

डा० न्यायमूर्ति बलबीर सिंह चौहान
पूर्व न्यायधीश सर्वोच्च न्यायालय
अध्यक्ष
भारत का विधि आयोग
भारत सरकार
हिन्दुस्तान टाइम्स हाउस
कस्तूरबा गान्धी मार्ग, नई दिल्ली-110 001
दूरभाष : 23736758, फ़ैक्स : 23355741



Dr. Justice B.S. Chauhan
Former Judge Supreme Court of India
Chairman
Law Commission of India
Government of India
Hindustan Times House
K.G. Marg, New Delhi-110 001
Telephone : 23736758, Fax: 23355741

7 October 2016

APPEAL

The Law Commission of India welcomes all concerned to engage with us on the comprehensive exercise of the revision and reform of family laws, as the Article 44 of the Indian Constitution provides that 'the state shall endeavour to provide for its citizens a uniform civil code throughout the territory of India'. The objective behind this endeavour is to address discrimination against vulnerable groups and harmonise the various cultural practices. The commission invites suggestions on all possible models and templates of a common civil code.

The Commission hopes to begin a healthy conversation about the viability of a uniform civil code and will focus on family laws of all religions and the diversity of customary practices, to address social injustice rather than plurality of laws. Responding to the demands of social change, the Commission will consider the opinions of all stake-holders and the general public for ensuring that the norms of no one class, group or community dominate the tone or tenor of family law reforms.

Family law reform, *inter-alia* has to view women's rights as an end in itself rather than a matter of constitutional provisions, religious rights and political debate alone. With this in the background the Commission opens the debate on uniform civil code and seeks your valuable contribution towards social and legal reforms. religious groups, social groups, minority groups, non-government organisations, political parties, civil society initiatives and government agencies, who are willing may present their views within the period of 45 days, to the Law Commission of India, 14th Floor, H.T. House, Kasturba Gandhi Marg, New Delhi - 110 001, by post, or by email at lci-dla@nic.in. The Commission, at a subsequent stage may interact with them.

The Commission has prepared a questionnaire to solicit opinions and ideas of the public at large about the ways in which family law reforms could be introduced in the most integrative manner that does not compromise the diversity and the plurality that constitutes the core of India's social fabric.

BS Chauhan

[Justice Dr. B S Chauhan]

Law Commission of India

Questionnaire on Uniform Civil Code

1. Are you aware that Article 44 of the Constitution of India provides that “the State shall endeavour to secure for the citizens a Uniform Civil Code throughout the territory of India”?

a. Yes

b. No

In your view, does this matter require any further initiatives?

2. The various religious denominations are governed by personal laws and customary practices in India on matters of family law, should the UCC include all or some of these subjects?

- i. Marriage
- ii. Divorce
- iii. Adoption
- iv. Guardianship and Child custody
- v. Maintenance
- vi. Successions and
- vii. Inheritance

a. Yes, it should include all these

b. No, it should exclude _____

c. It should further include _____

3. Do you agree that the existing personal laws and customary practices need codification and would benefit the people?

a. Yes

b. No

c. Personal laws and customary practices should be replaced by a uniform code

d. Personal laws and customary practices should be codified to bring them in line with fundamental rights.

4. Will uniform civil code or codification of personal law and customary practices ensure gender equality?
 - a. Yes
 - b. No

5. Should the uniform civil code be optional?
 - a. Yes
 - b. No

6. Should the following practices be banned and regulated?
 - a. Polygamy (Banned/ Regulated)
 - b. Polyandry (Banned/ Regulated)
 - c. Similar customary practices such as *Maitri-karaar* (friendship deed) et al. (Banned/ Regulated)

7. Should the practice of triple *talaq* be
 - a. Abolished *in toto*.
 - b. Retained the custom
 - c. Retained with suitable amendments

8. Do you think that steps should be taken to ensure that Hindu women are better able to exercise their right to property, which is often bequeathed to sons under customary practices?
 - a. Yes, Hindu women must be made aware of this right and measures should be taken to ensure that women, under pressure from family do not forego their property.
 - b. No there are adequate protections in the existing law.
 - c. Legal provisions will not help in what is primarily a cultural practice, steps have to be taken so sensitise the society instead.

9. Do you agree that the two-year period of wait for finalising divorce violates Christian women's right to equality?
 - a. Yes, it should be made uniform across all marriages
 - b. No. This period is sufficient and in-keeping with religious sentiments.

10. Do you agree that there should be a uniform age of consent for marriage across all personal laws and customary practices?

- a. Yes.
- b. No, customary laws locate this age at the attainment of puberty.
- c. The prevailing system of recognising 'voidable' marriages is sufficient.

11. Do you agree that all the religious denominations should have the common grounds for divorce?

- a. Yes
- b. No, cultural difference must be preserved.
- c. No, but there should be the same grounds for divorce available for men and women within personal law.

12. Would uniform civil code aid in addressing the problem of denial of maintenance or insufficient maintenance to women upon divorce?

- a. Yes
- b. No

Give reasons:

13. How can compulsory registration of marriages be implemented better?

14. What measures should we take to protect couples who enter into inter-religion and inter-caste marriages?

15. Would uniform civil code infringe an individual's right to freedom of religion?

- a. Yes
- b. No

Give reasons:

16. What measures should be taken to sensitize the society towards a common code or codification of personal law?

Remarks:

Please provide us with your name, contact number and address.

Archives