

MULTICULTURALISM AND SECULARISM: A CONUNDRUM FOR UNIFORM CIVIL CODE?

- MANAS AJAI SONKAR¹

ABSTRACT

Religion and Culture are one of the core essences of any civilization. Resultant, topics such as Secularism and Multiculturalism never leaves mainstream debate especially in a diverse country like India where Secularism and Multiculturalism appears to coexist. The concept of Secularism is not uniform rather it fluctuates from one place to other when it comes to the West, it is thought of as a separation between the state and religion, but not in India. In former, Nation is permitted to abridge the rights of citizens if religion is provoking an impediment in the working of the Nation whereas in the latter Secularism is not separate from religion. Instead, the state sees all religions as equal. In India, the idea isn't just about how religious groups are run. Rather it is about emulating a positive relationship between the country and religion in the social and cultural realm. This unique political approach is what keeps Multiculturalism alive. With the increasing globalization and interaction of cultures Indian Secularism seems to be attracted towards the western one. However, Indian Judiciary have made sure that kernel of such concepts remains untouched from external forces keeping national interests in mind. Authors aspires to look into such judicial pronouncements while analyzing different variants of Secularism and trying to figure out that which secularist approach upholds Multiculturalism. Also, this research strives to understand whether the concept of the Uniform Civil Code poses potential conflict towards the concept of Multiculturalism in a secular political system or not.

¹ The Author is a LLM student at The West Bengal National University of Juridical Sciences, Kolkata and can be

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INTRODUCTION

The ignition of the concepts related to Culture and Religion never gets cold. Discussion and debates on these topics are enough to deviate the minds of the common public and are chiefly used by politicians. Multiculturalism and Secularism are the central tenets of these concepts. For a layman, both these tenets are the fierce enemy of each other, but the myth fades away once a proper conceptual understanding occurs. The appropriate understanding of these concepts becomes more critical when the seeds of communal hatred are sowed daily in the public's minds by the political-minded people with the aim of their personal benefit. Historically, if we look back, the Partition that took lakhs of innocent lives was only motivated by communal hatred. The makers of Modern India were the spectator of these events, which inspired them to make the constitution that is a firm defender of all religions and their sentiments and supports cultural diversity. The first Prime Minister of Independent India was deeply devoted to making BHARAT a religious and culture-tolerant land.

The roots of Multiculturalism and Secularism have been initially witnessed in western societies. It does not mean that Indian communities were uninformed regarding these concepts; they were only reluctant to officially proclaim their policies on these lines. Even in the medieval era, certain emperors follow Secularism in their policies and governance². On the other hand, western developed nations were quick enough to adjust to shifting societal requirements by officially proclaiming them as their policy. Eastern Countries, though a bit late in initiation, have initiated to adapt to the changes. Globalization is a decisive factor in this impacting economy, politics, and governance. India and Sri Lanka have officially proclaimed Secularism as their way of governance, but Multiculturalism still awaits. However, these countries do practice Multiculturalism in their policies and governance. Similar goes with other Asian and African Countries except for a few exceptions³. It is critical to remember that the concept of Multiculturalism and Secularism being practiced in Indian and other eastern countries set up is entirely different from the one which is practiced in the West.

As stated in the initial part of the introduction, both these concepts are seen as enemies by the layman's understanding, but the integrated approach of both these tenets can provide salvation in terms of policy and governance.

²TRT WORLD, <https://www.trtworld.com/magazine/akbar-the-great-the-ruler-who-envisioned-a-united-india-33293> (last visited Nov. 4, 2021).

³DW, <https://www.dw.com/en/an-islamic-or-secular-pakistan/a-17325395> (last visited Nov. 4, 2021).

SECULARISM

It is often known that Secularism is characterized by the detachment of religion from public affairs and the nation-state. Still, it may also be expanded to include an identical stance about the necessity to eliminate or minimize the influence of religion in any public realm. The literal meaning of the word “Secular” refers to “being away from religion.” So, a secular person is supposed to refrain from having any biases for any religion. According to Merriam Webster dictionary, Secularism refers to the exclusion of religion and its considerations.⁴ In simple words, Secularism involves treating religion as a personal matter and extracting it from other dimensions of life, i.e., Political, Economic, Social, and Cultural. The state is to be separated from the religion and should adopt the policy of religious tolerance. It further prohibits discrimination on the grounds of religion.

The philosophical Indian Secularism

India is and has always been a land of cultural and religious diversity. Religiously unbiased traditions are deeply rooted in History. Since the ancient era, India’s philosophy, as propounded in scriptures called Upanishad, is *Sarva Dharma Sambhava* meaning all faiths and religions are treated with same respect.⁵ Modern leaders, i.e., Swami Vivekanand and Mahatma Gandhi, emphasized this concept. The Vedas further emphasize the idea of *Dharma Nirapekshata*, meaning “indifference of state to the religion.” Emperors like Ashoka⁶ and Akbar⁷ are great examples of implementing religious tolerant state policies. Various Religious movements, i.e., Bhakti and Sufi movements, also advocated harmonizing relations between all religions. Except in a few instances, rulers of India have always followed religious and cultural tolerant policies. India, i.e., BHARAT, has not had any religion of its own. The Indian Secularism is not exhaustive in nature; instead, it is fit to fulfill the religious plurality to achieve harmonious conformity of different religions.

Secularism and the Supreme document

The arrangements in the Indian Supreme document i.e., Indian Constitution clearly emphasize the concept of Secularism. The notion of secularism was not explicitly addressed in the Constitution at the inception of its adoption. Some articles i.e., Articles 14, 15, 16, 25, 26,

⁴MERRIAM WEBSTER, <https://www.merriam-webster.com/dictionary/secularism> (last visited Nov. 4, 2021).

⁵BERKLEY CENTER, <https://berkeleycenter.georgetown.edu/quotes/atal-bihari-vajpayee-on-the-indian-concept-of-secularism> (last visited Nov. 4, 2021).

⁶THE GUARDIAN, <https://www.theguardian.com/world/2019/apr/24/a-lesson-in-religious-tolerance-from-ancient-india> (last visited Nov. 4, 2021).

⁷HUFFPOST https://www.huffpost.com/entry/finding-tolerance-in-akbar_b_3031746 (last visited Nov. 4, 2021).

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27, 28, 29, 30 and 44, however, demonstrate the presence of the same. Following the passage of the 42nd Constitutional Amendment Act in 1976, the term "Secular" was included in the preamble. The term "secular" refers to the notion of Secularism as embodied in the provision of freedom of religion as a fundamental right as guaranteed by the constitution.⁸ Apex Court in *S.R. Bommai v. Union of India*⁹ regarded Secularism as a facet of the basic structure of this supreme document. The Hon'ble Court observed that according to the definition, the word "Secular" has been left undefined, probably because it is a highly elastic phrase that is not capable of a clear definition and is thus better left undefined. What was previously implied was made clear as a result of this amendment. Freedom of conscience and the right to freely proclaim, practise, and spread one's religion are guaranteed to all people on an equal basis.¹⁰ The state is also prohibited from enacting legislation that limits any commercial, financial, political, or other secular activity that is affiliated with a religious practice of any kind.¹¹ Article 26 of the supreme document provides citizens with the freedom to manage their religious affairs, including establishing and maintaining religious institutions.

Furthermore, the state has no authority to force anyone to pay taxes to promote or maintain a specific religion or belief system.¹² Even religious institutions are empowered to maintain their own religious institutions to transmit religious values.¹³ These provisions clearly demonstrate the fundamental essence of Secularism in the constitution.

Indian versus Western Secularism

Indian Secularism is different from the one being practiced in western societies. It is because India has developed its own unique concept to serve the need of the society as they are fundamentally different from one another. The notion of Secularism as it is understood in the West refers to the total separation of the state from religion, i.e., both have their own arena, and neither of them is allowed to enter into the other's part. But when it comes to the Indian concept of Secularism, it does not refer to the complete exclusion of religion from state affairs, i.e., there is no such thing as a dividing line between religion and state; instead, they engage and interfere with one another within the constraints and restrictions that have been established. When it comes to religious, educational institutions run by religious minorities, the western model prohibits the state from providing financial assistance. In contrast, the Indian model does

⁸V.N. SHUKLA, CONSTITUTION OF INDIA 4 (Eastern Book Company, Lucknow, 2017).

⁹*S.R. Bommai v. Union of India*, (1994) 3 SCC 1, 149.

¹⁰INDIA CONST. art. 25.

¹¹*Ibid.*

¹²*Supra* note 8, art. 27.

¹³*Supra* note 8, art. 28.

provide financial help to religious, educational institutions run by religious minorities if they require it. Western Secularism restrains the state from drafting any policy solely based on religion, but when it comes to India, the state is involved in setting up various Departments of religious endowments, etc.

So, it can be summarized as the Indian concept of Secularism is disparate from that of the western concept. It is regarded as a complete separation of state and religion in the West. Whereas, in India, it is not separate from religion; instead, the state believes all religions as equal. This unique positive approach of hammering out a positive relationship between State and the Religion is what promotes and preserves multiculturalism, which has been discussed in the latter part of the article.

MULTICULTURALISM

Culture refers to language, religion, food, social customs, music, and the arts are all examples of the qualities and knowledge of a specific group of people.¹⁴ Differences among these cultures are natural and well-established in today's world. Due to the rise of diverse cultures, there has been a rise in cultural pluralism. The other reason for the increase of cultural pluralism and tolerant behavior against Culture is the changing political setup that focuses on the will of the people, i.e., Democracy.

Multiculturalism refers to how a society or a government will cope with the underlying cultural variety that exists.¹⁵ It also implies that cultural variety and amicable ties between both of these cultures would be beneficial to both society and the state in the long run. Multiculturalism begins with the observation that most modern societies are 'multicultural,' that is, they include a diverse range of cultural traditions and practices.¹⁶ The notion of cultural minorities is derived from the concept of cultural diversity. As a result, it would not be incorrect to assert that the idea of Multiculturalism instills a statement in which smaller cultures may maintain their own different identities and traditions. The political bodies must take the lead in fostering Multiculturalism since this is the most critical aspect of the effort. When it comes to embracing a shared feeling of belonging and resulting in a stable multicultural society, the shared political commitment is crucial to success. A shared sense of belonging among its

¹⁴LIVE SCIENCE <https://www.livescience.com/21478-what-is-culture-definition-of-culture.html> (last visited Nov. 4, 2021).

¹⁵THOUGHTCO. <https://www.thoughtco.com/what-is-multiculturalism-4689285> (last visited Nov. 4, 2021).

¹⁶George Crowder, *Theories of Multiculturalism: an Introduction* 7 (Polity Press, 2013).

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members, according to Bhikhu Parekh¹⁷, who said this in one of his seminars, "*is essential for a multicultural society to be stable and long-lasting.*"¹⁸ For a multicultural society to function well, the feeling of belonging cannot be based on shared cultural, ethnic, and other qualities since such a society is too heterogeneous. Instead, the sense of belonging must be political in nature, based on a common devotion to the political communities.¹⁹

Indian Multiculturalism

One of the distinguishing characteristics of the Indian subcontinent is its cultural diversity. As a result, India is the ideal case study for studying a diverse society. It is because of this that Indian Multiculturalism is superior to Western Multiculturalism. Unlike in Western countries, Indian Multiculturalism extends beyond religion, race, and ethnic groups (as in the case of the West), and includes physical characteristics such as physique, dressing sense, language, food habits, and rituals. By developing Multiculturalism, the Indian state and its policies have been able to effectively conserve and promote pluralistic heritage, despite the wide range of distinctions that exist.

Throughout History, India has adopted the expression "Vasudhaiva Kutumbakam," which translates as "the globe is one community."²⁰ Knowing about the cultural richness of the Land of Seven Rivers, the constitution's drafters incorporated provisions that give enough protection and the necessary privileges to the many ethnic traditions and identities in the country. Numerous specific legislations²¹ have been implemented to shield their interests. Even though India has a plethora of personal laws and lacks a unified civil code, the Indian government has effectively ensured that each individual's cultural identity and interest are safeguarded within the community.

¹⁷He is a part of the Labour Party in the House of Lords. Between 1982 to 2001, he was a Professor of Political Theory at the University of Hull, and during 2001 to 2009, he was a Professor of Political Philosophy at the University of Westminster. From 2003 until 2008, he was president of the Academy of Social Sciences.

¹⁸INDIA SEMINAR, <https://www.india-seminar.com/1999/484/484%20parekh.htm> (last visited Nov. 4, 2021).

¹⁹*Id.*

²⁰LIVEMINT, <https://www.livemint.com/Opinion/p8mFadX0wkkPJNRWH4hEWK/Vasudhaiva-kutumbakam-for-the-21st-century.html> (last visited Nov. 4, 2021).

²¹The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, No. 33, Acts of Parliament, 1989 (India).

Is it a modern concept?

Secularism originated in the Western and European states as an official concept to engage the indigenous population. The situation is slightly different for Multiculturalism. It was initially formulated in North America, which later diffused to parts of western Europe and Australia in the 1970s. This period is regarded as the first phase of Multiculturalism. It was also the time when Secularism too existed in these states. They generally adopted “Secularism” for themselves whereas “multiculturalism” for others. One of the reasons for the introduction of Multiculturalism was the emergence of explicit government policy in response to various issues, i.e., demands for independence and religious autonomy, an assertion of indigenous rights, pressure for the recognition of migrants' cultural traditions, and many more.

Multiculturalism became more popular and relatable from 1989 onwards, resulting in the communist states established in the European parts began to collapse one after another. Resulting European Union started to formulate its policies so that the issues related to new inducts do not go unattended. These policies were nothing but the policies of Multiculturalism. Apart from this, the main reason for introducing this concept was to negotiate with the issues related to race and ethnicity. In short, to solve the problems of incoming and settled immigrants from different races and ethnic groups. The bare reading of the timeline might lead to an instant conclusion that the concept of Multiculturalism is recently developed, but the conclusion remains partially true. It is true that the Countries of the West started to officially proclaim multiculturalist policies in the latter part of the 20th Century but does this means that earlier societies were singular in the case of Culture? Obviously NOT. Earlier, too cultural diversity was present, and those diverse cultures too lived together harmoniously. However, they were reluctant to officially proclaim it due to the lack of a modern political mechanism. The best example of it is the cultural diversity of India.

Secular Multiculturalism

It has been clearly understood that both the concepts, i.e., Secularism and Multiculturalism are essential for the proper mechanism of society. The concepts become more important when most nations have a democratic set, and globalization backed by Human Rights has further ensured that countries respect both these concepts while drafting any policies. Secularism, in simple words, refers to the separation of state/government and religion (Indian Secularism is slightly different from this). Whereas Multiculturalism relates to States with various cultural identities that acknowledge, encourage, and promote cultural diversity. Instead

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of regarding both these concepts as enemies of each other, an integrated approach is sure to make a harmonious condition in society.

Western Secularism: a false hope for Multiculturalism

A growing number of scholars, such as Charles Taylor²², are of the opinion that Secularism and Multiculturalism have begun to coincide, with questions about the appropriate rule of Secularism in the Western political framework becoming increasingly intertwined with questions about how best to deal with the increasingly diverse society.²³ The immigrants living in western democracies are governed by the respective country's constitution. Undoubtedly, most of these western constitutions promote secular Multiculturalism, at least on paper but end up being extremely secular while denying various aspects of Multiculturalism. One of the most important case studies is of France; the constitution of France makes it a secular and multicultural state. It further guarantees that people are free to follow and practice any religion. Interestingly, the same state promoting secular Multiculturalism ends up legally prohibiting the wearing of the headscarf by women²⁴. Immigrants are free to wear a headscarf in their native countries, but the same gets banned while entering secular and multicultural states, i.e., France. In reality, these nations of the West are giving more and more emphasis on the literal meaning of Secularism resulting in a misinterpretation of Multiculturalism. The goal of Multiculturalism is to allow for cultural variations within a single state. Diverse cultural characteristics of ethnic minorities are encouraged and allowed to exist, rather than forced assimilation into famous society and subjugation and refusal of diverse cultures. Multiculturalism seeks to enable and incentivize different cultural features of ethnic minorities while also widening to them the entire rights of a citizen in the Nation.²⁵ A critical analysis of the western liberal democracies clearly shows how they keep on shouting the concept of Multiculturalism, but only a few have implemented policies to promote it.

²²He is a retired professor of political philosophy, philosophy of social science, philosophy history, and intellectual history at McGill University. His work has garnered him the Kyoto, Templeton, Berggruen, and John W. Kluge Prizes.

²³OPENMIND BBVA, <https://www.bbvaopenmind.com/en/articles/secularism-and-multiculturalism/> (last visited Nov. 5, 2021).

²⁴ALJAZEERA, <https://www.aljazeera.com/news/2021/4/9/a-law-against-islam> (last visited Nov. 5, 2021).

²⁵Ralph Grillo, *Pluralism and Politics of Difference: State, Culture and Ethnicity in Comparative Perspective*, 178(Oxford: Oxford University Press, 1998),

Indian Secularism (Eastern Secularism): An ideal for Multiculturalism?

As explained earlier, the Indian concept of Secularism is very much different from the one that is being practiced in western countries. Instead of being completely alienated from the religion, the state interacts with each other within the prescribed limit. Many countries in the east have been practicing secular Multiculturalism in one form or the other, although the policy of the implementation is (in some cases) and was (in most cases) unofficial. Numerous cultural and ethnic minorities did live harmoniously and were even living before independence. The Indian concept of Secularism does not force one to come out of their religious beliefs, culture, and traditions (as in the case of some western countries, especially France); instead, it aims to eliminate and counter religious disputes by promoting tolerance accepting difference. It does not let the literal meaning of secular hurt the feelings of the multicultural society. Multiculturalism's main aim is to preserve different and diverse cultures within the geographical terrain.²⁶ This aim is fulfilled within the Indian concept of Secularism as it absorbs diversity, equality, equality of opportunity respects other cultures and traditions, and most importantly, it does wrap any concept or prohibit doing anything to promote Secularism. Though the State does not have any official culture or religion, the state does take measures to promote cultural and religious diversity within the subcontinent. The same secular constitution provides the legal framework for the protection and promotion of Multiculturalism (refer to Part III of the Supreme Document).

Conclusively, the Indian concept of Secularism is ideal for Multiculturalism than the Secularism being practiced in western countries having some standard code to govern each Culture.

UNIFORM CIVIL CODE AND NATIONAL INTEGRATION

Uniform Civil Code (hereafter referred to as UCC) is one of the most hotly debated topics in today's world. The constitution-makers were aware of its future importance resulting in they drafted it in the Directive Principle of State Policy (hereafter referred to as DPSP).²⁷ However, article 37 cannot be enforced by the court. The article states that the state must make every attempt to assure that the people of India have access to a uniform civil code across the country's territory. Various Hindu personal rules were legislated in 1956; however, there was

²⁶Dr. Sanjay Pandey, *Constitutional perspective of multiculturalism in India*, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=963563 (last visited Nov. 6, 2021).

²⁷*Supra* note 8, art. 44.

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very little debate over the Uniform Civil Code (UCC). The flames of UCC got wings after the landmark case of Shah Bano,²⁸ where the Hon'ble Supreme Court reiterated the need for UCC. The need was further observed in various other cases, i.e., Daniel Latifi case²⁹, Sarla Mudgal Case³⁰, John Vallamattom case³¹, and many others. In recent times, there have been several demands to move forward towards achieving the aspiration of Article 44. The issue further got wings when the then sitting Chief Justice of India lauded Goa's Uniform Civil Code.³²

Hijab Row: 'Uniformity'

The hijab controversy erupted on January 1, 2022, at Government Pre University College in Udupi, when 6 (six) students (female) alleged they were not permitted to participate in classes while wearing Hijab. They began protesting against college officials, which quickly escalated into a statewide (later nationwide) controversy. As a result, on January 31, 2022, the Karnataka High Court received a slew of applications from Muslim pupils asking for the right to cover their faces and heads (Hijab) in class under Indian Constitutional Articles 14, 19, and 25. An interim restriction on religious clothing and symbols was enforced by the Karnataka High Court till it issued a ruling. Recently, the Hon'ble High Court of Karnataka upheld the Hijab ban on the grounds that wearing a Hijab does not form a part of essential practice in Islam.³³

This controversy had poured oil on the incessant flames of Uniform Civil Code debates. Various for and against have again come into the limelight. Some have argued that wearing Hijab is not an essential practice in Islam, whereas some are on the contrary. It has also been stated that wearing a differential uniform undermines the concept of Uniformity, one of educational institutions' core. However, it is also important to note that implementing things to maintain uniformity seems to neglect Multiculturalism and looks more tilted towards the Western notion of Secularism.

²⁸Mohd. Ahmed Khan v. Shah Bano Begum, 1985 AIR 945.

²⁹Danial Latifi v. Union of India, (2001) 7 SCC 740.

³⁰Sarla Mudgal v. Union of India AIR 1995 SC 1531.

³¹John Vallamattom & Anr v. Union of India, (2003) 6 SCC 611.

³²INDIAN EXPRESS, <https://indianexpress.com/elections/chief-justice-of-india-s-a-bobde-lauds-uniform-civil-code-in-go-7248631/> (last visited Nov. 6, 2021).

³³Resham v. State of Karnataka and Others, MANU/KA/0912/2022.

FOR AND AGAINST

As stated earlier, UCC is one of the highly debated topics of Modern India, especially when globalization is at its peak and the concept from the western democracies are fascinating day to day Indians, including the western idea of Secularism. Religion and Culture are the most delicate and sensitive topics and should be tackled with great care and precaution. So, it becomes more important to analyze for and against arguments of the concept.

The most random argument given in favor of UCC is that it will further integrate India (the land of diversity). The diverse religion, culture, and tradition will be covered under a singular code of conduct, resulting in a National Integration by giving a sense of oneness. Vote bank politics is not an alien concept in the Indian Political system. Introducing a standard code will ultimately provide a severe blow to vote bank politics. India is a land of numerous religions, and the absence of a common code has led to the working of various personal laws. These personal laws have certain loopholes, and those can be easily tackled with a common code governing all. Another persuasive argument in favor of UCC is that it has become a symbol of being a developed state as most developed nations do have a common code of conduct. Our pace of social growth is much slower in comparison to economic growth. It is further argued that the common code will promote the actual value of Secularism without affecting the freedom of religion³⁴ being guaranteed under the constitution. The common code is more likely to provide a more effective and coherent legal system by reducing confusion and more efficient administration of justice.

As stated in the preceding paragraph, religion is a very delicate issue; its delicacy can be understood by politicians taking enormous care while speaking on these concepts. The most arguments given in against is that there might be a possibility that the majority community may impose their views on the minority community. They also contend that UCC will also be violative of various minority rights³⁵ enshrined in the constitution. One most important reason for this argument is that the terms and the contents of UCC are yet to be announced. They also argue that personal laws have a divine origin, and alteration in them will hurt their religious sentiments.

³⁴*Supra* note 8.

³⁵*Supra* note 8, arts. 29 30.

NATIONAL INTEGRATION AND THE WAY FORWARD

National integration is one of the most important and reliable arguments favoring common code. This importance of National integration was well known by the founders of modern India, where Britishers left us with more than 500 independent states. However, with the tireless efforts of our great leaders, we succeeded in geographically unifying the nation. However, the founding fathers were not in a mood to initiate any alteration in the religious part as the Nation was still recovering from the wounds of partition on religious grounds. Even then, many leaders in the Constituent Assembly favor implementing a common code. KM Munshi said that as soon as feasible, we must achieve the status of a powerful and united country.³⁶ Religion must only be practiced in those aspects of life that are legitimately associated with religion, and the rest of society must be organized, united, and modified to attain that position in the shortest amount of time feasible. Our first and most crucial challenge is to bring about a sense of national togetherness in our country. We believe that we have achieved national unity. However, there are numerous – and significant – factors that continue to pose severe threats to our Nation's oneness, and it is absolutely essential that the entirety of our life, insofar as it is restricted to secular spheres, be unified in such a way that we may be able to say as soon as possible.³⁷ AK Ayer believed that UCC aims at amity rather than destroying it.³⁸ Justice YV Chandrachud, in the case of Shah Bano,³⁹ observed that through the adoption of a uniform civil code, the goal of national unity will be furthered by eliminating divergent allegiance to laws that contain competing philosophies. Making unjustifiable compromises on this subject is unlikely to cause a ruckus in any given community. It is the state that is tasked with the responsibility of ensuring that all inhabitants of this Nation have access to a Uniform Civil Code, and it has indisputably the legislative authority to accomplish this goal. UCC is indeed bound to strengthen our Nation's integration. The existence of various laws whose applicability depends on religion was regarded as inferior and shows political disintegration.⁴⁰ Common code is bound to lead to the genuine meaning of democracy through a well-integrated nation. India is a mixture of diversity, and the same goes for the various personal laws of different religions. A significant portion of the population does favor the common code as it seems beneficial in the long run. However, the minorities' stance is still critical. Instead of directly

³⁶Refer Constituent Assembly Debates, VOLUME IX.

³⁷VII, *Constituent Assembly Debates*, 548.

³⁸*Ibid* at 549.

³⁹*Supra* note 24.

⁴⁰Indra Deva(eds.), *Personal Laws, or a Uniform Civil Code? Sociology of Law*, (Oxford University Press, New Delhi, 2005).

hitting the target, there should be a gradual consensus development. The state should consider that while promoting a common code, it doesn't lead to the death of Multiculturalism as is the case in some countries (a detail has been covered under the head, i.e., Secular Multiculturalism).

CONCLUSION

Secularism and Multiculturalism are two important and interrelated concepts. The Indian variant of Secularism seems more fit with Multiculturalism as it is inclusive of it. Further, the Constitution of India makes it easier to promote Secularism on the one hand while Multiculturalism on the other. Whereas when looking to the western model of secular Multiculturalism, though these countries officially declare themselves multicultural, they also penetrate the minority culture and tradition.

With the increasing globalization and influence from the West, UCC seems like a need of the hour. Although the government is aware of the sensitivity of religion, so it generally tries to escape from this debate. However, due precaution must be taken when implemented by ensuring that UCC doesn't negatively impact the MULTICULTURALISM.

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