

The Uniform Civil Code of UCC is a matter of debate in India nowadays. The purpose behind bringing a Uniform Civil Code or UCC is to bring uniform laws with respect to property inheritance, marriage, divorce and adoption etc.

India is a land of numerous religions, and they coexist with their own set of religious as well as inheritance norms. However, the existence of separate inheritance laws as specified in different religions leads to conflicts and confusion quite often.

The Indian government is pushing for the Uniform Civil Code (UCC) so that uniformity can be brought in matters of succession and property inheritance.

What is Uniform Civil Code in India?

The Uniform Civil Code or UCC would be a set of common laws and regulations related to property inheritance, marriage, divorce and adoption. The Uniform Civil code wishes to bring uniformity in civil laws. If applied, the code will apply to all religions and tribal communities.

Once applied, the Uniform Civil Code will technically dissolve the regulations such as-

Hindu Marriage Act, 1955

Hindu Succession Act, 1956

Muslim Personal Law Application Law, 1937

How Personal Laws Control property inheritance in India?

The Uniform Civil Code, intends to dissolve the personal laws practised by different religions in India and replace them with common laws. Some of the personal laws practised in India are as follows-

**Hindu Personal Law-** The Hindu personal laws are based on ancient customs and scriptures. While the Hindu Marriage Act 1955 governs the aspects related to marriage, the Hindu Succession Act controls the matters related to property inheritance.

Under the Hindu Succession Act of 1956, Hindu women have been given equal inheritance rights on their parents' property. Hindu Women have equal inheritance rights on their parent's property. The property rights of Buddhists, Sikh and Jain communities are also governed by this law.

**Muslim Personal Law-** Muslims in India follow the Muslims Personal Law for marriage, property inheritance and divorce matters. The Muslim Personal Law is based on Shariat. Property inheritance is governed by the principles mentioned in the Muslim Personal Law.

**Law for Parsis, Jews and Christians-** For people belonging to the Parsi, Christian and Jew communities, Indian Succession Act 1925 is applicable. For instance, Christian Women receive a predetermined share based on the number of children and relatives. Similarly, Parsi widows get an equal share as their children. Share of children is given to the parents of the deceased if they are alive.

How will UCC impact the tax outgo of Hindu Undivided Families (HuFs)?

Once the Uniform Civil Code is implemented in India, it is most likely to affect the inheritance laws and taxation system of the Hindu Undivided Families (HUFs). It is most likely to happen as there are no such concepts in other religions. At present, the following benefits are enjoyed by the HUFs, which might discontinue after the implementation of the Uniform Civil Code or UCC-

Under the HUF, the family property is headed by the head of the family or Karta. Therefore, it has been recognised as a separate entity for tax calculation. Like the PAN cards of individuals, HUF also has a PAN card.

A HUF can run a business under its name and can invest in shares and mutual funds. If the tax exemptions are talked about, a HUF is eligible for a tax exemption of Rs 2.5 lakh, which is separate from the income of the individual family members. The HUF can also open a PPF account (By 2022).

Further, a HUF can also claim tax deductions on the amount credited to the PPF account by its members. Moreover, HUF can also claim additional benefits on the premium paid for health insurance.

In addition to this, if a person owns more than one property, he/she can claim tax exemption on only one property and the rest are deemed let out. The tax is calculated on the notional rent. However, HUFs can own more than one house without paying taxes. The HUFs can also avail of a home loan and claim benefits on the loan amount.

As the HUF concept includes lakhs of families and crores of citizens of India, it remains to be seen whether the government will abolish this concept under Uniform Civil Code or UCC. Moreover, if the UCC is implemented and the concept of HUF is altered, there will be logistical implications. The government will have to cancel existing PAN cards. It will have to change the existing loans, insurance and bank account structures.

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[Implications of UCC on Hindu Property Inheritance Structure](#)

The application of the Uniform Civil Code or UCC will also impact the property inheritance structure of all religions. If we talk about the Hindu Succession system, the Concept of "Coparcenary" comes into the picture. Under this concept, there is an inherent right of the children and wife to inherit the property. In simple terms, if a man dies, his ancestral or acquired property is equally divided between his wife, children and a widowed mother (if present).

Until 2005, only sons were considered to inherit the property. However, after the Vineeta Sharma judgment, daughters are entitled to inherit ancestral property. The court held that daughters cannot be denied their right to own ancestral property, and they have an equal right as sons to inherit.

The implementation of the Uniform Civil Code or UCC might change this structure, and many aspects

might be altered. However, it will be a humongous task to bring uniformity in the inheritance laws of different religions.

In this context, the Hindu succession laws have been amended to bring parity between men and women. The amendment has paved the way for equal rights in terms of inheritance of property, but other religions are yet to proceed in this matter.

#### Property inheritance laws in other religions

If we talk about the Muslim religion, the laws of inheritance are not properly codified. There are several loopholes through which the children, wife and other family members can be denied their justified property rights. Moreover, the idea of a joint family is missing in Muslim laws. On several occasions, the report by law commissions and expert groups have recommended the codification of Muslim laws to ensure that wives, widows and children are not denied their just rights.

Under Christian laws, similar concepts are applied as Hindu laws. However, it is also written that "Except they are governed under customary law". In addition to this, the Christians in Daman, Diu and Goa are governed by the Portuguese Civil Code of 1867. On the other hand, the Christians in Pondicherry are governed by customary Hindu law, 1925 and the French Civil Code, 1804. The share of daughters and wives in property inheritance will have to be codified so as to bring uniformity and simplicity to the property succession laws.

If Parsi families are considered, the Indian Succession Act applies in property inheritance matters but with many discriminatory laws. For instance, the children born to a Parsi father and a non-parsi mother are identified as Parsis. However, children born out of a Parsi mother and a Non-Parsi father are not accepted as Parsis. A Parsi mother does not remain a part of the Parsi community if she marries outside the Parsi community. The children born out of such marriages are also denied their property rights.

Moreover, despite several amendments in the Hindi succession laws, there are many loopholes and anomalies in the property inheritance laws.

#### Summing up Uniform Civil Code (UCC)

In conclusion, the diversity of India and the very existence of many religions at once have led to both diversity and complexity. The issue of the Uniform Civil Code has been in debate for a long time now. Owing to the involvement of religious practices and sentimental values attached to the customs, it remains a challenge to bring every party on the same page for the application of an agreed Uniform Civil Code or UCC.

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### Frequently asked questions

What is the full form of UCC?

The full form of UCC is Uniform Civil Code.

Is Uniform Civil Code implemented in India?

No, UCC is not yet implemented in India.

Is the Uniform Civil Code religion-specific?

No, UCC is not religion specific, and it will apply to all religions equally.

What is the purpose of the Uniform Civil Code?

The purpose of the Uniform Civil Code is to bring parity in the laws related to property inheritance, marriage, divorce and settlement matters of different religions.

Is Uniform Civil Code mentioned in the Indian constitution?

Yes, UCC or Uniform Civil Code is mentioned in Part 4, Article 44 of the Indian Constitution.