



# CURRENT AFFAIRS



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## “UNIFORM CIVIL CODE”

**THIS ARTICLE COVERS “DAILY CURRENT AFFAIRS” AND THE TOPIC DETAILS OF “UNIFORM CIVIL CODE”. THIS TOPIC IS RELEVANT IN THE “POLITY AND GOVERNANCE” SECTION OF THE UPSC- CSE EXAM.**

### WHY IN THE NEWS?

Union Law Minister Arjun Ram Meghwal stated on Tuesday that the government’s agenda includes the implementation of the Uniform Civil Code (UCC).

### WHAT IS THE UNIFORM CIVIL CODE (UCC)?

The Uniform Civil Code (UCC) is a legal framework in India aimed at replacing personal laws based on religions, customs, and traditions with a common set of laws applicable to all citizens equally, regardless of their religion, caste, creed, sexual orientation, and gender. The UCC aims to ensure equality and justice for all citizens and promote national unity and secularism. It covers areas such as marriage, divorce, inheritance, adoption, and maintenance.

The concept of UCC is rooted in **Article 44** of the Indian Constitution, which directs the state to endeavour to implement a Uniform Civil Code for all citizens, irrespective of background, throughout the territory of India.

### ADVANTAGES OF A UNIFORM CIVIL CODE:

- **Promoting Gender Equality:** A UCC could foster gender equality by establishing uniform legal rights for both men and women in areas such as marriage, divorce, and inheritance, thereby addressing discriminatory provisions found in current personal laws.
- **Upholding Secularism:** Aligning with the principles of secularism, a UCC would apply a common civil law to all citizens regardless of their religious backgrounds, fostering inclusivity and secular values in society.
- **Simplifying Legal Processes:** Harmonizing personal laws under a UCC would streamline legal procedures related to personal matters, making them more straightforward and efficient for individuals navigating the legal system.
- **Ensuring Social Justice:** By ensuring equal legal treatment for all citizens, irrespective of their religious or cultural affiliations, a UCC would contribute to promoting social justice and eliminating discrimination based on religious or customary practices.
- **Modernising Legal Frameworks:** Updating personal laws to reflect contemporary values and societal norms is crucial, and a UCC would serve as a mechanism for modernising legal frameworks to better align with current societal realities.

# UCC: Attempt to Standardisation of personal law



## CHALLENGES TO IMPLEMENTING A UNIFORM CIVIL CODE:

- **Challenges Stemming from Religious Groups:** Various religious factions, including Muslim and Christian organisations, oppose the notion of a UCC due to concerns regarding religious freedom and autonomy. Garnering their support and cooperation is imperative for the successful implementation of such a code.
- **Political Complexity:** The UCC is fraught with political sensitivity and is often exploited for electoral purposes. Pursuing a UCC without bipartisan support risks polarisation and resistance, hindering its enactment.
- **Lack of Consensus:** Attaining consensus among diverse stakeholders, including religious leaders, legal experts, and policymakers, proves arduous. Differing interpretations of religious texts and traditions impede agreement on crucial matters.
- **Gender Dynamics:** While anticipated to enhance gender equality, a UCC must confront entrenched patriarchal norms inherent in personal laws. Striking a balance between women's rights and religious/cultural sensitivities poses a multifaceted challenge.
- **Reforming Legal Frameworks:** Transitioning from a mosaic of personal laws to a singular UCC necessitates substantial legal reforms. As existing laws govern various familial aspects, amending or repealing them entails a time-intensive process.
- **Educational Campaigns:** Successful UCC implementation may hinge on extensive educational initiatives to elucidate citizens on the impending changes and ramifications. A lack of awareness may breed confusion and resistance.
- **Enforcement Challenges:** Ensuring the effective enforcement of a UCC, particularly in remote and rural locales, presents logistical hurdles. The legal system may necessitate adaptation to handle cases under the new code effectively.
- **Social and Cultural Implications:** The rollout of a UCC may trigger profound social and cultural shifts, inviting resistance from conservative quarters and necessitating measures to mitigate potential disruptions.
- **Navigating Legal Complexity:** Crafting a comprehensive UCC that navigates the intricate nuances of diverse personal laws while ensuring coherence and lucidity poses a substantial legal hurdle.
- **Regional Dynamics:** India's federal structure grants states autonomy in personal law matters, introducing a balancing act between a uniform code and states' rights, which can be contentious.

- **Judicial Adaptation:** Transitioning to a UCC may necessitate the judiciary to recalibrate its approach and rulings, plays a important role in interpreting and upholding personal laws.

#### WAY FORWARD:

- **Unity and Diversity:** The Uniform Civil Code (UCC) reflect India's vibrant multiculturalism while celebrating its diversity. Emphasising unity over uniformity, it should be designed to accommodate the varied cultural identities within the nation.
- **Engagement with Stakeholders:** Inclusive discussions with a wide array of stakeholders, including religious leaders, legal experts, and community representatives, are essential in formulating and executing the UCC. This approach ensures that diverse perspectives and needs are considered, fostering a sense of fairness and legitimacy among all citizens.
- **Balancing Act:** The Law Commission's objective should be to eliminate practices that contravene constitutional standards while respecting cultural diversity. Cultural norms must align with principles of substantive **equality and gender justice**, with careful consideration given to avoid fostering reactionary cultural sentiments among different communities. Within the Muslim community, reform efforts should be spearheaded by the clergy, addressing discriminatory practices and embracing progressive viewpoints.
- **Constitutional Lens:** Aligned with the constitutional principles, the UCC should respect the right to cultural autonomy while striving for cultural inclusivity. Article 29(1) safeguards the unique cultural heritage of all citizens. Muslims, in particular, should scrutinise practices like polygamy and unilateral divorce to ensure alignment with their cultural values. The paramount focus should be on crafting a just legal framework that champions equality and justice for all.

#### PRELIMS BASED QUESTION :

##### Q. Uniform civil code(UCC) enshrined in the constitution deals with:

1. It intends to replace personal laws with uniform laws applicable to all citizens irrespective of background.
2. No state has implemented the Uniform Civil Code (UCC) in india.

##### Which of the following above statement/s is/are correct?

1. 1 Only
2. 2 Only
3. Both 1 and 2
4. Neither 1 nor 2

**Answer: A**

#### MAINS BASED QUESTION:

**Q. Implementation of the Uniform Civil Code (UCC) in india is a progressive step in society to ensure gender justice and secularism. Discuss how to overcome the hurdle in the implementation of the UCC.**

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