Civil Code and Government Stance

Why in news?

The Ministry of Law and Justice has conveyed that review of personal laws, as in Goa, can be undertaken when a sizeable majority of the population seek amendment of the existing laws or a new law is enacted.

What is a Uniform Civil Code?

- A Uniform Civil Code (UCC) is one that would provide for **one law for the entire country**, applicable to all religious communities in their personal matters such as marriage, divorce, inheritance, adoption etc.
- **Article 44**, a directive principle of the Constitution says that the state shall endeavour to secure a UCC for the citizens throughout the territory of India.
- The directive principle are not justiciable (not enforceable by any court) but the principles laid down therein are fundamental in governance.
- The reality is, all civil laws are common, except one law, namely the personal law which varies with the religious groups.
- The personal law relates to marriage, divorce, succession and inheritance, maintenance, custody of children and adoption.

Goa is the only state in India that has a uniform civil code regardless of religion, gender and caste. It inherited the Portuguese Civil Code, 1867 even after it joined the Indian Union in 1961.

How has the government's stance on uniform civil code evolved?

- The shift in stance can be seen in the government's written replies in Parliament since 1991.
- Previous regimes would underline a consistent policy not to interfere in the personal laws of the minority community.
- This later evolved to widen the stakeholder consultation and then committed to honour the constitutional mandate enshrined in the Article 44 of the Constitution.
- **1991-04- No interference**
  - The consistent policy of the Government has been not to interfere on its own in the personal laws of the minority communities unless initiative for the change comes from such communities.
- **The UPA years**
  - The stand continued in the Manmohan Singh-led UPA government and added that initiatives for changes in personal laws of minority communities should come from a sizeable cross-section of such communities themselves.

- **NDA years (2014-19)**
  - The government reiterated that wide stakeholder consultation would be required for further steps in this regard.
- **NDA years (Since 2019)**
  - The Government had requested the 21st Law Commission of India to undertake examination of various issues relating to uniform civil code and to make recommendation thereon.
- **Current stand**
  - Law Minister Kiren Rijiju told that since the matter is sub-judice, no decision on implementation of uniform civil code in the country has been taken as of now.

References

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