

Uniform Civil Code (UCC)

Why in News?

The Gujarat Home Minister announced the formation of a committee to implement a uniform civil code (UCC) in the state.

Origin of Uniform Civil Code

- **Colonial India:** British government submitted its report in 1835 stressing the need for uniformity in the codification of Indian law relating to crimes, evidence, and contracts, specifically recommending that personal laws of Hindus and Muslims be kept outside such codification.
- **B N Rau Committee to codify Hindu law in 1941:** The task of the Hindu Law Committee was to examine the question of the necessity of common Hindu laws. The committee, in accordance with scriptures, recommended a **codified Hindu law, which would give equal rights to women.**
- **Hindu Succession Act, 1956** codify the law relating to intestate or unwilled succession, among Hindus, Buddhists, Jains, and Sikhs. The Act reformed the Hindu personal law and gave women greater property rights, and ownership. It gave women property rights in their father's estate.
- **Goa is, at present, the only state in India** with a uniform civil code.

Constitution and Uniform Civil Code

- Constitution lists the **UCC among the Directive Principles of State Policy**, which makes it a desirable objective, but it is not justiciable.
- **Article 44:** The state shall endeavour to secure a Uniform Civil Code for the citizens throughout the territory of India.
- **Aim of UCC:**
 - It aims to provide protection to vulnerable sections as envisaged by Ambedkar including women and religious minorities, while also promoting nationalistic fervor through unity.
 - It will work to simplify laws that are segregated at present based on religious beliefs like the Hindu code bill, Shariat law, and others.
 - It will simplify the complex laws around marriage ceremonies, inheritance, succession, adoptions making them one for all.
 - The same civil law will then be applicable to all citizens irrespective of their faith.

Supreme Court on UCC

- **Shah Bano Case in 1985:** There is no evidence of any official activity for framing a common civil code for the country.
 - A common Civil Code will help the cause of national integration by removing disparate loyalties to laws which have conflicting ideologies.
- **Sarla Mudgal Case, 1995:** Court reiterated the need for Parliament to frame a Uniform Civil Code, which would help the cause of national integration by removing ideological contradictions.
- **John Vallamattom and Ors. v. Union of India, 2003:** It held that there is no necessary connection between religious and personal law in a civilized society.
 - Matters of secular character like marriage cannot be brought within the guarantee enshrined under Article 25 and 26.

Why does India not have a uniform civil code?

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- In 1937, the British under Lord Macaulay submitted a report (Lex Loci Report) recommending a uniform criminal code for everyone in India
 - To deal with conversion-triggered issues it provided that Hindus and Muslims would forfeit the right to inherit property on religious conversion. This led to massive protests
 - The Caste Disability Act, 1850, was brought to abrogate the law of inheritance affecting converts. Thereafter, the British left religious matters of Hindus and Muslims alone
 - The Queen's 1859-proclamation asserted that there would be absolute non-interference in religious matters of Hindus and Muslims

Law commission on UCC

- **Law Commission's report on reform of family law (2018)** comments that a uniform civil code "is neither necessary nor desirable at this stage."
- It is **urged that the legislature should first consider** guaranteeing equality within communities between men and women, rather than equality between communities.
- This way some of the **differences within personal laws** which are meaningful can be preserved and inequality can be weeded out to the greatest extent possible without absolute uniformity.

Conclusion

- There should be **an in-depth study and wider consultation** involving all stakeholders including academia, constitutional experts, religious and political leadership.
- This will ensure **better formulation and greater acceptability**.

