



## EQUALITY VS. TRADITION: UNPACKING THE UNIFORM CIVIL CODE CONTROVERSY

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### ABSTRACT

This article examines the affordability and implications of implementing a Uniform Civil Code (UCC) in India, focusing on its potential to foster unity amidst diversity. While the nation has long embraced the concept of "unity in diversity," interpersonal law conflicts persist, driven by political, social, and economic disparities. The UCC seeks to replace religion specific personal laws with a unified set of secular laws governing matters such as marriage, divorce, inheritance, and adoption. Despite repeated efforts by reformers and policymakers to achieve political and economic uniformity, social uniformity has remained elusive, exacerbating divisions rooted in religion, sects, and sub-sects. The main reason is the lack of a common legal framework for personal laws covering marriage, divorce, maintenance, inheritance, and adoption contributes significantly to social discord. The debate over the Uniform Civil Code (UCC) in India is a profound reflection of the nation's struggle to balance constitutional equality with its deeply entrenched cultural diversity. While proponents view it as a necessary step toward ensuring gender justice, upholding secularism, and fostering national integration, critics argue that it threatens India's pluralistic fabric by undermining cultural identities and minority rights. UCC emphasize its potential to eliminate gender-based discrimination prevalent in

personal laws, such as unequal inheritance rights and arbitrary divorce practices. Conversely, opponents contend that personal laws are an intrinsic part of religious and cultural traditions, and imposing uniformity risks eroding the autonomy of minority communities. This paper also highlights the practical challenges of drafting an inclusive code acceptable to India's diverse population, fearing that it may reflect the values of the majority at the expense of others. Resolving this debate requires a sensitive, inclusive approach that honours both equality and tradition, paving the way for a truly unified yet diverse society. **KEYWORDS:** Uniform Civil Code (UCC), Unity in Diversity, Social Uniformity, Interpersonal Law Conflicts, Gender Equality

### 1. INTRODUCTION

The idea of a Uniform Civil Code (UCC) has been a focal point of debate in India for decades, representing a complex intersection of law, religion, and culture. An article of the Indian Constitution in Directive Principle of State Policy, states that UCC is not legally enforceable but serves as a guiding aspiration for the government to promote equality and unity among citizens<sup>1</sup>. The UCC aims to establish a uniform set of laws governing personal matters such as marriage, divorce, adoption, and inheritance, applicable to all citizens irrespective of their religion.

Proponents argue that a UCC would reinforce the principles of equality and secularism enshrined in the Constitution by eliminating discriminatory practices in personal laws. They see it as a crucial step toward achieving gender justice and ensuring that all citizens are governed by the same legal framework in civil matters. However, opponents' express concerns about the potential erosion of religious freedoms and cultural practices. They argue that India's pluralistic ethos is built on respecting and preserving the diverse traditions and beliefs of its citizens, and a one-size-fits-all legal framework may undermine this diversity.

<sup>1</sup>Constitution of India, Art.44



Currently, personal laws in India are governed by specific religion frameworks. For instance, Hindu personal laws have been codified into acts such as the Hindu Marriage Act, 1955, and the Hindu Succession Act, 1956, covering Hindus, Sikhs, Jains, and Buddhists. Conversely, Muslims in India follow the Shariat law of 1937 for personal matters, which are decided based on interpretations of the Quran and Hadith. This divergence has led to disparities in rights and obligations across communities, fuelling the debate over whether uniformity is feasible or desirable<sup>2</sup>.

The UCC debate underscores the delicate balance between promoting equality and respecting diversity. It requires a phased and inclusive approach to address the intricate relationship between law, religion, and culture in Indian society.

## 2. UNDERSTANDING THE UNIFORM CIVIL CODE

The Uniform Civil Code (UCC) refers to a proposed legislation aimed at establishing a unified set of personal laws that would apply equally to all citizens, irrespective of their religion, sex, gender, or sexual orientation. If implemented, the UCC would replace existing codified personal laws governing matters like marriage, inheritance, and adoption, ensuring uniformity and equality across all communities.

The Uniform Civil Code (UCC) is enshrined in Article 44 of the Indian Constitution, which falls under the Directive Principles of State Policy (DPSP). The Article mandates that the State endeavour to provide a unified set of laws applicable to all citizens within the country's boundaries.

<sup>2</sup>Uniform Civil Code: Balancing Tradition and Modernity, Drishti IAS, <https://www.drishtiiias.com/daily-updates/daily-news-editorials/uniform-civil-code-balancing-tradition-and-modernity> (last visited Jan 13, 2025).

## 3. THE JOURNEY OF THE UCC: HISTORICAL AND POLITICAL PERSPECTIVES

In 1840, the British government, based on the Lex Loci report, established uniform laws for crimes, evidence, and contracts. However, they deliberately chose not to interfere with the personal laws of Hindus and Muslims. At the same time, the British judiciary in India permitted the application of Hindu, Muslim, and English laws by British judges. During this period, reformers actively advocated for laws to protect women against discrimination rooted in religious customs, such as the practice of Sati and other oppressive traditions<sup>3</sup>.

A series of laws collectively known as the Hindu Code Bill were enacted to codify Hindu personal laws. These include the Hindu Marriage Act, 1955; the Hindu Succession Act, 1956; the Hindu Minority and Guardianship Act, 1956; and the Hindu Adoption and Maintenance Act, 1956<sup>4</sup>. These laws apply not only to Hindus but also to Buddhists, Sikhs, Jains, and various Hindu denominations. The reforms granted women the right to divorce and inheritance, abolished bigamy and polygamy, and removed caste as a barrier to marriage.

The state Goa adopted the Uniform Civil Code after the Portuguese colonial rule in 1961. This step was noteworthy as it showcased the practical implementation of a UCC in India, albeit on a smaller scale within a single state.

The Uniform Civil Code (UCC) is essential for fostering societal progress in line with the Constitution's core principles of equality and non-discrimination. However, its implementation has been

<sup>3</sup> Uniform Civil Code in India – GKToday, <https://www.gktoday.in/uniform-civil-code-in-india/> (last visited Jan 13, 2025).

<sup>4</sup> Madhu Kishwar, *Codified Hindu Law: Myth and Reality*, 29 Economic and Political Weekly 2145 (1994), <https://www.jstor.org/stable/4401625> (last visited Jan 13, 2025).



hindered by a lack of decisive leadership during India's independence. At that critical juncture, a robust legal framework emphasizing liberty, equality, and fraternity values central to the Constitution was not firmly established to override laws and customs.

The UCC addresses personal matters such as marriage, divorce, inheritance, and succession. However, resistance from the Muslim clergy has been a significant roadblock, as they argue that these issues are governed by Sharia law, which they believe no Muslim can compromise. This resistance is compounded by the failure of India's political leadership to take a firm stand, particularly against the backdrop of the 1940s, when demands for a separate Islamic state led to the formation of Pakistan<sup>5</sup>.

Post-partition, India opted for a secular and democratic Constitution, reflecting the majority's preference for a liberal and inclusive state. The Hindu and Indic-religion majority, constituting 88% of the population, rejected the idea of a theocratic state, unlike Pakistan. This sentiment should have guided political leaders to insist that those who chose to remain in India, especially Muslims, align with these liberal values<sup>6</sup>. Those who prioritized religious laws above all else could have been encouraged to migrate to the newly established Islamic state. However, political hesitation prevented the drafting of a UCC.

Draft Article 35, which eventually became Article 44 of the Constitution, was discussed on November 23, 1948. The article instructed the government to create

a uniform civil code that is consistent throughout India.<sup>7</sup> However, this proposal sparked significant conflict within the Constituent Assembly, with most opposition coming from Muslim members. Several amendments were proposed to exclude personal laws from its scope, including one suggesting that the article should only take effect with the prior consent of the affected community.

Critics of the Draft Article argued that it violated the freedom of religion, risked creating disharmony within the Muslim community, and was inappropriate as it sought to interfere with personal laws without the explicit approval of the religious communities concerned<sup>8</sup>. In defence, a member of the Drafting Committee emphasized that the uniform civil code was essential for maintaining national unity and upholding the Constitution's secular foundations. He reminded the Assembly that the provision would affect all communities, including Hindus, and highlighted its critical role in securing women's rights.

During the debate, it was clarified that a uniform civil code was not a novel concept. India already had a common civil code, but its scope excluded areas like marriage and inheritance, which the proposed code sought to address. It was further noted that as a Directive Principle of State Policy, the provision was not immediately enforceable and would only be implemented with the consensus of all communities. Despite the contentious discussion, the Draft Article was adopted the same day without any amendments<sup>9</sup>.

<sup>5</sup> Partition of India, Causes, History, Impact, Significance, UPSC Notes, Vajiram & Ravi, <https://vajiramandravi.com/quest-upsc-notes/partition-of-india/> (last visited Jan 13, 2025).

<sup>6</sup> PTI, *Unlike Theocratic States like Pakistan and America, India Is Secular, Says Rajnath Singh*, The Hindu, Jan. 22, 2020, <https://www.thehindu.com/news/national/unlike-theocratic-states-like-pakistan-and-america-india-is-secular-says-rajnath-singh/article30622613.ece> (last visited Jan 13, 2025).

<sup>7</sup> Why Did Our Framers Defer the Uniform Civil Code?, Constitution of India,

<https://www.constitutionofindia.net/blog/why-did-our-framers-defer-the-uniform-civil-code/> (last visited Jan 13, 2025).

<sup>8</sup> Opposed to UCC as it's against religious freedom: Jamiat to Law Commission, Deccan Herald, <https://www.deccanherald.com/india/opposed-to-ucc-as-its-against-religious-freedom-jamiat-to-law-commission-1234467.html> (last visited Jan 13, 2025).

<sup>9</sup> Uniform Civil Code – Equality More Than Uniformity, India Foundation (Sep. 2, 2024), <https://indiafoundation.in/articles-and->



Instead, the Constituent Assembly relegated the UCC to Article 44 under the Directive Principles of State Policy, making it a mere advisory provision rather than an enforceable mandate. This move effectively deferred the responsibility to future generations. Over time, the issue has become even more complex due to evolving demographic dynamics, making the realization of a UCC an increasingly pressing but challenging task.

#### 4. THE CONSTITUENT ASSEMBLY'S STRUGGLE WITH UNIFORMITY

Muslim members, such as Mohamad Ismail Sahib, Mahboob Ali Baig Sahib Bahadur, Pocker Sahib Bahadur, and Naziruddin Ahmad, vehemently opposed the UCC, emphasizing the sanctity of personal laws as fundamental rights and expressing concerns about state interference in religious practices. They described the proposed UCC as tyrannical and unconstitutional, arguing that matters of succession, inheritance, marriage, and divorce are intrinsically tied to religious identity<sup>10</sup>.

However, a counterargument was presented by proponents like K.M. Munshi, Alladi Krishnaswami Ayyar, and Dr. B.R. Ambedkar, who challenged the resistance to reform. Munshi, in particular, was unapologetic in advocating for a separation between religion and personal law, asserting that issues like inheritance and marriage are secular matters that require legislative oversight. He cited examples from Islamic nations like Egypt and Turkey, where minorities were not afforded personal laws, and questioned why similar reforms could not be applied in India. Munshi argued that Muslims must abandon an "isolationist outlook" and align with the

progressive legal framework envisioned in the Constitution, much like Hindus had moved beyond ancient injunctions<sup>11</sup>.

Ayyar reinforced this perspective, questioning the inconsistency in Muslim resistance to a common civil code while accepting a uniform criminal code. He pointed out that the majority community had demonstrated adaptability by embracing legal reforms aligned with modern values.

Dr. Ambedkar, in his closing remarks, dismissed the opposition's arguments, emphasizing that India already had uniform laws in various domains, such as criminal law, property transfer, and contracts. The only remaining areas untouched by uniformity were marriage and succession, which he described as "a little corner yet to be addressed"<sup>12</sup>. This highlights the determination of UCC advocates to integrate personal laws into a secular legal framework, contrasting it with the reluctance of its detractors to embrace such change.

#### 5. UCC AND ITS POTENTIAL TO END DISCRIMINATORY PRACTICES

##### 5.1 SECULARISM

The implementation of the Uniform Civil Code (UCC) in India would promote secularism by ensuring that the same laws apply to all citizens, regardless of their religion. This approach could eliminate selective secularism, which is the partiality shown toward religious majorities or minorities. By treating every individual equally, the UCC would uphold the core

commentaries/uniform-civil-code-equality-more-than-uniformity/ (last visited Jan 13, 2025).

<sup>10</sup> Volume 7, Constitution of India, <https://www.constitutionofindia.net/constituent-assembly-debate/volume-7/> (last visited Jan 13, 2025).

<sup>11</sup> Purushottama Bilimoria, *Personals Laws in India: Colonial Legacy and Constitutional Debates*, Manchester Journal of Transnational

Islamic Law & Practice (2023), [https://www.academia.edu/117803375/Personals\\_Laws\\_in\\_India\\_Colonial\\_Legacy\\_and\\_Constitutional\\_Debates](https://www.academia.edu/117803375/Personals_Laws_in_India_Colonial_Legacy_and_Constitutional_Debates) (last visited Jan 13, 2025).

<sup>12</sup>Dr. Ambedkar's "little corner": the Uniform Civil Code, LawBeat, <https://lawgical.php-dev.in/bar-speaks/bar-speaks-dr-ambedkars-little-corner-uniform-civil-code> (last visited Jan 13, 2025).



principle of secularism, fostering fairness and impartiality<sup>13</sup>.

### 5.2 EQUALITY

A key goal of the UCC is to treat all Indians equally. Currently, personal laws across various religious communities lack uniformity, leading to discrepancies. For example, Muslims in India are permitted to have multiple marriages, while Hindus and Christians face legal consequences for the same practice. Such inequalities contradict the notion of equality enshrined in the Indian Constitution. The UCC, by standardizing laws on marriage, inheritance, family matters, and land ownership, can ensure that every citizen is treated equally under the law.

### 5.3 GENDER EQUALITY

The UCC's implementation would significantly enhance gender equality in India. It would provide women with greater rights and protection, challenging outdated traditions that often perpetuate discrimination. By establishing a uniform set of laws, the UCC would ensure equal treatment for women in matters like marriage, inheritance, and family law, thereby promoting fairness and justice in contemporary society<sup>14</sup>.

### 5.4 PROMOTING NATIONAL INTEGRATION

The Uniform Civil Code (UCC) would support national integration by ensuring that the state remains neutral in matters of religion. Religion is a personal issue, and the UCC would reinforce the concept of 'one nation, one law'<sup>15</sup>. By removing religion as a barrier to the implementation of laws, the UCC can

contribute to unifying the country under a common legal framework.

## 6. CHALLENGES AND CONCERNS SURROUNDING THE UNIFORM CIVIL CODE

### 6.1 BALANCING SENTIMENTS AND LAW

Implementing a Uniform Civil Code (UCC) in India requires delicacy, as it needs to address the emotions and sentiments of diverse communities. The country has a complex history of religious, cultural, and social diversity, which makes the transition challenging. If not handled carefully, the move could result in communal tension, violence, or unrest. The principles of tolerance must be maintained, ensuring that personal beliefs are respected without infringing on others' rights.

### 6.2 LACK OF IMPLEMENTATION DUE TO INDIA'S DIVERSITY

India's vast diversity across religion, caste, ethnicity, and culture poses significant challenges in implementing a uniform code for personal matters like marriage, divorce, adoption, and inheritance. Many communities have deeply rooted traditions that are tied to their religious practices. Overcoming these longstanding traditions and replacing them with a single uniform law may be met with resistance and practical difficulties<sup>16</sup>.

### 6.3 POTENTIAL STATE INTERFERENCE IN PERSONAL MATTERS

The introduction of UCC may be perceived as an infringement on the fundamental rights guaranteed by the Constitution, particularly the right to personal

<sup>13</sup> Juris Centre, *Uniform Civil Code and Secularism*, Juris Centre (Aug. 20, 2023), <https://juriscentre.com/2023/08/20/uniform-civil-code-and-secularism/> (last visited Jan 13, 2025).

<sup>14</sup> Muneer Peerzada, *Uniform Civil Code: A Panacea for Discrimination in Personal Laws?*, Unseenconflicts (2023), <https://www.unseenconflicts.in/post/uniform-civil-code-a-panacea-for-discrimination-in-personal-laws> (last visited Jan 13, 2025).

<sup>15</sup> PMF IAS CA Team, *Uniform Civil Code: Need, Challenges and Different Views on UCC*, PMF IAS (Aug. 23, 2024), <https://www.pmfias.com/uniform-civil-code/> (last visited Jan 13, 2025).

<sup>16</sup> The Implementation of a Uniform Civil Code, India Foundation (Jan. 5, 2023), <https://indiafoundation.in/articles-and-commentaries/the-implementation-of-a-uniform-civil-code/> (last visited Jan 13, 2025).



liberty (Article 21) and the right to freedom of religion (Articles 25-28)<sup>17</sup>. People might view the UCC as an unwarranted intrusion into their private lives and personal choices. This concern highlights the need for sensitivity in the drafting and implementation of such a law to avoid overreach by the state.

#### 6.4 UCC IN THE CONTEXT OF COMMUNAL POLITICS

India's social and political environment is still fraught with communal tensions. The historical context of partition and religious divides continue to influence public perception, and the idea of UCC has been entangled with communal politics. Some groups, particularly religious minorities, view UCC with suspicion, fearing it could undermine their beliefs and traditions<sup>18</sup>. Implementing UCC in the current climate, where controversies like beef bans and other polarizing issues exist, may exacerbate social and political struggles.

#### 6.5 UCC AS AN ENCROACHMENT ON RELIGIOUS FREEDOM

A significant concern regarding UCC is the perception, particularly among minority communities, that it encroaches upon their constitutional right to religious freedom. Minorities in India have been granted cultural and educational rights to preserve their identities, and the UCC might be seen as a threat to these protections. As these communities fear their traditional practices being replaced by the norms of the majority community, they may resist the imposition of UCC<sup>19</sup>.

#### 7. BALANCING TRADITION AND REFORM: THE UTTARAKHAND UCC BILL AND GOA'S CIVIL CODE

The Uttarakhand Uniform Civil Code (UCC) Bill seeks to standardize personal laws across all religious communities, addressing issues such as marriage registration, polygamy, extrajudicial divorce practices, guardianship, and property rights. It prohibits polygamy, child marriage, triple talaq, and practices like halal and iddah, while setting a uniform marriage age of 18 for girls and ensuring equal property rights for women. The bill mandates the registration of marriages and live-in relationships, with penalties for non-compliance, including fines and imprisonment. It also criminalizes various divorce practices and recognizes Mehr and dower<sup>20</sup>. While guardianship and custody laws remain largely unchanged, the bill excludes Scheduled Tribes from its provisions. It continues the application of certain existing laws, such as the Hindu Adoption and Maintenance Act and the Juvenile Justice Act, marking a significant step towards legal uniformity but raising concerns about its cultural and religious impact.

The Goa Civil Code, established during Portuguese rule in the 19th century, remains the only instance of a Uniform Civil Code (UCC) in India, providing a common family law system that continues post-liberation. It mandates equal division of income and property between spouses and children, regardless of gender, and requires the registration of births, marriages, and deaths, with provisions for divorce. The code prohibits polygamy and triple talaq for Muslims who register their marriages in Goa, ensures joint ownership of property acquired during marriage,

<sup>17</sup> Juris Centre, *Fundamental Rights vs Uniform Civil Code*, Juris Centre (May 26, 2023), <https://juriscentre.com/2023/05/26>.

<sup>18</sup> Berkley Center for Religion Affairs Peace and World, *Religious and Communal Tensions in Indian Politics*, <https://berkeleycenter.georgetown.edu/posts/religious-and-communal-tensions-in-indian-politics> (last visited Jan 13, 2025).

<sup>19</sup> Vanshika Kapoor, *Viewing UCC through the Lens of Secularism*, iPleaders (Mar. 18, 2024), <https://blog.ipleaders.in/viewing-ucc-through-the-lens-of-secularism/> (last visited Jan 13, 2025).

<sup>20</sup> Justice K. Kannan, *Uttarakhand's UCC – Unifying Laws Or Dividing Communities? [Part-I]*, (2024), <https://www.livelaw.in/articles/uttarakhand-uniform-civil-code-and-personal-laws-implications-analysis-252125> (last visited Jan 13, 2025).



and mandates equal inheritance rights, preventing complete disinheritance of children<sup>21</sup>. However, despite its progressive features, the code is not entirely uniform, as Hindu men may practice bigamy under certain conditions specified in the Codes of Usages and Customs of Gentile Hindus of Goa, while other communities are prohibited from polygamy.

## 8. CASE STUDY

A. In the present case, the Bombay High Court stated that the fact that Hindus are punished for bigamy while Muslims are not, this constitutes discrimination based on religion. The Court explained that the difference arises from the legislative intent, as Hindu law is subject to reform, with marriage being restricted to one partner at a time. In contrast, the Legislature did not deem such a reform necessary for Islam<sup>22</sup>.

B. In the present case, the Supreme Court expressed regret over the non-implementation of the Uniform Civil Code (UCC) as envisioned in Article 44 of the Indian Constitution. The Court noted that despite the State having the authority to implement a UCC, it had not made any efforts to do so. The Court emphasized that a UCC would foster national cohesion and integration by eliminating differential treatment based on religious practices. It clarified that the responsibility to establish a UCC lies with the State, not the communities. The Court further asserted that political and ideological challenges should not hinder the fulfilment of the objectives of Article 44, which seeks justice for all. Referring to Dr. Tahir Mahmood's views, the Court stressed

that Muslims should embrace changes in personal laws and work toward a common civil code for the nation. The Court lamented that Article 44 remained unimplemented, describing it as a "dead letter" and reaffirmed that the State, with its legislative competence, should take the initiative to secure a UCC<sup>23</sup>.

C. The Supreme Court observed that the Constitution of India mandates the State to implement a Uniform Civil Code (UCC) to address the issues arising from personal laws<sup>24</sup>.

D. This was the second instance where the Supreme Court directed the government to take action under Article 44. In this case, the issue was whether a Hindu husband, after converting to Islam, could legally solemnize a second marriage. The Supreme Court ruled that adopting Islam for the purpose of marrying again constituted an abuse of personal laws. The Court clarified that a Hindu marriage cannot be dissolved simply by converting to Islam and remarrying. Such an act would not dissolve the marriage under the Hindu Marriage Act, 1955, and would be considered an offense under Section 494 of the Indian Penal Code<sup>25</sup>.

E. The Supreme Court ruled that all marriages, regardless of religion, must be compulsorily registered. Concerned about the difficulties women face when seeking their rights related to marriage, such as maintenance and child custody, a two-judge bench consisting of Justices Arijit Pasayat and S.H. Kapadia directed the Centre and State governments to amend existing laws or create new rules and

<sup>21</sup> Ayush Verma, *Uniform Civil Code in Goa : A Case Study*, iPleaders (Jan. 17, 2021), <https://blog.ipleaders.in/uniform-civil-code-go-a-case-study/> (last visited Jan 13, 2025).

<sup>22</sup> *State of Bombay v. Narasu Appa Mali*, AIR1952BOM84

<sup>23</sup> *Mohd. Ahmed Khan v. Shah Bano Begum*, 1985 AIR 945

<sup>24</sup> *Jordan Diengdeh v. S.S. Chopra*, 1985 AIR 935

<sup>25</sup> *Sarla Mudgal v. Union of India*, 1995 AIR 1531



notify them within three months. The Court further instructed the government to outline the "consequences of non-registration of marriages" in these rules, which should be formalized after inviting public feedback<sup>26</sup>. These rules would remain in effect until the respective governments pass proper legislation for compulsory marriage registration. Emphasizing the urgency of the matter, the Court stated that any new laws framed by the governments must be submitted for scrutiny before the Supreme Court. This action was necessary to address the problem of unscrupulous husbands who deny the existence of a marriage, leaving spouses vulnerable when seeking maintenance, child custody, or inheritance rights.

- F. The judgment in *Shayara Bano* reinforced the idea that personal laws must align with constitutional values, and this further fueled the discussion on the implementation of a UCC. While the Court did not explicitly call for the immediate implementation of a UCC, it recognized the need for reform in personal laws, which many view as a step toward eventual legal uniformity across religious communities in India<sup>27</sup>. In relation to the UCC, the judgment highlighted the tension between maintaining personal religious practices and ensuring constitutional guarantees of equality and justice. It reinforced the notion that the state has the power to intervene in religious practices that violate constitutional rights, thereby setting the stage for future debates on the implementation of a UCC in India.
- G. The Delhi High Court observed again the need for UCC and observed that the young

people of India should not be left to entangle with the issues arising due to varying provisions of personal laws according to the religions of the citizens regarding the civil matters like marriage, maintenance, divorce, adoption etc<sup>28</sup>.

## 9. CONCLUSION

The Indian legal system has successfully implemented a uniform criminal code for years, which suggests that the Uniform Civil Code (UCC) can also be effectively implemented. For this to succeed, both the government and society must work diligently to build trust among those unfamiliar with the concept. The UCC should be viewed as a common cause supported by social reformers rather than religious conservatives, so that it can be understood as a necessary tool for equality, social justice, and the fulfilment of a constitutional promise.

As stated in the preamble of the Indian Constitution, if India is to be a secular state, it should not be governed by religious scriptures or customs but must operate on sociological and political grounds. The UCC, however, will only emerge through an evolutionary process. Thus, substantial efforts are needed from both the government and communities to reform current personal laws. It is important to note that the UCC does not mandate conformity to the same religious beliefs, practices, or cultural norms but ensures that all citizens are governed by the same civil laws, regardless of their backgrounds, much like the uniform criminal code that currently applies to all communities.

In my view, the UCC would serve as an ideal safeguard for citizens' rights, and its adoption would be a progressive step in legislation. As society evolves, the need for a Common Civil Code that ensures the protection of fundamental and

<sup>26</sup> *Seema v. Ashwani Kumar*, AIR 2006 SUPREME COURT 1158

<sup>27</sup> *Shayara Bano vs Union of India*, AIR 2017 SUPREME COURT 4609

<sup>28</sup> *Satprakash Meena v. Alka Meena*, 2021 SCC OnLine Del 3645.



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constitutional rights for all citizens, regardless of religion, has become more pressing. Introducing the UCC would also strengthen secularism and national integration in India.

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