



---

## 30th and 31st March 2021 - Editorials/Opinions Analyses

### Contents

1. India does not shine when only some gleam
2. Status and Debate around Uniform Civil Code (UCC)

---

### [INDIA DOES NOT SHINE WHEN ONLY SOME GLEAM](#)

#### **Context:**

The novel coronavirus pandemic had exposed the precariousness of lives of the common people and the emerging universal truth is that economic inequality is rising sharply in all countries.

#### **Relevance:**

GS-III: Indian Economy (Economic Growth and Development, Planning usage and Mobilisation of resources, Inclusive growth and issues therein)

#### **Mains Questions:**

Any new architecture of economic growth required to create better lives for the majority after the pandemic, needs to begin from the ground-level. Discuss. (10 Marks)



### **Dimensions of the Article:**

1. Global indices
2. Inequality in India exposed by the pandemic
3. Challenges compounding inequality in India
4. Ideas for new framework

### **Global indices**

#### **The World Happiness Report:**

- Released by: United Nations Sustainable Development Solutions Network
- India's rank: **144 out of 153**. The first five ranks go to Finland, Denmark, Switzerland, Iceland and Norway, respectively.
- Criteria: well-being; positive emotions; supplemental life; circumstances and social environment; inequalities; unemployment; low incomes; discrimination; GDP per capita; life expectancy; freedom; generosity and absence of corruption.

#### **Global Hunger Index (GHI) 2020:**

- Released by: Welthungerhilfe (Germany based) and Concern Worldwide (Irish NGO)
- India's rank: **94th out of the 107 countries**. India is ranked lower than neighbours such as Bangladesh (75) and Pakistan (88).
- Criteria: undernourished as a percentage of the population, child wasting, child stunting, child mortality

#### **Oxfam - Commitment to Reducing Inequality (CRI) Index 2020**

- India was ranked 129 among 158 countries overall, in the 2020 Commitment to Reducing Inequality (CRI) Index.



- 
- As per the index, India is among the world's worst-performing countries in tackling inequality going into the pandemic.
  - India's health budget is the world's fourth-lowest and only half of the population has access to even the most basic healthcare services, and more than 70% of health spending is being met by people themselves, one of the highest levels in the world.

## Inequality in India exposed by the pandemic

- India's top 10% of the population holds 74.3% of the total national wealth of India's richest 1% of the population hold 42.5% of national wealth while the bottom 50%, the majority of the population, owns a mere 2.8%
- Wealth inequality in India is rising with the Gini wealth coefficient having risen to 83.2% in 2019 from 81.2% in 2008.
- In India, one of the most distinctive forms of social inequity come within the spheres of gender and caste, where, people coming from the marginalized sections of these social categories, are directly impacted in terms of their opportunities, access to livelihood, education and health facilities.

## Challenges compounding inequality in India

1. **Poverty:** Despite lifting 271 million people out of poverty between 2005-15, India still remains home to 28 per cent of the world's poor, as per the Human Development Report. Though severe poverty is less, vulnerability towards poverty is quite high.
2. **Smaller Incomes:** While unemployment is under control in India, smaller incomes have resulted in a higher dominance of working poor, lower share of skilled workforce and lack of old-age security.
3. **Education:** In terms of Education, inequality in India is more than that in the South Asian region and the world. Indian girls attend school for a shorter period than the regional average.

## Ideas for new framework

- India urgently needs a new strategy for growth, founded on new pillars, such as broader progress measures.
- GDP does not account for vital environmental and social conditions that contribute to human well-being and the sustainability of the planet and these factors are ignored as



---

externalities by economists.

- The analysis of sources of well-being leads to the conclusion that the universal solution for improving well-being is for local communities to work together to find their own solutions within their countries, and in their villages and towns.
- The central idea of the inclusive growth includes sharing of fruits of socio-economic development with all sections of the society. As a result, moving towards inclusive growth directly ensures both equality and equity in the long-term growth.
- Until the incomes of all rise, India will be a poor country from the perspective of the majority of its citizens, no matter how large its GDP, therefore, Indian economy must grow to create more incomes for its billion-plus citizens.
- Governments must adopt strong anti-inequality policies on public services, tax and labour rights, to significantly reduce the gap between rich and poor. Governments, international institutions and other stakeholders should work together to rapidly improve data on inequality and related policies, and to accurately and regularly monitor progress in reducing inequality.

-Source: *The Hindu*

---

## [STATUS AND DEBATE AROUND UNIFORM CIVIL CODE \(UCC\)](#)

### **Context:**

The Chief Justice of India (CJI) lauded Goa's Uniform Civil Code, and encouraged "intellectuals" indulging in "academic talk" to visit the state to learn more about it.

### **Relevance:**

GS-II: Polity and Governance (Constitutional Provisions, Government Policies and Initiatives)

### **Mains Questions:**



---

The founders of the Constitution had “hoped and expected” a Uniform Civil Code (UCC) for India. What is the need for UCC and what has been the progress of India towards achieving UCC? (10 Marks)

***Dimensions of the Article:***

1. What is Uniform Civil Code (UCC)?
2. Positive aspects of Uniform Civil Code include
3. Challenges in Implementing Uniform Civil Code Include
4. Does India not already have a UCC for civil matters?
5. How does the idea of UCC relate to the Fundamental Right to religion?

**What is Uniform Civil Code (UCC)?**

- The Uniform Civil Code (UCC) in India proposes to replace the personal laws based on the scriptures and customs of each major religious community in the country with a common set governing every citizen.
- The constitution has a provision for Uniform Civil Code in Article 44 as a Directive Principle of State Policy which states that “The State shall endeavor to secure for the citizens a uniform civil code throughout the territory of India.”

Article 44 is one of the Directive Principles of State Policy. These, as defined in Article 37, are not justiciable (not enforceable by any court) but the principles laid down therein are fundamental in governance.

Fundamental Rights are enforceable in a court of law. While Article 44 uses the words “state shall endeavour”, other Articles in the ‘Directive Principles’ chapter use words such as “in particular strive”; “shall in particular direct its policy”; “shall be obligation of the state” etc.

Article 43 mentions “state shall endeavour by suitable legislation”, while the phrase “by suitable legislation” is absent in Article 44. All this implies that the duty of the state is greater in other directive principles than in Article 44.



## Positive aspects of Uniform Civil Code include

- UCC will divest religion from social relations and personal laws and will ensure equality in terms of justice to both men and women regardless of the faith they practice.
- There will be uniform laws for all Indians with regard to marriage, inheritance, divorce etc.
- It will help in improving the condition of women in India as Indian society is mostly patriarchal
- Informal bodies like caste panchayats give judgements based on traditional laws. UCC will ensure that legal laws are followed rather than traditional laws.
- It can help in reducing instances of vote bank politics. If all religions are covered under same laws, politicians will have less to offer to communities in exchange of their vote.

## Challenges in Implementing Uniform Civil Code Include

- Implementation of UCC might interfere with the principle of secularism, particularly with the provisions of Articles 25 and 26, which guarantee freedom relating to religious practices.
- Conservatism by religious groups, which resist such changes as it interferes with their religious practices.
- It is difficult for the government to come up with a uniform law that is accepted by all religious communities. All religious groups- whether majority or minority have to support the change in personal laws.
- Drafting of UCC is another obstacle. There is no consensus regarding whether it should be a blend of personal laws or should be a new law adhering to the constitutional mandate.

## Does India not already have a uniform code in civil matters?

- Indian laws do follow a uniform code in most civil matters — Indian Contract Act, Civil Procedure Code, Sale of Goods Act, Transfer of Property Act, Partnership Act, Evidence Act, etc.
- States, however, have made hundreds of amendments and, therefore, in certain matters, there is diversity even under these secular civil laws. Recently, several states refused to be governed by the uniform Motor Vehicles Act, 2019.
- If the framers of the Constitution had intended to have a Uniform Civil Code, they would have given exclusive jurisdiction to Parliament in respect of personal laws, by including



---

this subject in the Union List. But “personal laws” are mentioned in the Concurrent List.

- In 2020, the Law Commission concluded that a Uniform Civil Code is neither feasible nor desirable.

## **Is there one common personal law for any religious community governing all its members?**

- All Hindus of the country are not governed by one law, nor are all Muslims or all Christians. Not only British legal traditions, even those of the Portuguese and the French remain operative in some parts.
- In Jammu and Kashmir until August 5, 2019, local Hindu law statutes differed from central enactments. The Shariat Act of 1937 was extended to J&K a few years ago but has now been repealed. Muslims of Kashmir were thus governed by a customary law, which in many ways was at variance with Muslim Personal Law in the rest of the country and was, in fact, closer to Hindu law.
- Even on registration of marriage among Muslims, laws differ from place to place. It was compulsory in J&K (1981 Act), and is optional in West Bengal, Bihar (both under 1876 Act), Assam (1935 Act) and Odisha (1949 Act).
- In the Northeast, there are more than 200 tribes with their own varied customary laws.
- The Constitution itself protects local customs in Nagaland. Similar protections are enjoyed by Meghalaya and Mizoram. Even reformed Hindu law, in spite of codification, protects customary practices.

## **How does the idea of a Uniform Civil Code relate to the fundamental right to religion?**

- Article 25 lays down an individual’s fundamental right to religion; Article 26(b) upholds the right of each religious denomination or any section thereof to “manage its own affairs in matters of religion”; Article 29 defines the right to conserve distinctive culture. An individual’s freedom of religion under Article 25 is subject to “public order, health, morality” and other provisions relating to fundamental rights, but a group’s freedom under Article 26 has not been subjected to other fundamental rights.
- In the Constituent Assembly, there was division on the issue of putting Uniform Civil Code in the fundamental rights chapter.
- The matter was settled by a vote. By a 5:4 majority, the fundamental rights sub-committee headed by Sardar Vallabhbhai Patel held that the provision was outside the scope of Fundamental Rights and therefore the Uniform Civil Code was made less important than freedom of religion.



---

-Source: Indian Express

Legacy IAS Academy