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LAW COMMISSION'S TASK CUT OUT - Panel Studies Portuguese Civil Code

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Goa has civil laws common for all communities, based on PCC of 1867

The Portuguese may play a significant role in implementing a uniform civil code in India. The Law Commission is perusing the Portuguese civil code to ascertain its “benefits“ and to what extent it can help in implementing a uniform civil code.

Goa is the only Indian state which has a set of civil laws that governs residents regardless of religion, ethnicity or linguistic affiliation. The Goa Civil Code, or Family Law, is largely based on the Portuguese Civil Code of 1867. Sources privy to the development told ET, requesting anonymity, that the Law Commission has arranged a copy of English translation of the Código Civil Português.

“We are studying the code (Portuguese) to ascertain in what way it can help us in examination of implementation of uniform civil code,“ an official privy to the development said. ET has also learnt that the Law Commission is in the process of completing a questionnaire for the public and stakeholders. The questionnaire, seeking views on the existing laws concerning marriage, divorce, succession and other related issues, will be posted on the Commission's website.

“This will be the first step to get feedback from the public, stakeholders and others over the different laws on marriage, divorce, succession, inheritance etc. According to the response, the Commission will decide its next step. Any person/institution giving good idea(s) will be invited by the Commission for a hearing,“ said the source. The Commission, headed by retired Supreme Court judge BS Chauhan, has already received requests from various persons,

institutions and personal law board seeking audience to address on the issue of implementation of uniform civil code. The questionnaire will be posted shortly.

The Law Commission is moving at a “deliberate pace“ and will give audience to all the stakeholders involved, according to the official quoted earlier. ET was the first to report, on July 1, that the Modi government had asked the Law Commission to examine the issue. This is the first time a government asked the Law Commission which has a crucial advisory role on legal reform, to look into the issue of a uniform civil code.

A uniform civil code will mean a set of common personal laws for all citizens. Personal law covers property, marriage, divorce, inheritance and succession and currently, there are different personal laws for different religious communities.

