Law Commission on Uniform Civil Code

Why in news?

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The Law Commission of India has said that a Uniform Civil Code (UCC) is “neither necessary nor desirable at this stage.”

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What are the observations made?

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- **Uniformity** - Difference does not always imply discrimination in a robust democracy.
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- So a unified nation does not necessarily need to have “uniformity.”
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- Cultural diversity cannot be compromised to the extent of preserving uniformity.
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- As, uniformity itself cannot become a threat to the territorial integrity of the nation.
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- **Secularism** - Secularism could not contradict the plurality prevalent in the country.
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- The term ‘secularism’ has meaning only if it assures the expression of any form of difference.
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- This diversity, both religious and regional, should not get subsumed under the louder voice of the majority.
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- However, discriminatory practices within a religion should not hide behind that faith to gain legitimacy.
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What does the commission call for?

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- The commission stresses on efforts to reconcile the country's diversity with universal arguments on human rights.
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- **Codification** - The commission has called for the codification of all personal laws.
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- This would help in bringing to light the prejudices and stereotypes in all religion.
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- They can eventually be tested on the anvil of fundamental rights of the Constitution.
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- **Universal principles** - Codification of different personal laws could help arrive at certain universal principles.
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- These may facilitate prioritising equity rather than imposition of a Uniform Code.
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- A uniform code would only discourage many from using the law altogether.
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- This is especially given the fact that matters of marriage and divorce can be settled extra-judicially as well.
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- **Amendments** - The commission thus suggested certain measures in marriage and divorce.
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- These should be uniformly accepted in the personal laws of all religions.
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- These amendments in personal laws include
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i. fixing the marriageable age for boys and girls at 18 years so that they marry as equals
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ii. making adultery a ground for divorce for men and women
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iii. simplifying divorce procedure
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- **Polygamy** - It suggested making polygamy a criminal offence and applying it to all communities.
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- This is not recommended owing to merely a moral position on bigamy, or to glorify monogamy.
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- It rather emanates from the fact that only a man is permitted multiple wives, which is unfair.
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Source: The Hindu

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