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Uniform Civil Code in India: Constitutional Mandate or Political Agenda?

NITIN TRIPATHI* AND ESHAN SINGHAL**

ABSTRACT

*This article examines whether the Uniform Civil Code (UCC) envisaged by Article 44 of the Constitution of India is best understood as a constitutional mandate or as a political agenda. Article 44 directs the state to endeavour to secure a uniform civil code for all citizens, yet the provision sits within the non-justiciable Directive Principles of State Policy and has never been fully implemented. The article traces the origins of the UCC in the Constituent Assembly, analyses the judicial treatment of personal law in cases such as *Mohd. Ahmed Khan v. Shah Bano Begum* and *Shayara Bano v. Union of India*, and considers the competing claims of proponents and opponents. It situates the debate within wider questions of secularism, religious freedom under Article 25, gender justice, minority rights, and national integration, and it considers the political dimensions of the demand for a UCC in a pluralistic society. The article argues that the choice between uniformity and pluralism need not be absolute and concludes that a gradual, consultative, and gender-sensitive approach offers the most constitutionally coherent path forward.*

Keywords: Uniform Civil Code, Article 44, Directive Principles of State Policy, personal law, secularism, religious freedom, Article 25, gender justice, minority rights, *Shah Bano*, *Shayara Bano*, triple talaq, Goa Civil Code, constitutional law, India.

I. INTRODUCTION

The idea of a Uniform Civil Code (UCC) in India has been the subject of sustained debate since Independence. In essence, a UCC proposes a single set of laws to govern personal matters such as marriage, divorce, inheritance, adoption, and property rights for all citizens, irrespective of religion, caste, or gender. It seeks to consolidate the various religion-based personal laws presently in force in India into a unified secular code. The proposal concerns not only legal uniformity but also social justice, equality, and national identity.¹

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¹ D.D. BASU, INTRODUCTION TO THE CONSTITUTION OF INDIA 456 (LexisNexis Butterworths 2015).

Those who support the UCC regard it as a vital expression of the Indian Constitution's vision of a secular and democratic society. They contend that legal uniformity would extend equality and justice to all citizens, regardless of religious or cultural background, and would modernise a legal system they consider outdated and divisive. On this view, a UCC would advance national integration by removing religious discrimination from the law. Supporters further argue that a Uniform Civil Code would secure gender equality by eliminating disparities in personal law, particularly in matters of marriage, inheritance, and divorce. They point out, for example, that the position of Hindu women has improved considerably through successive legal reforms, whereas Muslim women have continued to face practices such as triple talaq (instant divorce) that many regard as discriminatory.²

Those who oppose the UCC express concern about a possible encroachment on the cultural and religious diversity that the Constitution protects. They argue that India's strength lies in its pluralistic society, in which religious communities manage their internal affairs in accordance with their own traditions. On this view, imposing a uniform code on all religions may be seen as a breach of the right to religious freedom guaranteed by Article 25 of the Constitution. Some maintain that personal laws form part of religious identity and that uniformity would erode a cultural fabric that is centuries old. This concern is especially acute for minorities, such as the Muslim community, who fear that a UCC might tend to accommodate the practices of the majority Hindu community while neglecting their own.³

The underlying conflict over the UCC reflects competing visions of the Indian state and its role in family law. Does the UCC rest on a constitutional foundation that serves the principles of equality and justice envisaged by the framers, or does it serve political convenience by concentrating power, constructing a single national culture and identity, and advancing the interests of a particular religious or ideological group?⁴

The central question concerns the nature of the state within a constitutional order: a secular republic that treats all religions equally and does not interfere in the religious and cultural life of its citizens. The Indian Constitution is distinctive in laying the foundations of a democratic society that recognises and safeguards the cultural and religious diversity of its people. Provisions such as Article 14 (right to equality), Article 25 (freedom of religion), and Article 44 (uniform civil code) were framed to balance equality with religious freedom.⁵

² M.P. JAIN, *INDIAN CONSTITUTIONAL LAW* 92 (LexisNexis Butterworths 7th edn. 2014).

³ RAMA JOIS, *LEGAL AND CONSTITUTIONAL HISTORY OF INDIA* 349 (Universal Law Publ. Co. 2010).

⁴ MADHAV KHOSLA, *THE INDIAN CONSTITUTION: A POLITICAL HISTORY* 73 (Harvard Univ. Press 2012).

⁵ B.R. AMBEDKAR, *THE PROBLEM OF THE UNTOUCHABLES* 115 (Dr. Ambedkar Foundation 2008).

Article 44, within the Directive Principles of State Policy (DPSP), provides that the state “shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.” It has been read as a constitutional direction, yet it remains non-justiciable and cannot be enforced by a court of law. Because the provision sits within the Directive Principles rather than among the Fundamental Rights, its placement has long been regarded as problematic. Some treat it as a long-term aspiration, while others consider it imperative that the state move proactively towards a UCC as an integral part of the Constitution's vision of social justice and equality.⁶

A UCC carries significant socio-political implications. Proponents contend that such a code would end the legal discrimination that individuals, and women in particular, experience under religious personal laws. Opponents, by contrast, argue that it would infringe the religious liberty of citizens. For example, the Muslim Women (Protection of Rights on Divorce) Act 1986 was enacted following the Shah Bano case (1985),⁷ which brought into focus the plight of divorced Muslim women seeking maintenance. Advocates argue that the consistency a UCC would provide could address such problems more comprehensively and fairly. Opponents fear that reforms of this kind may be perceived as intrusions into religious affairs and may lead to the alienation of religious communities. The demand for a UCC has grown increasingly contentious in the current political climate, particularly amid the rising influence of Hindu nationalist ideologies and the charge that a UCC would be used to impose a single national identity.⁸

The UCC debate also raises fundamental questions about state regulation of personal law. In India, personal-law systems have traditionally been rooted in religion: Hindu personal law draws on ancient sources such as the Manusmriti, while Muslim personal law is based on the Shariat and Islamic principles. Historically, the state refrained from intervening in these matters unless a practice was considered harmful or discriminatory. The adoption of a UCC would mark a significant shift in the relationship between religion and the state and would substantially affect the autonomy of religious communities in managing their internal affairs.⁹

The question is not only legal but also political, bearing directly on national unity. The movement towards a UCC has been characterised either as a step towards modernity, equality, and national integration or as a political instrument for consolidation and religious uniformity. Unifying the code might also dilute the distinct personal laws that serve the needs of particular

⁶ S.P. SATHE, CONSTITUTIONAL LAW OF INDIA 325 (LexisNexis Butterworths 4th edn. 2015).

⁷ *Mohd. Ahmed Khan v. Shah Bano Begum*, (1985) 2 SCC 556.

⁸ UPENDRA BAXI, THE INDIAN SUPREME COURT AND POLITICS 298 (Eastern Book Co. 2010).

⁹ H.M. SEERVAI, CONSTITUTIONAL LAW OF INDIA 1182 (Tripathi 4th edn. 2017).

religious groups, raising concerns for the rights of minorities in a pluralistic society such as India.¹⁰

The UCC debate thus forms part of a larger discussion about what it means for India to be a nation, one that seeks to reconcile unity with diversity within a secular framework. As the country continues to grapple with these questions, the central issue is whether a Uniform Civil Code is a constitutional imperative reflecting the values of equality, justice, and commitment to India's pluralistic spirit, or a politically driven agenda aimed at centralising power, imposing uniformity, and redefining India's pluralistic ethos.¹¹

II. HISTORICAL BACKGROUND

A. The origins of the UCC in India

The idea of a Uniform Civil Code was first advanced in India during the 1940s, when the Constitution was being drafted. Dr B.R. Ambedkar and other framers recognised that a modern republic should have a common set of laws governing its citizens. This principle was embodied in Article 44 of the Directive Principles of State Policy, which provides:¹²

The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.

The provision was placed among the Directive Principles, which do not carry the same enforceability as the Fundamental Rights. The framers deliberately cast it as a non-justiciable guideline, recognising the difficulty of enacting such a law in a multi-religious and diverse society.¹³

B. Challenges in the early years

After Independence, the Government of India took steps to reform personal laws, enacting measures such as the Hindu Marriage Act 1955 and building on earlier statutes such as the Muslim Personal Law (Shariat) Application Act 1937 and the Dissolution of Muslim Marriages Act 1939. These laws applied to particular communities rather than to all citizens. The broader question of uniformity in personal law was set aside because of the political sensitivities surrounding differences in belief and practice across the country.

The complexity of the UCC arose because Hindu, Muslim, Christian, and other communities retained autonomy over their own personal laws relating to marriage, inheritance, and divorce. Over time, this produced a system of legal pluralism in which religious communities were

¹⁰ K.V. Dhananjaya, *Religious Laws and Gender Justice: A Conflict*, 40 LEGAL J. OF INDIA 58, 62 (2019).

¹¹ K.K. AZIZ, CONSTITUTIONAL LAW OF INDIA: A CRITICAL ANALYSIS 267 (Eastern Book Co. 2015).

¹² Vikas Singh, *Uniform Civil Code and Gender Justice*, 39 WOMEN & LAW J. 132, 136 (2018).

¹³ S. Sivakumar, *Religious Freedom and the Debate on UCC*, 32 J. OF CONSTITUTIONAL L. 108, 113 (2020).

governed by different legal regimes, and it was against this background that a Uniform Civil Code came to be advocated.

III. CONSTITUTIONAL MANDATE FOR A UCC

The idea of a Uniform Civil Code has been central to India's constitutional framework and is embodied in Article 44 of the Directive Principles of State Policy. That provision emphasises the state's responsibility to work towards a UCC for all citizens, regardless of religion, community, or background. Although Article 44 is not a Fundamental Right and therefore cannot be enforced by the courts, it provides guidance for lawmakers. The framers understood the difficulty and complexity of creating a legal framework common to all Indians and recognised the need for caution in introducing such change into India's social fabric.¹⁴

A. Directive Principles of State Policy

Article 44 was included among the Directive Principles because the framers were conscious of the value of uniformity in the laws governing civil matters. The provision places a responsibility on the state to work towards a civil code that is consistent throughout India's territory. The Directive Principles guide governance and are intended to direct the state in enacting laws that promote a just social order; although they cannot be enforced in court, they remain fundamental to governance.¹⁵

Article 44 does not require the immediate adoption of a UCC; rather, it invites lawmakers to work towards one in the future. The provision restates the constitutional vision of the equality of all persons regardless of religion or belief and seeks to reconcile personal laws with the principles of justice and fairness. Although the Constitution envisages the introduction of a Uniform Civil Code, successive governments have delayed or declined to implement it, citing socio-political difficulties and concerns about religious autonomy.

B. Judicial interpretation and the UCC

The judiciary has played an important part in interpreting and reinforcing the case for a Uniform Civil Code, even as significant challenges to its implementation remain. Over the years, the Supreme Court has delivered important decisions affirming the constitutional aspiration of a UCC and encouraging the government to take concrete steps towards it.

¹⁴ K.K. Aziz, *Constitutional Mandate and Personal Laws: A Critical Analysis*, 58 J. OF INDIAN L. INST. 28, 35 (2016).

¹⁵ J.R. Desai, *Personal Laws and Uniform Civil Code: A Reappraisal*, 62 INDIAN J. OF LEGAL STUDIES 121, 130 (2019).

In *Mohd. Ahmed Khan v. Shah Bano Begum*,¹⁶ the Supreme Court considered the application of Section 125 of the Code of Criminal Procedure to a divorced Muslim woman. After being turned out of her marital home, Shah Bano Begum sought maintenance, giving rise to a dispute over whether her husband was obliged to provide it under Muslim personal law. Chief Justice Chandrachud held that Muslim personal law did not absolve a husband of the duty to support a financially dependent former wife. Affirming the objective of a uniform legal order and the promotion of gender equality, the Court confirmed that Section 125 of the CrPC applies to divorced Muslim women.

The Shah Bano case brought the tension between religious autonomy and the pursuit of gender justice under Indian law into sharp relief. The Court's observations underscored the value of a UCC in addressing disparities in personal law and in protecting the rights of women. The political reaction to the judgment, however, revealed the difficulty of introducing a Uniform Civil Code in a multi-religious and diverse nation such as India.¹⁷

The Supreme Court reaffirmed the significance of these concerns in *Shayara Bano v. Union of India* (2017),¹⁸ which addressed gender justice and the practice of instant triple talaq. In that case, the Court struck down talaq-e-biddat, a form of Muslim personal law by which a husband could divorce his wife by pronouncing the word “talaq” three times. The decision was widely regarded as a step towards the empowerment of Muslim women and as consistent with the constitutional objectives of equality and fairness.

These judicial pronouncements have contributed to the ongoing debate, yet the matter remains unresolved. Although the Supreme Court has repeatedly called for a Uniform Civil Code, no significant legislative steps have been taken to enact one. The sensitivity and controversy surrounding the issue, particularly in relation to the autonomy of religious communities and the possible alienation of minorities, have delayed meaningful reform.¹⁹

C. The road ahead

A question remains: why has a UCC not been enacted despite its constitutional basis and the Supreme Court's observations? Several factors contribute to this delay.

Social and religious diversity. India is a pluralistic society comprising numerous religious, cultural, and social groups. The differences in belief and practice among these groups make the

¹⁶ *Mohd. Ahmed Khan v. Shah Bano Begum*, (1985) 2 SCC 556.

¹⁷ Neera Chandhoke, *The Indian State and Its Personal Laws*, 36 J. OF SOCIAL SCI. 112, 118 (2014).

¹⁸ *Shayara Bano v. Union of India*, (2017) 9 SCC 1.

¹⁹ Anuradha Rao, *Constitutional Mandate and Political Implications of UCC*, 63 INDIAN J. OF POL. SCI. 211, 217 (2020).

adoption of a UCC a formidable task. India's personal laws have evolved over centuries and are deeply embedded in the social fabric of its communities. Introducing a uniform code would require substantial change to established practices, change that conservative elements within religious groups may resist.²⁰

Secularism and religious autonomy. Article 25 of the Constitution guarantees religious freedom, providing that every person has the right to profess, practise, and propagate their faith. Many regard personal laws as an aspect of this autonomy and as part of religious identity. A central challenge in establishing a UCC is therefore reconciling the principle of secularism with the freedom of religious communities to govern their own affairs.

Gender justice. The UCC is frequently presented as a means of advancing gender equality by ending discriminatory practices in personal law, but achieving this would require extensive legislative change. Some have raised concerns about how the gender-related provisions of a UCC would balance respect for culture with the demands of equality.²¹

IV. THE UCC AS A POLITICAL AGENDA

The Uniform Civil Code was originally conceived as a constitutional directive intended to advance social justice and equality. Over time, however, the issue has become politically charged, as different parties have advanced competing positions on its introduction in line with their ideologies and electoral agendas. The UCC is thus not only a legal and social question but also a political one, bearing on the place of religion, national identity, and minority rights in a diverse and pluralistic society.²²

A. The role of political parties

Over the years, Indian political parties have adopted divergent positions on the Uniform Civil Code, reflecting differences in ideology, electoral support, and political strategy.

Bharatiya Janata Party (BJP). The BJP has been among the most vocal proponents of a UCC. Its support is closely linked to its wider ideological vision, and the party regards the code as important for the country's unity, justice, and secularism. The BJP argues that religion-based personal rules, particularly those governing marriage, divorce, and inheritance, create social divisions and inequality, and that a UCC would end these divisions by bringing all citizens under a single legal framework, thereby promoting national integration.²³

²⁰ C.M. Jariwala, *State Intervention in Personal Laws and Gender Justice*, 48 INDIAN L.J. 45, 49 (2015).

²¹ R. Bhargava, *Secularism, Law, and Identity: The UCC Debate*, 55 INDIAN CONST. L.J. 87, 92 (2019).

²² P.M. BAKSHI, THE CONSTITUTION OF INDIA 120 (Universal Law Publg. Co. 14th edn. 2014).

²³ T.K. Nair, *The Politics of Personal Laws in India*, 29 INDIAN POL. SCI. REV. 101, 108 (2012).

The BJP presents the UCC as a measure that would apply uniformly across religious and community lines, and it argues that this accords with the constitutional commitments to equality, justice, and secularism. For the party, a UCC represents a step towards reforming what it regards as outdated community-based rules and towards forging a common national identity. In this sense, its advocacy of a UCC forms part of a broader emphasis on nationalism and majoritarian politics that foregrounds legal and cultural uniformity.

Secular and left-leaning parties. Secular and left-of-centre parties have often criticised the demand for a UCC as politically motivated, contending that its real purpose is to marginalise religious minorities, particularly Muslims. For these parties, a UCC is not a neutral or secular reform but a means of undermining the religious autonomy of minorities, including Christians and Muslims. They fear that imposing a common code on communities whose personal laws differ would erode minority rights.²⁴

These parties argue that a UCC would jeopardise the religious and cultural life of minorities and interfere with their family and religious norms. The result has been a wider debate, among secular and left parties, about secularism and the limits of state intervention in personal law in a country as diverse as India. They contend that the emphasis should fall on strengthening gender equality and fundamental rights within existing personal laws, rather than on imposing a common framework that might alienate religious communities.²⁵

For secular and left parties, the UCC debate represents a tension between religious pluralism and majoritarian uniformity; they view the demand for a UCC as an attempt to concentrate power and to advance a majoritarian agenda in the guise of secular reform.²⁶

B. The BJP's ideological push

The BJP's advocacy of a Uniform Civil Code is closely tied to its broader political vision of a unified national identity. The party regards a UCC as essential to bringing the country together under a single body of law and argues that it would remove the legal fragmentation produced by religion-based personal laws and help build a more unified and equitable society.²⁷

The party argues that personal laws, both Muslim and Hindu, have historically produced social division and discrimination, and that a single uniform code would foster equality and justice, particularly in relation to women's rights. It points, for example, to certain Muslim personal-law practices that it regards as discriminatory against women, such as triple talaq, and contends

²⁴ S.R. MYNENI, *CONSTITUTIONAL LAW OF INDIA* 217 (Asia Law House 5th edn. 2013).

²⁵ Rajeev Dhavan, *Constitutional Perspectives on Uniform Civil Code*, 54 L. REV. 56, 67 (2017).

²⁶ ARVIND DATAR, *SUPREME COURT ON PERSONAL LAWS* 212 (Universal Law Publg. 2006).

²⁷ NANDINI CHATTERJEE, *PERSONAL LAW REFORMS IN INDIA* 88 (LexisNexis 2017).

that these are inconsistent with the constitutional guarantees of equality and justice. On this view, a UCC would treat all communities alike and remove such practices.

Critics of the BJP's position argue that the party has used the UCC debate for political ends and that its underlying aim has been to consolidate electoral support among the majority community. They contend that the demand for a UCC has at times been advanced in a manner that marginalises minorities. This criticism is often voiced in the context of the party's broader ideological emphasis on a majoritarian conception of national identity.

Seen in this light, critics argue, the UCC is not merely a secular reform but part of a wider effort to construct a particular national identity and to sideline religious minorities. The debate over the UCC is therefore frequently linked to broader questions of identity politics and religious nationalism in India.

C. Religious minorities and their concerns

The UCC has raised significant concerns among religious minorities, particularly Muslims, regarding its implications for religious freedom and cultural identity. Aspects of Muslim personal law, such as the rules governing marriage and inheritance, are regarded by many as inseparable from religion and community. A common code might therefore be perceived as a challenge to their autonomy and to the foundations of their religious practice.

Many Muslim leaders and organisations view the demand for a UCC as an infringement of the fundamental right to freedom of religious practice guaranteed by Article 25 of the Constitution. They are concerned that the state would impose secular rules on personal matters, such as marriage, divorce, and inheritance, that they consider incompatible with Islamic law.

A particular concern is the potential for a UCC to alter practices that many Muslims regard as integral to their faith. The rules of Muslim inheritance, for instance, under which a son may receive a larger share than a daughter, would require significant modification under a uniform inheritance code, prompting fears about the erosion of religious identity. Similarly, some argue that the practice of *nikah* (marriage), which has its own legal framework, might be brought under state-imposed secular principles that they consider inconsistent with Islamic law.

The question of triple talaq has been a further point of contention. Although the Supreme Court held the practice of instant triple talaq to be invalid in 2017, many Muslims perceive the wider UCC debate as part of a broader effort to reform Islamic personal law in ways that could affect religious autonomy.

Christian concerns focus on preserving Christian marriage law and the right to regulate personal matters in accordance with religious principles. Some Christians fear that a uniform civil code might restrict their ability to govern marriage, divorce, and inheritance according to Christian doctrine.

For religious minorities, then, the UCC is not merely a legal reform but a perceived risk to their religious identity and cultural autonomy. The political climate in which the debate takes place further intensifies these anxieties, with many viewing the demand for a UCC as part of a broader political agenda.

V. THE SOCIO-LEGAL IMPLICATIONS OF A UCC

The Uniform Civil Code is not solely a legal question; it is closely connected to social, cultural, and political considerations. Its potential to advance social justice and gender equality is accompanied by concerns about religious autonomy, minority rights, and social harmony in a diverse nation. The socio-legal implications of a UCC are therefore complex, requiring a balance among gender justice, religious freedom, and national integration within a pluralistic society.

A. Gender justice and equality

A Uniform Civil Code is often defended as a means of promoting gender justice and equality across religious communities. In India, the laws of marriage, divorce, inheritance, and child custody vary from one community to another, and these differences frequently result in the unequal treatment of women, particularly in matters of inheritance, divorce, and custody.

Hindu personal law. Hindu law is among the oldest and most widely applied systems of personal law in India. In its codified form it is governed principally by the Hindu Succession Act 1956, which reformed and consolidated the Hindu law of intestate and testamentary succession, though the Indian Succession Act also applies in certain cases. The Act addresses the position of women as coparceners entitled to share equally in inherited property, as well as the rules and order of intestate succession.

Muslim personal law. Muslim personal law, often described as sharia, derives from the Quran, the teachings of the Prophet Muhammad (hadith), the consensus of Islamic scholars (ijma), and analogical reasoning (qiyas). Islamic jurisprudence (fiqh) draws on these sources and governs many aspects of a Muslim's life, including marriage, divorce, inheritance, and family relations.

Christian personal law. In India, Christian family law governs marriage, dissolution of marriage, guardianship, adoption, and inheritance. With the exception of Goa, the marriage laws

applicable to Christians draw on principles associated with Roman Catholic personal law, and the Indian Christian Marriage Act 1872 provides for the solemnisation of marriages among Christians. In Goa, by contrast, a uniform civil code, the Goa Civil Code (also known as the Goa Family Law), applies to all residents, so that all Goans are subject to the same secular law regardless of religion, nationality, or language.²⁸

A UCC would establish a single legal framework guaranteeing equal rights to women irrespective of religion. By bringing uniformity to the laws of inheritance, divorce, and child custody, it would seek to remove the gender bias found in personal law. Women's rights in matrimonial and family matters would then be protected consistently across communities and would not be subject to personal-law practices inconsistent with the constitutional guarantees of equality and dignity.

B. Religious freedom and state intervention

One of the most contested socio-legal debates surrounding the UCC concerns the balance between religious freedom and the state's role in regulating personal law.

Religious freedom. The Constitution guarantees freedom of religion under Article 25, ensuring that every person may adopt, profess, and propagate a religion. For many communities, including Muslims, Christians, and Hindus, personal laws are regarded as an essential component of religious identity and autonomy, expressing the values, beliefs, and practices of each community rather than serving as mere rules.²⁹

Those who oppose the uniform regulation of matters such as marriage, divorce, inheritance, and adoption regard it as a threat to religious freedom. Religious minorities commonly assert that a UCC would infringe their autonomy in matters they consider religious or cultural. Members of the Muslim community, for instance, fear that a UCC would displace observance of Islamic personal law, such as the rules of Shariat governing inheritance, marriage, and divorce.

Likewise, some Christian organisations are concerned that a UCC would restrict their ability to conduct personal matters according to church rules and traditions.

State intervention. Advocates of the UCC argue that existing personal laws, which in several respects continue to discriminate against women, are inconsistent with the basic principles of equality and fairness. Their position is that the state has a duty to secure equal protection of the law for all persons, regardless of religion, and must intervene where personal laws are discriminatory, particularly against women. In *Shah Bano*, for example, the Court held that

²⁸ Vikram Sharma, *The Role of the Judiciary in Implementing the UCC*, 70 L. & POL. 115, 120 (2015).

²⁹ A. Dhanda, *Gender Justice and the Role of UCC in India*, 45 INDIAN J. OF FAMILY L. 197, 205 (2018).

personal law conflicted with a divorced woman's right to maintenance, so that state intervention was warranted.

Where religious laws conflict with fundamental rights, the state's obligation to protect those rights takes precedence. The Supreme Court has reiterated this in several cases, urging the government to move towards a UCC that would secure gender equality and the rights of all citizens, regardless of religious affiliation.³⁰

The challenge, therefore, is to reconcile religious freedom with constitutional rights. India is a secular state that guarantees the freedom to practise any religion, while also guaranteeing fundamental rights such as equality and justice. The question is whether religious laws incompatible with constitutional values should be tolerated, or whether the state should intervene to introduce gender-neutral reforms.³¹

C. Impact on social harmony

Important questions arise about the potential effect of a Uniform Civil Code on social harmony and community relations in India.

Potential to strengthen national unity. Advocates of the UCC argue that a common framework for personal matters would assist national integration. By reducing legal distinctions between communities, a uniform law could foster a sense of shared identity and citizenship, providing a common set of rules across a range of personal matters and encouraging a more cohesive society.³²

Uniformity in the law might also reinforce the values of secularism and equality that are central to the Constitution. It could reduce perceptions of preferential treatment or discrimination in favour of any particular community, thereby strengthening the principle of equal protection of the law.

A UCC could also help to address gender inequalities present in various personal laws, contributing to a more just and equitable society and enabling the fuller participation of women in public life. Over time, by reducing legal disparities and fostering a sense of common citizenship, a common civil code might help to ease inter-community tensions.

Potential for social division. At the same time, the UCC is regarded with suspicion by some religious minorities, particularly Muslims and Christians, who fear that it could be used to impose majority cultural values and thereby diminish their religious autonomy. Such

³⁰ A.G. NOORANI, *THE UNIFORM CIVIL CODE: THE DEBATE AND THE LAW* 142 (Oxford Univ. Press 2002).

³¹ J.S. Verma, *Shah Bano and Beyond: Legal Reforms in India*, 11 INDIAN L. REV. 28, 34 (1986).

³² M.K. Gokhale, *A Comparative Study of UCC and Religious Laws*, 25 INDIAN REV. OF L. 195, 200 (2017).

perceptions may generate alienation and opposition among these communities, which could in turn strain social harmony.

There is also concern that the debate has become politicised, particularly amid the growing prominence of nationalist politics. In such a climate, a UCC may be perceived not as a neutral legal reform but as a political instrument, a perception that could deepen religious divisions.

The debate over the UCC is thus closely bound up with the question of social integration versus social fragmentation. Some regard a uniform civil code as a step towards a more unified and equitable Indian society, while others fear that its enforcement would generate religious and cultural tensions damaging to India's pluralistic character.

VI. CONCLUSION

Whether a UCC is a constitutional requirement or a political agenda remains unresolved. Article 44 of the Constitution calls for the enactment of a UCC as an aspirational goal, envisaging a uniform legal framework for all citizens regardless of religion. Despite this constitutional direction, the legal, social, and political contestation surrounding its implementation has kept the issue at the centre of public debate. India's rich and pluralistic cultural, religious, and legal heritage makes the pursuit of a single code difficult, since it must accommodate significant diversity.

The controversy over the UCC is not merely a legal contest; it engages questions of religious freedom, gender equality, minority rights, and national integration. It raises issues concerning state intervention in personal law, the protection of religious autonomy, and the need for gender-sensitive legal structures. Some regard the UCC as a step towards social justice and equality, while others view it as a threat to the cultural and religious diversity that is integral to Indian democracy.

VII. FINDINGS

Article 44 of the Constitution envisages the Uniform Civil Code as a benchmark for social and legal change, yet it has retained the status of a non-justiciable provision. Although it was incorporated into the Constitution, successive governments have been unable to implement a UCC in full, citing socio-political difficulties and the need to preserve unity amid India's diversity.

The judiciary has supported the idea of a UCC, notably in *Shah Bano* (1985) and in the triple talaq case (2017). These decisions raised the question whether personal law may override the constitutional ideals of equality and justice, particularly in relation to the rights of women.

Over time, the UCC has become a political instrument, particularly for the BJP, which has presented it as part of its programme of promoting national unity and secularism and as a remedy for the inequities of religion-based personal laws. Critics, however, have questioned this as politically motivated, expressing concern that it may be used to consolidate majority support.

One of the strongest arguments for a UCC is its potential to secure gender equality across communities. Muslim women, in particular, have been affected by certain personal-law practices, such as triple talaq and unequal inheritance rules. A UCC could harmonise the law so as to provide equal rights for women in matters of marriage, divorce, and inheritance.

VIII. RECOMMENDATIONS

Because certain aspects of personal law conflict with fundamental rights, a gradual and incremental approach is preferable to the immediate introduction of a Uniform Civil Code. Targeted reforms of particular areas, such as marriage and inheritance law, could serve as a first step in the legislative process.

Gender justice should be central to any discussion of the UCC. It is essential to protect and standardise women's rights within communities, particularly in matters of divorce, maintenance, and inheritance. The empowerment of women through law should be a principal focus of reform.

India's communal diversity calls for a comprehensive process of consultation with all religious, cultural, and social groups before any move towards a UCC. Stakeholders, and religious minorities in particular, should be included in the process so that their concerns are considered and their religious autonomy respected.

To avoid politicisation, any UCC legislation should be clear and inclusive, grounded in the principles of equality, justice, and secularism, and should allow religious communities to regulate personal matters within the framework of constitutional rights.

Building public awareness of the case for a UCC is important. It should be presented in terms of its benefits for national integration and social justice, rather than as a means of political or religious homogenisation. Public education can help to allay fears of religious persecution and to support a continued pluralistic ethos in India.

IX. FUTURE STUDY

The study of the Uniform Civil Code in India calls for further research in several areas.

Future research might examine the impact of personal-law reform on social and economic life, including comparative study of whether gender-neutral laws deliver tangible benefits for women, particularly those from marginalised groups.

There is also scope for further research on religious autonomy and secularism under the Indian Constitution, including comparative study of other secular states that have adopted similar codes.

A national survey or study of public opinion on the UCC would help to clarify how different sections of society perceive the potential benefits of, and barriers to, a uniform system of personal law.

Comparative study of how countries with similarly pluralistic societies, such as Indonesia, Turkey, or France, have approached the reform of personal law could offer valuable guidance for India, and could help to assess whether a UCC can be implemented without endangering religious freedom.

Further constitutional analysis is also needed to determine how the principles of equality, religious freedom, and gender justice can be reconciled in giving effect to Article 44 of the Directive Principles.

X. FINAL THOUGHTS

In sum, the Uniform Civil Code remains situated at the intersection of constitutional aspiration, political ambition, and social justice. Its introduction could help to advance gender equality and legal uniformity, but it also raises serious questions about religious autonomy and the preservation of India's pluralistic society. Taking the UCC forward in a manner consistent with the constitutional principles of equality and justice, while preserving India's cultural and religious mosaic, will require a carefully designed and consultative approach committed to incremental reform.³³

³³ V.D. KULSHRESTHA, CONSTITUTIONAL LAW OF INDIA 89 (Prentice Hall of India 7th edn. 2016).