



Write The Relevance of Having a Uniform Civil Code in Present Times. (250 Words / 15 M) (GS-2 Civil Law)

Approach:

1. Introduction
2. Mention the context – diversity of civil laws under different religions.
3. Mention the need for UCC.
4. Substantiate with few prominent court judgements.
5. Conclusion

Though the concept of UCC has gained prominence recently, it has been discussed for a long period of time, most notably post-independence. **Jawaharlal Nehru** and **Dr B.R Ambedkar** fought for a uniform civil code during the constitution's drafting process following independence. However, to avoid resistance from religious fundamentalists and a general lack of knowledge on the subject, they included the UCC in the **Directive Principles of State Policy**.

Several significant reforms, in fact, contributed to the promotion of UCC: the **Hindu code bill** to reform Hindu laws; the **amendment to the Hindu Succession Act 1956** to provide daughters with inheritance rights; the **Hindu Marriage Act, Minority and Guardianship Act, Adoptions and Maintenance Act**; and the **Special Marriage Act** for civil marriages outside of any religious personal law.

Need for Uniform Civil Code :

- **To address the gender disparity produced by specific religious laws** : India has a history of severely patriarchal and misogynistic traditions perpetuated by society and ancient religious norms that continue to dominate family life. These subject all Indian women to subjugation and cruelty. Additionally, the UCC will eliminate these disparities and contribute to the improvement of women's conditions in India.
- **To address personal laws that constitute a loophole in the legal system** : India faces a serious problem with personal laws due to their bias toward the upper-class patriarchal conceptions of society in all religions. By eliminating all loopholes, the universal civil code would tip the balance in favour of society.
- **To aid in the integration of India** : It will contribute to the unification of all Indians, regardless of caste, religion, or tribe, under a single national civil code of conduct similar to that found in criminal and other civil laws.
- **To ensure that all citizens have an equal status** : While Muslims are permitted to marry many times in India, a Hindu or a Christian will face prosecution for doing the same. Similarly, there are significant disparities between many religious-related regulations. Equal laws in the areas of marriage, inheritance, family, and land are required. Here UCC serves as a saviour, bringing everything under one roof and assisting not only in ensuring greater equity but also in streamlining the legislative and judicial processes.
- **To promote secularism** : A Uniform Civil Code requires all citizens of India to adhere to



the same set of laws, regardless of whether they follow Hinduism, Islam, Christianity or Sikhism. A Uniform Civil Code does not mean that people's freedom of religion will be restricted; it simply means that everyone will be treated equally. That is authentic secularism.

- **To keep pace with global progress** : A Uniform Civil Code has become the hallmark of a modern progressive nation's legal structure. It demonstrates the nation's transition away from caste and religious politics. A unified civil code will aid in the advancement of society and help India achieve its goal of becoming a developed nation.

Court judgements:

- **Shah Bano case:** The Supreme Court's decision in this case is regarded as a major milestone in highlighting the importance of UCC. The case concerned women seeking maintenance after being divorced under triple talaq. The Supreme Court ruled in favour of the wife as per the All India Criminal Code's "maintenance of wives, children, and parents" provision (Section 125). Additionally, the court recommended that a uniform civil code be established.
- **Sarla Mudgal Case:** This case, relating to the issue for solemnizing of a second marriage by a Hindu spouse after converting to Islam. The court determined that a Hindu marriage solemnised in accordance with Hindu law may be dissolved only on one of the reasons listed in the Hindu Marriage Act 1955. Conversion to Islam and subsequent marriage would not automatically dissolve the Hindu marriage, and therefore, a second marriage solemnised after conversion to Islam would constitute an offence under Section 494 of the Indian Penal Code (IPC). This made a need for UCC as it creates an ambiguous policy of marriage due to discrepancies between religious laws.
- **John Vallamattom Case:** The case in which Section 118 of the Indian Succession Act was declared unconstitutional after John Vallamattom challenged it on the grounds that it discriminated against Christians by imposing unreasonable restrictions on their willed gifts for religious or charitable purposes. This demonstrated the inconsistencies under religious laws.

India is "Socialist, Secular, Democratic, Republic". Diversity is the essence of India, but diversity in law is unjust. As the UCC would establish several laws to regulate individual situations affecting all people regardless of faith, this is both necessary and the cornerstone of genuine secularism. With the passage of time, the necessity for a UCC for all citizens, regardless of religion, has arisen, ensuring the protection of their critical and constitutional rights. Finally, the lack of a standard civil code is damaging to the aim of achieving true democracy.