



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

www.ijlra.com

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INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS

ISSN

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IMPACT OF UNIFORM CIVIL CODE ON PERSONAL LAWS

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Introduction

With the implementation of Uniform Civil Code, there will be nationwide uniformity in regulatory laws relating to marriage, adoption, divorce, maintenance and inheritance, irrespective of the religion of the citizens. There will be no personal laws, rather one law will be in existence over the subject matter, for various religions. This will ensure the same procedure and similar outcome for the people sharing the same land. On one side, it will ensure equality amongst the people irrespective of their religion (which is the aim of the constitution that there shall be no discrimination on the grounds of religion), but on the other side, it will definitely hinder in the age old religious practices since different communities will be bound to follow the same code. Since India is culturally rich and diverse, so are the rituals and practices. Some religion enjoy over a few subjects while are deprived over others as per their religious beliefs and practices. It is a fair possibility that the implementation of UCC may create chaos as there is sometimes no uniformity in rituals and practices even amongst the \various communities of the same religion. Since the implementation of UCC is not compulsory and is for the welfare of the state, its implementation instead of being uniform should be reformed. Whatever the government feels unfair in a particular religion for all or some of its people, should be reformed. And there should be an introduction of “Reformed Civil Code” instead of the Uniform Civil Code for the people who share the same land but vary majorly by culture, rituals, practices and religion.

Impact of Uniform Civil Code on various communities

Let us look briefly into the existing rules that would be hindered when UCC comes into application

Hinduism

Marriage

For the Hindus, the existing laws are regulated through the Hindu Marriage Act (1955). It has its own guidelines for conditions of marriage, ceremonies, registration etc. It also mentions the provisions for nullity of marriage and divorce procedures. Bigamy is punishable under this law. Scheduled Tribes are not regulated through this act. As per this act, customary practices will only prevail over in case of colliding laws and customs. Also, the minimum age of marriage for girls is 18 years and for boys is 21 years.

Succession

The existing laws in this regard is regulated through the Hindu Succession Act (1956). The two major highlights in this regard is that firstly, the primary heirs of a deceased wife are husband's family members. Secondary heirs are her own parents and siblings. Secondly, this act defines and differentiates between self acquired property and ancestral property. A grandchild will have no birth rights over the grandparents self acquired property, but will have a birth right over the ancestral property.

Inheritance

These are regulated through the Hindu Succession Act (1956). The laws related to inheritance prefers full blood relations over half blood relations. It lays down the guidelines over who can inherit and who are not eligible to do so.

Adoption

These are regulated through the Hindu Adoption and Maintenance Act (1956). It is meant for Hindus, Buddhists, Sikhs and Jains.

Hindu Undivided Family

This is recognized as a separate entity. They have the privileges to run the business, separate PAN card, invest in shares. They enjoy tax exemption of rupees 2.5 lakh. With the implementation of uniformity in tax, insurance and investment with introduction of UCC, will become challenging to decide for them.

Islam

Marriage

This is regulated through the Muslim Personal (Shariat) Application Act, 1937. It regulates marriage, divorce, maintenance. Polygamy is accepted under this law. When the girls attain the age of puberty, they become eligible to get married, which is related to their spiritual and religious value. The age permissible for marriage is lower than that of Hindus. When UCC comes into mainstream, there is a chance of conflict over this issue`

Adoption

They cannot adopt a child. This is as per their religious belief and thus no provision for adoption is there. But they can provide financial help for maintenance of a child. They can become 'Kafil' for the welfare of a child. With the implementation of UCC, these rules might change and cause hinderances in their religious belief.

Polygamy

Polygamy is permitted in Islam. Men can marry up to 4 women at a time but women cannot marry more than one man. Women has to be devoted to one man (single husband) only and cannot enter more than one marriage at a time.

Christian

Marriage

Marriage is considered as a sacrament in this religion. There exists no concept of divorce in this religion an cannot be broken. Marriage is considered permanent and is insoluble. With the implementation of UCC, these rules will definitely be changed, causing hindrance in their religious issue. Their marriages at present in India gets dissolved through the Indian Divorce Act of 1869.

Succession

It works under the regulation of Succession Act 1925, and mother has no right in the property of deceased kids. Only father has the right over such property. With the implementation of UCC it is expected that uniformity in law across the nation may give some rights to women.

Sikhism

Marriage

The Sikhs can get into marriage through the Anand Marriage Act, 1909, but there is no provision for divorce. So, they can get separation through the Hindu Marriage Act. With the implementation of UCC, there will be ways to get marriage dissolved in case it is incompatible.

Effect of Uniform Civil Code

With the implementation of UCC, there will be both positive and negative impact. On one side, some provisions would be providing rights to people who could not get through their religion. But on the other side, it will interfere with the religious belief. It will also cause confusion and collision between custom and regulation. This subject may become a cause of religious conflicts as some regulations may seem support a particular religion and non supportive for other. With so much of diversity, having a similar regulation may create confusion, anger and competition amongst people since it will be binding upon all above their customs.

Conclusion

The uniform civil code will provide a platform for uniformity for subjects such as marriage, divorce, adoption, inheritance and succession. There will be no need of separate scholars for different religion over similar subjects. But at the same time, with so much of diversity and belief, it would become difficult to regulate them with similar laws. This might even hurt the sentiments of religious believers as over every subject there is going to be a regulation which might be contradicting the original customary practice. The civil code instead of being uniform, should be reformed to provide citizens equality on land and have consideration for all, irrespective of gender.

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