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International Centre for Scientific  
Research and Development (ICSRD)  
Bengaluru, Karnataka



In Association with  
ORBIT Innovative Academy (OIA)  
Jodhpur, Rajasthan  
(Regd. under Ministry of SME's  
ISO 9001:2015 Certified Educational Organisation)



# Application of Personal Laws relating to Marriage, Divorce and Maintenance-need of Uniform Civil Code in India

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Registration No.:- ICSR/OIA-23-015

## Abstract

Implementation of a uniform civil code across the nation is one of the contentious promises pursued by the present government. Personal laws are distinguished from public law and cover marriage, divorce, inheritance, adoption and maintenance. While Article 25-28 of the Indian Constitution guarantees religious freedom to Indian citizens and allows religious groups to maintain their own affairs, article 44 of the constitution expects the Indian state to apply directive principles and common law for all Indian citizen.

UCC is not an emerged topic of interest in India followed by Shah Bano case in 1985. The debate arose when the question of making certain laws applicable to all citizens without reducing the fundamental rights. It is also focused on the Muslim Personal Law, which is partially based on the Sharia law, permitting unilateral divorce, polygamy and putting it among the legally applying the Sharia law. UCC was proposed twice, in November 2019 and March 2020 but was withdrawn soon both of the times without introduction in parliament. Many opposition parties have opposed the Uniform Civil Code.

Throughout the country, there was a variation in preference for scriptural or customary laws because in many Hindu and Muslim communities, these were sometimes at conflict.

To conclude it will be better if we can have a Uniform Civil Code just like other codified Laws which are equally applicable in spite of the religion.

**Key Words:** UCC, Marriage, Divorce, Maintenance, Personal Laws.