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**DAILY EDITORIAL
ANALYSIS**

TOPIC

Towards Uniformity: Uniform
Civil Code

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TOWARDS UNIFORMITY: UNIFORM CIVIL CODE

In Context

- The Uttarakhand Cabinet has cleared the Uniform Civil Code Bill, becoming the first state to adopt a UCC post-independence.

Features of Uttarakhand's Uniform Civil Code

What is Unique?	Who is Excluded?	What is Unique?	Who is Excluded?
<p>All live-in relationships must be registered within a month, or else both partners are liable to ₹25k fine and/or three months in jail</p> <p>All children born to live-in couples will be considered legitimate and receive</p>	<p>Uttarakhand's Scheduled Tribes, which make up nearly 3% of the state's population, are outside the purview of the UCC bill.</p>	<p>All live-in relationships must be registered within a month, or else both partners are liable to ₹25k fine and/or three months in jail</p> <p>All children born to live-in couples will be considered legitimate and receive legal inheritance rights</p>	<p>Uttarakhand's Scheduled Tribes, which make up nearly 3% of the state's population, are outside the purview of the UCC bill.</p>

About Uniform Civil Code (UCC)

- The UCC can be traced back to the debates during the framing of the Indian Constitution.
- It aims to enforce a **uniform legal framework** to all citizens, irrespective of their religion.
 - Right now, matters including marriage, divorce and succession are governed by religion-based personal laws.
- It is part of **Part IV of the Constitution** which includes the **Directive Principles of State Policy (DPSP)**.
 - Article 44 in DPSP states that "The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India"

Arguments in favour

- Some members of the Constituent Assembly, including Dr BR Ambedkar believed that a UCC was necessary to **promote gender equality and national integration**.
 - The supporters argue that personal laws based on religion can sometimes lead to discriminatory practices, especially against women.
- Another argument is that a common civil code **would reinforce the principles of secularism in India**.
- Legal experts also say that the implementation of the UCC will make **legislation in terms of succession and divorce easier** and will oust a lot of outdated religious personal laws.

Arguments Against

- The implementation of the UCC violates the **Fundamental Rights** guaranteed by the Constitution, including **Article 25 (freedom to profess and practice one's religion)** and **Article 29 (right to have a distinct culture)**.
- Many were against it, claiming that the religious laws of different communities should not be tampered with, without their consent.

Supreme Court's Judgements

- The Supreme Court in various judgments has called for the implementation of the UCC.
 - In its Mohd. **Ahmed Khan vs Shah Bano Begum judgement of 1985**, where a divorced Muslim woman demanded maintenance from her former husband, the apex court while deciding whether to give prevalence to the CrPc or the Muslim personal law, called for the implementation of the UCC.

- ◆ The Court also called on the government to implement the UCC in the **1995 Sarla Mudgal judgment** as well as in the Paulo Coutinho vs Maria Luiza Valentina Pereira case (2019).

Law Commission's View

- The government in **2016** requested the **Law Commission of India** to determine how to form a code in the presence of "thousands of personal laws" in the country.
- In **2018**, the Law Commission submitted a consultation paper on the reform of family law.
 - ◆ The paper stated that a **unified nation did not necessarily need "uniformity"**, adding that secularism could not contradict the plurality prevalent in the country
 - ◆ a **UCC "is neither necessary nor desirable at this stage"**
 - ◆ The report recommended that discriminatory practices, prejudices and stereotypes within a particular religion and its personal laws should be studied and amended. The Commission suggested certain measures in marriage and divorce that should be uniformly accepted in the personal laws of all religions.

Conclusion and Way Forward

- A Uniform Civil Code (UCC) is a desirable and progressive goal for a secular country.
- However, mere uniformity without making reasonable allowances for diverse cultural and social practices among different social groups may not be ideal.
- The best way forward may be to preserve the diversity of personal laws but at the same time ensure that personal laws do not contradict fundamental rights guaranteed under the Constitution.
- In order to achieve this, it is desirable that all personal laws relating to matters of family must first be codified to the greatest extent possible, and the inequalities that have crept into codified law should be remedied by amendment

DAILY MAINS QUESTION

Do you agree with the view that Uniform Civil Code (UCC) could infringe upon religious freedom and might clash with religious practices? Give reasons in support of your answer.



