Uniform Civil Code

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Why in News?

In his speech on the occasion of 78th Independence Day, the Prime Minister called for a **uniform civil code (UCC)**, framing it as a **secular civil code**.

What is the Uniform Civil Code?

- **About:**
    - **The Uniform Civil Code (UCC)** is outlined in **Article 44** of the Constitution as part of the **Directive Principles of State Policy**, which states that the government should **strive to establish a uniform civil code for all citizens across India.**
        - However, its implementation is left to the discretion of the government.
    - **Goa** is the only state in India where a UCC is in place, following the **Portuguese Civil Code of 1867**.
- **Historical Context:**
    - While the **British established uniform criminal laws in India,** they avoided standardising family laws due to their sensitive nature.
    - During the debates the **Constituent Assembly** discussed the UCC and Muslim members raised concerns about its impact on community personal laws, proposing safeguards for religious practices.
    - On other hand supporters like **K.M. Munshi, Alladi Krishnaswami, and B.R. Ambedkar** argued for the UCC to promote equality.
- **Supreme Court of India's Stance on UCC:**
    - *Mohd. Ahmed Khan vs Shah Bano Begum Case, 1985*: The Court noted with regret that "**Article 44 has remained a dead letter"** and advocated for its implementation.
    - *Sarla Mudgal v. Union of India, 1995* and *John Vallamattom v. Union of India, 2003*: The Court reiterated the need for implementing the UCC.
    - *Shayara Bano v. Union of India, 2017***:** The Supreme Court ruled that the practice of **triple talaq was unconstitutional** and violated the dignity and equality of Muslim women.
        - It also suggested that Parliament should pass legislation to regulate Muslim marriages and divorces.
    - *Jose Paulo Coutinho v. Maria Luiza Valentina Pereira Case, 2019*: The Court praised Goa as a "shining example" where "the uniform civil code is applicable to all, regardless of religion except while protecting certain limited rights" and called for its implementation

across India.
- **Law Commission's Stance:**
  - In 2018, the **21st [Law Commission](#)**, led by former Supreme Court judge Justice Balbir Singh Chauhan, released a consultation paper on "Reforms of family law," stating that the "**formulation of a Uniform Civil Code is neither necessary nor desirable at this stage.**"

What are the Significances of the UCC?

- **National Integration and Secularism:**
  - **Promotes Unity**: The UCC would foster **national integration** and **secularism** by creating a shared identity and sense of belonging among all citizens.
  - **Reduces Conflicts**: It would decrease **communal and sectarian conflicts** arising from different personal laws.
  - **Upholds Constitutional Values**: The UCC would reinforce the principles of equality, fraternity, and dignity for all individuals.
- **Gender Justice and Equality:**
  - **Ensures Equality**: The UCC would address **gender discrimination and oppression** by providing equal rights and status to women in marriage, divorce, inheritance, adoption, and maintenance.
    - It would **empower women** to challenge patriarchal and regressive practices that violate their fundamental rights.
- **Simplification and Rationalisation of the Legal System:**
  - **Simplifies Laws**: The UCC would streamline and rationalise the legal system by **eliminating the complexities and contradictions** of multiple personal laws.
  - **Harmonizes Legal Frameworks**: It would reconcile **civil and criminal laws** by addressing anomalies and loopholes arising from diverse personal laws.
  - **Enhances Accessibility**: The UCC would make the legal system more accessible and understandable for the general public.
- **Modernisation and Reform of Outdated Practices:**
  - **Updates Practices**: The UCC would modernise and **reform outdated and regressive practices** in some personal laws.
  - **Eliminates Harmful Practices**: It would remove **practices contrary to human rights and constitutional values**, such as triple talaq, polygamy, and child marriage.

What are Challenges in Implementing the UCC?

- **Diverse Personal Laws:** India's numerous communities follow distinct personal laws for **marriage, divorce, inheritance, and succession**. Harmonising these diverse practices into a single code poses a significant challenge.
- **Religious Sensitivities:** Different religious communities have deeply rooted traditions and laws.
  - They also argue that the **UCC** would infringe upon their constitutional rights under **[Article 25](#),** which guarantees freedom of conscience and the right to freely profess, practice, and propagate religion.
- **Political and Social Opposition:** The UCC is often seen through a political lens. Parties and leaders may resist or support the **UCC based on electoral considerations, leading to inconsistent policies and delays.**
- **Social Concerns:** There is a fear that the UCC could disrupt traditional practices and create social unrest.
- **Legislative and Legal Hurdles:** Crafting a comprehensive UCC requires **extensive legislative work** and **detailed legal drafting** along with **administrative capacities** to address the nuances of various personal laws.

Way Forward

- **Unity and Uniformity: The UCC should acknowledge India's multiculturalism and maintain its diversity, emphasising that unity is more crucial than uniformity.**

- The Indian Constitution supports both **integrationist and multicultural approaches** to address cultural differences.

  - **Discussion and Deliberations with Stakeholders**: It is essential to engage a wide range of stakeholders, including **religious leaders, legal experts, and community representatives**, in the development and implementation of the UCC.

    - This engagement ensures that the UCC reflects diverse perspectives and is perceived as fair and legitimate by all citizens.

  - **Striking a Balance:** The lawmakers should focus on removing practices that conflict with **constitutional standards** while ensuring cultural practices align with principles of **substantive equality and gender justice.**

    - Integrating **culturally sensitive practices** into a uniform system without alienating communities is a delicate balancing act.

  - **Constitutional Perspective: The Indian Constitution supports cultural autonomy and aims for cultural accommodation, with Article 29(1) protecting the unique cultures of all citizens.**

    - Communities should assess whether practices such as **polygamy and unilateral divorce** align with their cultural values. The goal should be to create a just code that promotes equality and justice.

  - **Education and Awareness:** Ensuring that all citizens are aware of and understand the UCC is crucial for effective implementation, requiring **extensive outreach and education** efforts.

__Drishti Mains Question:__

Discuss the major challenges in implementing the Uniform Civil Code across India. How can these challenges be addressed effectively?

UPSC Civil Services Examination, Previous Year Question (PYQ)

Prelims:

Q. 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 citizen a uniform civil code as provided for in the Directive Principles of State Policy. **(2015)**

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