

Towards uniformity

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A Uniform Civil Code (UCC) is a desirable and progressive goal for a secular country. However, mere uniformity without making reasonable allowances for diverse cultural and social practices among different social groups may not be ideal. The UCC adopted by the Uttarakhand Assembly aims to consolidate the laws relating to marriage, divorce and succession among all communities. The State has become the first since pre-Independence Goa to adopt a uniform code for civil matters. What is particularly violative of the Constitution is the bizarre portion in this UCC aiming to formalise live-in relationships through registration. This unwanted incursion into citizens' personal life is worsened by the prescription of a three-month prison term for non-registration. It will expose citizens to intrusive inquiries, social hostility and pointless deprivation of liberty. While it contains positive features such as conferring legitimacy on children born of live-in relations and mandating maintenance in the event of desertion, the very idea that people living together should submit themselves to registration and verification is repugnant to individual rights.

When the Constitution makers made the adoption of a UCC one of the directive principles, opinion was divided on whether a UCC will undermine minority rights or promote equal status for women in all religions. B.R. Ambedkar felt the UCC, if enacted, should be voluntary in the initial stages. The previous Law Commission had said a UCC is neither desirable nor necessary, and, instead, suggested that each body of personal law be reformed to eliminate discrimination or regressive practices. However, the present Law Commission has revived the idea and has started gathering views from the public. Much of the Uttarakhand Code seems to have been borrowed from existing laws on marriage and succession, but with significant omissions. For instance, the Code is the only avenue for dissolving a marriage and there is no waiting period to remarry after a divorce; nor is there any need for a woman to marry another person before she can re-marry her former husband. These provisions, which eliminate the concepts of iddat, talaq and nikah halala, are all progressive and further individual rights. Interestingly, it preserves the existing provision allowing custom and usage as an exception to the bar on marriage within prohibited

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- Part 1 of the Bill deals with marriage and divorce. Whereas in Part-2, place has been given to marriage and divorce registration.
- The Uniform Civil Code clearly defines the minimum age of marriage for all, wherein the age of the young man should not be less than 21 years and the age of the girl should not be less than 18 years.
- In this code, it has been clearly stated between whom marriage can take place.. Marriage can take place only between a man and a woman.
- In this code, second marriage is completely prohibited if the husband or wife is alive.
- Now, after divorce, a woman cannot be bound by any kind of conditions to marry the same man or any other man again. If any such matter comes to notice, then there is a provision of three years imprisonment or a fine of one lakh rupees or both.
- After marriage, if any of the married couple changes religion without the consent of the other, then the other person will have full right to seek divorce and claim maintenance.
- The religious/social rituals of marriage between a man and a woman have not been touched upon in this code.
- There is a provision in this Act that for a couple living in a live-in relationship, the girl must be 18 years of age or more and she will have to get a registration done for the purpose of identification before living in a live-in relationship and must be less than 21 years of age. It will be mandatory for both the boy and girl to inform their parents about this registration.

