



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](#).

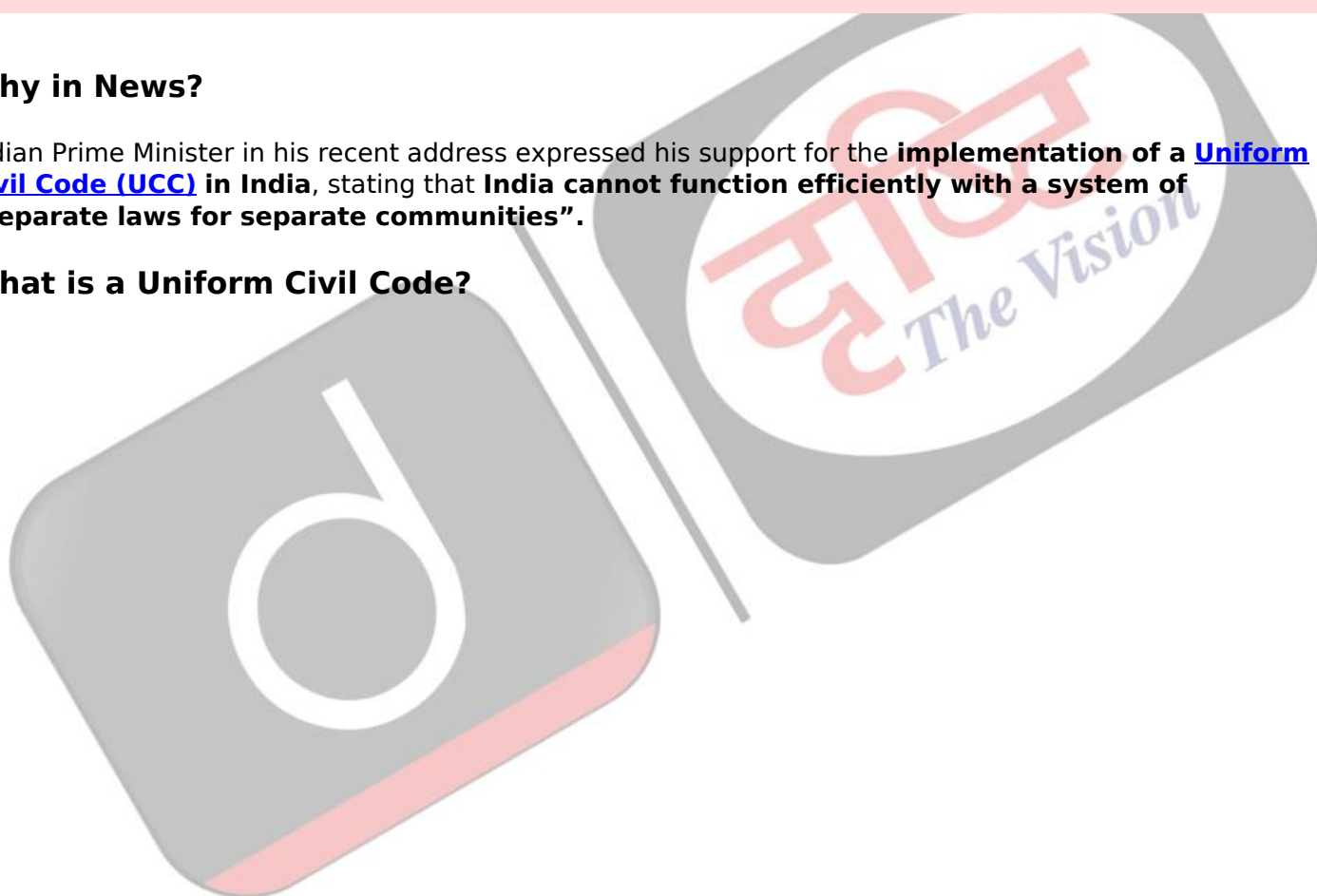
For Mains: Arguments in Favour and Against UCC, Efforts Towards UCC in India, Challenges in Implementing UCC.

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



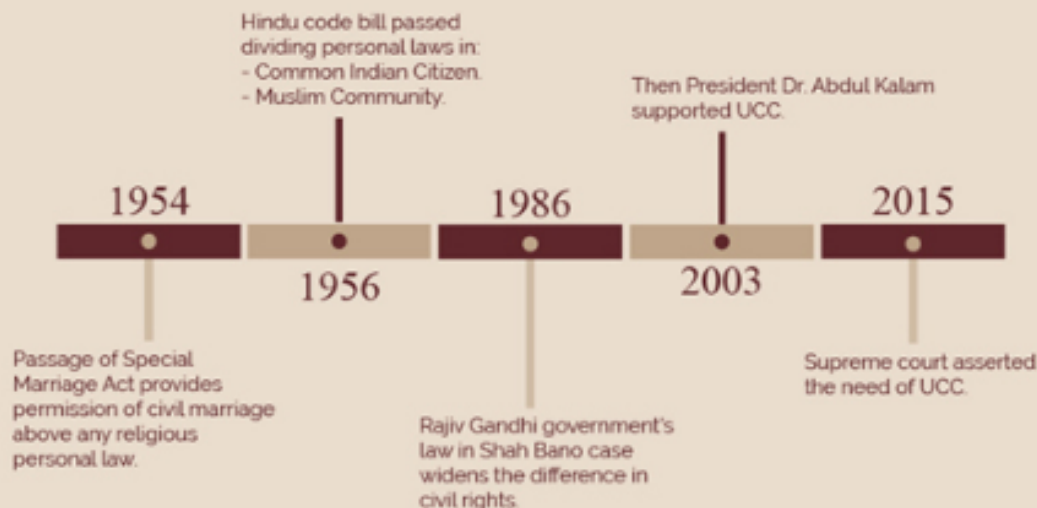
Succession of Property

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 ([7th 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, 22nd 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)**

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