

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.

degrees of relationship, but adds a rider that such custom cannot be against public policy or morality. An unfortunate fallout of all this is a polarising discourse taking shape in the run-up to the general election. The concept of justice should not be lost in the search for uniformity, which should be no more than an incidental consequence of equality.

Expected Question for Prelims

Que. Consider the following statements with reference to Uttarakhand Uniform Civil Code
Bill-

- 1. The minimum age of marriage for Muslim women and men has been made the same as for Hindus.
- 2. All live-in relationships will have to be registered with the registering authority notified under the law.

Which of the statements given above is/are correct?

- (a) Only 1
- (b) Only 2
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Answer: C

Mains Expected Question & Format

Que.: "The concept of justice should not be lost in the search for uniformity, which should be no more than an incidental consequence of equality." Analyze the Uniform Civil Code Bill of the Uttarakhand government in the context of this statement.

Answer's Approach:

- ❖ In the first part of the answer, explain the major provisions of the Uniform Civil Code Bill of the Government of Uttarakhand.
- ❖ In the second part, analyze these provisions in the context of the statement given in the question.
- Finally give a conclusion giving suggestions.

Note: - The question of the main examination given for practice is designed keeping in mind the upcoming UPSC mains examination. Therefore, to get an answer to this question, you can take the help of this source as well as other sources related to this topic.

