

Warped Concept of Civil Code

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Loose talk of introducing the Uniform Civil Code (U.C.C.), can currently be heard on busses, trains, at cafes clubs colleges, read in newspapers, seen on TV. Channels amongst plebeians and intellegencia; but more particularly the legal fraternity and of course supposedly learned Journalist. I say with dogmatism from a point of authority; either they don't know English, or they don't know law; and this holds good for advocates and judges whatever designation and nomenclature they fit within.

The academicians, lecturers, asst professors, professors, principles, deans, vice chancellors, chancellors, directors of private universities, or ministers of cabinet or state, solicitor general, advocate general. Be it known to them that the U.C.C. already exist in India; it would be correct to say, the U.C.C. may be extended to other regional states, and union territories of the sovereign India.

So much of talk on T.V. channels, articles and reports in newspapers, and general glib conversations, amongst public on trains, busses, clubs, café's, streets, about introducing U.C.C., what exactly do they mean when they say, introduce U.C.C. in India?

It already exist even today, in the regional state of Goa, isn't Goa; and some Union Territories, such as Daman, Diu, Nagar Haveli, Silvassa, in India?

The U.C.C. is derived from the Portuguese Civil Code. Actually the Portuguese Civil Code is something akin to our old labor legislation, a piece of social legislation; which takes into account, safety and benevolent measures, for all strata of society. Some of the special features are, marriage is a contract, to be registered and recognized by the state, marriages of different religions, according to their respective rights and rituals, is not recognized by the State, save a registered marriage. Law of Contracts; Gifts given by a donor can be taken back, unlike the Indian Contract Act, Testamentary proceedings have been drafted in such a manner, where the legacy of a deceased, is disposed off in such a way, that it leaves no room or at least minimizes the probability of injustice or atrocities on any segment of society; such as certain conditions are

operative by law, which override operation by contract; and the concept of Communion of Assets, Legitime, Disposable Quota, , Inventory, Preemption, *Aforamento* etc.

Therefore in our own interest, we should acquire the best international practices, in furtherance to our own constitutional law; which states, “**No laws can be enacted, that is detrimental to the interest of the citizens**”; as such need not criticize Modi, just for the sake of criticism; no doubt some errors may have occurred by the government of the day; but those errors cannot be called into question, not by any succeeding government; nor by the courts. That is the legal position in law. Hindus, Muslims, Christians, etc, in Goa, have never had problems complying with the U.C.C. all throughout.



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