



## Need for UCC in India

**For Prelims:** [Uniform Civil Code](#), [Article 44 of the Constitution](#), [Seventh Schedule](#), [Special Marriage Act of 1954](#), [22nd Law Commission of India](#).

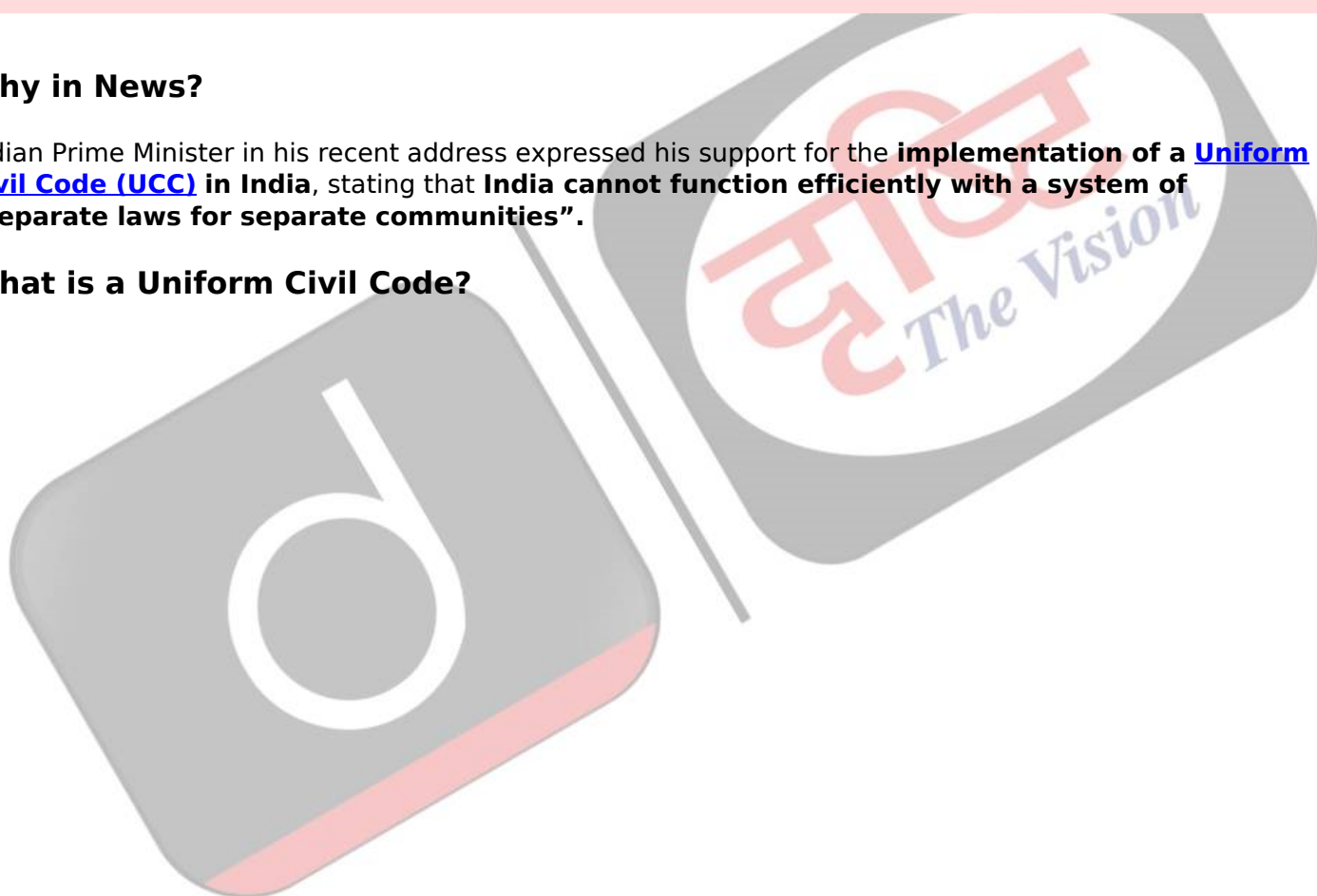
**For Mains:** Arguments in Favour and Against UCC, Efforts Towards UCC in India, Challenges in Implementing UCC.

### Why in News?

Indian Prime Minister in his recent address expressed his support for the **implementation of a [Uniform Civil Code \(UCC\)](#) in India**, stating that **India cannot function efficiently with a system of “separate laws for separate communities”**.

### What is a Uniform Civil Code?

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# UNIFORM CIVIL CODE

All sections of the society irrespective of their religion shall be treated equally according to a National Civil Code - the Uniform Civil Code.

## THEY COVER AREAS LIKE



Marriage



Divorce



Maintenance



Inheritance



Adoption



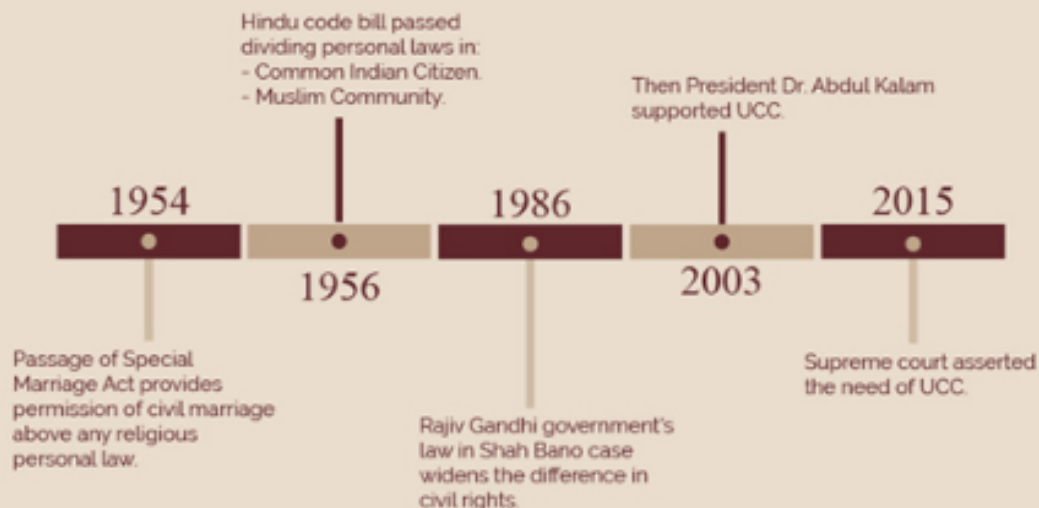
Succession of Property

It is based on the premise that there is necessarily no connection between religion and personal law in a civilized society.

"UCC refers to a common set of laws governing civil rights of every citizen."

Article 44 of Directive Principles sets duty of state for implementing UCC.

## TIMELINE



The dialogue for UCC was started by the Law Commission in the year 2016

### ▪ Origin and History:

- The British government's 1835 report in colonial India called for uniform codification of Indian law, including crimes, evidence, and contracts.
  - However, the Lex Loci Report of October 1840 suggested that personal laws of Hindus and Muslims should be excluded from this codification.
- As British rule progressed, the B N Rau Committee was formed in 1941 to codify Hindu law, leading to the enactment of the Hindu Succession Act in 1956.

### ▪ **Constituent Assembly's Views on UCC:**

- During the debates in the **Constituent Assembly**, the inclusion of the UCC sparked significant discussion.
  - There was a vote, **resulting in a 5:4 majority, where it was decided by the sub-committee on fundamental rights**, led by **Sardar Vallabhbhai Patel**, that the **UCC would not be included as a fundamental right**.
  - Dr. B R Ambedkar, while drafting the Constitution, **stated that a UCC was desirable but should remain voluntary until the nation was socially prepared to accept it**.
  - As a result, the UCC was placed in the **Directive Principles of State Policy (DPSP) (Article 44)**.

**Note:** In India, personal law subjects like marriage, divorce, inheritance come under Concurrent list ([7<sup>th</sup> Schedule](#)).

## What are the Arguments in Favour of UCC?

- **Celebrating Diversity, Strengthening Unity:** It will promote national integration and **secularism** by removing the distinctions and contradictions based on religious personal laws and creating a **common identity for all citizens**.
  - It would also **foster a sense of unity and harmony among diverse communities**.
  - For example, **UCC would enable inter-faith marriages and relationships without any legal hurdles or social stigma**.
- **Empowering Women through Uniformity:** It would **ensure gender justice and equality by abolishing the discriminatory and oppressive practices** against women in various personal laws, such as **polygamy, unequal inheritance, etc.**
- **Streamlining Laws for Legal Efficiency:** India's current legal system is **burdened with complex and overlapping personal laws, leading to confusion and legal disputes**.
  - A **UCC would simplify the legal framework** by consolidating and harmonising various laws into a single code.
  - This would enhance clarity, ease of implementation, and reduce the burden on the judiciary, ensuring a more efficient legal system.
- **Drawing Inspiration from Global Success Stories:** Many countries across the **world like France, have implemented a uniform civil code**.
  - A UCC is the sign of a modern progressive nation implying that it has **moved away from caste and religious politics**.

## What are the Arguments Against the UCC?

- **Threat to Minority Rights:** India's strength lies in its diverse society, and personal laws have been developed to accommodate these diversities.
  - Critics argue that **imposing a single code might undermine the cultural and religious autonomy of minority communities**, leading to feelings of alienation and marginalisation.
- **Judicial Backlog:** India **already faces a significant backlog of cases**, and implementing a UCC could exacerbate the situation.
  - The **extensive legal reforms necessary to harmonize personal laws into a single code would demand significant time and effort**.
  - Consequently, **during this transitional period, the legal system may experience an increased burden** due to the emergence of new cases challenging the constitutionality of the UCC.
- **Complexities within UCC in Goa:** Goa's implementation of a UCC has been praised by the **Supreme Court in 2019**. However, the **ground reality reveals complexities and legal pluralities within the state's UCC**.
  - The UCC in Goa permits **a specific form of polygamy for Hindus and does not extend the Shariat Act to Muslims** (they are governed by Portuguese and Shastric Hindu laws).

- Additionally, **catholics enjoy certain privileges, such as exemption from marriage registration and the ability of Catholic priests to dissolve marriages.**
- This highlights the **complexity of personal laws in India, even within a state known for implementing a UCC.**

## What are the Efforts Towards UCC in India?

- **Statutory Provision:**
  - **Special Marriage Act, 1954:** Under the act, civil marriage is permitted for any citizen, regardless of religion, allowing any Indian to get married outside of religious custom.
- **SC Judgements Recommending the Need for UCC:**
  - **Shah Bano Case 1985**
  - **Sarla Mudgal Case 1995**
  - **Paulo Coutinho vs Maria Luiza Valentina Pereira (2019)**

## What is the Stance of Law Commission Related to UCC?

- **Law Commission of India (2018):** It stated that **UCC is neither necessary nor desirable at this stage, as it would be counter-productive for the harmony of the nation.**
  - It also suggested that **reforms in personal laws should be done by amendments and not by replacement.**
- **Recently, 22<sup>nd</sup> Law Commission of India** has chosen to seek the opinions and suggestions of the general public as well as recognised religious organizations regarding the UCC.

## What are the Challenges in Implementing UCC?

- **Political Inertia:** No political party has shown a **sincere and consistent commitment to enact UCC**, as it is seen as a **sensitive and divisive issue that may alienate their vote banks.**
  - Moreover, there is no consensus among various parties and stakeholders on the scope, content and form of UCC, as different groups have different views and interests on personal matters.
- **Lack of Awareness and Education:** Many people in India are not **even aware of their legal rights and obligations under their personal laws** or under the common laws.
  - They are also **not educated about the benefits and drawbacks of UCC** or about the experiences of other countries that have adopted or rejected UCC.
  - They are **often influenced by misinformation or propaganda** spread by vested interests or communal forces.

## Way Forward

- **Comparative Analysis:** There is a need to **conduct a comprehensive comparison analysis of the various personal laws in India.** This will help in understanding the commonalities and areas of contention.
- **Enactment of Common Principles:** Based on the comparative analysis, **we can enact a law of personal status** that incorporates principles shared by the different personal laws.
  - These **common principles**, which align closely across various personal laws, can be immediately enforced to establish a uniform legal framework.
- **Family Law Board:** There is a need to **establish a Family Law Board within the Union Law Ministry** which would be responsible for **studying and recommending changes to personal laws** related to family matters.
- **Brick by Brick Approach:** A just code is far more important than a uniform code; **Pilot projects can be initiated in select regions** or communities which would demonstrate the viability, acceptance and practicality of a UCC.

## UPSC Civil Services Examination, Previous Year Question (PYQ)

### Prelims

**Q1. Consider the following provisions under the Directive Principles of State Policy as enshrined in the Constitution of India: (2012)**

1. Securing for citizens of India a uniform civil code
2. Organising village Panchayats
3. Promoting cottage industries in rural areas
4. Securing for all the workers reasonable leisure and cultural opportunities

**Which of the above are the Gandhian Principles that are reflected in the Directive Principles of State Policy?**

- (a) 1, 2 and 4 only  
(b) 2 and 3 only  
(c) 1, 3 and 4 only  
(d) 1, 2, 3 and 4

**Ans: (b)**

### **Mains**

**Q.** Discuss the possible factors that inhibit India from enacting for its citizens a uniform civil code as provided for in the Directive Principles of State Policy. **(2015)**

**Source: TH**

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