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UNIFORM CIVIL CODE

INTRODUCTION

The Uniform Civil Code in India seeks to create a consistent set of laws for all citizens aimed at establishing a standardized legal framework that would apply uniformly to all citizens, irrespective of their religion, gender, or sexual orientation. Currently, different communities follow personal laws based on their religious texts. The idea behind the Uniform Civil Code is to replace these diverse laws with a single common law for everyone. This article talks about the uniform civil code and the various perspectives surrounding its implementation in India.

THE CONSTITUTION OF INDIA

Article 44 of the Indian Constitution states that “The State shall endeavor to secure for the citizens a uniform civil code throughout the territory of India.” This article falls under part IV of the Indian Constitution which speaks about Directive Principles of State Policy.

However, Article 37 of the Indian Constitution clarifies that the Directive Principles of State Policy, cannot be legally enforced by courts. Despite being non-enforceable, these principles hold significant importance in guiding the governance of the country. This suggests that while the Constitution believes that Uniform Civil Code should be implemented, it doesn't mandate its enforcement.

DEBATE SURROUNDING THE UNIFORM CIVIL CODE

People advocating for the Uniform Civil Code state that it aligns with the secular principles of the Indian Constitution, treating all citizens equally regardless of their religious beliefs. It ensures fairness by offering a consistent legal framework for all citizens, irrespective of their religious backgrounds and eliminates discriminatory practices present in current personal laws. Uniform Civil Code simplifies the legal system by providing a uniform set of laws for

everyone, reducing confusion and complexity and aims to eliminate gender bias in personal laws, fostering greater gender equality and empowerment for women in matters of marriage, divorce, and inheritance.

While the critics argue that it will infringe rights of religious minorities by imposing a uniform legal system and implementing UCC may be perceived as a threat to cultural practices and individual identity, as it requires conformity to a uniform legal framework that may not align with diverse cultural beliefs. They also believe that introducing Uniform Civil Code could lead to social unrest due to deeply rooted religious and cultural sensitivities.¹

GOA CIVIL CODE

The Portuguese Civil Code was established in 1867 and was extended to Portugal's overseas provinces, including Goa, in 1869. Since then, the Goa Civil Code has been in place and is recognized as a form of Uniform Civil Code." Goa is the only state in India with a Uniform Civil Code applicable to all regardless of religion, gender, or caste. The state's common family law covers marriage, divorce, and succession for Hindus, Muslims, and Christians alike.

The law requires couples to officially register their marriage with a government authority. This ensures that, in the event of a divorce and in the absence of a prenuptial agreement stating otherwise, the wife is entitled to half of the shared assets, including those inherited by her husband. Additionally, parents are obligated to share at least half of their property with their children, including daughters.²

UNIFORM CIVIL CODE UTTARAKHAND 2024 BILL (DRAFT UCC BILL)

The 'Uniform Civil Code Uttarakhand 2024 Bill' (draft UCC Bill) was presented by the Uttarakhand government in the state legislative assembly on 6th February 2024. The UCC adopted by Uttarakhand Assembly aims to streamline laws about marriage, divorce, and succession for all communities. This makes Uttarakhand the first state, since pre-Independence Goa, to have a single set of rules for civil matters. This draft UCC talks about regulating of

¹ LEGAL SERVICE INDIA, <https://www.legalserviceindia.com/legal/article-12620-the-uniform-civil-code-ucc-in-india-a-boon-or-bane.html#:~:text=While%20a%20UCC%20holds%20the,the%20potential%20for%20social%20unrest>. (last visited March 10, 2024)

² HINDISTAN TIMES, <https://www.hindustantimes.com/india-news/explained-the-go-a-civil-code-the-new-model-for-a-uniform-civil-code-101652304333768.html> (last visited, March 11, 2024)

Live-in-Relationships which has gained the utmost public attention. This provision also mentions three months imprisonment and fine for non-registration of Live-in-Relationship.

The requirement for registration and verification for those living together seems to conflict with individual rights and unnecessary restrictions on personal freedom but on the other hand it also acknowledges children from live-in relationships ensuring maintenance and support in case of abandonment.³

BJP's STANCE ON UNIFORM CIVIL CODE

Prime Minister Narendra Modi's recent endorsement of the Uniform Civil Code (UCC) has sparked nationwide discussions ahead of the 2024 elections. The BJP has consistently supported the UCC to streamline marriage, divorce, and succession laws, emphasizing benefits for national unity and gender equality. Supporters argue for integration and equality, but concerns linger about potential infringement on minority rights. Resistance comes from various communities, including orthodox Hindus, Muslims, and Sikhs, whose customs date back to British rule.⁴

CONCLUSION

“One nation one rule” is a very simple objective behind the uniform civil code. India being a secular nation, it has people following different beliefs and traditions. When it comes to laws and rules as well, there exists different set of rules for different religions which were made thousands of years back. These personal laws create a parallel legal system which operates on thousands of years old values. UCC is the only way to ensure that all the laws related to marriage, inheritance, family, land etc. should be equal for all Indians and everyone is treated the same. The real question is whether people are ready to let go of age-old customs for the sake of national unity.

³ THE HINDU, <https://www.thehindu.com/opinion/editorial/towards-uniformity-on-the-ucc-adopted-by-the-uttarakhand-assembly/article67825238.ece> (last visited, March 11, 2024)

⁴ FRONTLINE MAGZINE, <https://frontline.thehindu.com/the-nation/uniform-civil-code-history-implications-and-minority-perspectives/article67090521.ece> (last visited, March 12, 2024)