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Uniform Civil Code: Challenges and the Way Forward in India

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ABSTRACT

The UCC has been one of the most contentious socio-legal issues since independence, as it has brought into conflict constitutional uniformity, religious autonomy, and gender justice. Article 44 of the DPSP (Directive Principles of State Policy) states that the state shall secure a Uniform Civil Code for the citizens (in this context, family laws) throughout the territory of India. However, different personal laws according to religion have resulted in legal ambiguities and gender discrimination. It will discuss the historical emergence of personal laws and landmark judgments as “Sarla Mudgal (1995), Shayara Bano (2017) and John Vallamattom (2003)” and the difficulties in enforcement of the UCC. Socio-cultural hurdles compound legal and constitutional challenges, such as the clash of fundamental rights (Articles 25-28) with the directive principles, resistance from minority communities, and political polarisation. Similar debate regarding US-UCC like harmonization v/s uniformity comparison UCC models in particular instances of France and Turkey. AI tools for law are more than its core technologies; they also touch on significant issues where predictive analytics could play a key role in law transparency, policy formulation, implementation of UCC, and ethical challenges. UCC should not be side-lined because of nationalists, argue the authors of this paper, cautioning of a slow and consensual process under a man with a sex agenda. With legislative tinkering, judicial interventions, AI, and innovations, India can build a harmonious and just legal architecture consistent with constitutional principles and cultural plurality.

Keywords: *Uniform Civil Code, Personal Laws, Gender Justice, Constitutional Conflict, Artificial Intelligence in Law, Legal Reforms, India.*

I. INTRODUCTION

(A) Definition & Concept of Uniform Civil Code (UCC)

The UCC stands for a single law governing personal laws for all citizens of the country, irrespective of “religion, gender, or caste, in matters of marriage, divorce, succession, etc.” The concept of UCC is based on secularism and equality, which means replacing the religion-based personal laws with a standard code fulfilling the fundamental rights under Part III of the Indian

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Constitution. The demand for UCC has sparked heated legal, political and social debates on the balance between the right to religious freedom as enshrined in “Articles 25-28 and the Directive Principles of State Policy under Article 44”. As per *D.D. Basu*, UCC aims to make a standard set of laws that is free from the gender and religious discriminatory characteristics of prevailing personal laws². In its 185th Report (2002) and 21st Report (2018), the “Law Commission of India has thoroughly explored the possibilities of UCC and recommended piecemeal reforms instead of an overnight switch to a homogeneous structure.”

(B) Constitutional Basis: Article 44 of the Directive Principles of State Policy

Article 44 of the Directive Principles of State Policy (DPSP)” states that:

“The State shall endeavour to secure a Uniform Civil Code for the citizens throughout the territory of India.”

Though DPSPs are non-justiciable, the Supreme Court has stated they are a guiding governance framework. In *“Ahmed Khan v. Shah Bano Begum”*³ The court stated that the UCC is required for gender justice and that it is also a matter of secularism. The bench also noted that the UCC is integral to a secular legal system and personal laws, as they frequently violate fundamental rights. Justice Y.V. Remarks on the above views by leaders and constituent assembly debates the views expressed by leaders like *“Dr B.R. Ambedkar and K.M. Munshi”* in constituent assembly debates showed strong support for UCC as an instrument of social harmony and national integration.⁴ After opposition from various religious groups against such a ban, it was put under DPSPs and made subject to legislative will instead have enforced through Fundamental Rights.

(C) Significance of UCC in a Pluralistic Society like India

Inter religious traditions; India follows a plural personal law system:

- *“Hindu Laws (Hindu Marriage Act, 1955); (Hindu Succession Act, 1956)”*
- *“Muslim Personal Laws (Shariat Application Act, 1937)”*
- *“Personal Laws for Christians and Parsis (Indian Christian Marriage Act, 1872; Parsi Marriage and Divorce Act, 1936)”*

Such legal pluralism invariably results in discrimination based on gender and unequal marriage, inheritance ado, option rights, etc. For instance, while Muslim law allows polygamy,

² D.D. Basu, *Introduction to the Constitution of India 23rd edn*, LexisNexis, 2023, p. 256

³ *Ahmed Khan v. Shah Bano Begum* (1985). AIR 945, 1985 SCR (3) 844

⁴ Constituent Assembly Debates, Vol. VII, p. 548-50

Hindu law requires monogamy.⁵ In “*Sarla Mudgal v. Union of India*”⁶, the Supreme Court condemned the practice of manoeuvres under religious conversions to evade monogamy laws, thereby reiterating the principle of UCC. “The Goa Civil Code”, a successful example of a UCC, also shows how uniform laws may exist in India's multi-cultural legal tapestry without risk of loss of identity or colour, maintaining equality while protecting an identity.⁷

(D) Objectives of the Paper: Identifying Challenges, Legal Framework, and the Way Forward

This paper aims to:

1. Examine the constitutional, legal, and social challenges in implementing UCC.
2. Analyse judicial precedents shaping the discourse on UCC.
3. Explore the feasibility of UCC in India, comparing it with models from secular democracies like Turkey and France.
4. Propose legal and policy recommendations to ensure a gradual and inclusive transition to UCC.

By addressing these aspects, the paper seeks to contribute to the ongoing debate on UCC, balancing constitutional principles with socio-religious realities in India.

II. HISTORICAL EVOLUTION OF PERSONAL LAWS IN INDIA

The Uniform Civil Code (UCC) debate in India is deeply rooted in the historical evolution of personal laws. India's legal framework governing family matters has evolved through pre-colonial religious traditions, colonial codification, and post-independence reforms. Judicial interventions, legislative initiatives, and socio-political debates have shaped the journey towards a UCC.

(A) Pre-Colonial & Colonial Influence on Personal Laws

Prior to British rule, religious texts and customs governed personal laws. Dharmasastha-based laws governed Hindus, and Muslims followed Shariat (Islamic law). The laws were not codified and manifested themselves differently around the country. Village panchayats and the opinions of religious scholars typically enforced them.⁸

While the British colonial administration (1757–1947) systematically codified personal laws,

⁵ Agarwal, SK, *Personal Laws in India: A Comparative View*, Eastern Book Co., 2019, p. 75

⁶ *Sarla Mudgal v. Union of India* 1995 AIR 1531, 1995 SCC (3) 635

⁷ Goa, Daman and Diu Administration Act, 1962

⁸ Derrett, J. D. M. *Religion, Law and the State in India*. 1968, p. 112

they did so while retaining distinctions based on religion. Key developments included:

- Regulation VII of 1832 Provided for the Rule of “Hindus and Muslims by their respective religious laws in marriage”, inheritance, and religious endowments.
- Provide drafts of a uniform civil law, omitting the corresponding drafts of the personal law to enable a Lex Loci Report for that draft (1840).
- Shariat Act, (1937). Enacted to regularise Islamic personal laws and circumscribe the place of customs among Muslims.

British rule added its own set of written laws in the areas of crime and contract “*Indian Penal Code, 1860; Indian Contract Act, 1872*” but retained personal laws, preserving a form of legal pluralism based on religious communities.⁹

(B) Codification of Personal Laws: Hindu Code Bill, Muslim Personal Law

Reforming personal laws to provide gender justice and uniformity was one of the post-independence problems faced by India. “The most significant initial effort was via the Hindu Code Bill (1950–56) under the stewardship of Dr. B.R. Ambedkar”. This process of codification led to the four great acts:

- Monogamy and divorce were introduced under the “*Hindu Marriage Act of 1955*”
- Property Rights Daughters- “*Hindu Succession Act, 1956*”
- “*Hindu Minority and Guardianship Act, 1956*” – Specified guardianship laws
- “*Hindu Adoptions and Maintenance Act, 1956*” — Consistent principles of adoption.

The Hindu code bills reformed Hindu family law but were controversial because of opposition from orthodox groups.¹⁰ Comparatively, Muslim personal laws were largely untouched. The Muslim family was still governed through the Shariat Act of 1937. Religious organizations vigorously opposed reform efforts, exemplified by the “*Shah Bano case controversy (1985 AIR 945).*”

(C) Landmark Judicial Interventions: From Shah Bano to Shayara Bano Case

In this respect, Indian courts have been instrumental in pushing forward the need for the UCC and gender justice. Here are examples of how the judiciary has slowly begun to change its position:

⁹ Menski, Werner, *Hindu Law: Beyond Tradition and Modernity*, 2003, p. 212

¹⁰ Baxi, Upendra, *Law and Poverty: Essays on the Indian Condition*, 1988, p.134

- a) Shah Bano Case (1985) - In the case of “*Ahmed Khan v. Shah Bano Begum*”¹¹ The apex court held that a Muslim woman had a right to maintenance under Section 125 of the CrPC, which imparted a secular understanding of the law. The enactment of the Muslim Women later nullified the ruling.¹²
- b) Sarla Mudgal Case (1995). — The Supreme Court, in the case of “*Sarla Mudgal v. Union of India*”¹³, condemned the practice of resorting to religious conversions for polygamous marriages, stressing the necessity of UCC.
- c) Daniel Latifi Case (2001). — In the case of “*Daniel Latifi v. Union of India*”¹⁴, the Supreme Court reaffirmed the principles laid down in Shah Bano and held that a divorced Muslim woman is entitled to reasonable maintenance also beyond the iddat period.
- d) Shayara Bano Case – “*Shayara Bano v. Union of India*”¹⁵, it was held in the instant triple talaq matter that triple talaq was unconstitutional (not enforceable) in respect of Muslim women, hence holding up the constitutional obligation of gender justice and indicating that the time has come to reform the Muslim personal law.¹⁶

(D) Previous Efforts & Recommendations on UCC (Law Commission Reports, Constitutional Debates)

Several committees and law commissions have examined UCC:

- a) Constituent Assembly Debates, (1948-49)
 - Dr B.R. Ambedkar supported UCC and contended that personal laws must be changed to abide by the Constitution.¹⁷
 - Of course, Maulana Hasrat Mohani and others opposed it, and hence, UCC found a place under “Article 44 (Directive Principles of State Policy) instead of Fundamental Rights”.
- b) Law Commission Reports:
 - Law Commission of India, Consultation Paper on Reform of Family Law, 2018: 21st Law Commission Report (2018): Piecemeal reforms vis-a-vis immediate transfer to UCC.

¹¹ *Ahmed Khan v. Shah Bano Begum* (1985 AIR 945, 1985 SCR (3) 844

¹² Protection of Rights on Divorce Act, 1986

¹³ *Sarla Mudgal v. Union of India* (1995 AIR 1531, 1995 SCC (3) 635)

¹⁴ *Daniel Latifi v. Union of India* (2001 7 SCC 740)

¹⁵ *Shayara Bano v. Union of India* (2017 9 SCC 1)

¹⁶ Seervai, H.M., 2017, p. 432, 4th edn, *Universal Law Publishing, Constitutional Law of India*

¹⁷ Constituent Assembly Debates, Vol. VII, p. 548

- Section 185 of the 2002 Report Law Commission of India, Review of the “*Indian Divorce Act, 2002*” addressed the codification of personal laws but drew attention to solid resistance from minority communities.
- c) Government Initiatives:
- The only reasonably functional model of a UCC that we have, one inherited from Portuguese law, ignores the principle underlying special legislation by governing all communities uniformly “*Goa, Daman and Diu Administration Act, 1962*”.
 - UCC (2023-24) was once inserted into debates on balancing constitutional secularism and religious freedoms, as the Narendra Modi authorities fulfilled.

Religion-driven pluralism has marked “the evolution of personal laws in India”, with the judiciary intervening and the legislature deliberating on many occasions. The Need for Uniform Civil Code Feminist scholars have argued that Hindu laws have been codified, but not Muslim, Christian and Parsi laws, which leads to gender discrimination and fragmentation of law. From Shah Bano to Shayara Bano, judicial pronouncements have repeatedly endorsed the need for legal uniformity, but opposition from conservative groups and political equations have kept UCC at bay. Instead of sudden codification, incremental legal reforms are relatively more realistic steps toward UCC in India.

III. LEGAL & CONSTITUTIONAL CHALLENGES IN IMPLEMENTING UCC

“Implementing a Uniform Civil Code (UCC) in India faces significant legal, constitutional, and socio-political challenges. While Article 44 of the Indian Constitution directs the state to implement UCC”, it clashes with fundamental rights ensuring religious freedom. Courts have frequently interpreted UCC within this tension, but legislative and political complexities continue to delay its enactment.

(A) Fundamental Rights vs. Directive Principles Conflict

The “Fundamental Rights (Part III) and Directive Principles of State Policy (Part IV)” may be legal obstacles to the enforceability of UCC.

By professing this, the “Article 44” of the Constitution reads as follows

- Article 44: Uniform civil code for the citizens. — The State shall endeavour to secure a uniform civil code for the citizens throughout the territory of India.
- On the other hand, Fundamental Rights “Articles 14, 19, 25-28”, which guarantee freedom of religion, are often counterproductive to the goal of uniformity professed by

the UCC.

The Supreme Court of India has repeatedly pointed out that Directive Principles cannot take precedence over Fundamental Rights:

- “Minerva Mills v. Union of India (1980 AIR 1789, 1981 SCR (1) 206): The Hon'ble Supreme Court of India held that harmony should be maintained between these constitutional provisions”.
- “Kesavananda Bharati v. State of Kerala (1973 AIR 1461, 1973 SCR (Suppl. 1): This established the Basic Structure doctrine, which meant that Parliament had no authority to change fundamental rights”.

This constitutional vagueness triggers tension between religious conformity and equal rights through customary laws. Against this backdrop, the application of the UCC demands a balancing act between homogeneity and religious autonomy.

(B) Freedom of Religion & Right to Cultural Identity (Articles 25-28)

The primary assault on UCC is found in the guarantee of religious liberty enshrined in Articles 25-28:

- “Provision 25(1): Freedom of conscience and free profession, practice and propagation of religion”.
- “Article 26 Provides religious denominations to regulate their affairs”.
- “Article 29 — Right of minority communities to preserve their cultural and religious identities”.

Many religious groups claim that the UCC violates their freedom to practice personal laws by their religion [M.P. There is an interesting discussion of this in several rulings by courts:

- Commissioner, “*Hindu Religious Endowments v. Sri Lakshmindra Thirtha Swamiar of Shirur Mutt*”¹⁸ Article. 25 gives religious freedom and such practices are within the ambit of Article. 25 if such a practice is an essential part of faith.
- “*Jan Vallamattom v. Union of India 2003*” AIR 2902¹⁹: In this matter, the constitutionality of Section 118 of the Indian Succession Act, 1925, was challenged on the ground of invalidating provisions regarding inheritance based on religion, which was held by the courts and the Supreme Court equally protecting the rights of Christian

¹⁸ “*Hindu Religious Endowments v. Sri Lakshmindra Thirtha Swamiar of Shirur Mutt*” 1954 AIR 282

¹⁹ “*Jan Vallamattom v. Union of India*” 2003 AIR 2902

minorities under the secular umbrella.

Courts agree that UCC is necessary but maintain that a person's right to freedom of religion, enshrined in the Constitution, cannot be diluted.²⁰

(C) Judicial Interpretations on UCC (Relevant Case Laws)

The judiciary has been significant in interpreting the constitutional position of UCC:

- In 1995, there came "*Sarla Mudgal v. Union of India*"²¹.

Problem: Muslim men marry Hindu girls only to contract second marriages.

Verdict: The apex court banned such conversions and reiterated the need for UCC to safeguard against misuse of personal laws.

- "*Lily Thomas v. Union of India*"²² Sarla Mudgal reiterated that conversion cannot be a way to escape polygamy".
- "*Shayara Bano v Union of India*"²³

Concern: Instant triple talaq (talaq-e-bid'ah), law and status of Muslim women

Outcome: The court struck down the practice, making strides for gender justice.

Set an agenda: Move toward reforming personal laws, setting the context for UCC (Uniform Civil Code) debates.

- "*Jose Paulo Coutinho v. Maria Luiza Valentina Pereira*"²⁴

The Apex Court cited Goa's Civil Code as a "practical model" of UCC and asserted that a uniform law does not necessarily violate the right to freedom of religion.

All these cases reinforce the belief regarding UCC, but the courts did not cross their limits and strictly said that the law should be legislated as the legislature's measure.

Legislative & Political Will: Parliamentary Discussions and Challenges

- Opposition from Religious and Political Groups Thus, while political parties have heterogeneous position on UCC, the question continues to be used as a part of electoral strategies rather than a performance of laws. In contrast, the UCC is opposed by groups such as the Muslim Personal Law Board or certain Christian groups that allege that the

²⁰ Austin, Granville, *The Indian Constitution: Cornerstone of a Nation*, 1999, p. 274

²¹ *Sarla Mudgal v. Union of India* 1995 AIR 1531, 1995 SCC (3) 635

²² *Lily Thomas. Union of India* (2000(6) SCC 224, 2000 AIR 1650)

²³ *Shayara Bano v. Union of India* (2017 9 SCC 1)

²⁴ *Jose Paulo Coutinho v. Maria Luiza Valentina Pereira* (2019 20 SCC 85)

UCC takes away the sectarian nature of marriage and inheritance and, as a consequence, represents interference by the Indian State into the religious space.

- Parliamentary Discussions

UCC has seen repeated discussions in the Parliament, but an agreement has emerged:

- 1951: The UCC proposal by Ambedkar was pushed aside and blamed on the opposition by religious leaders “*Constituent Assembly Debates, Vol. VII, p. 543*”.
 - Post Shah Bano: In 1985, “The Muslim Women (Protection of Rights on Divorce) Act, 1986 (MWA)” was enacted — overriding the Supreme Court order and proving the political unwillingness to reform Islam.
 - 2018 (Law Commission Report): Recommended incremental reform instead of a UCC.
- Goa — A Model for the
 - Under the Goa Civil Code “*Portuguese Civil Code, 1867*” “*Goa, Daman and Diu Administration Act, 1962*”, there is a uniform code on marriage, divorce, and inheritance among all communities.
 - Still, Muslim polygamy is not forbidden under this code, which demonstrates only partial uniformity.

Though judicial pleas have advanced its case, and the Constitution supports its implementation, UCC faces legal, political, and social hurdles. The conflict between “*Fundamental Rights and Directive Principles*”, sensitivity around religious freedoms, and political unwillingness ensured that UCC continued to be a touchstone for complicated legislative issues. While there have been steps towards gender justice and consistency in courts, the way ahead is through a legislative process based on a consensus.

(D) Socio-Cultural & Political Challenges in Implementing UCC

The Uniform Civil Code (UCC) has been a contentious issue in India due to its socio-cultural complexity, religious diversity, gender dynamics, and political ramifications. While the UCC aims to establish uniform personal laws, its implementation faces opposition from minority communities, religious groups, and political entities. Additionally, misinformation and public misconceptions further complicate the debate.

(E) Religious & Cultural Diversity: Resistance from Minority Communities

India is a plural society with several religious traditions, each with laws regulating various aspects of marriage, divorce, inheritance and adoption. Minority communities, especially Muslims, Christians, and Sikhs, have protested against state encroachment on religion.

a) Opposition of the Muslim Community,

- The Muslim Personal Laws are based on Sharia and governed by “*The Muslim Personal Law (Shariat) Application Act of 1937*”.
- The “*All India Muslim Personal Law Board (AIMPLB)*” has long opposed UCC, saying that it violates religious freedom guaranteed under Article 25 of the Constitution.
- “*Shayara Bano v. Union of India*”, which struck down triple talaq, also had mixed reactions from Islamic scholars, who saw it as a state invasion into family law.

b) Christian and Sikh Concerns

- “*The Indian Divorce Act of 1869*” governs the Christian laws on marriage and divorce, and many Christian groups think that UCC may change their traditional practices.²⁵
- Sikhs claim that Hindu personal laws do not apply to them and assert their identity under a separate personal law.²⁶

c) People belong to Tribal & Indigenous Communities

- Many tribal communities' customary and general religious laws do not apply to them.
- “*Thai and Mizo*” do not give consent that UCC may disturb their matriarchal and customary modes of inheritance.²⁷

IV. PATRIARCHY & GENDER JUSTICE: ADDRESSING DISCRIMINATION IN PERSONAL LAWS

The biggest argument in favour of UCC is that the present personal laws are discriminatory towards women, mainly in Muslim, Hindu and Christian communities. However, reform is difficult as patriarchal structures dominate these communities' power structures.

a) Gender Discrimination in Personal laws

- Hindu Law: Before the enactment of the “*Hindu Succession (Amendment) Act, 2005*”, daughters had lesser rights of inheritance than sons.²⁸

²⁵ Duncan M. Derrett, *Religion, Law and the State in India*, 1999, 232

²⁶ Constituent Assembly Debates, Vol. VII, p. 458

²⁷ Austin, Granville, *Working a Democratic Constitution*, 2003, p. 542

²⁸ M.P. Jain, *Indian Constitutional Law*, 8th edn, 2020, p. 634

- Muslim Law:

Under Islamic law, a female inherits only half that of a male, prompting fears of gender discrimination.

By the way, polygamy continues to be legal (although it has been challenged in “*Sarla Mudgal v. Union of India*”).

- Christian Law: “*The Indian Succession Act of 1925*” denied women inheritance rights among Christians until 2001.

b) Scope of Legal Reforms and Judicial Arm

- “*Mary Roy v. State of Kerala (1986 AIR 1011, 1986 SCR (1) 371)*²⁹”: Invalidated male favouring provisions in Christian succeeded law
- “*Shayara Bano v. Union of India*”: If ever there was a single piece of litigation on the issue of gender equality that made the sunrise in the east, it was the petition filed by Shayara Bano, which led to triple talaq being held unconstitutional.
- “*Josephine v. Union of India*”: One more step towards gender justice: Decriminalization of adultery laws.

UCC is perceived to be feminist because it is non-discriminating, but various women's organizations stand against it; their criticism is rooted in the apprehension against a communal Hindu-driven legal structure instead of a secular one.

Political Polarisation & Vote Bank Politics

The UCC discourse is highly politicized, with political parties engaging in vote-bank politics under the garb of reforms.

a) BJP’s Push for UCC

The central ruling party, the BJP, has always supported UCC among various pro-UCC parties, maintaining that it is crucial for national integration. On the other hand, opposition parties argue that the BJP's position is to appease Hindu voters, and that does not ensure the same law for everyone.

b) Opposition Congress & Regional Parties

The INC has historically been more cautious, consistently citing fears of minority rights being revoked. In particular, regional parties of states like Tamil Nadu, West Bengal, and the

²⁹ “*Mary Roy v. State of Kerala*” (1986 AIR 1011, 1986 SCR (1) 371)

Northeast are wary of the UCC interfering with customary practices.

c) Political Will as a Subject of Judicial Observation

In “*John Vallamattom v. Union of India*”, the court requested Parliament to consider a UCC with no laws being passed seriously. 1978 Shah Bano Case, Political pressure forced the Rajiv Gandhi Government to dilute the Supreme Court recommended UCC through the “Muslim Women (Protection of Rights on Divorce) Act, 1986”.

Public Perception & Misinformation Regarding UCC

(a) UCC Scope Misinformation

There are many misconceptions among the masses about the UCC, including that it intends to do away with religious bodies (which is incorrect) and instead provides a uniform framework that covers all laws. These narratives often portray UCC as a danger for minorities and stoke distrust.

Fake news and propaganda have instilled fear, especially among Muslims and Christians³⁰.

(b) Need for Public Awareness

In order to have an informed debate, the government should: Hold national consultations with all the communities of faith. Assure that religious practices will be untouched by UCC but only by personal laws.

(c) Education Legally Academic

In 2018, “the Law Commission of India published a Consultation Paper recommending incremental changes rather than immediate implementation to pursue legal reforms towards a UCC”. According to scholars like “*Madhav Khosla and Upendra Baxi*”, constitutional morality rather than political CONSIDERATIONS must inform public discourse on UCC.³¹

Much of the socio-cultural and political problem regarding UCC lies in its sheer religious diversity, gender bias, politics, and public misconception. Despite the push for progressive legal interpretations by courts, implementation has been slow due to political ambivalence and opposition from religious communities. All future UCC legislation must be balanced and inclusive to be palatable.

V. COMPARATIVE ANALYSIS: UCC MODELS IN OTHER COUNTRIES

The Uniform Civil Code (UCC) is not new in India. Countries worldwide have codified secular

³⁰ Zoya Hasan, 2011, p. 328, *Politics of Inclusion: Castes, Minorities, and Affirmative Action*

³¹ Baxi, Upendra, *The Indian Supreme Court and Politics*, 2015, p. 142

family laws that apply equally to all citizens, irrespective of religion. This also helps us understand the impact of Harmonization and uniformity on social integration in these jurisdictions, which may offer lessons for the Indian legal system.

a) France: Laicize & Laws Family in Secular Contexts

France is characterized by a strict separation of church and state, also known as laicized (secularism). As stated in the “*French Civil Code (Napoleonic Code, 1804)*”:

- Marriage and divorce laws are uniform for all citizens.
- Transfer of marriage to the state, separation between marriage and religion.
- Language → Religions must be followed by choice and not by rule.

Though this protects against disparate legal interpretations within France, critics charge that it restricts freedom of religion.

b) Turkey: Adoption of Atatürk’s Reforms and Swiss Model

Under “*Mustafa Kemal Atatürk in 1920*”, Turkey implemented a secular legal system that substituted Sharia-based family laws for a “modified version of the Swiss Civil Code (1926)”.

Key aspects:

- Outlawed polygamy and improved conditions for women in order to have a divorce.
- Marriage is civil, the only form recognized by law; other forms, especially religious, are not recognized.
- Uniformity in personal laws is incorporated into the national legal framework.

Turkey, however, has experienced cultural backlash, with increased calls for Islamist legal reform in recent years.

(c) Secular States of Another Kind: Indonesia & Tunisia

- Indonesia has a dual legal system, which permits religious laws to be enforced on Muslims while upholding a – technically secular – civil code when it comes to interfaith issues. It maintained an Islamic identity in law while abolishing Islamic polygamy and introducing progressive inheritance rights.

(A) Learning for India: The Debate on Harmonization vs. Uniformity

UCC highlights the Harmonization vs. uniformity debate that has been seen internationally.

- Uniformed State (France, Turkey): Enforcing the same civil code on all individuals’ consequences of public policy that ignores religious plurality.

- Harmonization model (Indonesia, Tunisia): Permits hybridization of religious and secular laws, incremental reforms it takes

Key Takeaways for India:

- Slow Evolution of Law: Instead of suddenly imposing a stringent UCC, India can implement incremental reforms in personal laws.
- Civil Marriage: The French model of making civil marriage mandatory could serve as an alternative to India's many personal laws on marriage.
- Judicial supervision: Courts can serve as an important check on constitutional safeguards, like in Turkey and Indonesia.

(B) Social Integration & Legal System

(a) Social Integration

This has happened to countries with a unified legal order:

- Great national unity (e.g., France, Turkey).
- Opposition of religious communities, hence gradual legal assimilation (ex: Indonesia)

(b) Legal System Efficiency

- A UCC significantly abates legal pluralism and efficiently delivers justice.
- This abolishes contradictory personal laws and prevents forum shopping in courts, such as in the "*Sarla Mudgal case, 1995*"

The study of UCC Models demonstrates that legal uniformity is possible, but socio-religious opposition to this kind of reform must be tackled. Indians must tread the difficult path of harmonizing orthodoxy with constitutional principles and diversity. However, if they undertake a violent transition, legal compulsion is the wrong path post-constitutional transition.

VI. THE WAY FORWARD: LEGAL & POLICY RECOMMENDATIONS

A balanced approach to the complex legal-social-political issue of implementing a Uniform Civil Code (UCC) in India would require more than mere political rhetoric since it is unlikely a single silver bullet; a stepwise and consultative approach will need to be taken. Here are pragmatic legal and policy options for the way forward.

(A) Need for Gradual Reforms: Uniformity vs. Harmonization Approach

India had to debate extensively whether its implementation should be complete legal uniformity or a harmonized model that integrates personal laws.

- a) The approach of Harmonization over gradual
- Rather than imposing a constitutional UCC instantaneously, India can follow a phase-wise reform strategy beginning with identifying the unequal provisions in existing personal laws followed by their repealing/amendments.
 - The Law Commission of India's 2018 report recommended "piecemeal reforms" rather than a new code, as India is a country of radical diversity.³²
- b) Sectorial Reforms Prior to Full UCC Implementation
- Marriage & Divorces: There are standard norms, along with special procedures (such as those mentioned under the Special Marriage Act, 1954, to preserve religious customs).
 - Inheritance and Property Rights: Gender-neutral inheritance rights allow equal succession of properties from all communities.³³
 - Adoption & Guardianship: Bring personal laws in line with the secular framework of guardianship and adoption under the Juvenile Justice (Care and Protection of Children) Act, 2015.

(B) Role of Judiciary & Legislature in Progressive Legal Reforms

The gradual and fair enactment of the UCC would require strong legislative and judiciary directions.

- a) Interpretation & Evolution of Law by the Judiciary
- Courts have repeatedly highlighted the necessity of a UCC while striking a balance between fundamental rights and religious freedom.
 - Key judicial pronouncements:
 - “*Sarla Mudgal v. Union of India*” – Emphasized the necessity of a uniform law on marriage.
 - “*John Vallamattom vs. Union of India*”—Personal laws discriminatory against and violating the fundamental right to religious freedom of women were struck down as unconstitutional.
 - Triple talaq was quashed in “*Shayara Bano v Union of India*”, upholding avowed gender justice.

³² Law Commission of India, Report No. 277: Consultation Paper on Reform of Family Law, 2018.

³³ Mulla, Hindu Law, 23rd edn, 2018, p. 452

b) Legislature's Role in Drafting Consensus UCC

- The Parliament should have bipartisan talks to prevent the UCC issues from being politicized.
- A draft of the UCC should be presented to a parliamentary committee for countrywide consideration.³⁴

(C) Ethical Dimensions of AI in Research & Innovation for UCC Implementation

Artificial intelligence (AI) has played a more prominent role in legal research, policymaking, and judicial decision-making for a while now. Now that tracking and predicting human behaviour is an area where AI can do wonders, its potential to help in such an area is opened as well. AI can provide evidence-based reforming, predictive impact assessment, and faster adjudication of disputes around personal laws, so it can help when applying the Uniform Civil Code. Using AI in UCC policy has raised questions about bias, transparency, and accountability.

(D) AI for UCC legal research and policymaking

AI-based tools are transforming legal research and policy formulation, especially comparative legal analysis and legislative drafting.

a) AI-Powered Legal Research

- Examples include AI systems like Manupatra, SCC Online, and AI-assisted legal assistants (CaseIQ, LexisNexis AI) that enable rigorous case law analysis and cross-jurisdictional studies for policymakers in drafting UCC.
- AI can assist in identifying inconsistencies in personal laws, aiding in a harmonized legal framework.

b) Drafting Legislation and Making Recommendations Policy

- For example, AI-based Natural language processing NLP can study historical judgments (*E.g., Sarla Mudgal, Shayara Bano, Air India Statutory Corporation v. United Labour Union*) and suggest draft UCC clauses by precedent
- Rajeshwar Rao, deputy secretary in the Centre for Input and Research Services in the, world, various governments, such as the governments of Singapore, Estonia, and others, use AI for the analysis of legal text and legislative drafting, ultimately setting an

³⁴ *Seervai, Constitutional Law of India, 4th edn, 2015, p. 847*

example for implementing UCC in India.

(E) UCC Predictive Analytics for Estimating Socio-Legal Impact

Predictive AI-driven models could help measure UCC's effect on society, the economy, and legal frameworks.

a) Prediction of Industrial Social, and Legal Responses

- Applying machine learning tools to past legal reforms (for example, the Hindu Code Bill and the judgement about the challenge to the Triple Talaq).
- These models can estimate the likelihood of resistance and public sentiment against those reforms.

To take a step before the UCC implementation faces difficulties, the social media discourse can be analysed to check the accompanying sentiment.

(b) Detecting patterns in Case Law

- AI can examine thousands of judgments and petitions filed under personal laws and will be able to assess the following:
 - Frequent Domains of Litigation (e.g., divorce, inheritance disputes)
 - UCC can also be used to reduce case backlogs.

(F) Ethics Santos: The bias of artificial intelligence in legal policy formulation

However, using AI-based policymaking for UCC entails ethical implications, including algorithmic bias and fairness.

a) Case Study 1: Algorithmic Bias in Legal Data

- Regression to Past Biases AI models trained on historical legal judgments may carry forward the baggage of previously biased judicial decisions and legislation.
- For example, in Bias in AI Legal Applications, AI systems trained using judgements where the most authoritative judgement was male will, in turn, reproduce that gender bias during the formulation of UCC.

b) Discriminating against Minority Groups

- In minority personal laws, AI legal frameworks might not be sensitive to cultural specificities leading to inequitable legal disadvantages.
- The absence of representational training datasets risks entrenching majoritarian legal views.

VII. CONCLUSION

Widespread confusion looms over the on-going argument about the Uniform Civil Code (UCC), one of India's most convoluted and divisive legal matters. Though Article 44 of the Directive Principles of State Policy (DPSP) provides for a UCC, a constitutionally mandated need exists, and cultural pluralism, religious diversity, and various socio-political problems are potential hurdles to its implementation. We have discussed the historical background, statutory and constitutional issues, socio-cultural barriers, global trends and the perspective of AI in the process of UCC framing by giving an all-embracing view of the matter.

(A) Summary of Key Findings

a) The study highlights that:

- **Evolution Over Time:** Personal laws in India have significantly evolved from colonial codifications to reforms in the post-independence era and judicial interventions that have redefined their interpretation. The Shah Bano (1985) and Shayara Bano (2017) cases highlighted the pressing demand for gender justice within personal laws.
- **Legal & Constitutional Challenges:** The tension between First Principles (*Articles 25-28*) and Directive Principles of State Policy (*Article 44*) has put the Courts in a bind, forcing them to artfully sidestep a direct resolution and advocate for a slow, tentative middle-path defined by consensus.
- **Challenges Related to Socio-Politics:** The presence of religious minorities (Islam) that resist uniform civil laws is another major challenge related to implementing the UCC, which provides the bumper of socio-politics and mal-informed political polarisation, resulting in a lack of uniformity in approach towards civil laws.
- **It arises from Comparative Global models:** uniform laws have been adopted by countries like France and Turkey, but India's religious and cultural diversity makes it unsuitable to follow a local model.
- **AI use in Implementing UCC:** While data-driven and transparent approaches can inform legal reforms, legal research through AI models, predictive modelling in policy implementation, and ethical safeguards can benefit the UCC's journey into practice.

(B) Balancing Constitutional Mandate with Cultural Pluralism

One of the significant issues concerns the reconciliation between constitutional principles and cultural pluralism. Though UCC seeks equal and uniform law for all citizens, India has multiple

religious traditions for which the change process should be gradual, inclusive, and consultative. The judiciary has recognized the necessity for progressive reforms and has ruled that UCC will in no way violate the freedom of religion guaranteed under the Constitution but will only enforce equality in personal laws.

a) UCC & Cultural Diversity: 6 Principles to Strike a Balance

- Gender Justice & Equality: No reform can meet this constitutional requirement (as pointed out in “*Madhu Permal v. State of Karnataka*”). An introduction to the 2009 report of the National Coalition of Women against Violence Against Women without addressing gender discrimination in personal law. Hence, any reform necessary in the rights process must end this discriminatory practice while upholding the autonomy of religion.
- To be secular and not impose: Such an approach should not seek to impose uniformity but harmonize existing laws and their collective acceptance through dialogue.
- Compliance: Cooperation between the judiciary, legislature, and religious scholars is essential for successfully implementing the UCC.

(C) Roadmap for Implementation of UCC in a Progressive & Inclusive Manner

Due to the legal, social and political complexities of UCC implementation, a series of phased approaches will be needed:

- a) Step-by-Step Rules: Rather than a unified code, unify marriage, divorce, and inheritance.
- b) Consultation with Stakeholders: To assist in developing an inclusive legal framework, a range of consultations should take place, including with legal experts, religious leaders, civil society organizations, and the public.
- c) Public Awareness & Legal Literacy: Counter misinformation and fears with awareness and ground-up legal literacy campaigns
- d) AI & Data-Driven Legal Policy: Evaluate social impact assessment and predict disputes, along with considerations to ensure equitable decision-making in law, using AI-based predictive analytics.
- e) Judicial & Parliamentary Scrutiny: Establish a Parliamentary Standing Committee and Judicial Review Mechanism to oversee the implementation of UCC, avoid prejudice, and guarantee compliance with the Constitution.

(D) Final Thoughts: Towards a Just & Equitable Legal Framework

The question is whether there is a positive correlation between secularism and the implementation of the UCC, as opposed to a negative correlation between UCC and secularism, or rather, that the UCC must be implemented regardless of opposition and reaction from religion to be considered a stride towards legislative uniformity and social justice. A fair and just legal framework seeks to balance:

- Freedom of the individual, but with your constitutional guarantees
- Religiously sanctioned gender justice.
- Uniformity of law in diversity of culture

Even though it is nowhere close to completion, India's legal and policy structure should have inclusive, transparent, and acceptable reforms. Making such measures harmonious and fair will not become an unjust, iniquitous thing as that might but brand India to develop into dragging up a fair, equitable, and virtuous conjuring of law.
