



## UNIFORM CIVIL CODE IN INDIA : BALANCING EQUALITY, DIVERSITY, AND CONSTITUTIONAL VALUES

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### **ABSTRACT**

*The Uniform Civil Code (UCC) has remained one of the most debated topics in India's legal and political landscape. It refers to the idea of replacing religion-based personal laws with one common set of civil laws governing matters such as marriage, divorce, inheritance, and adoption. The Constitution of India, under Article 44, directs the State to work toward the UCC, while Articles 14 and 15 guarantee equality and Article 25 ensures freedom of religion. This creates a continuing tension between uniformity and diversity.*

*This research paper explores the historical evolution of the UCC debate from colonial times to the present, highlighting key reforms such as the Hindu Code Bills and the role of Dr. B.R. Ambedkar in the Constituent Assembly. It also examines constitutional provisions, landmark judicial pronouncements including Shah Bano and Sarla Mudgal, and the opinions of the Law Commissions of India. The paper further discusses gender justice, showing how unequal personal laws have disadvantaged women, and the socio-political dimensions, where minority communities fear that the UCC may undermine cultural and religious identity.*

*A comparative study of international examples such as France, Turkey, South Africa, Indonesia, and Goa in India shows that a uniform law is possible in diverse societies if introduced gradually and with sensitivity. The paper also considers the social and economic implications of the UCC, especially its potential to reduce inequality and strengthen women's rights. Finally, it outlines challenges, suggests reforms, and looks at the future of the UCC as a step toward building a fairer and more united India.*

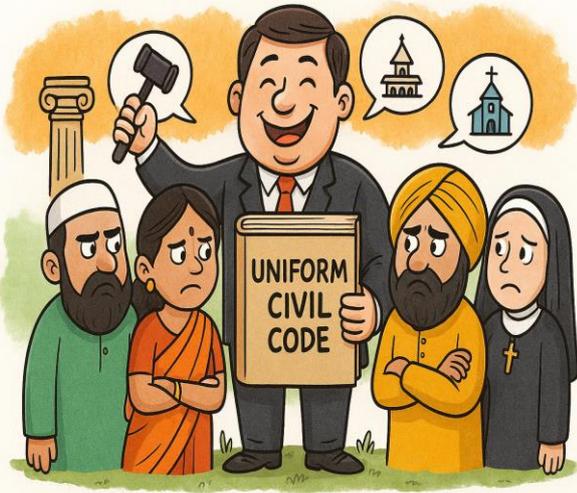
*In conclusion, the UCC is not just a legal reform but a larger social transformation. Its success will depend on balancing equality with cultural respect, ensuring that traditions do not deny justice, and introducing reforms through dialogue, awareness, and gradual implementation.*





## INTRODUCTION

### UNIFORM CIVIL CODE



*Social Perspectives on the Uniform Civil Code- A cartoon-style depiction showcasing diverse religious communities and the legal authority, symbolizing the ongoing dialogue and differing opinions surrounding the implementation of a common civil law framework.*

The idea of a Uniform Civil Code (UCC) has been one of the most debated subjects in India's legal and political history. The term refers to a common set of laws that would govern personal matters such as marriage, divorce, adoption, and inheritance for all citizens, regardless of religion, caste, or community. Currently, these matters are governed by different personal laws for different religious groups for example, Hindu personal laws, Muslim personal laws, Christian personal laws, and Parsi personal laws, which are rooted in religious scriptures and traditions.<sup>413</sup>

The UCC seeks to replace this diversity with a single, uniform law applicable to everyone. Proponents argue that it would ensure equality before the law and promote national unity by removing differences in personal laws. Critics, however, fear that it might interfere with religious freedoms guaranteed under Article 25 of the Constitution.<sup>414</sup>

The discussion around UCC is not just a legal question but also a social and cultural issue. It challenges deep-rooted traditions while also aiming to uphold constitutional values such as secularism and gender equality.<sup>415</sup>

### Objectives of the Research

This research paper aims to:

1. Explain what the UCC is and why it has been a central topic of debate in India.
2. Examine the historical background and constitutional provisions related to the UCC.
3. Analyze important judicial pronouncements that have shaped the UCC discourse.
4. Compare the Indian context with other countries that have adopted uniform civil laws.
5. Identify the challenges and loopholes in implementing the UCC.
6. Suggest possible reforms and approaches that can balance uniformity with cultural diversity.

### Scope of Research

The scope of this research is both legal and social. From a legal perspective, it studies constitutional provisions like Article 44, which directs the State to implement a UCC as part of the Directive Principles of State Policy.<sup>416</sup> It also examines key judgments of the Supreme Court and High Courts that have indirectly or directly dealt with the UCC issue. From a social perspective, it analyses public opinion, cultural concerns, and the role of religious identity in shaping laws.

The research focuses primarily on the Indian legal system, but also includes a brief comparative analysis of countries such as France and Turkey, where uniform civil laws exist. This helps in understanding whether such a model could work in India's diverse society.

<sup>413</sup> The HMA, 1955, No. 25, Acts of Parliament, 1955 (India).

<sup>414</sup> India Const. art. 25.

<sup>415</sup> India Const. art. 14; art. 44.

<sup>416</sup> India Const. art. 44.



In summary, the UCC debate is about finding the right balance between uniformity in law and respect for cultural diversity. It raises fundamental questions: Should the law treat everyone the same in personal matters, even if it means overriding religious customs? Or should personal laws remain separate to preserve religious identity? This research seeks to provide a clear, unbiased understanding of these questions, backed by legal sources, case laws, and comparative perspectives.

### HISTORICAL EVOLUTION OF THE UCC DEBATE IN INDIA

The discussion on the Uniform Civil Code has a very long history in India. It did not begin only after independence but can be traced back to the colonial period. During British rule, the government followed a policy of non-interference in religious personal laws. Each community was allowed to follow its own traditions in matters of marriage, divorce, and inheritance. However, the colonial government did introduce reforms in areas where customs were considered harmful to society. For example, the practice of sati was abolished through the Bengal Sati Regulation of 1829, and the Child Marriage Restraint Act of 1929 was passed to address the problem of early marriages. These were early steps toward bringing uniformity and fairness in family matters.

Another important reform was the Indian Succession Act of 1865, which introduced common rules of inheritance for certain groups, and the Special Marriage Act of 1872, which allowed people of different religions to marry under civil law without having to convert.<sup>417</sup> These laws did not apply to all citizens but they showed the possibility of having a set of common laws for everyone.

When the Constitution of India was being drafted, the subject of the Uniform Civil Code became a matter of serious debate. Leaders such as Dr. B. R. Ambedkar strongly supported

the idea, arguing that a common code was essential to promote equality and unity among all citizens.<sup>418</sup> However, many members of the Constituent Assembly, particularly from minority communities, expressed concern that a single code might interfere with their religious freedom. To resolve this disagreement, the Assembly decided to place the UCC in the Directive Principles of State Policy under Article 44 of the Constitution.<sup>419</sup> This meant that the UCC was seen as a goal for the future rather than a law enforceable by the courts.

After independence, significant reforms were made for the Hindu community through the Hindu Marriage Act of 1955 and the Hindu Succession Act of 1956, which gave women new rights in matters of divorce and inheritance.<sup>420</sup> However, similar large-scale reforms were not carried out for all other communities. This kept the demand for a Uniform Civil Code alive and ensured that the debate around it continued for decades after independence.

### LEGAL BACKGROUND

The Uniform Civil Code (UCC) is mentioned in Article 44 of the Constitution of India. This article says that "The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India."<sup>421</sup> In simple words, it means that the government should try to bring one set of rules for all citizens in matters like marriage, divorce, inheritance, and adoption, instead of having separate rules for different religions.

When India became independent in 1947, the makers of the Constitution debated whether to include the UCC as an enforceable right. Some leaders, like Dr. B.R. Ambedkar supported it strongly, saying that it would promote national unity and equality.<sup>422</sup> However, due to concerns about religious freedom and cultural diversity, the UCC was placed under the Directive Principles of State Policy (DPSPs). This means it is

<sup>418</sup>Constituent Assembly Debates, Vol. VII, 548 (Nov. 23, 1948).

<sup>419</sup>INDIA CONST. art. 44.

<sup>420</sup> The Hindu Marriage Act, No. 25 of 1955, INDIA CODE (1955); The Hindu Succession Act, No. 30 of 1956, INDIA CODE (1956).

<sup>421</sup> India Const. art. 44.

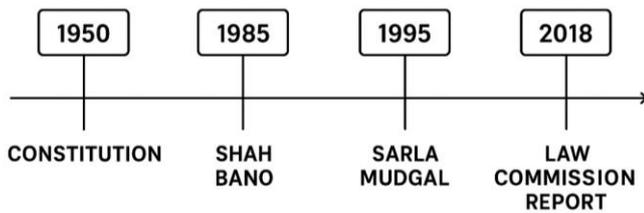
<sup>422</sup> Constituent Assembly Debates, Vol. VII, 1948–49.

<sup>417</sup> The Special Marriage Act, No. 3 of 1872, INDIA CODE (1872).



not legally enforceable by courts, but it is a goal for the government to achieve in the future.<sup>423</sup>

## JUDICIAL TIMELINE ON UCC IN INDIA



*Judicial Timeline of Uniform Civil Code in India - This visual presents key milestones and landmark judgments that have shaped the discourse on the Uniform Civil Code, illustrating its legal evolution from colonial times to contemporary debates.*

### Personal Laws in India

Before talking about the UCC, it is important to understand what personal laws are. In India, personal laws are the rules that govern private matters like marriage, divorce, adoption, and inheritance. These laws are based on religious texts and traditions. For example:

- Hindus, Buddhists, Jains, and Sikhs follow the Hindu Marriage Act, 1955 and related laws.<sup>424</sup>
- Muslims follow the Shariat Act, 1937, which is based on Islamic law.<sup>425</sup>
- Christians follow the Indian Christian Marriage Act, 1872 and the Divorce Act, 1869.<sup>426</sup>
- Parsis follow the Parsi Marriage and Divorce Act, 1936.<sup>427</sup>

This diversity means that people are treated differently under the law depending on their religion, especially in family matters. For

example, divorce grounds and inheritance rights may vary from one religion to another.

### Early Efforts Towards Uniformity

India has made some efforts towards uniform laws even before independence. The Special Marriage Act, 1872 (later updated in 1954) allowed people from different religions to marry without changing their religion.<sup>428</sup> This was one of the first steps towards a more uniform approach in personal laws.

After independence, several reforms were introduced, especially for Hindus, through the Hindu Code Bills of the 1950s. These laws brought changes like allowing divorce and giving women property rights.<sup>429</sup> However, similar large-scale reforms were not made for all other communities, which kept the demand for a UCC alive.

### Judicial Support for UCC

The Supreme Court of India has, in several cases, shown support for a UCC. In *Mohd. Ahmed Khan vs. Shah Bano Begum* (1985), the Court upheld the right of a Muslim woman to maintain under secular law and suggested that a UCC would help promote equality and justice.<sup>430</sup> Similarly, in *Sarla Mudgal vs. Union of India* (1995), the Court again called for the implementation of a UCC to prevent misuse of personal laws for wrongful gains.<sup>431</sup>

In short, the legal background of the UCC is about finding a balance between equality under the law and freedom of religion. The Constitution gives a clear direction to work towards uniformity, but the challenge is to do it in a way that respects India's diversity.

### CONSTITUTIONAL PERSPECTIVE ON THE UCC

The Uniform Civil Code has always been closely linked with the Constitution of India. The most important provision is Article 44, which is part of the Directive Principles of State Policy. This Article directs the State to work toward securing a

<sup>423</sup> India Const. Part Ivs.

<sup>424</sup> The Hindu Marriage Act, No. 25 of 1955 (India).

<sup>425</sup> The Muslim Personal Law (Shariat) Application Act, No. 26 of 1937 (India).

<sup>426</sup> The Indian Christian Marriage Act, No. 15 of 1872 (India).

<sup>427</sup> The Parsi Marriage and Divorce Act, No. 3 of 1936 (India).

<sup>428</sup> The Special Marriage Act, No. 43 of 1954 (India).

<sup>429</sup> The HSA, No. 30 of 1956 (India).

<sup>430</sup> *Mohd. Ahmed Khan vs. Shah Bano Begum*, (1985) 2 S.C.C. 556 (India).

<sup>431</sup> *Sarla Mudgal vs. Union of India*, (1995) 3 S.C.C. 635 (India).



uniform civil code for all citizens throughout the territory of India.<sup>432</sup> Unlike fundamental rights, directive principles are not enforceable in courts, but they act as guiding principles for the government in framing policies.

The UCC is also related to other fundamental rights. Article 14 guarantees equality before the law, and Article 15 prohibits discrimination on the grounds of religion, sex, or caste.<sup>433</sup> These articles provide strong constitutional support for the idea of a common code that treats all citizens equally. However, there is also Article 25, which guarantees the freedom of religion.<sup>434</sup> This creates a natural tension between equality and religious freedom. On one side, the Constitution asks the State to ensure equality and uniformity; on the other side, it protects the right of individuals and communities to follow their religious practices.

The Supreme Court has often tried to balance these two values. In several judgments, the Court has pointed out that personal laws should not violate the principle of equality.<sup>435</sup> Thus, the constitutional perspective shows that the UCC is not only about legal reform but also about fulfilling the promises of justice, equality, and secularism made by the Constitution of India.

### JUDICIAL PRONOUNCEMENTS

Courts in India have often spoken about the need for a Uniform Civil Code (UCC). Through different cases, the Supreme Court has explained why one law for everyone in personal matters could help ensure fairness and equality.

#### 1. Mohd. Ahmed Khan vs. Shah Bano Begum (1985)

##### Background:

Shah Bano was a 62-year-old Muslim woman from Madhya Pradesh. She was married to Mohd. Ahmed Khan, who later divorced her. Under Islamic personal law, a husband has to provide maintenance to his wife only during the

iddat period (around three months after divorce). However, Shah Bano was poor and could not support herself, so she went to court asking for maintenance under Section 125 of the Criminal Procedure Code (CrPC), which applies to all citizens, regardless of religion.<sup>436</sup>

##### Judgment:

The Supreme Court ruled in her favour. It said that under Section 125 CrPC, a husband must provide maintenance if his wife cannot maintain herself, even after divorce, and this law applies to everyone in India. The Court also observed that having different personal laws for different communities leads to inequality and that a Uniform Civil Code would promote national integration and gender justice.

##### Why it is important:

This case is important because it showed that secular laws can be used to protect vulnerable people, even when personal laws say otherwise. It also brought the idea of UCC into public debate.

#### 2. Sarla Mudgal vs. Union of India (1995)

##### Background:

This case involved four women who complained that their Hindu husbands had converted to Islam only to marry another woman without divorcing them first. Under Hindu law, bigamy (having two wives) is not allowed, but under Muslim law, a man can have up to four wives. The husbands used this loophole to avoid punishment for bigamy.<sup>437</sup>

##### Judgment:

The Supreme Court ruled that such conversions done only to marry again were invalid. The Court held that a Hindu man cannot simply change his religion to escape the laws of his personal code. It again stressed that having different laws for different religions creates opportunities for misuse, and a Uniform Civil Code would help close such loopholes.

<sup>432</sup> INDIA CONST. art. 44.

<sup>433</sup> INDIA CONST. arts. 14-15.

<sup>434</sup> INDIA CONST. art. 25.

<sup>435</sup> Mohd. Ahmed Khan vs. Shah Bano Begum, (1985) 2 S.C.C. 556 (India).

<sup>436</sup> The Code of Criminal Procedure, No. 2 of 1974, § 125 (India).

<sup>437</sup> Indian Penal Code, No. 45 of 1860, § 494 (India).



### Why it is important:

This case is important because it highlighted how the absence of a UCC can lead to unfair practices and exploitation of women. It showed that the current system allows people to switch between personal laws for personal advantage, which undermines justice.

### GENDER JUSTICE AND THE UCC

One of the main reasons why many people support the Uniform Civil Code is that it can help ensure equal rights for men and women. In India, personal laws are based on religious traditions, and many of these traditions have historically given fewer rights to women. For example, before the Hindu Succession Act of 1956, Hindu women had very limited rights to inherit property.<sup>438</sup> In Muslim personal law, maintenance for divorced women was limited to a short period known as the iddat period, which often left women without support. Christian women also faced inequality in divorce laws, where their grounds for divorce were stricter compared to men.

The Supreme Court has highlighted these inequalities in several cases. In the famous case of Mohd. Ahmed Khan vs. Shah Bano Begum, the Court ruled that a divorced Muslim woman was entitled to maintenance under section 125 of the Code of Criminal Procedure, 1973, which applies to all citizens.<sup>439</sup> The Court also pointed out that having different personal laws for different communities creates injustice, especially for women, and that a Uniform Civil Code would help in protecting their rights.

The Constitution itself guarantees equality under Article 14 and prohibits discrimination based on religion or sex under Article 15.<sup>440</sup> A Uniform Civil Code would be a way to make these constitutional promises a reality by giving all women equal rights in marriage, divorce, custody, and inheritance, regardless of their religion. This shows that the debate on the UCC

is not only about legal uniformity but also about fairness and justice for women in Indian society.

### ROLE OF LAW COMMISSIONS AND PARLIAMENTARY DEBATES

The Uniform Civil Code has been repeatedly discussed by the Law Commission of India and in the Parliament of India. Both institutions have played a central role in shaping the debate, highlighting the challenges as well as the possibilities of introducing a common civil code.

- Law Commissions of India

Over the years, different Law Commissions have studied the question of the UCC. The 21st Law Commission, in its Report No. 270 (2018), examined the feasibility of introducing a uniform code in a country as socially and religiously diverse as India. The report concluded that a UCC was not “necessary nor desirable” at that stage.<sup>441</sup> Instead, it recommended reforms within personal laws of different religions to ensure that family laws became more just and equal. For example, it suggested changes in inheritance rights, adoption rules, and guardianship provisions across communities to bring them in line with the principles of equality.<sup>442</sup> This approach was described as “reform from within” rather than replacing personal laws completely with one uniform law.

In 2023, the 22nd Law Commission revived the debate when it issued a public notice seeking opinions from citizens, religious bodies, and legal experts on the question of the UCC.<sup>443</sup> The Commission received thousands of responses, many of which showed that society remains deeply divided on the issue. Supporters of the UCC argued that it would guarantee gender justice and strengthen national unity, while opponents feared that it could reduce cultural and religious freedoms. This consultation reflected how sensitive and complex the subject remains, even after decades of discussion.

<sup>438</sup> The Hindu Succession Act, No. 30 of 1956, INDIA CODE (1956).

<sup>439</sup> Mohd. Ahmed Khan v. Shah Bano Begum, (1985) 2 S.C.C. 556 (India).

<sup>440</sup> INDIA CONST. arts. 14-15.

<sup>441</sup> Law Commission of India, Report No. 270: Reform of Family Law, at 5 (2018).

<sup>442</sup> Id. at 14-18.

<sup>443</sup> Law Commission of India, Public Notice for Consultation on Uniform Civil Code (June 14, 2023).



- Parliamentary Debates

The Constituent Assembly debates of 1948 and 1949 show that the UCC was a matter of strong disagreement even at the time of drafting the Constitution. Dr. B.R. Ambedkar, who was in favor of the UCC, argued that just as the country had adopted a single criminal code and civil procedure for all citizens, there should also be a common set of laws for family matters.<sup>444</sup> However, several members opposed the idea, fearing that it would interfere with the personal laws of minority communities. The compromise reached was to include the UCC in the Directive Principles of State Policy under Article 44, meaning that it would remain a goal for the State to achieve but not a binding right.<sup>445</sup>

In later years, the issue has come up many times in Parliament. Some political parties have supported the UCC, calling it necessary for true secularism and equality. Others have opposed it, saying that such a reform would hurt the rights of minorities and go against the promise of religious freedom. For example, during debates in the 1990s, members of Parliament expressed sharply different opinions, with some linking the UCC to women's empowerment while others treated it as an attack on cultural diversity.<sup>446</sup>

- Importance of These Discussions

The role of the Law Commissions and Parliament shows that the UCC is not only a legal issue but also a social and political question. The Commissions have tried to provide balanced, research-based recommendations, while Parliament has reflected the diversity of public opinion. Together, they show that while the UCC is seen as an important constitutional goal, it requires careful handling, wide consultation, and step-by-step reforms to become acceptable to all communities.

### SOCIO POLITICAL DIMENSIONS OF THE UCC

<sup>444</sup> Constituent Assembly Debates, Vol. VII, 548 (Nov. 23, 1948).

<sup>445</sup> INDIA CONST. art. 44.

<sup>446</sup> Ronojoy Sen, The Uniform Civil Code Debate in Indian Politics, 47 ASIAN SURV. 4 (2007).

The Uniform Civil Code is not only a legal matter but also a social and political issue that directly touches people's beliefs and identities. For many people, the UCC is seen as a way to promote equality and unity by giving the same rights to all citizens. However, for others, especially minority communities, the UCC raises fears that their religious and cultural traditions may be weakened.

This is why the UCC debate often lies between two constitutional values. On the one hand, Article 14 guarantees equality before the law, and on the other hand, Article 25 guarantees freedom of religion.<sup>447</sup> Finding the right balance between these two rights has been one of the main challenges for lawmakers.

The role of the courts has been important in this debate. In the case of *Sarla Mudgal v. Union of India*, the Supreme Court pointed out how people sometimes misuse personal laws for their own benefit.<sup>448</sup> In this case, Hindu men converted to Islam only to marry again without divorcing their first wife, since bigamy is not permitted under Hindu law but allowed in Muslim law. The Court said that such practices showed the need for a Uniform Civil Code.

The debate has also been influenced by politics and the media. Women's rights groups have campaigned for the UCC as a way to ensure equal treatment, while some political parties have used it as a tool for mobilizing voters. This has sometimes turned the debate into a question of identity politics instead of focusing on equality and fairness.

In short, the socio-political dimensions of the UCC show that it is not only about law but also about people's faith, cultural identity, and the idea of justice.

### IMPACT OF UCC ON MINORITY COMMUNITIES

One of the most sensitive issues in the Uniform Civil Code debate is its impact on minority communities. Many people from minority groups worry that a single common code will replace

<sup>447</sup> INDIA CONST. arts. 14, 25.

<sup>448</sup> *Sarla Mudgal vs. Union of India*, (1995) 3 S.C.C. 635 (India).



their personal laws and reduce their cultural and religious identity. For example, Muslim personal law, which is based on the Shariat Act of 1937, governs matters like marriage, divorce, and inheritance for Muslims.<sup>449</sup> Similarly, Christians and Parsis also have their own personal laws that reflect their traditions.

The concern among these groups is that a common code may be framed in a way that reflects the majority's traditions more than those of minority communities. This fear is why many religious organizations and leaders oppose the UCC, saying that it could interfere with the right to practice religion guaranteed under Article 25 of the Constitution.<sup>450</sup>

At the same time, some members of minority communities argue that personal laws have not always been fair to women and children. They believe that reforms are necessary to ensure equality. This shows that even within minority groups, opinions on the UCC are divided.

Therefore, the challenge for lawmakers is to frame the UCC in a way that protects cultural diversity while also ensuring equality and justice for everyone. If the UCC is implemented carefully, with the participation of all communities, it can become a law that respects both equality and diversity.

### COMPARATIVE ANALYSIS

India vs. Other Countries-

- France: One civil code applies to all citizens regardless of religion.<sup>451</sup>
- Turkey: Adopted Swiss Civil Code in 1926; all citizens follow the same personal laws.<sup>452</sup>
- Goa, India: Common civil code in place, applies equally to all communities.<sup>453</sup>

<sup>449</sup> The Muslim Personal Law (Shariat) Application Act, No. 26 of 1937, INDIA CODE (1937).

<sup>450</sup> INDIA CONST. art. 25.

<sup>451</sup> Code Civil [C. civ.] [Civil Code] (Fr.).

<sup>452</sup> Swiss Civil Code, adopted by Turkey, Law No. 743 of 1926.

<sup>453</sup> Goa Family Law, 1867 (Portuguese Civil Code as amended).



Aspect	Current Personal Laws	Proposed UCC
Marriage	Religion-specific rules	One law for all
Divorce	Different grounds & procedures	Uniform grounds & procedures
Inheritance	Varies across religions	Equal rights regardless of religion
Adoption	Different eligibility rules	Same rules for everyone

When we look at the Uniform Civil Code (UCC), it is useful to compare how other countries deal with personal laws and whether India can learn something from them. Many countries with different religions and cultures have already introduced a single civil law for everyone. Let us compare India's situation with one more example.

- Indonesia – Unity with Diversity

Indonesia is a Muslim-majority country but has significant Christian, Hindu, and Buddhist minorities. It uses a mix of uniform national laws and religious laws. For marriage, for example, couples must follow certain national rules but can also perform religious rituals.<sup>454</sup> This shows a middle path, keeping some cultural practices while ensuring a basic level of equality under the law.

### INTERNATIONAL LESSONS FOR INDIA

India is not the only country that has faced the question of whether to have a common civil code. Many nations with diverse populations have already introduced uniform laws in personal matters. For example, France has a single civil code that applies equally to all citizens, regardless of their religion.<sup>455</sup> Turkey adopted the Swiss Civil Code in 1926, which introduced equal rights in marriage, divorce, and inheritance for all citizens.<sup>456</sup>

Closer to home, Goa in India follows a uniform civil code that applies equally to Hindus,

Muslims, and Christians.<sup>457</sup> This shows that it is possible to have one common code even in a diverse society.

Another example is South Africa, which recognizes both customary marriages and civil marriages under a single legal framework.<sup>458</sup> Indonesia, a country with a Muslim majority and significant minorities, has adopted a mixed model where national laws exist alongside limited space for religious practices.<sup>459</sup>

These international and regional examples show that a UCC is not impossible. However, the process must be gradual, and the law must be framed in a way that respects cultural diversity. India can learn from these experiences and design a code that ensures equality without taking away the unique identity of its people.

### ECONOMIC AND SOCIAL IMPLICATIONS OF THE UCC

The introduction of a Uniform Civil Code would not only have legal effects but also social and economic consequences. In family matters, unequal personal laws often create financial burdens, especially for women and children. For instance, when divorced women are denied proper maintenance or inheritance rights, they may face economic insecurity. A UCC could provide equal rights in property, inheritance, and maintenance, which would improve the financial condition of women across communities.<sup>460</sup>

<sup>454</sup> Indonesia Marriage Law No. 1 of 1974.

<sup>455</sup> Code Civil [C. civ.] [Civil Code] art. 1 (Fr.).

<sup>456</sup> Turkish Civil Code, No. 4721, 8 Dec. 2001 (Turk.).

<sup>457</sup> Goa Family Law, 1867 (Portuguese Civil Code as amended).

<sup>458</sup> Recognition of Customary Marriages Act 120 of 1998 (S. Afr.).

<sup>459</sup> Indonesia Marriage Law No. 1 of 1974.

<sup>460</sup> Poonam Pradhan Saxena, Family Law in India 215 (3d ed. 2021).



Another important area is property and succession. Different rules for inheritance under various personal laws create confusion and sometimes even disputes between families. If there is a single law, it would make inheritance and property distribution simpler and more predictable. This would also reduce the number of family disputes that reach the courts, saving time and resources.<sup>461</sup>

From a social point of view, a UCC could also encourage a sense of unity by ensuring that people are not treated differently just because they belong to different religions. It would support the idea of a common Indian identity, while still allowing space for cultural practices that do not harm equality. However, this change may also face resistance from those who feel that their traditions are being taken away.

Overall, the social and economic impact of the UCC would be very significant. It would help reduce inequality, provide greater security for women and children, and bring more clarity to property and family matters.<sup>462</sup>

### CHALLENGES AND LOOPHOLES IN IMPLEMENTING THE UCC

#### 1. Religious Sensitivities

India has many religions, each with its own personal laws. Changing these into one common law can hurt the feelings of some communities, who may see it as interference in their faith.<sup>463</sup>

#### 2. Lack of Agreement Among Communities

Many groups disagree on what the UCC should include. Without agreement, it is hard to create a law that satisfies everyone.

#### 3. Political Differences

Political parties often have different views on the UCC. This can slow down the process because

some parties support it while others oppose it for political reasons.<sup>464</sup>

#### 4. Fear of Losing Cultural Identity

Some people think that a single code will remove unique cultural practices, especially in matters like marriage, festivals, and inheritance.

#### 5. Practical Problems in Implementation

India is a large and diverse country. Making one law work everywhere could be difficult, especially in rural areas where traditions are deeply rooted.

#### 6. Possibility of Partial Implementation

If the UCC is not applied equally to all, it may create new problems. A law meant for equality should not end up giving more rights to some and fewer to others.

#### 7. Limited Public Awareness

Many citizens do not fully understand what the UCC is or how it will work. Without awareness, there can be confusion and mistrust.<sup>465</sup>

### SUGGESTIONS AND REFORMS

To make the Uniform Civil Code (UCC) effective and fair for all citizens, certain steps can be taken:

#### 1. Gradual Implementation

The UCC should be introduced step by step instead of all at once. This will allow people to adjust and reduce resistance from communities that fear losing their traditions.

#### 2. Public Awareness and Education

Many people are unaware of what the UCC means. Public campaigns and school education programs should explain that it aims to ensure equality and not to attack any religion.<sup>466</sup>

#### 3. Protection of Cultural Practices

While laws should be the same for everyone, harmless cultural and religious ceremonies can

<sup>461</sup> Law Commission of India, Report No. 270: Reform of Family Law, at 17 (2018).

<sup>462</sup> Pratibha Jain, Uniform Civil Code and Gender Justice in India, 20 J. INDIAN L. & SOC'Y 32 (2014).

<sup>463</sup> Law Commission of India, Consultation Paper on Reform of Family Law, Report No. 270, at 3 (2018).

<sup>464</sup> Poonam Pradhan Saxena, Family Law in India 215 (3d ed. 2021).

<sup>465</sup> Anup Surendranath, "Debating the UCC," Hindu (June 25, 2023).

<sup>466</sup> Ministry of Law and Justice, "Public Legal Awareness Programs," Government of India (2022).



be allowed as long as they do not harm anyone's rights.<sup>467</sup>

#### 4. Consultation with All Communities

The government should involve leaders and members of all religious and cultural groups when drafting the UCC. This will make the law more acceptable and inclusive.

#### 5. Strong Legal Safeguards

The UCC should include clear provisions to protect the rights of women, children, and vulnerable groups, so no community feels disadvantaged.<sup>468</sup>

#### 6. Judicial Review and Updates

Once the UCC is in place, it should be reviewed regularly by the judiciary and law commissions to ensure it remains relevant to modern society.

### FUTURE OF THE UCC IN INDIA

The future of the Uniform Civil Code in India depends on how it is introduced and accepted by society. It is clear that any sudden or forceful implementation could create unrest, especially among minority communities who fear the loss of their identity. A better approach would be to introduce the UCC gradually, step by step, beginning with areas where there is already agreement, such as inheritance or adoption.<sup>469</sup>

Public awareness and education will also play a very important role. Many people do not fully understand what the UCC means, and some believe it is meant to target specific religions. In reality, the UCC is about ensuring that every citizen, whether Hindu, Muslim, Christian, Sikh, or Parsi, has the same rights in personal matters. If this message is communicated clearly through public campaigns and educational programs, resistance may reduce.

The judiciary will continue to play an important role in guiding the process. Past judgments have already shown the Court's support for the UCC,

and future cases may also push the government toward gradual reform. At the same time, the government must engage in open dialogue with all religious and cultural groups before framing any law.

In the long run, the UCC has the potential to become a cornerstone of equality and secularism in India. If it is framed with care and sensitivity, it can bring justice and fairness to family law while still protecting cultural diversity.<sup>470</sup>

### CONCLUSION

The debate on the Uniform Civil Code in India has continued for more than seventy years, and it still remains one of the most complex issues in Indian law and politics. The UCC is not only a legal reform but also a question of social justice, gender equality, religious freedom, and national unity. The Constitution, under Article 44, clearly directs the State to work toward a common code, while at the same time, Article 25 protects the right to practice religion. Balancing these two values has always been the real challenge.<sup>471</sup>

The history of family law in India shows that some progress has already been made. Reforms like the Hindu Code Bills of the 1950s gave women new rights, and judgments such as *Shah Bano* and *Sarla Mudgal* showed how courts have tried to push for equality.<sup>472</sup> At the same time, the work of the Law Commissions and repeated debates in Parliament reveal that the subject is highly sensitive and cannot be solved overnight.

Looking at international experiences from countries such as France, Turkey, and South Africa, and even at Goa within India, it is clear that a uniform civil law is possible in a diverse society, but only if introduced with care and dialogue.<sup>473</sup> The UCC has the potential to bring

<sup>467</sup> Indian Constitution, art. 25 (Freedom of Religion).

<sup>468</sup> Convention on Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13.

<sup>469</sup> Law Commission of India, Report No. 270: Reform of Family Law, at 21 (2018).

<sup>470</sup> Flavia Agnes, *Family Law: Volume I, Family Laws and Constitutional Claims* 87 (Oxford Univ. Press 2011).

<sup>471</sup> INDIA CONST. arts. 25, 44.

<sup>472</sup> *Mohd. Ahmed Khan vs. Shah Bano Begum*, (1985) 2 S.C.C. 556 (India); *Sarla Mudgal v. Union of India*, (1995) 3 S.C.C. 635 (India).

<sup>473</sup> Code Civil [C. civ.] [Civil Code] art. 1 (Fr.); Turkish Civil Code, No. 4721, 8 Dec. 2001 (Turk.); Recognition of Customary Marriages Act 120 of 1998 (S. Afr.); Goa Family Law, 1867 (Portuguese Civil Code as amended).



social and economic benefits by ensuring equal inheritance rights, fair maintenance laws, and reduced family disputes. But for this to happen, the government must first build trust through public awareness, gradual reforms, and consultations with all communities.

In the future, the UCC can serve as a symbol of equality and secularism if it is framed in a way that protects cultural diversity while giving every citizen equal rights. The goal should not be to erase traditions, but to ensure that traditions do not deny anyone justice. With sensitivity, patience, and inclusive policymaking, the UCC can become a foundation for a more just and united India.

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