

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 6 | Issue 5

2023

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The Uniform Civil Code in India: A Quest for Equality and Social Justice

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ABSTRACT

The Uniform Civil Code (UCC), also known as "One Nation-One Law," is a complex and contentious matter in India, situated at the crossroads of law, culture and society. It is enshrined in Article 44 of the Indian Constitution as part of the Directive Principles of State Policy. India, known for its rich cultural diversity and religious pluralism, currently operates under a complex web of personal laws governing various aspects of life, such as marriage, divorce, inheritance and succession, based on an individual's religious affiliation. The UCC proposes a unified set of laws that would apply uniformly to all citizens, regardless of their religious background. Its significance lies in its potential to foster equality and social justice, aligning with India's secular and constitutional principles. This article seeks to comprehensively explore the UCC within the Indian context. It delves into its historical origins, examines arguments both in favour and against its implementation, analyses the legal and Constitutional dimensions, and discusses the challenges and prospects associated with putting it into practice. Recent developments and ongoing debates surrounding the UCC are also addressed, offering a balanced view of this multifaceted issue.

Keywords: Uniform Civil Code, Personal Law, Constitution, Directive Principle of State Policy, One Nation One Law.

I. INTRODUCTION

The Uniform Civil Code (hereinafter referred to as UCC) also known as "One Nation- One Law" is defined in the Indian Constitution under Article 44 of the Directive Principles of the State Policy. This is a subject of significant debate and discourse in India and stands at the crossroads of law, culture, and society. In a country celebrated for its diverse cultural tapestry and myriad religious beliefs, the UCC emerges as a bold and contentious proposal. This article seeks to shed light on the concept, significance, and implications of the UCC in the Indian context.

(A) Significance in the Indian Context: India, often described as a "unity in diversity," boasts a rich mosaic of religious and cultural traditions. Personal laws in India are primarily

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governed by one's religious affiliation, resulting in a complex web of regulations for matters such as marriage, divorce, inheritance, and succession. The UCC proposes a uniform set of laws that would apply uniformly to all citizens, irrespective of their religion. The significance of the UCC lies in its potential to promote equality and social justice. It seeks to establish a secular legal framework that transcends religious boundaries, aiming to eliminate gender-based discrimination prevalent in many personal laws. By doing so, it strives to align India's legal landscape with the principles of its Constitution, which guarantees fundamental rights and equality before the law to all its citizens.

(B) Purpose and Scope of the Article: The purpose of this article is to provide a comprehensive understanding of the Uniform Civil Code in India. It will delve into the historical background, analyse the arguments both in favour and against the UCC, explore its legal and constitutional dimensions, and assess the challenges and prospects associated with its implementation. Moreover, it will examine recent developments and debates surrounding the UCC, offering a balanced perspective on this crucial issue at the intersection of law, culture, and society in India.

II. HISTORICAL BACKGROUND

The historical context of the Uniform Civil Code in India dates to the Pre-Independence era and is deeply intertwined with the socio-political fabric of the nation.

Pre-Independence Era: During British colonial rule, India had a fragmented legal system with various personal laws governing different religious communities. The British administration followed a policy of non-interference in matters of personal laws, which were left to religious communities to regulate. Prominent reformers like Raja Ram Mohan Roy² and B.R. Ambedkar³ advocated for the need to reform personal laws to eliminate injustices and promote gender equality.

- **1835: 2nd Law Commission Report:** The Second Law Commission Report of 1835 emphasised the need for uniformity in the codification of Indian Laws relating to crimes, evidence, and contracts, but recommended that codification not extend to matters such

² Raja Ram Mohan Roy was a bright scholar and innovative thinker who established the Brahma Samaj, one of India's foremost socio-religious reform organisations. He was known as the "Father of Modern India" or "Father of the Bengal Renaissance" and was a religious and social reformer.

³ Dr. B.R. Ambedkar, born on April 14, 1891, was a prominent Indian jurist, social reformer, and the chief architect of the Indian Constitution. He dedicated his life to championing the rights of marginalized communities, particularly the Dalits (formerly known as untouchables), and played a pivotal role in shaping India's modern legal and social framework. His tireless efforts for social justice, equality, and civil rights continue to inspire generations and make him a revered figure in India's history.

as Hindu and Muslim personal laws, which derived their authority from their respective religions.⁴

- **1858: Queen Victoria's Proclamation:** Queen Victoria promised the people of India absolute non-interference in religious issues in her proclamation in 1858.⁵
- **Indian Succession Act, 1865:** It was one of the first laws to safeguard women's economic security, and tried to bring personal laws to the sphere of civil law. The Marriage Act of 1864 included reforms for Christian weddings. There were legislation reforms that benefited women, such as the Hindu Widow Remarriage Act of 1856⁶, the Married Women's Property Act of 1923, and the Hindu Inheritance (Removal of Disabilities) Act of 1928.⁷

Post-Independence Era: After the emergence of Independence in 1947, the framers of the Indian Constitution recognized the importance of a UCC in achieving the ideals of justice, equality, and secularism. The Constitution of India, under Article 44 of the Directive Principles of State Policy, directs the state to endeavour to secure a UCC for its citizens. However, the Constituent Assembly chose to leave the implementation of the UCC to the discretion of future governments.

The Hindu Widow Remarriage Act of 1856⁸, Married Women's Property Act of 1874, Hindu Inheritance (Removal of Disabilities) Act of 1928, and Hindu Women's Right to Property Act of 1937 were all passed as a result of movements by progressive sections of British-ruled India and women's organisations. The rising flood of laws addressing personal matters sparked debate and controversy, necessitating a reasoned and measured reaction from the administration of the day.⁹

III. KEY EVENTS AND DEBATES

1. **B.N. Rau Committee of 1941:** The B.N. Rau Committee of 1941, officially known as the Hindu Law Committee, was entrusted primarily with investigating the requirement

⁴ Tanya Sharma, *Uniform Civil Code: A Detailed Analysis*, Pen Acclaims, Volume 12, September 2020.

⁵ Tanya Sharm, *Uniform Civil Code: A Detailed Analysis*, Pen Acclaims, Volume 12, September 2020.

⁶ The Hindu Widows' Remarriage Act 1856, also known as Act XV, 1856, was passed on July 16, 1856, and legalised widow remarriage in all jurisdictions of India under East India Company authority. The act was passed on July 26, 1856. Lord Dalhousie drafted it, and Lord Canning signed it before the Indian Rebellion of 1857.

⁷ Satyam Singh & Shobhitabh Srivastav, *Uniform Civil Code: A Critical Study Of Individual Rights And The Role Of Secular State*, VOL.3 ISSUE 11, JOURNAL ON CONTEMPORARY ISSUES OF LAW [JCIL].

⁸ The Hindu Widows' Remarriage Act 1856, also known as Act XV, 1856, was approved on July 16, 1856, and it made widow remarriage legal throughout all of India which was ruled by the East India Company. The law was passed on July 26, 1856. Before the Indian Rebellion of 1857, it was drafted by Lord Dalhousie and approved by Lord Canning.

⁹ Tanya Sharma, *Uniform Civil Code: A Detailed Analysis*, Volume 12, PEN ACCLAIMS, 2020.

of common Hindu laws. The Hindu Law Committee proposed a codified Hindu Law that would grant equal rights to women by modern societal trends. However, it should be noted that its primary focus was on changing Hindu Law in conformity with the scriptures on this topic; however, the Hindu Code Bill expired and was resubmitted only in 1952.

2. **Passage of Hindu Code:** The provisions of the Hindu Code were enacted in stages, beginning with the Hindu Marriage Bill in May 1955, followed by the Hindu Succession Act in June 1956, the Hindu Minority and Guardianship Bill in August 1956, and the Adoptions and Maintenance Bill in December 1956. To this, G.R. Rajagopal said that-
*“It was felt that an attempt should be made to codify the Hindu Law and if this succeeded, and way of the measures produced thereby had in themselves intrinsic merits commending them for universal application, the time would not be far off when other communities might like to follow suit and ask for reconsideration of their law in the light of the changed situations”*¹⁰

3. **Uniform Civil Code in Indian Constitution:** Jawaharlal Nehru¹¹ acknowledged that the Bill was insufficient. For him, a Uniform Civil Code was critical for the country, but he was hesitant to impose it on any municipality, especially one that was not prepared. In order to demonstrate Parliament's openness to adopt a Uniform Civil Code at some point in the future, it was agreed to include the implementation of a Uniform Civil Code as a Directive Principle in Article 44. Members of the Progressive Women's Caucus, such as Rajkumari Amrit Kaur and Hansa Mehta, were outraged by the decision to classify the Uniform Civil Code as a non-justiciable order.¹² Aparna Mehta fiercely responded to this by saying-

*“Failure of the Indian State to provide a Uniform Civil Code, consistent with its democratic secular and socialist declarations, further illustrate the modern state's accommodation of the traditional interests of a patriarchal society”*¹³

4. **Special Marriage Act, 1954:** This Act provides for civil marriage for any citizen, regardless of faith, allowing any Indian to marry beyond the bounds of any religious personal law.

¹⁰ *Id.*

¹¹ Jawaharlal Nehru was born on November 14, 1889, at Allahabad. He acquired his early schooling from private tutors at home. He moved to England at the age of fifteen and, after two years at Harrow, enrolled at Cambridge University, where he earned his tripos in Natural Sciences. Later, he was summoned to the Bar by the Inner Temple.

¹² Sharma, *supra*, 9.

¹³ [https://en.wikipedia.org/wiki/Uniform_Civil_Code#:~:text=Aparna%20Mahanta%20writes%2C%20%22failure,%20of,interests%20of%20a%20patriarchal%20society%22.\(Last%20vested%20Sep.%202023\)](https://en.wikipedia.org/wiki/Uniform_Civil_Code#:~:text=Aparna%20Mahanta%20writes%2C%20%22failure,%20of,interests%20of%20a%20patriarchal%20society%22.(Last%20vested%20Sep.%202023))

5. **Shah Bano Case of 1985¹⁴**: This landmark legal case brought the UCC debate into the national spotlight. The Supreme Court ruled in favour of a Muslim woman, Shah Bano, who sought maintenance from her husband after a divorce. The case sparked a heated debate on the need for a uniform approach to divorce and maintenance laws across all religions.
6. **Ayodhya Dispute and Babri Masjid Demolition (1992)**: The Ayodhya dispute, centred around the religious site of Ayodhya, led to heightened communal tensions. The UCC was a topic of discussion during this period, with some arguing that it could help address such disputes by ensuring a secular legal framework.
7. **Uniform Civil Code Bill, 2003**: The Indian government introduced a bill in the Lok Sabha (House of the People) to implement a UCC. However, the bill faced opposition from various religious and political groups and was not passed.
8. **Triple Talaq Act, 2019**: The Indian government passed the Muslim Women (Protection of Rights on Marriage) Act in 2019, criminalizing the practice of instant triple talaq. This move was seen as a step towards UCC-like reforms in personal laws.
9. **Ongoing Debates**: The UCC debate continues to be a contentious issue in Indian politics and society. Various political parties and religious organizations hold differing views on its implementation, and it remains a subject of frequent discussion and disagreement.

The historical context of the UCC in India reflects a complex interplay of religious diversity, political considerations, and the ongoing quest for gender equality and social justice. It remains a topic of active debate and reform in the country's legal and social landscape.

IV. UNDERSTANDING THE UNIFORM CIVIL CODE

The Uniform Civil Code (UCC) is a legal framework that proposes a common set of laws to govern personal matters for all citizens of a country, regardless of their religious or cultural affiliations. In essence, it seeks to establish uniform laws about marriage, divorce, inheritance, succession, and related personal matters that are currently governed by various religious laws and customs in India.

(A) Concept of a Common Set of Laws Governing Personal Matters: The concept underlying the UCC is to create a single, secular legal code that would replace the existing diverse set of personal laws dictated by different religious traditions in India. Under the

¹⁴ AIR 1985 SC 945

UCC, individuals would be subject to the same set of laws and regulations, irrespective of their religious background. This common set of laws aims to:

- **Promote Equality:** By eliminating the disparities in personal laws, the UCC seeks to ensure that all citizens, regardless of their religion, are treated equally before the law. This includes addressing gender-based discrimination prevalent in some personal laws.
- **Simplify Legal Processes:** It aims to simplify legal processes related to marriage, divorce, inheritance, and succession by providing a standardized legal framework. This can reduce legal complexities and facilitate access to justice.
- **Encourage Secularism:** The UCC aligns with the principles of secularism enshrined in the Indian Constitution by divorcing personal matters from religious considerations and providing a neutral legal structure.

(B) The Diversity of Personal Laws in India: India is a land of immense cultural and religious diversity, and this diversity is reflected in its personal laws. Currently, personal matters in India are governed by a variety of religious laws and customs, including:

- **Hindu Personal Laws:** Governed by various Acts, including the Hindu Marriage Act, 1955; Hindu Succession Act, 1956 and Hindu Adoption and Maintenance Act, 1956 which apply to Hindus, Sikhs, Jains, and Buddhists.
- **Muslim Personal Laws:** Governed by Islamic Sharia law for matters such as marriage, divorce, and inheritance for Muslims.
- **Christian Personal Laws:** Christian personal matters are often regulated by customary practices and canon law.
- **Parsi Personal Laws:** Governed by the Parsi Marriage and Divorce Act.
- **Other Minority Personal Laws:** Various other communities in India have their own personal laws and customs, leading to a complex legal landscape.

This diversity can result in differing rights and obligations for individuals belonging to different religious communities. The UCC aims to address these disparities by providing a single, uniform legal code for personal matters, thereby promoting equality and secularism in the country.

(C) Arguments in Favor of the Uniform Civil Code:

Supporters of the Uniform Civil Code (UCC) present several compelling arguments in favour of its implementation:

1. Promotion of Gender Equality and Social Justice:

- **Elimination of Gender Discrimination:** The UCC can play a crucial role in eliminating gender-based discrimination prevalent in some personal laws. For example, in certain Muslim divorce practices, women have fewer rights than men. The UCC would ensure equal treatment for all genders under the law.
- **Empowerment of Women:** Uniform laws can empower women by granting them equal rights in matters of marriage, divorce, inheritance, and property. This empowerment can lead to greater financial and social independence for women.
- **Uniform Age of Marriage:** UCC can establish a uniform legal age of marriage for all communities, helping prevent child marriages and ensuring the well-being of young individuals.

2. Secular Legal Framework:

- **Adherence to Secular Principles:** India's constitution enshrines secularism as a fundamental principle. Implementing the UCC would align personal laws with this secular ethos, separating legal matters from religious practices.
- **Reducing Religious Conflicts:** A secular legal framework can help reduce religious conflicts and disputes that often arise when personal laws intersect with religious beliefs and practices, as seen in cases like the Ayodhya dispute.
- **Equality Before the Law:** A secular legal framework ensures that all citizens are treated equally before the law, regardless of their religious affiliation. This is consistent with the principles of justice and fairness.

3. Legal Clarity and Simplicity:

- **Simplified Legal Processes:** The UCC can simplify legal processes related to marriage, divorce, inheritance, and succession, making it easier for individuals to understand and navigate the legal system.
- **Reducing Legal Complexity:** Currently, the existence of multiple personal laws can lead to legal complexities and confusion. A uniform code would streamline legal procedures and reduce ambiguity.

4. National Integration:

- **Fostering Unity:** By providing a common legal framework for all citizens, the UCC can promote a sense of national unity and integration, transcending religious and cultural

boundaries.

- **Reducing Fragmentation:** The existence of multiple personal laws can contribute to social fragmentation. The UCC can contribute to a more cohesive and harmonious society.

Thus, proponents of the UCC argue that it is a critical step toward achieving gender equality, social justice, and secularism in India's legal system. By providing a common set of laws that apply uniformly to all citizens, the UCC has the potential to address longstanding inequities and promote a more inclusive and just society.

(D) Opposing Views and Concerns Regarding the Uniform Civil Code: Opponents of the UCC put forth several arguments and express concerns, primarily centred around cultural diversity, religious freedom, and implementation challenges:

1. Threat to Cultural Diversity and Religious Freedom:

- **Cultural Sensitivity:** Critics argue that imposing a uniform code could infringe upon the rich cultural diversity of India, as different communities have distinct customs and traditions deeply rooted in their religions.
- **Religious Freedom:** Opponents contend that the UCC might undermine religious freedom by imposing a standardized legal framework that does not align with the beliefs and practices of various religious groups. It could be seen as state interference in religious matters.

2. Complexities of Implementation:

- **Resistance to Change:** Implementing a UCC faces significant resistance from various religious and cultural groups. Convincing these groups to accept and adapt to a uniform legal framework is a formidable challenge.
- **Legal Reforms:** The process of codifying and harmonizing diverse personal laws into a single, coherent legal code is complex and may require substantial legal reforms, which could take years to achieve.

3. Potential for Unintended Consequences:

- **Unintended Outcomes:** Critics express concerns that a UCC, if not carefully drafted and implemented, might lead to unintended consequences, including social unrest or backlash from religious communities.
- **Unresolved Issues:** Contentious issues such as property rights, divorce procedures, and

inheritance are deeply embedded in cultural and religious norms. Resolving these issues under a UCC without alienating any group is a significant challenge.

4. Political Opposition:

- **Political Considerations:** The UCC has often been a contentious political issue in India. Opposition parties may use it as a tool for political mobilization and resist its implementation for electoral gains.
- **Polarization:** Debates around the UCC can sometimes lead to religious and political polarization, making it even more challenging to achieve a consensus on its implementation.

Therefore, opponents of the UCC argue that while its objectives of gender equality and secularism are commendable, the diversity and deeply ingrained religious beliefs in India present significant hurdles. They are concerned that a one-size-fits-all approach could undermine cultural diversity and religious freedom and might be met with resistance and unintended consequences during implementation.

(E) Legal and Constitutional Provisions Related to the Uniform Civil Code in India:

The UCC in India is a matter governed by legal and constitutional provisions. Here is an explanation of the key legal and constitutional aspects:

- **Article 44 of the Indian Constitution:** Article 44 of the Indian Constitution, listed under Part IV, Directive Principles of State Policy, states that "The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India." This article expresses the intention of the Indian state to work towards implementing a UCC. However, it is not enforceable in a court of law and is a non-justiciable directive principle.
- **Personal Laws and the Constitution:** India's personal laws, which govern matters like marriage, divorce, inheritance, and succession, are based on religious customs and traditions. These personal laws are protected under Article 25 to Article 28 of the Indian Constitution, which safeguard the right to religious freedom and the right to manage religious affairs.

(F) Challenges in Implementing the Uniform Civil Code in India:

Implementing the UCC in India is a complex undertaking due to various challenges:

- **Cultural and Religious Diversity:** India's diverse cultural and religious landscape

presents a significant challenge. Different communities have deeply entrenched customs and personal laws that may resist uniformity.

- **Resistance from Religious Groups:** Religious leaders and conservative groups may oppose the UCC, perceiving it as an encroachment on religious freedom and traditions.
- **Political Opposition:** The UCC can become a politically sensitive issue, and opposition parties may use it as a wedge for political gain, hindering consensus.
- **Legal Complexity:** Harmonizing and codifying diverse personal laws into a single legal code is legally intricate and may require significant amendments and reforms.
- **Societal Acceptance:** Convincing the general public of the benefits and necessity of a UCC may be challenging, especially when there is a lack of awareness or misconceptions about its implications.

V. ROLE OF THE JUDICIARY IN UCC

The Indian judiciary, especially the Supreme Court, interprets the Constitution and its provisions, including those related to personal laws and the UCC. The legal and constitutional provisions related to the UCC in India are complex due to the interplay between personal laws based on religion and the constitutional guarantees of religious freedom and equality. The judiciary plays a crucial role in interpreting the Constitution, addressing disputes related to personal laws, and influencing discussions on the UCC.

In the well-known *Mohammad Ahmed Khan v. Shah Bano Begum*¹⁵ case, the Supreme Court expressed regret that Article 44 of our Constitution, which pertains to the Uniform Civil Code, had not been effectively implemented. Despite the existence of Section 127 of the Criminal Procedure Code (Cr.P.C.) of 1973, which stipulates that a woman who has received financial support under personal law is not entitled to maintenance under Section 125 of the Cr.P.C. after divorce, the Supreme Court ruled that Muslim women could claim maintenance if the amount received as "dower" under personal law was insufficient for their sustenance. While this decision faced criticism from Muslim fundamentalists, it was viewed as a progressive interpretation of the law, aligning with the principles of gender justice. However, under pressure from Muslim fundamentalist groups, the Central Government passed the Muslim Women's (Protection of Rights on Divorce) Act in 1986. This act denied Muslim women the right to claim maintenance under Section 125 of the Cr.P.C. Activists rightly decried this move as a backward step, highlighting that it underscored the low priority accorded to women's rights, even in a

¹⁵ (1985) 2 SCC 556.

secular state like India. It seemed that the autonomy of religious institutions had prevailed over the rights of women.¹⁶

In the case of *Sarla Mudgal and others v. Union of India and others*¹⁷, Justice Kuldeep Singh, in his judgment, directed the Government to adhere to the directive of Article 44. He instructed the Government to submit an affidavit outlining the actions taken in this regard. He remarked that successive governments had failed in their duty to implement the Constitutional mandate under Article 44. Consequently, the Supreme Court urged the Government of India, through the Prime Minister, to reconsider Article 44 of the Constitution and make efforts to establish a Uniform Civil Code (UCC) applicable throughout India. Additionally, he suggested the formation of a committee to draft a law addressing religious conversions. Justice R.M. Shahai, concurring with Justice Kuldeep Singh, emphasized that India is a Secular Democratic Republic where freedom of religion is a fundamental aspect of the culture. However, he also pointed out that religious practices that violate human rights, and dignity, and restrict essential civil and material freedoms are not a manifestation of autonomy but rather a form of oppression.

In the case of *Danial Latifi and another v. Union of India*¹⁸, the Court upheld the legality of Sections 3 and 4 of the Muslim Women (Protection of Rights on Divorce) Act, 1986. It determined that these sections did not violate the provisions of Articles 14, 15, and 21 of the Constitution of India. According to Section 3 of the Muslim Women (Protection of Rights on Divorce) Act, 1986, a Muslim husband is obligated to provide reasonable and fair provisions for the future of his divorced wife, which includes maintenance. Consequently, she is not entitled to claim maintenance under Section 125 of the Criminal Procedure Code (Cr. P.C). Section 4 of the Act empowers a divorced Muslim woman who is unable to support herself after the iddat period to seek maintenance from her relatives or the Wakf Board.

In *John Vallamattom v. Union of India*¹⁹, a PIL was filed by a Christian priest, John, and other members of the Christian community. They challenged the validity of Section 118 of the Indian Succession Act, of 1925. The Supreme Court, in a historic judgment, declared Section 118 as unconstitutional, citing a violation of Article 14 of the Constitution. Furthermore, the Court expressed concerns about the inconsistencies in marriage laws across various religions. It emphasized the urgent need for Parliament to enact a common civil code (UCC) and noted that Article 44 of the Constitution, which calls for the state to endeavour to secure a UCC for all

¹⁶ Kumar Virendar, *Towards a Uniform Civil Code: Judicial Vicissitudes [from Sarla Mudgal (1995) to Lily Thomas (2000)]*, 42, JOURNAL OF INDIAN LAW INSTITUTE, 2000.

¹⁷ AIR 1995 SC 1531

¹⁸ (2001) 7 SCC 740

¹⁹ 2003 (5) SCALE 384

citizens, had not been implemented. The Court underscored that in a civilized society, there is no necessary connection between religious and personal laws. It lamented the delay in implementing a UCC and highlighted that such a code would promote national integration by resolving ideological contradictions. The Court's stance suggests that Article 44 should be interpreted to preserve India's diverse cultural fabric. A UCC should prioritize gender justice over strict uniformity, ensuring that while laws are similar for all, they also address equality and gender justice. The Court has consistently urged Parliament to enact a UCC, although it has not provided a specific definition of what the UCC should entail. It is essential to emphasize that "uniform" should mean similar laws for all while upholding principles of equality and gender justice.

In *Shayra Bano v. Union of India*²⁰, the recent Supreme Court judgment, six petitions were consolidated to invalidate the practice of Talak-ul-Biddat. This was a significant victory for Muslim women as it upheld their basic human rights and right to equality as guaranteed by the Indian Constitution. However, it should be noted that this judgment cannot be considered a direct endorsement of the Uniform Civil Code (UCC) in the strict sense. The grounds for invalidating Talak-ul-Biddat were primarily based on the fact that it was a non-mandatory and unapproved practice according to the respective holy texts of Islam. The Court did not delve into the question of whether personal laws can violate fundamental rights explicitly mentioned in the Constitution. The prevailing judicial precedent suggests that personal laws need to be assessed on a case-by-case basis, particularly in relation to specific aspects and with respect to individual rights.

In the matter of *ABC v. State of NCT Delhi*²¹, the court dealt with the problem of guardianship of a Christian unwed mother without the child's father's agreement. While ruling in favour of the woman, the court made the following observation:

*“It would be inverse for us to underscore that our Directive Principles imagine the presence of a Uniform Civil Code, but this remains an unaddressed constitutional expectation”*²²

Similarly, the Supreme Court in the recent case of *Jose Paulo Coutinho v. Maria Luiza*²³ held that- “While the authors of the Constitution in Article 44 in Part IV managing with the Directive Principles of State Policy had trusted and expected that the State shall endeavour to secure for the citizens a Uniform Civil Code throughout the territories of India, till date no action has been

²⁰ Writ Petition [C No. 118 of 2107]

²¹ 2015 SCC OnLine SC 609

²² Sharma, *supra*, 9.

²³ Civil Appeal No. 7378 of 2010

taken in this regard”²⁴

VI. CONCLUSION

The Uniform Civil Code stands as a complex and contentious issue in India, representing a convergence of law, culture, and society. It is articulated in Article 44 of the Indian Constitution under the Directive Principles of State Policy, emphasizing the state's aim to establish a uniform set of laws applicable to all citizens, transcending religious affiliations. The UCC's primary significance lies in its potential to promote equality and social justice, aligning with India's secular and constitutional principles.

This article has comprehensively explored the concept, significance, and implications of the UCC in the Indian context. It has delved into its historical origins, presented arguments both in favour and against the UCC, examined its legal and constitutional dimensions, and discussed the numerous challenges and prospects associated with its implementation. Recent developments and ongoing debates surrounding the UCC have also been analysed, offering a balanced perspective on this multifaceted issue.

The historical backdrop underscores a Pre-Independence era characterized by fragmented personal laws and post-independence recognition of the necessity for a UCC. Key events and debates, such as the passage of the Hindu Code, the Shah Bano case, and the Ayodhya dispute, have significantly influenced discussions on the UCC. However, implementing it faces formidable challenges, including cultural diversity, resistance from religious groups, political opposition, legal complexity, and societal acceptance.

The role of the judiciary, particularly the Supreme Court, has been instrumental in interpreting the Constitution concerning personal laws and the UCC. Notable cases, such as the Shah Bano case, have underscored the judiciary's commitment to gender justice and the need for a UCC.

While proponents highlight the UCC's potential to advance gender equality, social justice, and secularism, opponents express concerns about cultural diversity, religious freedom, and the intricate challenges of implementation. The UCC debate in India is far from settled and continues to shape the country's legal and social landscape. The path forward will require careful consideration of these various perspectives while striving to uphold the principles of equality, justice, and secularism enshrined in the Indian Constitution.

²⁴ Sharma, *Supera*, 9.