

# INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

---

Volume 7 | Issue 4

---

2024

© 2024 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

---

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestions or complaints**, kindly contact [Gyan@vidhiaagaz.com](mailto:Gyan@vidhiaagaz.com).

---

**To submit your Manuscript** for Publication in the **International Journal of Law Management & Humanities**, kindly email your Manuscript to [submission@ijlmh.com](mailto:submission@ijlmh.com).

---

# Uniform Civil Code and Application of New Criminal Laws in India: An Analysis

---

DIBAKAR DAM<sup>1</sup>

## ABSTRACT

*The presentation of a Uniform Civil Code (UCC) in India nearby unused criminal laws like the Bhartiya Nyaya Sanhita, Bhartiya Nagarik Suraksha Sanhita, and Bhartiya Sakshya Adhiniyam of 2023 points to modernize lawful methods, improve responsibility, and advance social agreement. Ordered by Article 44 of the Structure, the UCC endeavours to make a bound together lawful system independent of religion, cultivating correspondence and equity. Be that as it may, its usage requires adjusting consistency with regard for differing social standards and person rights. The Bhartiya Nyaya Sanhita looks for to assist trials and move forward responsibility, whereas the Bhartiya Nagarik Suraksha Sanhita points to reinforce citizen security measures. The BSB 2023 addresses deception and prove keenness in lawful procedures. Actualizing these laws beneath a UCC means a move towards harmonizing individual laws and building up common standards for civil and criminal things. In spite of its dynamic aim, concerns hold on with respect to devout opportunities and social independence. In this way, accomplishing the goals of Article 44 requires comprehensive policymaking and affectability to different societal viewpoints to guarantee an even-handed and comprehensive legitimate system in India.*

**Keywords:** Uniform Civil Code, Bhartiya Nyaya Sanhita (BNS), Bhartiya Nagarik Suraksha Sanhita (BNNS), Bhartiya Sakshya Adhiniyam.

## I. INTRODUCTION

The debate on the require for a uniform civil code dates back to the days of the arrangement of the Indian republic, in spite of the fact that it is not composed in the Structure as to when it would be actualized. The call for a UCC draws its authenticity from Article 44 of the Directive Principles of State Policy, which lays down that the State should endeavours to secure for the citizens a uniform civil code all through the domain of India. An investigation of the history and changing setting of the UCC uncovers a complex blend of legislative issues, religion, and colonial changes. Amid British run the show in India, the exertion of the British to build up a uniform lawful framework with regard to marriage, separate, and progression through acts like the Indian Christian Marriage Act, 1872 and the Indian Separate Act, 1869 heightens the talk

---

<sup>1</sup> Author is a student at School of Law, Brainware University, Barasat, India.

about over the inconvenience of European honours on assorted inborn societies in a colonial setting. It is contended that, in spite of the fact that the UCC was conceived in the structure as a degree of socio-legal changes guaranteeing sex equity and balance, the Indian National Congress - the prevailing political party amid the freedom development - made it a portion of the race manifestos and subsequently utilized it as a political device to mobilize the vote banks of devout bunches and to solidify its control. The Hindu Code Adhiniyam, which looked for to cherish the rights of a Hindu family administered by certain schools of Hindu law over all its individuals and to correct and bind together the law of legacy and the law of progression, raises one of the most punctual endeavours of the recently free Indian government to change the individual laws of citizens in India. The Hindu Code Adhiniyam was met with solid restriction, stamped by exuberant open and parliamentary wrangles about and a concerted exertion by Hindu traditionalists and an organization called the All-India Women's Conference to drive the government to pull back the Adhiniyam. It has been recommended in the political and scholarly talks around the UCC that such solid resistance might be unavoidable, since any move to grant legitimate impact to the Mandate Standards, particularly the UCC, would cruel the state may meddle with the individual laws practiced by devout groups. With the later judgment by the Incomparable Court of India to discredit the hone of triple talaq, the weight upon the government to move towards a UCC has expanded. The judgment was freely invited by the current administering Bhartiya Janata Party and a few women's rights organizations as a progression of sexual orientation correspondence and minority rights. Be that as it may, such advance is too rejected by the resistance parties who Adhiniyam the government of utilizing the issue simply as a political strategy to occupy people's consideration from the arrangement disappointments. The UCC was highlighted in a later stand-off between the BJP and the Indian National Congress when the pioneer of the BJP called upon the Congress to clarify its position on the UCC, contending that the Congress was a deterrent to the advancement of sex uniformity and equity. As a matter of truth, the Congress has been beneath maintained weight from the BJP to announce the party's position on the UCC. Such strategic contestations around the UCC in Indian legislative issues nowadays emphasize the require for basic examination into the part of competing philosophies, voices, and techniques in this exceedingly disagreeable issue.<sup>2</sup>

---

<sup>2</sup> Riya Puniyani, "Uniform Civil Code and Conflicts of Personal Laws," Chaudhary Charan Singh (CCS) University, IIMT College of Law, July 31, 2020.

## II. CONCEPTUAL FRAMEWORK

### (A) Definition of UCC:

The Uniform Civil Code refers to a set of laws that would apply to all individuals, any how of their religion. presently, different persuasions in India have their own separate laws. The issue of enforcing a invariant civil law has been extensively batted and is seen as a significant content in legal exchanges moment. One of the main arguments in favour of the invariant civil law is that it would promote gender equivalency. Proponents claim that particular laws, which are grounded on religious Holy Writ, unfairly distinguish against women. temporal laws, on the other hand, give better rights for women in areas similar as conservation and divorce. It's important to note, still, that Indian law formerly has temporal laws in place for important matters similar as marriage, divorce, relinquishment, and heritage. These laws apply to all citizens, any how of their religious cooperation. The conflict arises due to the actuality of particular laws specific to each religion. Opponents of the invariant civil law argue that such a law cannot be accepted in a different country like India, as it may hang the country's artistic and religious diversity. They believe that India's society is made up of colourful persuasions, languages, societies, and customs, and a invariant law would be mischievous to this diversity. Proponents, on the other hand, argue that the Indian Constitution guarantees abecedarian rights and promotes confinity in diversity. The Constitution also empowers the government to abolish practices that degrade the quality of women. It's worth noting that enforcing a mandatory invariant civil law would bear maturity support in the Indian Parliament. presently, the Supreme Court has emphasized the significance of enforcing a invariant civil law in order to cover the quality of women in several cases.<sup>3</sup>

### (B) Background

Since the time of colonization, different religious communities in India have been subject to their own unique particular laws, performing in a fractured legal system. The end of a Uniform Civil Code is to replace these particular laws with a set of common rules that apply to all citizens, irrespective of their religious practices. The Indian Constitution, which was established in 1950, states that the state shall make sweats to establish a Uniform Civil Code for all citizens across India.<sup>4</sup>

Still, this ideal has not been achieved due to opposition from colourful religious groups and

---

<sup>3</sup> M.P. JAIN, *Indian Constitutional Law* (LexisNexis, New Delhi, 8th edn., 2022).

<sup>4</sup> V. N. Shukla, *Constitution of India* (Eastern Book Company, Delhi, 13th edn., 2019).

political parties. The debate girding the perpetration of a Uniform Civil Code is nearly tied to the conception of denomination in India. sympathizers argue that a Uniform Civil Code is pivotal to uphold the ideals of equivalency and justice in a temporal society. On the other hand, opponents believe that the different nature of ultramodern India should be conceded and admired within the legal frame. presently, family matters in India are governed by a range of particular laws, including the Hindu Marriage Act of 1955, the Hindu Succession Act of 1956, the Indian Christian Marriage Act of 1872, the Indian Divorce Act of 1869, and the Muslim Personal Law (Shariat) Application Act of 1937. Other religious communities also have their own specific laws, and each community has the authority to modify and codify its customs. The actuality of multiple particular laws has given rise to social issues and inconsistencies in the legal protections of individual rights, particularly for women and religious nonages. It's extensively accepted that the current legal frame, grounded on particular laws, is decreasingly shy in addressing the requirements of a fleetly changing society and icing social confinity. The demand for a Uniform Civil Code has resurfaced in recent times, with the ruling party, the Bhartiya Janata Party, championing for it as part of their political docket to promote Hindu nationalism. This has sparked farther conversations and difficulties regarding the unborn direction of family law reforms in India.<sup>5</sup>

### **(C) Development of Criminal laws in India**

The development of criminal laws in India has been a dynamic process, evolving over time to address emerging challenges and align with societal needs and values. The Indian Penal Code (IPC), enacted in 1860 during British colonial rule, forms the cornerstone of criminal law in India<sup>6</sup>. It codified substantive criminal offenses and their punishments, drawing upon principles of English common law and indigenous legal traditions. Since then, the IPC has undergone several amendments to keep pace with changing social, economic, and technological landscapes. These amendments have aimed to modernize the criminal justice system, enhance the effectiveness of law enforcement, and ensure the protection of individual rights and liberties. Additionally, specialized criminal laws have been enacted to address specific offenses and issues. For instance, the Criminal Procedure Code (CrPC) of 1973 lays down the procedural framework for the investigation, trial, and adjudication of criminal cases.<sup>7</sup>

The Code of Criminal Procedure Amendment Act, 2008 introduced significant reforms to expedite trials, protect the rights of victims and witnesses, and enhance the efficiency of the

---

<sup>5</sup> M. Hidayatullah, *Mulla Principles of Mahomedan Law* (19th edn, Lexis Nexis 2011) 261.

<sup>6</sup> K D Gaur, *Indian Penal Code* (Universal, 7th edn., 2020).

<sup>7</sup> R.V. Kelkar's, *Criminal Procedure* (Eastern Book Company, Lucknow, 7th edn., 2021).

criminal justice system. Moreover, new criminal laws have been enacted to tackle emerging challenges such as cybercrimes, terrorism, and crimes against women and children. The Information Technology Act, 2000, and its subsequent amendments provide legal provisions to address offenses related to cybercrime and electronic evidence. The Protection of Children from Sexual Offences (POCSO) Act, 2012, aims to prevent and punish sexual offenses against children, prioritizing the rights and protection of minors. Furthermore, legislative efforts continue to address gaps and shortcomings in the criminal justice system, with ongoing discussions on reforms to strengthen procedural safeguards, promote rehabilitation and reintegration, and enhance access to justice for all individuals. Overall, the development of criminal laws in India reflects a commitment to upholding the rule of law, protecting individual rights, and ensuring public safety in a rapidly evolving society.<sup>8</sup>

**(D) Research Objective:**

To examine the implications of introducing a Uniform Civil Code (UCC) in India alongside new criminal laws such as the *Bhartiya Nyaya Sanhita*, *Bhartiya Nagarik Suraksha Sanhita*, and *Bhartiya Sakshya Adhiniyam* of 2023, with a focus on modernizing legal processes, enhancing accountability, and promoting social cohesion.

Specifically, the research aims to:

1. Assess the objectives and provisions of the proposed UCC and new criminal laws, including their alignment with constitutional principles and objectives outlined in Article 44.
2. Investigate the potential challenges and opportunities associated with implementing a UCC in India, considering factors such as religious freedoms, cultural diversity, and individual rights.
3. Analyse the impact of harmonizing personal laws and introducing common standards for civil and criminal matters on legal frameworks, social dynamics, and national integration.
4. Evaluate the effectiveness of the *Bhartiya Nyaya Sanhita*, *Bhartiya Nagarik Suraksha Sanhita*, and *BSB 2023* in achieving their respective goals of enhancing legal processes, citizen security measures, and evidentiary standards within the context of a UCC.
5. Explore the concerns and perspectives of various stakeholders, including religious communities, legal experts, policymakers, and civil society organizations, regarding the

---

<sup>8</sup> S.N. Misra, *The Code of Criminal Procedure* (Central Law Publications, Prayagraj, 22nd edn., 2022).

implementation of a UCC and its implications for religious freedoms and social autonomy.

### III. CONSTITUTIONALITY OF UCC

The Uniform Civil Code (UCC) is a content of significant debate in India. Let's cave into its meaning, indigenous vittles, and the ongoing conversations

#### (A) Meaning of the UCC <sup>9</sup>

A UCC refers to a common set of laws that apply slightly to all religious communities in particular matters similar as marriage, heritage, divorce, and relinquishment. The primary thing is to replace the different particular laws presently governing these matters within different religious communities. By promoting social harmony, gender equivalency, and denomination, a UCC aims to exclude distant legal systems grounded on religion and insure uniformity not only between communities but also within each community.

In **Noor Saba Khatoon v. Mohd Quasim**<sup>10</sup> the supreme court held that a divorced Muslim women is entitled foe her children till they become major. Both under Muslim personal law and section 125 of Cr.P.C.

In **John Vallamatton v. Union of India**,<sup>11</sup> the supreme court ones again expressed regret for non-enactment of common civil code. The petitioner challenged the validity of section of section 118 of the Indian Succession Acton the ground that it violates Article 25 and 26 of the constitution. It is a matter of regret that Article 44 of the constitution has not been given effect to, A Common Civil Code will enhance the cause of national integration by removing the contradictions based on ideologies.

In **Pragati Varghese v. Cyril George Varghese**<sup>12</sup> the Bombay High Court struck down the section 10 of the Indian Divorce Act. the Supreme Court reaffirmed the need for a Uniform Civil Code in India to address inconsistencies in personal laws, emphasizing the importance of equal treatment and justice under a unified legal framework.

#### (B) Indigenous Vittles

Composition 44 of the Indian Constitution, a Directive Principle of State Policy, states "The State shall endeavour to secure for the citizens an invariant civil law throughout the home of India." still, being a directive principle, it isn't justiciable, meaning it cannot be executed by

---

<sup>9</sup> DR.J.N. PANDEY, *Constitutional Law of India*496 (Central Law Agency, Prayagraj, 59th edn., 2022).

<sup>10</sup> AIR1997 SC 3280

<sup>11</sup> AIR 2003 SC 2902

<sup>12</sup> AIR 1997 Bom. 349.

courts.

### **(C) Status of the Uniform Civil Code in India<sup>13</sup>**

presently, India doesn't have a UCC enforced at the public position. Different particular laws grounded on religious customs govern matters like marriage, divorce, heritage, and relinquishment for colourful religious communities. Sweats toward enforcing a UCC have been made by both the central government and some countries **Special Marriage Act, 1954** legislated to give a temporal volition for marriages, it allows civil marriage for all Indian citizens, irrespective of religion or faith. **Goa** and **Uttarakhand** have taken way toward enforcing a UCC.

### **(D) Debates and Perspectives<sup>14</sup>**

#### **In Favor**

Lawyers argue that a UCC would promote equivalency, denomination, and social cohesion. It would exclude discriminative practices and insure uniformity.

#### **Against**

Critics emphasize the need to admire artistic and religious diversity. Enterprises about implicit counterreaction and resistance from colourful religious groups persist.

## **IV. EVENTS BEFORE AND AFTER INDEPENDENCE<sup>15</sup>**

### **1. 1835 2nd Law Commission Report**

The 2nd Law Commission Report of 1835 stressed the need for uniformity in codification of Indian Laws relating to crimes, attestations and contracts but recommended that modification shouldn't extend to matters like the particular laws of the Hindus and Muslims which deduced their authority from their separate persuasions.

### **2. 1858 Queen Victoria's Proclamation**

In 1858, Queen Victoria in her proclamation promised the people of India for absolute non-interference in religious matters.

Movements made by progressive sections of British-ruled India and Women's associations led to a torrent of laws passed with respect to the Hindus which were salutary to women, similar as

---

<sup>13</sup> S. P. Sathé, 'Uniform Civil Code: Implications of Supreme Court Intervention' (1995) 30 Economic and Political Weekly 2165.

<sup>14</sup> Constituent Assembly Debates Official Report, Book No. 2, Vol. No. VII, '4 November 1948 to 8 November 1949', Lok Sabha Secretariat, New Delhi, 5th Reprint 2009.

<sup>15</sup> Tanya Sharma, "Uniform Civil Code: A Detailed Analysis", 12ACCLAIMS (2020).



the Hindu Widow Remarriage Act of 1856, Married Women's Property Act of 1874, Hindu heritage (junking of Disabilities) Act of 1928 and Hindu Women's Right to Property Act of 1937. The growing drift of legislation on particular issues, generated debate and contestation and needed a reasoned and measured response from the government of the day.

### **3. B.N. RAU Commission OF 1941**

Rau Committee of 1941, officially known as the Hindu Law Committee was assigned substantially to examine the question of the necessity of common Hindu Laws. The Hindu Law Committee recommended a codified Hindu Law which would give equal rights to women in keeping with the ultramodern trends of the society. still, it must be mentioned that its focus was primarily on reforming the Hindu Law in agreement with the Holy Writ on this content but were endless; therefore, the Hindu Code Bill lapsed and was resubmitted only in 1952

### **4. Passage of Hindu Law<sup>16</sup>**

The vittles of the Hindu Code were passed in separate corridor, videolike, Hindu Marriage Bill which was passed in May 1955, Hindu Succession Act passed in June 1956, Hindu Minority and custodianship Bill passed in August 1956 and Abdications and conservation Bill passed 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 natural graces delivering them for universal operation, the time would not be far out when other communities might like to follow suit and ask for retrospection of their own law in the light of the changed situations”.

### **5. UCC In political narrative**

There were certain arguments made by the Monotheists against the Hindu Code. originally, it was argued that there's a need to cover the hallowed traditions of the Hindu Shastras. Secondly, there was resentment from the fact that the Muslim Personal Laws remained untouched<sup>17</sup>. Thirdly, measures hadn't been calculated so as to ascertain public opinion and were being pushed through hastily and; incipiently, entitlement of equal property rights to women hovered the well- rooted profitable rights of the joker in the society. Besides this, a section tried to suggest that the Hindu Code was, after all, a collaborative measure and a Uniform Civil Code should have been made rather to give effect to the temporal ideals of the country.

---

<sup>16</sup> Dr. Paras Diwan, *Family Law* (Allahabad Law Agency, Haryana, 12<sup>th</sup> edn., 2023).

<sup>17</sup> Aqil Ahmad, *Mohammedan Law* (Central Law Agency, Prayagraj, 27<sup>th</sup> edn., 2021).

## V. ROLE OF JUDICIARY<sup>18</sup>

The judiciary in India plays a crucial role in the context of the Uniform Civil Code (UCC). Let's explore its involvement:

### **(A) Interpreting and Implementing Laws:**

- The judiciary is responsible for interpreting and implementing laws passed by the legislature.
- When conflicts arise between existing personal laws and the proposed UCC, courts must address these issues.

### **(B) Directive Principle of State Policy (Article 44):<sup>19</sup>**

- Article 44 of the Indian Constitution outlines the directive principle that mandates the state to enact a UCC.
- However, this directive principle is not justiciable, meaning courts cannot compel the government to create a UCC.
- While the judiciary recognizes the need for a UCC, the responsibility lies with the government to decide when and how to frame it.

### **(C) Balancing Religious Freedom and Uniformity:**

- The biggest challenge in implementing a UCC is reconciling it with the right to freedom of religion.
- Courts must strike a balance between ensuring uniformity and respecting cultural and religious diversity.

### **(D) Supreme Court's key compliances IN Shah Bano Case <sup>20</sup>**

The Supreme Court, in Shah Bano case, observed that it's the matter of remorse that Article 44 has remained a dead letter. Livery Civil law will help the cause of public integration by removing distant commitment to laws which have disagreeing testaments. No community is presumably going to bell the cat by making unwarranted concessions on this issue. It's the state which is the duty of securing a Uniform Civil Code and plainly, it has the legislative capability to do so. There are difficulties involved in bringing persons of different faiths and persuasions on a common platform. But a morning has to be made if the Constitution is to have any meaning.

---

<sup>18</sup> S. P. Sathe, 'Uniform Civil Code: Implications of Supreme Court Intervention' (1995) 30 Economic and Political Weekly 2165.

<sup>19</sup> The Constitution of India, art. 14, 44

<sup>20</sup> Mohd. Ahmed Khan v. Shah Bano Begum 1985 SCR (3) 844

incremental attempts of courts to ground the gap between particular laws cannot take the plea of a common civil law. therefore, justice to all is a far more satisfactory way of allocating justice than justice from case to case.

### **1. Fate of Shah Bano Case**

After the 1984 Anti-Sikh screams, utmost of the manages in India, with Muslims being the largest, stressed attacks on their identity and felt the need to guard their culture. According to them, the bar recommending the Uniform Civil Code was substantiation that Hindu values would be assessed over every Indian. The worst effect of this case was seen in the succumbing of the Rajiv Gandhi Government, when it passed a law nulling the judgment through the Muslim Women (Protection of Rights in Divorce) Act, 1986, which made Section 125 of CrPC, non-operable for Muslim Women. At that time, it was explosively condemned by the Hindu Right, the Hindu Left, Muslim Liberals and Women's Associations.<sup>21</sup>

### **Another significant judgement given by Supreme Court of India relating to Uniform Civil Code in India**

#### **2. Lily Thomas vs Union of India AIR 2000 SC 1650<sup>22</sup>**

Lily Thomas, a practicing advocate, challenged the constitutional validity of Section 8(4) of the Representation of the People Act, 1951. Section 8(4) allowed convicted MPs and MLAs to continue holding office if they filed an appeal within three months and obtained a stay on their conviction. Thomas argued that this provision violated the equality clause under Article 14 and the right to equality before the law under Article 21 of the Constitution of India.

The Supreme Court declared Section 8(4) of the Representation of the People Act, 1951, unconstitutional. The Court held that allowing convicted lawmakers to continue in office during the appeal process was contrary to the principles of democracy and equality. It emphasized that lawmakers with criminal backgrounds undermine the integrity of the legislative process and violate the trust of the people. The Court ruled that MPs and MLAs convicted of offenses punishable by imprisonment of two years or more would be disqualified from holding office immediately, without the opportunity for filing an appeal or obtaining a stay on their conviction. The Court clarified that **Directive Principles**, including **Article 44**, are not enforceable in courts as they do not create justiciable rights.

---

<sup>21</sup> Tanya Sharma, "Uniform Civil Code: A Detailed Analysis", 12ACCLAIMS (2020).

<sup>22</sup> Lily Thomas vs Union of India AIR 2000 SC 1650

### **3. Sarla Mudgal vs Union of India 1995 AIR 1531<sup>23</sup>**

The case involved the issue of bigamy and the validity of conversion to Islam solely for the purpose of contracting a second marriage without dissolving the first marriage.

The Supreme Court held that a Hindu husband, by embracing Islam and marrying again without divorcing his Hindu wife, cannot escape the penal consequences of bigamy under Section 494 of the Indian Penal Code. The Court emphasized that such conversions and subsequent marriages were invalid and amounted to an offense under the law. It declared that the practice of a Hindu husband converting to Islam solely for the purpose of contracting a second marriage while continuing the subsisting Hindu marriage was a form of fraud and was not protected under the freedom of religion guaranteed by the Constitution. The Court also urged the legislature to address the issue by enacting suitable legislation to prevent such abuses of personal laws and protect the rights of women. The judgment accentuated the need for a **uniform civil code in India**.

### **4. John Vallamattom v. Union of India (2003) 6 SCC 611:<sup>24</sup>**

The case involved a challenge to the constitutionality of Section 118 of the Indian Succession Act, 1925, which provided for different grounds for divorce for Christians compared to those under other personal laws in India. The petitioner argued that the differential treatment violated the right to equality guaranteed under Article 14 of the Constitution of India.

The Supreme Court held that Section 118 of the Indian Succession Act, 1925, was discriminatory and unconstitutional. The Court emphasized the need for a uniform divorce law in India to ensure equality and justice for all citizens. It ruled that the differential treatment under the law violated the right to equality before the law and equal protection of laws enshrined in the Constitution. The judgment underscored the importance of a **uniform civil code** to eliminate disparities and promote consistency and fairness in legal matters, including divorce laws.

These cases comprehensively accentuate the lawful and social goals for implementing a invariable gracious law in India to guaranteed equivalency, equity, and open integration over distinctive devout communities.

## **VI. ISSUES AND CHALLENGES OF UNIFORM CIVIL CODE IN INDIA**

A Uniform Civil Code (UCC) is a proposed legal framework aimed at replacing personal laws

---

<sup>23</sup> Sarla Mudgal vs Union of India 1995 AIR 1531

<sup>24</sup> Dr. Narender Kumar, *Constitutional Law of India* (Allahabad Law Agency, Haryana, 9<sup>th</sup> edn., 2022).

based on religious beliefs with a common set of laws governing civil matters such as marriage, divorce, adoption, and inheritance. Implementing a UCC in India faces several issues and challenges, which are as follows:<sup>25</sup>

**1. Religious Diversity:** India is a culturally diverse nation with multiple religions and communities, each governed by its own set of personal laws. Implementing a uniform code that transcends religious boundaries poses a significant challenge due to the potential resistance from various religious groups.

**2. Societal Resistance:** The idea of a UCC often faces opposition from conservative sections of society who view it as an infringement on religious freedoms and cultural identity. Resistance from influential religious and political groups can impede legislative efforts towards enacting a uniform code.

**3. Legal Complexity:** The existing personal laws in India are deeply entrenched and have evolved over centuries, leading to a complex legal landscape. Harmonizing these diverse laws into a single unified code while addressing the nuances and intricacies of each personal law presents a formidable challenge.

**4. Gender Equality:** Personal laws in India often contain discriminatory provisions, particularly against women, in matters such as marriage, divorce, and inheritance. Implementing a UCC is seen as a means to ensure gender equality by eliminating discriminatory practices embedded in existing personal laws.<sup>26</sup>

**5. Constitutional Implications:** The Constitution of India allows for the protection of religious and cultural rights of its citizens. Proposing a UCC raises constitutional questions regarding the balance between personal freedoms and the state's obligation to ensure equality and justice for all citizens.<sup>27</sup>

**6. Political Will:** Enacting a UCC requires strong political will and consensus among various political parties and stakeholders. The lack of political consensus and bipartisan support can hinder legislative efforts towards implementing a uniform code.

**7. Socio-Economic Factors:** Socio-economic disparities and regional variations across India pose challenges in the implementation of a uniform code. Different regions and communities

---

<sup>25</sup> S. SADHANA, Mrs.S. BHUVANESWARI," A CONTEMPORARY STUDY ON THE UNIFORM CIVIL CODE" Volume 120 No. 5 *International Journal of Pure and Applied Mathematics* 4683-4694, (2018).

<sup>26</sup> T. Ahmed, A. Bahri, A. Sana, "Can a Uniform Civil Code Address Injustices for Muslim Women in India?" [openaccess.city.ac.uk](https://openaccess.city.ac.uk), *Transnational Islamic Law and ...*, 2024.

<sup>27</sup> *Harvinder Kaur v. Harmandar Singh Choudhry* AIR 1984 Delhi 66.

may have distinct social practices and customs that need to be taken into account while formulating a common set of laws.<sup>28</sup>

**8. Legal Reforms:** Implementing a UCC would necessitate comprehensive legal reforms and amendments to existing laws. This process requires careful consideration and consultation with legal experts, scholars, and stakeholders to ensure that the proposed uniform code is fair, just, and in line with constitutional principles.<sup>29</sup>

## VII. CONCLUSIVE REMARKS

In conclusion, the proposal for a Uniform Civil Code (UCC) in India alongside new criminal laws marks a significant step towards modernizing legal processes, enhancing accountability, and promoting social cohesion. However, the implementation of such a code faces numerous challenges, including resistance from diverse religious groups, societal complexities, and constitutional implications. While the idea of a UCC aims to ensure gender equality and eliminate discriminatory practices, it requires strong political will, legal reforms, and careful consideration of socio-economic factors.

To navigate these challenges effectively, policymakers should prioritize inclusive policymaking, engage in dialogue with stakeholders representing various religious and cultural perspectives, and ensure that the proposed code respects individual rights and freedoms. Additionally, there is a need for greater awareness and education among the public about the objectives and implications of a UCC, fostering a more informed and constructive discourse on this complex issue.

Despite the hurdles, the pursuit of a UCC represents a commitment to the principles of equality, justice, and national integration. By fostering a legal framework that transcends religious boundaries and promotes uniformity, India can uphold its constitutional ideals while embracing its rich cultural diversity. Thus, while the road ahead may be challenging, it is also filled with opportunities for positive transformation and progress towards a more equitable and harmonious society.

By furnishing a common legal frame for all citizens, irrespective of their faith, a UCC seeks to promote social cohesion, gender equivalency, and individual freedom. still, the path to enforcing a Uniform Civil Code is fraught with challenges, both legal and socio-political. One of the primary enterprises revolves around the preservation of religious and artistic diversity, with critics arguing that a invariant law could undermine the autonomy of religious communities

---

<sup>28</sup> Jose Paulo Coutinho v. Maria Luiza Valentina Pereira (2019) 20 SCC 85

<sup>29</sup> Jose Paulo Coutinho v. Maria Luiza Valentina Pereira (2019) 20 SCC 85

and erode their distinct individualities. also, the sensitive nature of particular laws, deeply intertwined with religious beliefs and traditions, makes any attempt at reform a largely contentious issue, frequently sparking heated debates and resistance from colourful diggings. also, the process of making a Uniform Civil Code requires careful consideration of the different requirements and perspectives of different stakeholders, including religious leaders, legal experts, policymakers, and civil society associations. Any attempt to put a invariant law without acceptable discussion and agreement- erecting pitfalls aggravating social pressures and undermining the principles of republic and pluralism. nonetheless, despite these challenges, the case for a Uniform Civil Code remains compelling, driven by the imperatives of equivalency, justice, and individual rights. The need to ensure gender justice, cover individual freedoms, and promote social cohesion transcends religious boundaries and calls for a common legal frame that reflects the principles of a ultramodern, progressive republic. while the perpetration of a Uniform Civil Code in India may pose significant challenges, it represents a pivotal step towards realizing the ideals of equivalency, justice, and denomination elevated in the Constitution. By harmonizing particular laws and icing equal rights for all citizens, irrespective of their religious cooperation, a UCC has the implicit to foster a further inclusive and indifferent society. still, any attempt at reform must be guided by principles of discussion, agreement- structure, and respect for religious diversity, thereby balancing the imperatives of confinity and plurality in a multilateral republic like India.

\*\*\*\*\*