acceptance as a viable alternative. Voluntary Acceptance as a terminology means people being allowed the liberty to decide whether they should be governed by a law or not. This means, here, that once UCC is passed people will decide if they want to be governed by it or not. There are multiple inhibitions expressed against it by prominent entities which will be dealt with in the next part, but as a concept of implementation Voluntary Acceptance is a possibility that needs consideration.

This is so because firstly, it gives choice to the people. The problem with mandatory or rationalization of laws was of permission which is directly linked to people's choice. If a progressive and accommodative UCC is brought into force it is foreseeable that people will want to be governed by it as the masses also recognize various issues with their personal laws. This is exhibited in various polls conducted by various organizations that give affirmative reactions to a UCC¹⁴ although they don't show the whole picture as their sample space is not nationwide still the fact that the Law Commission has recently received over 50 lakh responses giving suggestions for implementation of UCC¹⁵ is something that shows that people are interested in its implementation and are not wholly against it as we would have seen major protests if the same was true. In addition to the same, it provides a safeguard to the people by giving them the right to reject the law if it exhibits a high influence of the majoritarian religion as is feared by minorities. Similarly, in the case of tribals, they now have a choice that circumvents the constitutional barriers as mentioned earlier, and makes the process more democratic by allowing individuals to choose instead of one state authority choosing it for them. In the case of gender, it is to be noted that patriarchy is still predominant in India but the situation is slowly changing. Being accommodative of women's rights is considered a sign of progress and thus is something that is slowly being adopted by multiple sections of society. Moreover, women's empowerment is something that would need more than a UCC but implementing the same takes away the legitimacy given to these discriminating practices by the law thus, contributing towards women's empowerment.

This approach has worked before with the British implementation of Shariat Law and was also suggested by Ambedkar as a measure to normalize UCC in the initial years of its implementation¹⁶. Today, times have changed, and to accommodate the changes, circumvent the deadlock of UCC, and gain as much benefit from it as we can, Voluntary Acceptance can be the solution.

Inhibitions against Voluntary Acceptance.Non-Acceptance

The biggest problem with the UCC being allowed to be voluntarily accepted is the possibility of non-acceptance. The issue arises from the notion that people have a rather close relationship with their personal laws and they will not accept a UCC voluntarily over their personal laws. This notion

¹⁴ "99.8% in Favour of Uniform Civil Code, Reveals Survey," a Survey by Centre for Policy and Research (CPR) *Tribune India* (Oct. 13, 2023), <https://www.tribuneindia.com/news/jalandhar/99-8-in-favour-of-uniform-civil-code-reveals-survey-521189/>.

¹⁵ "UCC: Law Commission Receives Over 50 Lakh Responses," *Economic Times* (July 13, 2023), <https://economictimes.indiatimes.com/news/india/ucc-law-commission-receives-over-50-lakh-responses/articleshow/101734177.cms?from=mdr>.

¹⁶ Supra note 1

is not fully true in the current times. People have a close relationship with their religion and the laws emanating from them are hardly known to them. People normally react adversely to a change in their personal laws as mostly it is advocated as an interference with their religion. But now if their personal law isn't touched it means that no apparent change in their religion is done and thus people can see UCC as a better and more just way of regulating their affairs while also maintaining their religion. The matter of choice becomes essential in this case when now people are in a better place to make an informed decision between laws based on archaic religious doctrines which are at times even criticized in the current times or a uniform law to regulate all people of India irrespective of their religion only based on convenience and rationality. Similarly, the inhibition of non-acceptance by the men of the society as it makes a more gender-just law by taking away the traditional autonomy of men is also something that is misplaced. This is because it doesn't put men in a disadvantageous position and if they were going to revolt against a gender-just law they would have done it every time a female-centric law was passed in India.

Issue for minorities

This was an inhibition put forward by Dr. Ambedkar¹⁷ that the minorities will have a hard time accepting this law as the informal authorities of control like religious stakeholders, political leaders, etc. will have an adverse influence on them. This notion was correct in the 1950s and is not completely irrelevant today. Yet it is true that people are not under the strong influence of these informal authorities to the extent they were before. Education, economic factors, human rights, etc. have changed the dynamics wherein now firstly these institutions are questioned and secondly, they are also evolving as having old thoughts and ideas about society has proven to make it irrelevant and less appealing to the masses and thus it is equally true that these institutions have also slowly changed their notions. Obviously, they will act as resistance at the time of the implementation but their resistance can be quashed firstly due to the changed situation and secondly by applying a suitable mechanism of enforcement which will be explained further.

¹⁷ Mayra Alias Vaishnvi Vilas Shirshikar & Another v. State of U.P. & Others, Writ - C No. 14896 of 2021 (All. H.C. Oct. 2021) (India). Para 95

Policy Model

The idea of the voluntary acceptance model is aimed at providing people with a dual operative mechanism, either of which can be opted for by the people per their will and best interests. This approach has been used in the income tax system, which allows both old and new tax regimes to coexist¹⁸, allowing the people to freely choose their system. This helps the conservatives to get an idea of the new system before indulging in it and weigh the pros and cons of new and old policies. In the implementation of the Uniform Civil Code, this idea can function effectively by providing the people with an option to opt for the new model of the Uniform Civil Code or stay with the old personal laws. In this method, the most important precondition is 'Free Consent.' In this dual model, people will be given two options: either affiliating themselves with the UCC or staying with the old personal laws. Free consent will be ensured by a proper registration process. Here, once the choice is made, it cannot be reversed, so one must rationally analyze the options before making a decision. The decision of the parents will be binding on the minors and the option of coming back to one's personal laws is not available. This may seem arbitrary at first but still is valid for implementation as the rituals and traditions of the different religions won't be meddled with and only the recognition given to them by law will change. This change will be positive, meaning that rituals and ways of religion won't be delegitimized but if one wants proper governmental recognition and the support of the judiciary to solve disputes then they will have to go through the standardized procedure of UCC if the family chooses to be governed by it. This aligns with Dr. Ambedkar's opinion on UCC where the key reason as to why he was advocating the same was to dissociate personal laws and religion to bring in fairness, rationality, and equality without compromising equity. Thus this decision will affect the areas of inheritance, guardianship, marriage, adoption, etc., and will need a proper registration process where any family wanting to be governed under it will be properly informed of all these relevant things before it opts to be a part of UCC. The same is explained below in detail:

¹⁸ Press Trust of India. Budget 2024: Is the new income tax regime beneficial for all salaried taxpayers?, Hindustan Times, July 25, 2024, <https://www.hindustantimes.com/business/budget-2024-is-the-new-income-tax-regime-beneficial-for-all-salaried-taxpayers-101721818329031.html>.

Registration Process

The Registration of a Family in UCC is the main part of this enforcement mechanism as it is the point where there is an utmost need to ensure free consent. In this backdrop the following things are imperative:

1. Removing any sort of ignorance towards the consequences of being governed by the law.
2. Ensuring that people who want to be registered under UCC are not under any undue influence

(here undue influence can be defined as is done in normal existing jurisprudence or the experts can suggest a UCC-specific definition for the same to ensure clarity)

3. Publishing the family's transition to UCC and also providing relevant notices to their immediate relatives to ensure that they are aware of this transition.
4. Taking a Family with three generations and a direct lineal descent that is grandparents, parents, or the couple and the children as the maximum limit of registering to ensure that people of the same lineage can have autonomy in their direct family and their decisions will not be hindered by other related members.
5. In the case of direct siblings and their families, if one wants to be governed by the UCC and the other doesn't, the distinction given above can be used to separate the two differing decisions. In the same case, autonomy will be given to the grandparents to choose as to what they want to be governed when two of their offspring have divergent opinions on the same.

To implement this, certain things will have to be ensured:

1. To have a proper questionnaire and awareness process (different for different religions and communities to ensure accommodation of diversity) at the time of the registration so that both the male and the female members of the family can be made aware of it and consent of both can be taken freely. The internal family dynamic in this case cannot be predicted or governed but penalties and other safeguards can be added to the act to ensure that no single member of the family is forced, coerced, manipulated, or defrauded by the other.
2. Penalizing people or organizations that try to exert undue influence on families or engage in any misrepresentation on the same lines to make them opt for UCC or discourage them from the same. (it is admitted here that determining the same is difficult but this difficulty will be faced at the juncture of registration and once passed will not be a recurring issue as is the ambiguity created by multiple personal laws). Proper forums of appeal and an agreed- upon limitation period can be given to challenge any consent given in the registration and courts will have discretion on deciding the validity of the consent on either the existing jurisprudence or other such guidelines or rules as is demarcated by the legislature or the Government.
3. Having clear mechanisms to trace family trees to ensure clarity.
4. Establishing a Mediation Board with three members one retired judge, a family law expert (academician or practitioner), and a psychologist to provide families a formal and expert platform to resolve any issues related to this registration process if the same are not resolved amicably within the family. This will include proper timelines and non- abidingness of the decisions unless the relevant parties wish otherwise.

These are some of the few things to be implemented and the ways of implementing them. This isn't an exhaustive list and multiple more factors will come up as detailed discourse happens on the same. But these things provide a general blueprint as to what will be needed to ensure the factor of free consent that is cardinal to this mechanism of Voluntary acceptance.

Uniform Civil Code (UCC) and its nature

The content of a UCC is not the subject of this article but certain basic things have to be present in the law to make it effective via voluntary acceptance. The list of these things is quite long but the most important of them is dissociation from religion. The religious connotations surrounding personal laws are something that is a huge problem in the status quo which firstly hinders standardization and at the same time brings in unjust and unequal laws and provisions for solving legal disputes in personal matters. Thus, dissociating personal laws from religion is essential via which a neutral code that is not based on any one religion is desired and needed. This is because if the UCC is religion-oriented there will be significant problems of acceptance from the diverse religious audience in India and more importantly one of the main purposes of implementing the UCC is to reduce the role and control of religion in solving personal disputes will not be fulfilled. Other than this some substantive changes can be flexibly enforced making UCC a document that is better for the people from the point of view of getting justice. These changes can be explained on three levels:

Level 1: Inclusive Reforms in Fields of Consensus: This level will focus on reforms in areas where a consensus exists among communities.

Areas of Focus:

1. Minimum Marriage Age: Set a single minimum age for marriage regardless of religion and community.
2. Inheritance Laws: The principle of Equality should be applied to avoid discrimination in the distribution of property among heirs, irrespective of religion.
3. Adoption Laws: Uniformity in adoption law to ensure equal rights of protection for adopted children.
4. Create a conducive environment: Amend existing laws or enact new legislation in these areas to be in line with UCC principles.

Level 2: Addressing Areas of Moderate Disagreement: This level will harmonize laws in areas with some extent of contention, requiring more dialogue and consultation.

Key Areas:

1. **Divorce Laws:** Standardize divorce procedures and grounds for divorce across communities. This is so because women in some religions have a hard time getting a divorce while women in some are divorced in a very arbitrary manner.
2. **Maintenance Rights:** Ensure fair provisions for women and children after divorce or separation. It is noted here that multiple Supreme Court judgments have given women and children proper rights in case of maintenance but a statute having the manifestation of these decisions can make the interpretation and application much easier.
3. **Child Custody:** Establish consistent policies on child custody and guardianship based on the child's best interest. The different perceptions of various religions over child custody have to be circumvented in this case.
4. **Procedure:** Consultation with religious leaders, legal experts, and civil society organizations. This encourages dialogue to address concerns and reach a consensus as there are areas with some common ground present that can be leveraged.

Level 3: Areas of Significant Disagreement: This level will treat sensitive issues with greater caution and a longer timeframe to ensure inclusiveness and societal acceptance.

Concerned Subjects:

1. **Marriage and Family Laws:** Address matters as complex as polygamy, divorce, and Mitakshara law in Hindu inheritance.
2. **Religious conversions and interfaith marriages:** Address legal complexities as well as societal concerns regarding this area.
3. **Strategy:** In case of issues of acceptance on certain issues, exemptions or other similar provisions can be devised to ensure a smooth transition of the population to UCC.

Adopting these changes and some others that may be considered fit will enable policymakers to create a single legal framework that balances respect for the values and traditions of different communities and the need for standardization of the delivery of justice.

Exclusive benefits of this model.**Circumventing**

This new model helps us to bypass the deadlock of UCC as mentioned above. This turns up as a benefit as without trying to solve the religious, political, social, and ethical questions that we observe in the two opposing streams of thought in the context of UCC, we maneuver past them by using free consent, people's

choice, and individual liberty. This is because we now create an environment where people are free to choose for themselves and it works positively towards UCC as forces counteracting religious sentiments and conservatism are on the rise at the same time the inconvenience caused due to these differing laws is not only recognized on a social but also a political and professional level.

Dissociating

Another major benefit of Voluntary Acceptance is that it dissociates personal laws from religion. When one tries to make UCC mandatory irrespective of the nature of the law it will be concluded by a major chunk of the population that there are religious connotations behind it. But when it is presented to people as a choice meaning that people are given an option to opt for modern laws that are equipped for solving the complex personal matters of today for which maybe their current religion-based laws are not good or flexible enough. This makes acceptance of a UCC comparatively easier than when it is made mandatory and is viewed by society not as a challenge but as an option or a modern alternative to their personal laws.

Individual and familial autonomy

When UCC is implemented by the national or the state government it is a very top-bottom implementation where representatives make decisions and there is a high possibility that everyone's opinion is not considered due to the mere fact that India is too populous and diverse for the same. On the contrary in Voluntary Acceptance as the choice is of the people we can see prevalence of the individual autonomy. Additionally, as the model suggested above considers family as the main unit of registration it can also be seen that a family as a unit will have major autonomy over what laws it is governed by. It is noted here that families have bigger concerns than deciding which laws they want to be governed by, yet in today's scenario as a major amount of positive traction exists in the case of UCC it can be seen that a family is probable to make a transition to a uniform code.

Conclusion

From the discourse and analysis given above one can see that considering that a significant portion of the population is in favor of the UCC; instead of using this majoritarian opinion to enforce a mandatory law and imposing the same on the minorities, the same favorable situation can be used to give a choice to the people so that the UCC can be evaluated on its merit and righteousness and not on a religious or political level. Voluntary Acceptance is an approach that can ensure this, legally speaking, yet, it is equally true that when we add political and socio-economic factors to it we see that the same is not very easy to implement. There are significant roadblocks in breaking or circumventing the 'deadlock' but it is also true that Voluntary Acceptance as an approach, due to its prima facie shortcomings, is never given enough thought and discussion. Thus, legally speaking Voluntary Acceptance is the best way to circumvent the UCC deadlock and uphold the rights of all, and also implement progressive laws, but its materialization will

need a comprehensive discussion on the same. On a concluding note, it can be inferred that Voluntary Acceptance in UCC may be used as a primary approach of implementation in India but if the same is not considered feasible by scholars of constitution and family law the same should be concluded based on proper analysis by giving enough consideration to the contemporary situation and not just on the prima facie notions towards this approach. In addition to the same, if it is concluded that it cannot be used as a primary way of implementation still the discourse won't be in vain as it will result in an analysis of principles like free consent, familial autonomy, and dissociation from religion, etc. All or at least some of these principles can be used to make other approaches of implementation more inclusive through which we can finally Reasonably Circumvent the Deadlock of UCC.

