Uniform Civil Code (UCC)'s Implications for Individual Rights and Societal Norms

Why in news?

The Uttarakhand's UCC draft, has ignited a debate on the balance between individual liberties (specifically the right to privacy under Article 21) and the need for legal safeguards, particularly for women and children in such relationships.

What is Uniform Civil Code (UCC)?

- **Article 44 (DPSP)** – States that the State shall endeavor to secure a Uniform Civil Code for all citizens of India.
- **Fundamental Rights vs. DPSP** – While the right to religious freedom (Article 25) exists, *UCC aims for legal uniformity.*
- **Judicial Interpretation** – Supreme Court in ***Shah Bano Case (1985) and Sarla Mudgal Case (1995)*** *supported UCC's necessity.*
- **Government Stance** – Law Commission Report (2018) suggested reforms in personal laws instead of imposing UCC.
- **State-Specific Developments** – Uttarakhand's UCC draft is the first major initiative. Other states like Goa already follow a civil code.

What are the Objectives of UCC?

- **Legal Uniformity** – Replacing diverse personal laws (Hindu, Muslim, Christian, etc.) with a *single legal framework*.
- **Gender Equality** – *Prevents discriminatory practices like triple talaq* and unequal inheritance rights.
- **National Integration** – A common civil code *strengthens secularism and unity*.
- **Simplification of Laws** – Reduces legal complexities and contradictions in different religious personal laws.
- **Alignment with Global Standards** – Many countries have secular civil codes to ensure equality before the law.

What are the Challenges in Implementation?

- **Religious Sensitivities** – Opposition from various communities fearing erosion of their traditions.
- **Diverse Legal Systems** – Different laws govern Hindus, Muslims, Christians, and Parsis, making integration difficult.
- **Judicial Conflicts** – Courts have ruled both for and against aspects of UCC in different cases.
- **Political Hesitation** – Successive governments have avoided enforcing UCC due to

electoral concerns.
- **Need for Consensus** – A well-researched legal framework is required for fair implementation.

What are the rules about Live-in Relationships in Uttarakhand UCC draft?

- **Mandatory Registration** – Uttarakhand's draft proposes *compulsory registration* of live-in relationships.
- **Police Verification Clause** – Couples may have to report to authorities, raising privacy concerns.
- **Protecting Women & Children** – *Ensures legal safeguards* for partners and children born from such unions.
- **Impact on Personal Freedom** – Critics argue this could *restrict Article 21 (Right to Privacy)*.
- **State-Wide Implementation** – If successful, it may set a precedent for other states.

What is the status and provisions of Live-in Relationships in India?

Legal Recognition

- **No Specific Law** – *Not explicitly mentioned in Indian law* but recognized through judicial rulings.
- **Supreme Court Rulings** – In the ***S. Khushboo v. Kanniammal (2010)***, the court ruled that Live-in relationships are ***not illegal***.
- **Judicial Protection –** Courts have *granted legal safeguards* in cases of abuse or maintenance disputes.

Judicial Precedents

- **Indra Sarma vs. V.K. Sarma (2013)** – Defined live-in relationships under "relationships in the nature of marriage."
- **Velusamy vs. D. Patchaiammal (2010)** – Maintenance rights granted if cohabitation is long-term.
- **D. Velusamy Case (2010)** – Rights of women and children in live-in relationships reinforced.
- **Supreme Court Ruling (2015)** – Children born out of live-in relationships are considered legitimate.
- **Landmark Decisions** – Courts continue to shape legal frameworks based on case-by-case basis.

Property and Inheritance Rights

- **No Automatic Inheritance Rights** – Live-in partners do not inherit property like married couples.
- **Hindu Succession Act (1956)** – Does not extend property rights to live-in partners.
- **Judicial Intervention** – Courts decide inheritance disputes on case-specific grounds.
- **Need for Legal Clarity** – Amendments required to avoid legal ambiguities.
- **Comparisons with Marriage** – Unlike marriage, live-in partners must prove

cohabitation for legal claims.

Protection under Domestic Violence Act (2005)

- **Recognizes Live-in Partners** – Women in live-in relationships can seek protection.
- **Right to Residence** – Protects a woman's right to live in a shared household.
- **Domestic Violence Cases** – Can be filed under the Act even if partners are not legally married.
- **Prevention of Harassment** – Protects against physical, mental, or financial abuse.
- **Supreme Court Interpretation** – Expanded legal protections for victims in abusive live-in relationships.

Concerns of Over-Policing which impact the Individual Freedom

- **Right to Privacy (Article 21)** – Mandatory registration may violate constitutional privacy rights.
- **Government Surveillance** – Legal documentation could lead to unwarranted state intervention.
- **Impact on Women** – Could increase social stigma rather than provide protection.
- **Fear of Misuse** – Possibility of using laws to harass couples, especially interfaith or inter-caste partners.
- **Judicial Review Needed** – The Supreme Court may need to balance laws with fundamental rights.

What are the possible Suggestions and Solutions?

- **Legal Clarity** – Clearly *define rights and responsibilities* of live-in partners in law.
- Amend existing laws to ensure protection for live-in relationships.
- Establish *legal safeguards against misuse and ambiguity* in interpretations.
- **Privacy and Regulation** – Keep live-in relationship registration voluntary to protect privacy.
- *Prevent misuse of laws* for harassment or moral policing.
- Promote legal awareness programs on privacy rights and individual freedom.
- **Women's Rights Protection** – Ensure maintenance, property, and inheritance rights for women.
- *Provide legal aid and support mechanisms* for vulnerable partners.
- **Judicial and Policy Reforms** – Set up fast-track courts for live-in relationship disputes.
- Train law enforcement and judiciary on handling related legal cases.
- *Update personal laws and policies* to reflect changing social norms.

References

1. The Hindu - UCC
2. The Indian Express - UCC



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