

## The Big News

### Uniform Civil Code of Uttarakhand

#### UCC in Uttarakhand

- Uttarakhand's CM Pushkar Singh Dhami announced on 24<sup>th</sup> March, that his government will implement the Uniform Civil Code in the state soon.
- The state cabinet unanimously approved that a committee of experts will be constituted at the earliest and it will be implemented in the state.
- The CM has claimed that it will boost equal rights for everyone in the state and enhance social harmony, boost gender justice and strengthen women empowerment.



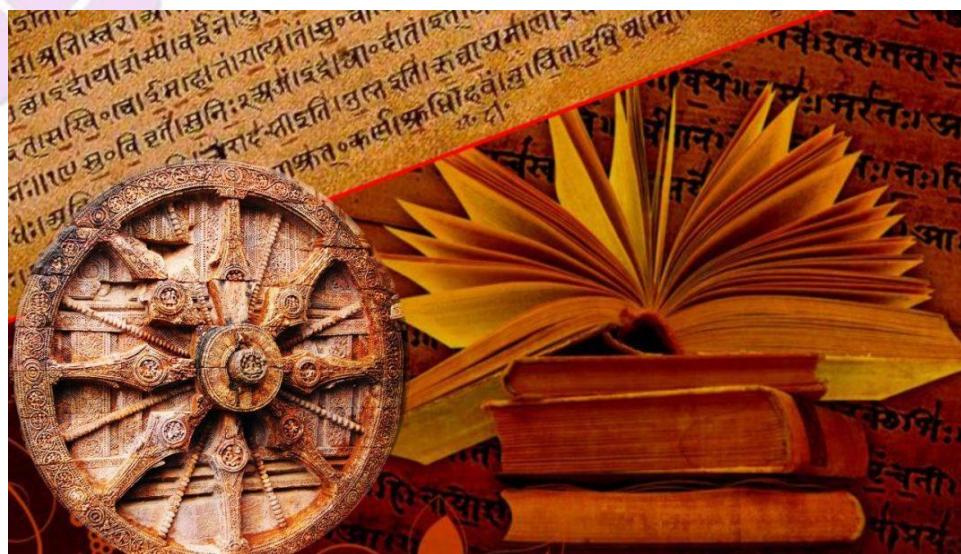
#### What is UCC?

- The Uniform Civil Code (UCC) calls for the formulation of one law for India, which would be applicable to all religious communities in matters such as marriage, divorce, inheritance, adoption.
- The code comes under Article 44 of the Constitution, which lays down that the state shall endeavour to secure a Uniform Civil Code for the citizens throughout the territory of India.
- It is intended to replace the system of fragmented personal laws, which currently govern interpersonal relationships and related matters within different religious communities.



### What Do We Have Now?

- Different religious communities in India are currently governed by a system of personal laws, which have been codified over the years through various pieces of legislation.
- These laws largely focus on the following areas: Marriage and divorce Custody and Guardianship Adoption and Maintenance Succession and Inheritance.
- For example, Hindu personal law is codified in four bills: the Hindu Marriage Act, Hindu Succession Act, Hindu Minority and Guardianship Act, and Hindu Adoptions and Maintenance Act. The term 'Hindu' also includes Sikhs, Jains and Buddhists for the purpose of these laws.



- Muslim personal law is not codified per se, and is based on their religious texts, though certain aspects of these are expressly recognised in India in acts such as the Shariat Application Act and Dissolution of Muslim Marriages Act.
- Christian marriages and divorces are governed by the Indian Christian Marriages Act and the Indian Divorce Act, while Zoroastrians are subject to the Parsi Marriage and Divorce Act.
- Then, there are more ‘secular’ laws, which disregard religion altogether, such as the Special Marriage Act, under which Inter-religion marriages take place, and the Guardians and Wards Act, which establishes the rights and duties of guardians.



- Furthermore, to protect distinct regional identities, the Constitution makes certain exceptions for the states of Assam, Nagaland, Mizoram, Andhra Pradesh and Goa with respect to family law.
- Goa is, at present, the only state in India with a uniform civil code.
- The Portuguese Civil Code of 1867, which continues to be implemented after India annexed the territory in 1961, applies to all Goans, irrespective of their religious or ethnic community.
- It doesn't matter whether you're Hindu, Muslim or Christian; if you're a Goan domicile, the same set of civil laws will apply to you.
- However, the Portuguese Code is not a completely uniform civil code. It makes certain provisions on religious bases. The most notable example is Hindu men being allowed bigamy if the wife fails to deliver a child by the age of 25, or a male child by the age of 30.

# GOA

**Only state in India with  
UNIFORM CIVIL CODE**

**In Goa Hindu, Muslim, Christians  
all are bound with the same law  
related to marriage, divorce, succession.**

### Dr. Ambedkar on UCC

- Dr. B R Ambedkar, while formulating the Constitution had said that a UCC is desirable but for the moment it should remain voluntary.
- It was incorporated in the Constitution as an aspect that would be fulfilled when the nation would be ready to accept it and the social acceptance to the UCC could be made.
- Ambedkar in his speech in the Constituent Assembly had said, "No one need be apprehensive that if the State has the power, the State will immediately proceed to execute...that power in a manner may be found to be objectionable by the Muslims or by the Christians or by any other community. I think it would be a mad government if it did so."



## SC on UCC

### 'DIRECTIVE PRINCIPLES CALL FOR UCC'

- SC favours UCC throughout India as envisaged under Article 44 of the Directive Principles in the Constitution
- Cites example of Goa, says the state has a UCC for all irrespective of their religion and no provision for triple talaq
- Says Muslim men whose marriages are registered in Goa cannot practise polygamy
- Says no attempt made to frame a UCC despite SC appeals in Shah Bano and Sarla Mudgal cases
- Hindu laws codified in 1956

It is interesting to note that whereas the founders of the Constitution in Article 44 in Part IV dealing with Directive Principles of state policy had hoped and expected that the state shall endeavour to secure for the citizens a uniform civil code throughout the territories of India, till date no action has been taken in this regard

—SUPREME COURT BENCH

Image Source: The Times of India