Uniform Civil Code (UCC)

Mains: *GSII – Polity*

Why in News?

Recently the Union Home Minister Amit Shah has indicated that the Uniform Civil Code (UCC) would be implemented in all NDA-ruled States by 2029.

> ***Uttarakhand** has had a UCC in force since January 2025, while UCC Bills passed by Assam, Gujarat and Madhya Pradesh are awaiting Presidential assent.*

What is the Uniform Civil Code?

- **Uniform Civil Code (UCC)** – It is a *single set of personal laws that apply equally to all citizens, regardless of* their religion, caste, or tribe
- It refers to a common set of secular personal laws governing matters such as:
  - Marriage and divorce
  - Maintenance
  - Adoption
  - Inheritance and succession
  - Custody and guardianship
- **Current status of UCC in India** – At present, different religious communities are governed by different personal laws in several family matters.
  - **For instance**, Hindus are primarily governed by the Hindu Marriage Act, 1955 and Hindu Succession Act, 1956,
  - **Muslims** are governed by the Muslim Personal Law (Shariat) Application Act, 1937.
  - Christians and Parsis have separate personal laws.
- India already has several uniform civil laws dealing with taxation, contracts and negotiable instruments, besides common criminal laws.
- **Constitutional Provisions for UCC –**
- **Article 44** – It states that the State shall endeavour to secure a Uniform Civil Code for citizens throughout India.
  - However, Article 44 is part of the Directive Principles of State Policy (DPSP) and is therefore **non-justiciable**.
- **Fundamental Rights** – The UCC debate also involves:
  - **Article 14** - Equality before law.
  - **Article 15** - Prohibition of discrimination.

- **Article 25** - Freedom of conscience and the right to profess, practise and propagate religion.
- **Article 29** - Protection of the distinct culture of sections of citizens.

What are the Arguments in Favour of UCC?

- **Gender Justice** – A common civil framework could provide equal rights to women across religious communities in matters such as marriage, divorce, maintenance and inheritance.
- **Equality Before Law** – Different personal laws may provide different legal outcomes for similarly placed individuals.
  - A common framework could promote uniformity and equal legal protection.
- **Secular Character of the State** – A UCC could strengthen the principle that civil rights are governed by secular law rather than religious identity.
- **Simplification of Personal Laws** – A common framework could reduce the complexity arising from multiple personal-law systems and provide greater legal clarity.

*In **Shah Bano case 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.*

What are Arguments against UCC?

- **Religious Freedom** – Provisions of a UCC could conflict with Article 25, particularly where personal practices are closely associated with religious beliefs.
- **Cultural and Tribal Diversity** – Article 29 protects the cultural interests of sections of citizens.
  - The existing UCCs in 4 States have reportedly excluded tribal populations, reflecting concerns over constitutional safeguards and protection of customary practices.
- **Risk of Majoritarian Uniformity** – A uniform law must not become an imposition of the practices of one community on others.
  - The challenge is to ensure genuine uniformity based on constitutional principles, rather than religious majoritarianism.
- **Diversity of Indian Society** – India's social structure contains considerable religious, tribal and cultural diversity.
  - A single framework may face resistance if it does not adequately accommodate legitimate customary differences.
- **UCC and Women's Rights** – The strongest constitutional justification for reforming personal laws is gender equality.
  - Personal-law reforms can seek to ensure equal rights in: Marriage and divorce, Maintenance, Adoption and custody, Succession and inheritance.

In Section 6A of the Citizenship Act, 1955 (2024) case, The Supreme Court held

*that **Article 29** does not protect practices like casteism and gender discrimination that violate constitutional values.*

Alternative: Reform Personal Laws
• The **Law Commission's 2018** Consultation Paper on Reform of Family Law argued that a UCC was neither necessary nor desirable at that stage. • Instead, it recommended: - Reforming discriminatory provisions within different personal laws. • - Ensuring equality within communities, particularly between men and women. - Reforming laws relating to marriage, divorce, custody, adoption, maintenance, succession and inheritance. - This approach seeks gender justice without necessarily replacing all personal laws with a single code.

What could be done?

- **Focus on Constitutional Values** – Reforms should be based on equality, dignity, justice and non-discrimination, rather than religious identity.
- **Ensure Gender-Neutral Rights** – The priority should be equal rights for women in marriage, divorce, maintenance and inheritance across communities.
- **Protect Legitimate Cultural Diversity** – Customary practices, particularly among tribal communities, should be examined carefully while ensuring that constitutional rights are not compromised.
- **Consult Stakeholders –** Extensive consultation with religious communities, tribal groups, women's organisations, legal experts can improve the legitimacy and acceptability of reforms.
- **Consider a Voluntary Approach –** Dr. B.R. Ambedkar had suggested that Parliament could provide for a UCC to apply to citizens who voluntarily chose to be governed by it.
    - Such an approach could be considered alongside broader personal-law reforms.

What lies ahead?

- The UCC debate is ultimately about balancing equality with India's pluralistic social structure.
- The objective should be to eliminate discriminatory personal-law provisions and secure equal gender rights, while respecting legitimate religious and cultural freedoms.
- A consultative, constitutional and gender-just reform process would provide a sustainable path towards harmonising personal laws with constitutional values.

Reference

The Hindu| Uniform Civil Code (UCC)

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