International Journal for Multidisciplinary Research (IJFMR)
E-ISSN: 2582-2160 ● Website: www.ijfmr.com ● Email: editor@ijfmr.com

Revisiting the Uniform Civil Code: Issues, Challenges, and the Way Forward for Modern India

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ABSTRACT

This study looks into the difficulties India experiences because it does not yet have a Uniform Civil Code (UCC) and how this affects fairness and justice in society. At present, people in India follow different personal laws for matters such as marriage, divorce, property rights, and inheritance, which sometimes lead to unequal treatment among citizens. India's religious and linguistic diversity is one of its greatest strengths, yet these differences have also created variations in legal systems and occasional social divides. Article 44 of the Indian Constitution urges the State to work toward establishing a Uniform Civil Code (UCC). Yet, despite its constitutional mandate and repeated judicial recommendations, the UCC remains unrealized due to religious sensitivities, political hesitation, and the complexities of conflicting personal laws. Although the idea of a uniform civil framework has been debated since before independence, it has not materialized even after more than seven decades of constitutional governance. This study examines whether India is prepared to adopt a UCC that aligns with the needs of a modern democratic society. It argues that a UCC is essential for promoting gender justice, ensuring legal uniformity, and strengthening national cohesion, while also acknowledging the significant challenges posed by cultural diversity, religious concerns, and questions of social acceptance.

Keywords: Uniform Civil Code, Indian Constitution, Article 44, gender justice, legal reform.

Introduction

India is widely recognized for its diverse cultural, religious, linguistic, and ethnic landscape. Each community in the country maintains its distinct identity, and together, they form a vibrant and pluralistic society. The coexistence of multiple religions has made India a symbol of tolerance and inclusivity, shaping the nation's social and cultural ethos over centuries. At present, different religious communities in India are governed by separate personal laws. Hindus, Sikhs, Jains, and Buddhists follow the Hindu Marriage Act, 1956, while Muslims and Christians are guided by their respective religious laws. This fragmented legal system has resulted in inequalities and inconsistencies, particularly in areas such as marriage, divorce, inheritance, and maintenance. In response to these disparities, the idea of a Uniform Civil Code (UCC) has been proposed to establish a single legal framework applicable to all citizens, regardless of religion**. (Singh, 2022, pp. e-719)**

The framers of the Constitution debated the idea intensely. Dr. B. R. Ambedkar, as chairman of the Drafting Committee, argued that a UCC would promote gender justice and national integration, yet acknowledged the need for gradualism due to India's religious sensitivities. Consequently, the UCC was

placed under the Directive Principles of State Policy (DPSP) guidelines for governance rather than enforceable rights. Article 44 of the Indian Constitution entrusts the State with the task of moving toward a Uniform Civil Code, intended to bring coherence to diverse personal laws and promote equality and fairness for all citizens (Kashyap, 2015, p. 156). Nevertheless, despite this constitutional commitment, the UCC has not yet been implemented, owing to enduring political, cultural, and social complexities.

In modern India, the Uniform Civil Code is highly relevant as the country continues to strive for gender equality, social justice, and legal uniformity**.** The existing system of separate personal laws often leads to disparities in marriage, divorce, inheritance, and maintenance, particularly affecting women. Implementing a UCC would create a common legal framework for all citizens, ensuring fairness and equality while still respecting India's cultural diversity. In today's fast-changing society, a UCC is seen as a step toward modernizing the legal system and aligning it with constitutional values.

Seven decades after independence**,** the UCC remains one of India's most polarizing policy debates. Recent **p**olitical and legal developments particularly the Uttarakhand Legislative Assembly's passage of the Uniform Civil Code Act 2024, the first such law by an Indian state has reignited national discussions. Surveys conducted by India Today (2023) reveal that approximately 69 percent of respondents favor implementation of a UCC, suggesting growing public acceptance **(India Today, 2023)** India Today Mood of the Nation Survey (2023). Nevertheless, minority communities, women's organizations, and political parties continue to diverge sharply on the scope, timing, and content of such a code.

Research Problem

India's legal system is currently governed by multiple personal laws, each applicable to different religious communities, regulating matters such as marriage, divorce, inheritance, and maintenance. This fragmented system has created inequalities, inconsistencies, and gender-based disparities, leading to debates over fairness and justice. Despite the constitutional provision under Article 44 for a Uniform Civil Code, its implementation has been hindered by political, social, and cultural challenges**.**

Research Questions

1. Why is the Uniform Civil Code needed in contemporary India?
2. What are the key challenges and obstacles to implementing the UCC?
3. How do current personal laws contribute to inequalities, especially for women?
4. What role has the judiciary and government played in promoting or hindering the UCC?
5. What are the possible ways forward to implement a UCC that balances legal uniformity with cultural diversity**?**

Research Objectives

1. To examine the necessity of a Uniform Civil Code (UCC) in contemporary India.
2. To analyze the challenges and obstacles—legal, social, and political—that hinder the implementation of the UCC.
3. To study the impact of existing personal laws on social justice, gender equality, and legal uniformity.
4. To evaluate the role of the judiciary and government in promoting or delaying the UCC.

5. To explore feasible approaches and strategies for implementing a UCC that balances legal uniformity with cultural and religious diversity.

Methodology

This study adopts a qualitative research methodology, employing descriptive and analytical techniques to examine the need, challenges, and prospects of implementing a Uniform Civil Code in India. The research relies primarily on secondary sources; including constitutional provisions particularly Article 44 of the Indian Constitution judicial pronouncements and landmark decisions of the Supreme Court and various High Courts, government reports, parliamentary debates, and policy documents. It also draws upon scholarly literature such as books, research articles, and commentaries on personal laws, gender justice, and legal reform. Where available, perspectives from legal experts, policymakers, and social activists have been incorporated to enrich the analysis.

Research Design

This study aims to examine the need, challenges, and prospects of implementing a Uniform Civil Code in modern India. The research seeks to understand the constitutional, social, and political dimensions of the UCC and to explore possible strategies for its effective implementation. The primary objectives are to analyze the rationale behind the UCC, identify obstacles to its enforcement, and propose approaches for achieving legal uniformity while respecting India's cultural and religious diversity. This research adopts a descriptive and analytical approach using qualitative methods. It primarily relies on secondary sources, including constitutional provisions, Supreme Court and High Court judgments, government reports, parliamentary debates, and scholarly literature. In addition, insights from legal experts, policymakers, or social activists may be incorporated where available to provide a more comprehensive understanding.

Data will be analyzed through content and comparative analysis, focusing on the interpretation of personal laws across different religions, the challenges they present, and the implications for national legal uniformity. Patterns, trends, and recommendations will be identified to assess the feasibility of UCC implementation. The study focuses on post-independence India, highlighting legal, social, and political perspectives on the UCC. While the research seeks to provide an in-depth analysis, it is primarily theoretical and may be limited by the sensitive nature of the topic and the availability of primary data. Despite these limitations, the study aims to contribute meaningfully to the ongoing discourse on legal reform and social justice in India.

Scope of study

This study focuses on post-independence India, examining the evolution of personal laws and the discourse surrounding the Uniform Civil Code. It explores the legal, social, and political dimensions of the issue, with particular emphasis on gender equality and national integration. The research aims to offer constructive recommendations and insights for policy formulation and legal reform, maintaining a neutral perspective without favoring any particular religion or community.

Limitations of study

The study primarily depends on secondary data sources, with limited access to primary data such as interviews or surveys. Due to the sensitive nature of the topic, the depth of discussion on community-

specific perspectives may be constrained. Furthermore, the findings are largely theoretical and analytical in nature and may not fully capture the practical challenges associated with implementing the UCC at the grassroots level.

Contribution of the Study

This study contributes to the ongoing UCC debate by examining its legal, social, and political dimensions in contemporary India. By integrating recent developments—such as the Uttarakhand UCC Act, 2024—with public opinion insights, it connects theoretical discussions with practical realities. The research underscores the UCC's potential to advance gender justice, equality, and national cohesion, while recognizing challenges posed by religious sensitivities and cultural diversity. It concludes with recommendations for a gradual, inclusive approach to implementation, offering a balanced perspective on aligning India's pluralism with its constitutional commitment to equality and justice.

Historical Background of Uniform Civil Code

India is a country of rich cultural, linguistic, and traditional diversity, where communities maintain distinct customs and practices. Various religious groups—including Hindus, Muslims, Christians, Jews, and Parsis—are governed by their own personal laws, which regulate matters such as marriage, divorce, maintenance, adoption, and inheritance. (Parashar, 2013) The discussion around the Uniform Civil Code in India is closely linked to the country's historical, cultural, and political developments. Exploring its historical context and significant milestones helps to appreciate the challenges and sensitivities involved in this long-standing debate.

Ancient India

In ancient India, Hindu laws were primarily derived from sacred texts such as the Vedas, Smritis, Puranas, the Bhagavad Gita, the Ramayana, and the Mahabharata. The teachings of various Hindu sages also played a crucial role in shaping these laws. In the early period, there was little distinction between public and personal law. However, later texts—most notably the Manu Smriti—began to differentiate between the two. Manu, regarded as the first lawgiver, compiled a comprehensive legal code divided into twelve chapters, covering civil and criminal law as well as moral and religious principles. (Anderson, 1996)

Medieval India

During the medieval period, with the rise of Mughal rule in India, Muslim law was established based on the teachings of the *Quran and Hadith* . A clear distinction was made between public law, known as *Huqullah*, and private law, called *Huququl Ebad*. Similarly, other communities followed their own distinct traditions and codes of conduct. During this time, Hindus were given considerable freedom to follow their religious rituals and customs. They also enjoyed certain rights related to property and other civil matters, and their disputes were usually settled by Hindu Pandits. (Quraishi & Kamali, 2000) Before British rule, India did not have a unified criminal or civil legal system. Laws varied by kingdom and community, and disputes were often resolved by caste panchayats, village assemblies, Islamic qazis, and religious authorities. Pre-colonial India was therefore characterized by legal pluralism, with significant autonomy for different groups. Personal laws particularly for Hindus and Muslims were administered primarily through religious scholars and community elders.

Colonial Era

The origins of the UCC debate can be traced to the colonial period, when British rule introduced certain legal reforms affecting personal laws. The British administration adopted a policy of limited intervention often described as one of "non-interference" or "non-regulation" in the religious and personal matters of various communities. This approach was partly influenced by the colonial strategy of "divide and rule," which sought to maintain harmony among diverse groups while preserving colonial control. As a result, separate legal systems continued to exist for different religious communities, laying the groundwork for the pluralistic legal structure that India inherited after independence.

Initially, the Warren Hastings Plan of 1772 provided that the Hindus and Muslims were to take recourse of their respective personal laws in disputes related to inheritance, marriage, etc. The British, after consolidating their administrative position in India, changed the entire criminal law system and bought about the Indian Penal Code of 1860 which was aimed to be made uniformly applicable in India. Various matters of civil law were also bought under the British system of ruling. Although this resulted in the modification and interpretation of personal laws by the foreign British judges who had negligible ideas about the Indian scenario, the complete unification of civil laws related to family wasn't done.

Under British rule, the colonial administration deliberately preserved separate personal laws for different religious communities to avoid social unrest and maintain political stability. The Lex Loci Report of 1840 recommended the adoption of a uniform code for areas such as contracts, property, and criminal law but explicitly excluded personal laws from its scope. As a result, matters relating to family life—marriage, divorce, inheritance, guardianship, and succession continued to be governed by religious doctrines. The Shariat Application Act of 1937 codified Muslim personal law to ensure its uniform application among Indian Muslims, while comprehensive reforms to Hindu personal law were introduced only later through a series of legislative measures in the 1950s. This colonial approach institutionalized the perception that personal laws are inseparable from religious identity and community autonomy.

The origins of the modern debate on a Uniform Civil Code can also be traced to the British government's 1835 report on the administration of justice in India. The report advocated uniformity in the codification of laws related to crimes, evidence, and contracts, but expressly recommended that the personal laws of Hindus and Muslims remain outside such uniform codification. In doing so, it planted the seeds of a dual legal structure uniformity in secular matters and pluralism in personal matters—a legacy that continues to shape India's legal and political discourse surrounding the UCC. **(Sharma, 2020, p. 2)** In 1941, the British government established the B. N. Rau Committee to codify Hindu law. Drawing on Hindu scriptures, the committee recommended that women be granted equal rights under a codified legal framework. In its review of the 1937 Act, the committee further proposed the creation of a civil code governing Hindu marriage and succession.

Constituent Assembly Debates

During the debates in the Constituent Assembly the framers of the Indian Constitution engaged in extensive debates over the issue of a UCC. While some argued for the inclusion of a UCC as a fundamental right, others advocated for it to be included as a Directive Principle of State Policy, reflecting the diverse religious and cultural landscape of the country. **(Khan & Ahmed, 2019)**

There was decided by the sub-committee on fundamental rights, led by Sardar Patel, that the UCC would not be included as a fundamental right. Dr. B R Ambedkar, while drafting the Constitution, stated that:

"*A UCC was desirable but should remain voluntary until the nation was socially prepared to accept it*". Dr. B.R. Ambedkar advocated the UCC as essential for gender justice, observing that "*the State has to endeavor to secure for the citizens a uniform civil code throughout the territory of India.*" Opposition from members representing minority groups such as Mohammad Ismail and Naziruddin Ahmad stemmed from fears that it would erode religious freedom guaranteed under Articles 25–28. To reconcile these tensions, the Assembly placed Article 44 among the DPSPs, making it a constitutional goal rather than an immediate mandate.

Constitutional and Legal Framework

Article 44 states that: ***"The State shall endeavour to secure for the citizens a Uniform Civil Code throughout the territory of India."*** **(KASHYAP, 2015, p. 153)**

This provision envisions the formulation of a Uniform Civil Code that would replace the existing personal laws, which currently vary across religions and communities. The UCC aims to establish a common set of civil laws governing matters such as marriage, divorce, adoption, inheritance, and succession, irrespective of an individual's religion. Although the Directive Principles are not legally enforceable, they are fundamental to the governance of the country and serve as important guiding principles for the State in framing its policies and legislation.

It is to be noted that the Directive Principles of State Policy are the basic guidelines which the state should ideally take into consideration while formulating laws and policies. The aim of the Directive Principles is to establish a 'welfare state' and it aims to secure economic and social equality rather than a political equality. The Directive Principles are made to be unenforceable in the court of law although they complement the Fundamental Rights of the citizens. The Directive Principles depend on the economic capacity and the level of socio-economic development of the state. Thus, the catch here is that Article 44 cannot be enforced by the courts of law in India.**(KASHYAP, 2015, p. 153)**

Judicial Interventions

The judiciary has repeatedly emphasized the need for a Uniform Civil Code. In *Mohd. Ahmed Khan v. Shah Bano Begum* (1985), the Supreme Court upheld a Muslim woman's right to maintenance under the Criminal Procedure Code and urged Parliament to consider a UCC to promote equality. In *Sarla Mudgal v. Union of India* (1995), the Court pointed to conflicts caused by multiple personal laws and noted that "successive governments have failed to implement Article 44." More recently, in *Shayara Bano v. Union of India* (2017), the Court struck down the practice of triple talaq on grounds of constitutional morality and gender justice, further reinforcing the case for uniform civil principles.

Recent Developments

In 2024, the Uttarakhand Legislative Assembly became the first in India to enact a Uniform Civil Code Act, which mandates compulsory registration of marriage and live-in relationships, prohibits polygamy and child marriage, and standardizes inheritance rights. The law is being watched closely as a potential model for national reform (**India Today, 2024; LOC, 2024**). Additionally, the 22nd Law Commission of India (2023) reopened consultations on UCC feasibility, receiving over 8.5 million public responses, reflecting unprecedented civic engagement **(Law Commission of India, 2023).**

Early legislative efforts and judicial pronouncements on UCC

Early legislative efforts and judicial pronouncements on the Uniform Civil Code (UCC) have significantly shaped the conversation on personal law reform in India. Although legislative progress has been limited and sporadic, the judiciary has offered clear guidance on the principles and goals of a UCC. The following overview highlights the key early legislative initiatives and important court decisions that have influenced the development of this debate.

Legislative Initiatives

Hindu Code Bill (1955–56)

One of the earliest and most significant milestones in the UCC debate was the introduction of the Hindu Code Bill in the mid-1950s. Led by Prime Minister Jawaharlal Nehru and drafted under the guidance of Law Minister Dr. B. R. Ambedkar, the bills aimed to reform and codify Hindu personal laws on marriage, divorce, inheritance, and succession. It marked a major step toward modernizing personal laws within the Hindu community. However, the bill faced strong opposition from conservative and religious groups, who saw it as interference in traditional practices. Despite this resistance, the Nehru government passed the reforms through a series of laws known as the Hindu Code Acts (1955–56). While the Hindu Code Bill was a landmark in personal law reform, it also revealed the political and social challenges of extending similar reforms to other communities. This episode highlighted the complexities of implementing a Uniform Civil Code in a diverse, multi-religious country like India**. (Ambedkar, 2014).**

Special Marriage Act, 1954

The Special Marriage Act of 1954 created a secular law for inter-religious and inter-caste marriages in India. It allows couples to marry without following their personal religious laws. The Act was a major step toward promoting secular and uniform personal laws. However, its adoption has been limited because of social and cultural resistance.(**Special Marriage Act, 1954).**

Goa's Adoption of a UCC (1961)

After Goa became part of India in 1961, it continued to follow the civil code that had been put in place under Portuguese rule. This system governs marriage, divorce, and inheritance uniformly for all residents, regardless of religion. Because of this long-standing practice, Goa is often referenced as an example of how a Uniform Civil Code can function in the Indian context, even though it applies within a comparatively small and closely knit society**. (Shastri, 2015)**

Vishwa Hindu Parishad and the Babri Masjid Dispute (Late 1980s–Early 1990s)

In the late 1980s and early 1990s, the growing influence of the Vishwa Hindu Parishad (VHP) and the controversy surrounding the Babri Masjid heightened religious and political tensions in the country. These developments brought renewed attention to the UCC debate, with several groups calling for common civil laws as a way to strengthen national unity and tackle perceived imbalances in existing personal law systems.

Recommendations of the Law Commission

The Law Commission of India has repeatedly looked into the idea of a Uniform Civil Code. Its findings have generally highlighted the need to update existing personal laws to ensure gender equality, secular values, and social justice, rather than imposing a single uniform law right away. In its 2018 report, the Commission stated that introducing a UCC at that time was unnecessary and could harm social harmony, recommending that changes should be made through amendments rather than complete replacement of

existing laws. Recently, the 22nd Law Commission has sought opinions from both the public and recognized religious organizations regarding the UCC. **(Law Commission of India, 2023).**

Judicial Pronouncements:

Over time, there have been numerous judgments ruled by the Supreme Court of India where it directly or indirectly recommends Uniform Civil Code.

Shah Bano Case (1985)

The Shah Bano case became a landmark moment in the debate over a Uniform Civil Code (UCC). The Supreme Court ruled in favor of Shah Bano, a Muslim woman seeking maintenance from her husband after divorce, underscoring principles of gender justice and equality before the law. This judgment sparked nationwide discussions on reforming Muslim personal laws and revived calls for a UCC. The case involved women seeking maintenance after being divorced through triple talaq. Shah Bano had already won in the lower courts, and her husband's appeal to the Supreme Court was dismissed. The Court held that Section 125 of the Indian Penal Code, which mandates maintenance for wives, children, and parents, applies to all citizens regardless of religion, caste, or community. Consequently, Shah Bano was entitled to living expenses from her husband. Then Chief Justice Y. V. Chandrachud remarked that a Uniform Civil Code could eliminate inconsistencies in personal laws and strengthen national unity. Following this, the Supreme Court urged Parliament to consider legislating on a Uniform Civil Code. **(Mohd. Ahmed Khan v. Shah Bano Begum, 1985).**

Sarla Mudgal Case

The *Sarla Mudgal v. Union of India* case is a key example where the Supreme Court, referring to Article 44, called on the government to act. The case involved a Hindu person who converted to Islam to marry a second time. The Court ruled that converting just to bypass Hindu marriage laws is not allowed. A Hindu marriage can only be legally ended under the Hindu Marriage Act, 1955, and any marriage after conversion does not dissolve the original marriage, which is considered a crime under Section 494(5) of the Indian Penal Code. The Court highlighted the need for rules to stop people from misusing personal laws to avoid their legal duties or commit injustice. **(Sarla Mudgal v. Union of India, 1995).**

John VellamettamVs. Union of India (2003)

Chief Justice **V. N. Khare**, in deciding *John Vellamattam v. Union of India*, reviewed the history of the Indian Succession Act and noted that Section 118 came from old English laws that were no longer in force. He explained that any pre-Constitution law must be struck down if it conflicts with the Constitution. He stated that Article 14 guarantees equality, and a law can only impose restrictions if the affected group forms a reasonable and distinct class. Section 118 aimed to prevent "death-bed gifts" made under religious pressure, but it unfairly limited only Indian Christians from making charitable or religious bequests through a will. Khare questioned why a Christian could donate property if he had a wife but not if he had a nephew or niece. After reviewing Indian and international law, the Court held there was no valid reason to restrict charitable gifts, which include education, medical aid, and relief for the poor. Since these have nothing to do with religious influence, the restriction was discriminatory and violated Article 14. The Supreme Court unanimously struck down Section 118 as unconstitutional.

The Supreme Court has also urged the Government to introduce a UCC to eliminate gender bias and outdated customs within personal laws. A UCC would create one set of civil laws for all citizens, strengthening secular values and reducing discrimination, particularly against women. Although criminal

law in India applies equally to everyone, civil matters such as marriage, divorce, and inheritance still differ among religions. For this reason, a UCC is seen as important for ensuring fairness and equal rights for all people. **(John Vallamattom & Anr. v. Union of India, 2003).**

Triple Talaq Case (2017)

The Supreme Court declared instant triple talaq (talaq-e-biddat) illegal, stressing the need for equality and fairness in personal laws. The judgment called for reforms to protect Muslim women's rights and prevent unfair traditional practices. Although progress toward a Uniform Civil Code has been slow, court decisions have helped promote justice, equality, and secularism in family laws. These rulings, along with earlier laws, have started discussions on the need for broader legal reforms to achieve a Uniform Civil Code in India. **(Shayara Bano v. Union of India, 2017).**

Need for Uniform Civil Code

After understanding the concept and background of Uniform Civil Code we will look at its need in India for the present scenario. The UCC is important for modern India as a step toward true secularism. Currently, secular principles are applied inconsistently, and citizens follow different personal laws based on religion. A UCC would provide a common set of laws for all, fostering national unity and reducing communal conflicts. It would also ensure gender equality, protecting women's rights in matters like marriage, divorce, inheritance, adoption, and maintenance, and help eliminate discrimination under existing personal laws.

The Uniform Civil Code is a hallmark of a modern, progressive nation. It seeks to simplify the legal system by replacing multiple personal laws with a single, unified set of rules, reducing contradictions and loopholes. The UCC would promote social progress and support India's goal of becoming a developed nation. A Uniform Civil Code would strengthen India's national integration by removing preferential treatment for certain religious groups. It would unify all citizens, regardless of caste, religion, or community, under a single set of civil laws, similar to existing criminal laws. A Uniform Civil Code would reduce vote-bank politics by applying the same laws to all religions, leaving no scope to politicize special privileges or discrimination based on personal laws. The UCC would bring modernization and reform to outdated practices in some personal laws. It would end customs that violate human rights and constitutional values, including triple talaq, polygamy, child marriage, and similar practices.

Arguments in Favour of UCC

- The **UCC** would strengthen national unity and secularism by eliminating differences and conflicts caused by religious personal laws, creating a shared legal identity for all citizens.
- It would encourage harmony among diverse communities, making interfaith marriages and relationships legally easier and socially acceptable.
- The UCC would promote gender equality by removing discriminatory practices against women in personal laws, such as polygamy and unequal inheritance.
- India's current legal system is complicated by multiple personal laws, causing confusion and frequent disputes. A Uniform Civil Code would simplify the system by unifying these laws into a single framework, making it easier to understand, apply, and reducing the burden on the courts.

- Several countries, such as France, have successfully implemented a uniform civil code. Adopting a UCC in India would reflect a modern and progressive nation, moving beyond caste- and religion-based politics.

Challenges and Issues

Introducing a Uniform Civil Code in India faces significant challenges because personal laws differ widely across communities and even within groups such as Muslims and Christians. Regional customs, including Hindu marriage practices, further add to the complexity. Additionally, constitutional protections for local traditions in North-Eastern states like Nagaland, Meghalaya, and Mizoram make implementing a nationwide code more difficult. The right to equality and freedom of religion can conflict in India. Articles 25 and 26 protect religious practices, while Article 29 preserves cultural identity. Articles 14 and 15 guarantee equality, which may clash with religious rights. Article 25 also allows limits for public order, health, and morals. According to a 2018 Law Commission report, a Uniform Civil Code is not essential or desirable currently, as secularism and diversity can coexist.

No political party has consistently supported a Uniform Civil Code, as it is seen as sensitive and may affect vote banks. There is also no agreement on its scope or content among parties and stakeholders. Many citizens are unaware of their legal rights or the pros and cons of a UCC, and misinformation often influences public opinion. Goa is currently the only state in India with a Uniform Civil Code, following the Goa Civil Code established after Portuguese rule in 1961. The rest of India follows personal laws based on religion or community.

Arguments against the UCC

- India's cultural and religious diversity is a key strength, and personal laws reflect this. Critics say a single Uniform Civil Code might reduce the autonomy of minority communities and make them feel marginalized.
- India's courts already face a large backlog, and introducing a UCC could increase this burden. Combining all personal laws into one code would require major legal reforms, time, and effort.
- During the transition, the legal system could face extra pressure from cases challenging the constitutionality of the new code.
- While Goa's UCC has received approval from the Supreme Court, it is not completely uniform in practice. Hindus in Goa are allowed a limited form of polygamy, Muslims are not governed by the Shariat Act, and Catholics enjoy special privileges, such as exemptions from marriage registration and the ability for priests to annul marriages. This shows that even under a "Uniform Civil Code," some legal variations can still exist.

This highlights the complexity of personal laws in India, even within a state known for implementing a UCC.

Way Forward

Implementing a Uniform Civil Code in India requires a gradual and well-planned approach rather than sudden changes. Citizens should be made aware of their rights under existing personal laws and the benefits of a UCC to reduce misunderstandings and resistance. Reforms can begin with areas where gender inequality is most prominent, such as inheritance, divorce, and adoption. Policymakers should involve all communities, religious leaders, legal experts, and civil society to ensure the UCC respects

cultural diversity while promoting equality. India can also learn from countries like France that have successfully implemented uniform civil laws. The UCC must protect equality, gender justice, and secular principles while balancing individual freedoms with national unity. Over time, personal laws can be harmonized through legislative changes and judicial guidance to ensure wide acceptance and minimal conflict. A careful, inclusive, and phased strategy can help India move toward a UCC that strengthens national integration, promotes equality, and respects the country's diversity. By following a careful, inclusive, and phased approach, India can move towards a **UCC** that promotes equality, strengthens national integration, and respects diversity**.**

Recommendations

Following are the recommendations-

- While implementing a Uniform Civil Code, the beliefs and viewpoints of individuals should be respected.
- The draft should be prepared carefully so that the sentiments of any community or individual are not hurt.
- The focus should be on reducing rigidity and increasing flexibility in the judicial system.
- Efforts should be made to ensure justice for all genders and promote equal gender roles in society.
- A detailed comparative analysis of existing personal laws in India is needed to identify common areas and points of disagreement.
- A Family Law Board should be established under the Union Law Ministry to study personal laws and recommend necessary reforms in family-related matters.

Conclusion

In summary, the Uniform Civil Code remains a complex and highly debated topic in India. Recent initiatives by the Law Commission to seek public input have reignited discussions. Proponents argue that a UCC could advance gender equality, simplify legal procedures, and foster national unity. Critics, however, express concerns about its effects on religious freedom and the difficulties of implementing a uniform law in a diverse country. Striking a balance between respecting personal laws and establishing a common code that ensures equality and protects religious rights remains a major challenge. The future of the UCC will rely on ongoing dialogue, careful planning, and broad-based agreement.

Note

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