



Uniform Civil Code: A Constitutional Promise or a Political Agenda?

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Abstract

The debate surrounding the Uniform Civil Code (UCC) in India has been one of the most contentious and enduring constitutional issues since independence. Anchored in Article 44 of the Directive Principles of State Policy, the UCC envisions a unified set of personal laws applicable to all citizens regardless of religion. This paper critically examines whether the UCC serves as a genuine constitutional aspiration aimed at ensuring equality and secularism, or whether it functions as a politically motivated tool that exacerbates communal divisions. By analyzing constituent assembly debates, landmark judicial decisions, legislative initiatives like Uttarakhand's UCC Bill (2024), and recent political narratives (2023–2025), the paper explores both legal and socio-political dimensions of the issue. It also assesses the challenges posed by India's cultural diversity and religious pluralism, suggesting that a phased and inclusive approach may be more effective than blanket implementation. Ultimately, the paper argues for a balanced reconciliation between constitutional ideals and the pluralistic ethos of Indian society.

Keywords: Uniform Civil Code, Article 44, Secularism, Gender Justice, Religious Pluralism

Introduction

India, as a pluralistic and secular nation, has long witnessed the coexistence of multiple personal laws governing marriage, divorce, inheritance, adoption, and maintenance based on religion and custom. The major religious communities in India — Hindus, Muslims, Christians, Parsis, and others — are governed by their respective personal laws. For instance, Hindus are governed by the Hindu Marriage Act, 1955 and the Hindu Succession Act, 1956; Muslims follow the Shariat Law as codified by the Muslim Personal Law (Shariat) Application Act,

1937; and Christians are governed by the Indian Christian Marriage Act, 1872 and the Divorce Act, 1869. These personal laws often differ significantly in their treatment of fundamental rights, particularly in relation to gender justice and equality.¹

The framers of the Indian Constitution were acutely aware of these differences. Article 44, under Part IV of the Constitution dealing with the Directive Principles of State Policy (DPSPs), provides that "The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India."² This directive, though non-justiciable, was envisioned as a step toward national integration and legal uniformity. The inclusion of Article 44 reflects the constitutional aspiration to unify disparate personal laws under a common civil code, promoting equality and secularism.³ However, the realization of this goal has been fraught with political and communal sensitivities, particularly due to its perceived interference with religious freedom protected under Articles 25 and 26 of the Constitution.⁴

This research paper seeks to examine whether the push for a Uniform Civil Code (UCC) is a genuine fulfilment of a constitutional promise or whether it has been co-opted as a tool for political agenda-setting. While the constitutional mandate for UCC is clear in principle, its implementation has largely remained stagnant, often revived during election cycles or politically charged moments.⁵ The analysis will involve an evaluation of both legal developments and political narratives surrounding UCC since the adoption of the Constitution.

The central **research questions** guiding this study are:

1. What is the constitutional mandate regarding the Uniform Civil Code?
2. Has the demand for UCC been consistently legal in nature or has it largely been driven by political motivations?
3. What are the potential implications legal, social, and political of implementing a Uniform Civil Code in a religiously and culturally diverse society like India?

This inquiry will explore both the normative and practical dimensions of the UCC debate, aiming to clarify whether it aligns with constitutional morality or serves as a vehicle for majoritarian dominance.

¹ **Vernon Valentine Palmer**, *Mixed Jurisdictions Worldwide: The Third Legal Family* 364–66 (Cambridge Univ. Press 2001).

² **India Const.** art. 44.

³ **Constituent Assembly Debates**, Vol. VII, 6 Dec. 1948, available at <https://cadindia.clpr.org.in/>.

⁴ See **India Const.** arts. 25–26 (protecting religious freedom).

⁵ *Law Commission of India, Consultation Paper on Reform of Family Law* (2018), available at <http://lawcommissionofindia.nic.in/>.

Methodology

This research adopts a **doctrinal legal research methodology**, also known as **library-based research**, which primarily involves the analysis of statutory provisions, constitutional mandates, judicial decisions, and scholarly literature. The objective is to critically evaluate the legal and constitutional discourse surrounding the Uniform Civil Code (UCC) and examine whether its advocacy is rooted in genuine constitutional intent or is influenced by political considerations.

The study involves the following key components:

1. Primary Sources

- **Constitutional Provisions:** A detailed examination of Article 44 of the Indian Constitution and its interpretation in relation to other fundamental rights such as Articles 14, 25, and 26.
- **Judicial Pronouncements:** Landmark Supreme Court decisions including:
 - *Mohd. Ahmed Khan v. Shah Bano Begum*, (1985) 2 SCC 556.
 - *Sarla Mudgal v. Union of India*, (1995) 3 SCC 635.
 - *John Vallamattom v. Union of India*, (2003) 6 SCC 611.
- **Constituent Assembly Debates:** References to debates concerning the inclusion of Article 44 to understand the intent of the framers.⁶
- **Government Reports:** Reports of the Law Commission of India, particularly the 21st Law Commission's *Consultation Paper on Reform of Family Law* (2018).⁷

2. Secondary Sources

- Academic commentary, legal treatises, and journal articles analysing the evolution, challenges, and political dimensions of the UCC.
- Comparative legal studies of personal laws and civil codes in other jurisdictions, including secular states with diverse populations.
- News reports, legislative debates, and political party manifestos to examine the political use of UCC in public discourse.

3. Analytical Framework

⁶ **Constituent Assembly Debates**, Vol. VII, 6 Dec. 1948, available at <https://cadindia.clpr.org.in/>.

⁷ *Law Commission of India, Consultation Paper on Reform of Family Law* (2018), available at <http://lawcommissionofindia.nic.in/>.

The study applies a **constitutional and socio-legal analytical framework**:

- It evaluates the **text and structure of the Constitution** to assess the legal mandate of UCC.
- It uses **case analysis and doctrinal interpretation** to trace the judiciary's stance on the issue.
- It considers **socio-political context** by analysing public policy debates, minority responses, and political motivations behind UCC-related legislations and statements.

4. Limitations

- The paper is limited to qualitative doctrinal analysis and does not include empirical or field-based socio-legal surveys.
- It focuses primarily on the Indian legal framework but includes limited international comparative insights.

Conceptual and Constitutional Framework

Definition and Scope of UCC

The **Uniform Civil Code (UCC)** refers to a common set of civil laws that would apply to all citizens of India irrespective of their religion, caste, or tribe, in matters such as marriage, divorce, maintenance, inheritance, and adoption. Unlike criminal law, which is uniformly applied throughout India, civil laws vary based on religious affiliations. The UCC aims to replace this religion-based system with a unified civil law that embodies the constitutional ideals of equality, secularism, and justice.⁸

The scope of the UCC extends beyond mere codification of existing personal laws; it envisions the harmonization of personal laws with constitutional values, especially gender justice and human rights. Its implementation, however, is challenged by India's religious, cultural, and ethnic diversity, which forms the core of the opposition from minority communities.⁹

Article 44 and Its Interpretation

Article 44 of the Indian Constitution, under the Directive Principles of State Policy (DPSPs), states: "The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India." Though non-justiciable in nature (as per Article 37), Article 44 has been a subject of intense debate. The framers viewed the UCC as a means to unify the nation under a secular legal system while respecting religious freedom.

The Constituent Assembly debates reveal a division between members who feared UCC would infringe upon religious autonomy and those who saw it as essential for national integration and social reform. Dr. B.R.

⁸ Tahir Mahmood, *Uniform Civil Code: Fictions and Facts* 34 (Indian Law Institute, 2003).

⁹ Faizan Mustafa, *Is the Uniform Civil Code Really Uniform?*, *The Hindu* (July 5, 2016), <https://www.thehindu.com/>.

Ambedkar emphasized that while religion should be left to individual conscience, secular aspects such as inheritance and marriage should be governed by a common civil code.¹⁰

Relationship with Fundamental Rights (Articles 14, 15, 25–28)

The proposed UCC must be reconciled with the **Fundamental Rights** guaranteed under Part III of the Constitution.

- **Article 14** guarantees equality before the law and equal protection of the laws.
- **Article 15** prohibits discrimination on grounds of religion, race, caste, sex, or place of birth.
- **Articles 25 to 28** protect the right to freedom of religion and religious practices.

The key constitutional tension lies in balancing **gender equality and secularism** with **freedom of religion**. For example, patriarchal personal laws often violate the equality rights of women. Hence, proponents argue that UCC would ensure substantive equality, while critics argue it may infringe on minority rights and cultural identity.¹¹

Judicial Perspective: Key Cases

1. *Mohd. Ahmed Khan v. Shah Bano Begum*

In this landmark case, the Supreme Court held that a Muslim woman was entitled to maintenance under Section 125 of the CrPC, notwithstanding personal laws. The Court underscored the need for a Uniform Civil Code, observing that a common civil code would help promote national integration and gender justice.¹²

2. *Sarla Mudgal v. Union of India*

This case involved Hindu men converting to Islam to contract a second marriage without dissolving the first. The Supreme Court held such conversions invalid for the purpose of marriage and called for the implementation of the UCC. It emphasized that personal law should not be used to perpetuate injustice or fraud.¹³

3. *Danial Latifi v. Union of India*

After the backlash to *Shah Bano*, Parliament enacted the Muslim Women (Protection of Rights on Divorce) Act, 1986, which was challenged for allegedly curtailing Muslim women's rights. The Supreme Court upheld the Act's

¹⁰ Constituent Assembly Debates, Vol. VII, 6 Dec. 1948, available at <https://cadindia.clpr.org.in/>.

¹¹ Rajeev Dhavan, *The Supreme Court and the Uniform Civil Code*, 33(2) J.I.L.I. 224 (1991).

¹² *Mohd. Ahmed Khan v. Shah Bano Begum*, (1985) 2 S.C.C. 556.

¹³ *Sarla Mudgal v. Union of India*, (1995) 3 S.C.C. 635.

constitutionality but interpreted it liberally, ensuring divorced Muslim women were entitled to a reasonable and fair provision. This ruling reaffirmed gender justice within personal law without overturning religious rights.¹⁴

Historical and Legislative Development

1. Constituent Assembly Debates on UCC

The idea of enacting a Uniform Civil Code was extensively debated in the Constituent Assembly. The framers envisioned it as an instrument for national integration and legal uniformity, while being aware of its potentially controversial nature in a pluralistic society. Dr. B.R. Ambedkar, then Chairman of the Drafting Committee, strongly advocated for its inclusion in the Directive Principles of State Policy, asserting that religion should not interfere with matters of civil law, particularly those involving marriage, inheritance, and divorce.¹⁵

However, opposition came from several members, especially those representing minority communities, who feared that a common code might override religious freedoms. Naziruddin Ahmad, for instance, cautioned that the UCC could infringe on personal religious laws and lead to social unrest. Ultimately, a compromise was reached by placing the UCC in Part IV of the Constitution (Directive Principles), thus making it non-justiciable but aspirational.¹⁶ This strategic compromise reflected the constitutional vision of gradually moving toward legal uniformity while respecting India's religious diversity.

2. Law Commission Reports

The Law Commission of India has addressed the issue of UCC on multiple occasions. The **21st Law Commission's 2018 Consultation Paper on "Reform of Family Law"** marked a significant shift in approach. Instead of recommending the imposition of a UCC, the Commission emphasized the need to **reform discriminatory practices within all personal laws**, thereby upholding the constitutional values of equality and secularism without undermining religious freedoms.¹⁷

The report stated that "the mere existence of difference does not imply discrimination," and rejected the idea that uniformity is a prerequisite for equality. It proposed a piecemeal, rights-based approach to reforming personal laws in a manner consistent with constitutional morality. This reflected an evolved understanding that **pluralism and gender justice can coexist** without necessarily enforcing a single uniform code.

¹⁴ Danial Latifi v. Union of India, (2001) 7 S.C.C. 740.

¹⁵ Constituent Assembly Debates, Vol. VII, 6 Dec. 1948, available at <https://cadindia.clpr.org.in/>.

¹⁶ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* 79–82 (Oxford Univ. Press 1999).

¹⁷ Law Commission of India, *Consultation Paper on Reform of Family Law* (2018), available at <http://lawcommissionofindia.nic.in/reports/CPonReformFamilyLaw.pdf>.

3. State Laws with UCC-like Features: The Goa Civil Code

Goa remains the only Indian state to have a functional civil code applicable to all communities, inherited from the Portuguese Civil Code of 1867. After the integration of Goa into the Indian Union in 1961, the state continued this uniform civil law regime. The **Goa Civil Code** governs marriage, divorce, succession, and adoption for all Goans, irrespective of religion, though some concessions are made for specific customs.

The Goa model is frequently cited by proponents of UCC as evidence that **uniform civil laws are viable in a multicultural society**. However, critics note that the Goa Civil Code contains gender-discriminatory provisions and exceptions for certain religious communities, indicating that even this “uniform” code is not entirely uniform in practice. Nonetheless, it provides a useful reference point for evaluating the feasibility of broader civil law reform in India.¹⁸

Social and Legal Justifications for UCC

1. Promotion of Gender Justice and Equality

One of the strongest legal justifications for a Uniform Civil Code (UCC) is its potential to promote **gender justice** by eliminating discriminatory provisions embedded in various personal laws. For instance, under Hindu law, men and women have largely equal inheritance rights post the 2005 amendment to the Hindu Succession Act, whereas Muslim personal law still allows unequal inheritance shares. Similarly, practices like *triple talaq* (now criminalized by statute) were held to violate constitutional morality.¹⁹

A UCC would ensure that all citizens—regardless of religion—are governed by the same legal standards in matters of marriage, divorce, maintenance, and succession. This is consistent with **Article 14** of the Constitution, which guarantees equality before the law, and **Article 15**, which prohibits discrimination on the grounds of sex or religion.²⁰ The UCC thus becomes a vehicle for realising substantive equality, particularly for women, who have historically been marginalized under personal law regimes.

2. Need for Uniformity in Personal Laws

India’s plural legal system, wherein different religious communities follow distinct personal laws, leads to **legal fragmentation and uncertainty**. Inconsistent rulings on similar matters—such as maintenance rights, adoption procedures, or matrimonial relief—create confusion and judicial inefficiency. Uniformity in civil laws would

¹⁸ Shylashri Shankar, *India’s Uniform Civil Code and the Politics of Personal Laws*, 59(1) *Journal of Asian Studies* 68 (2000).

¹⁹ Shayara Bano v. Union of India, (2017) 9 S.C.C. 1.

²⁰ India Const. arts. 14–15.

simplify the legal system and foster a common civil identity, reinforcing national unity and the secular character of the Indian republic.²¹

While respecting the right to freedom of religion under **Article 25**, the Supreme Court has often emphasized that religious practices must yield to constitutional principles where fundamental rights are involved. This was clearly expressed in cases like *Shayara Bano v. Union of India*, where the Court struck down instant triple talaq as unconstitutional. A UCC would help resolve such conflicts pre-emptively by establishing a consistent legal standard.

3. Challenges Faced by Women Under Personal Laws

Across various personal laws in India, women often face **systemic disadvantages**. Under Muslim personal law, polygamy is permitted for men, and divorce procedures are asymmetrical. In Christian law, until the 2001 amendment, Christian women had to prove adultery plus another fault to obtain a divorce, unlike men. Even under Hindu law, patriarchal interpretations of customs have persisted in issues like guardianship and succession.²²

Such inequalities contradict the spirit of the Constitution and violate women's right to dignity and equal treatment. A UCC could help eliminate these discriminatory practices by codifying a set of secular, gender-just principles applicable to all citizens.

4. Global Comparisons: UCC in Other Pluralistic Societies

Globally, several **pluralistic democracies** have adopted uniform civil codes or analogous frameworks. In **France**, **Turkey**, and **Tunisia**, civil laws are uniformly applied regardless of religion, contributing to a more secular public sphere. In **Indonesia**, a Muslim-majority country with religious and ethnic diversity, civil laws on marriage and family are governed by national legislation that attempts to balance religious practice with constitutional guarantees.²³

These examples demonstrate that legal uniformity in personal matters is not only feasible but often essential for promoting equality, legal certainty, and national cohesion in diverse societies.

Political Dimensions and Controversies

1. Political Party Positions (BJP, INC, etc.)

²¹ Flavia Agnes, *Family Law: Volume I - Family Law and Constitutional Claims* 85–88 (Oxford Univ. Press 2011).

²² Law Commission of India, *Consultation Paper on Reform of Family Law* (2018), available at <http://lawcommissionofindia.nic.in/reports/CPonReformFamilyLaw.pdf>.

²³ Werner Menski, *Comparative Law in a Global Context: The Legal Systems of Asia and Africa* 126–34 (Cambridge Univ. Press 2006).

The Uniform Civil Code (UCC) has long been a **polarizing political issue** in India, with major political parties adopting sharply divergent stances. The **Bharatiya Janata Party (BJP)** has consistently advocated for the implementation of the UCC, framing it as a constitutional duty and a means of achieving gender justice and national integration.²⁴ The UCC has featured prominently in the BJP's electoral manifestos and policy discourse, especially since the 1990s.

In contrast, the **Indian National Congress (INC)** has adopted a more cautious and nuanced position. While not outright opposing the UCC, the INC has emphasized the importance of building consensus across communities and warned against using the issue for majoritarian ends.²⁵ The party's reluctance is informed by its commitment to secularism and minority rights, particularly after the political fallout from the Shah Bano case and the enactment of the Muslim Women (Protection of Rights on Divorce) Act, 1986.

2. Timing and Motives of UCC Proposals

The **timing of UCC-related legislative or rhetorical initiatives** has often coincided with politically sensitive periods, including national or state elections. Critics argue that the issue is revived cyclically as a **mobilization strategy** to consolidate majoritarian sentiment rather than as a genuine effort at legal reform. For example, statements supporting UCC implementation have frequently surfaced ahead of elections in states with significant minority populations or where communal polarization is politically advantageous.²⁶

While proponents argue that constitutional promises should not be indefinitely postponed, detractors view these moves as selective and instrumentalist, designed to evoke identity-based responses rather than foster legal rationality.

3. Use of UCC in Electoral Campaigns

The UCC has become a **symbolic issue** in many electoral campaigns, especially for the BJP and allied groups. The narrative often frames the UCC as a step toward modernity and national unity, while subtly casting opposition to it as regressive or anti-national. This politicization detracts from genuine policy deliberation and risks reducing complex legal and social reform to a **binary communal contest**.

Election rhetoric frequently invokes examples like *Shah Bano* or *Sarla Mudgal* not to advocate for legal coherence, but to underscore a civilizational or cultural agenda.⁴²⁷ The consequence is that the UCC debate is often clouded by suspicion and misinformation, especially among minority groups.

²⁴ BJP, *Sankalp Patra: Lok Sabha Manifesto 2019*, at 12–13, available at <https://www.bjp.org/>.

²⁵ Ronojoy Sen, *Articles of Faith: Religion, Secularism, and the Indian Supreme Court* 179–82 (Oxford Univ. Press 2010).

²⁶ M.P. Singh, *Uniform Civil Code, Politics, and the Constitution*, 49(2) *J. Indian L. Inst.* 171, 172 (2007).

²⁷ Zoya Hasan, *Politics of Inclusion: Castes, Minorities, and Affirmative Action* 144–47 (Oxford Univ. Press 2009).

4. Polarisation and Communal Implications

The political usage of UCC has led to **deep communal polarization**. Many **minority communities**, particularly Muslims, perceive the UCC as a tool of cultural assimilation rather than legal harmonization. This perception is exacerbated by the **majoritarian narrative** that links UCC with national loyalty and social reform, implicitly portraying resistance as backward or unpatriotic.

The communal framing of UCC often undermines the constitutional ideal of secularism. As political scientist Rajeev Bhargava argues, true secularism lies in **negotiated pluralism**, not forced uniformity.²⁸ The failure to present the UCC as an inclusive and consultative process has further alienated key stakeholders.

5. Critique by Minority Communities and Secular Thinkers

Secular intellectuals and minority leaders have critiqued the UCC proposal on both normative and procedural grounds. They argue that the state's insistence on uniformity undermines India's **legal pluralism** and constitutional tolerance of diversity. The apprehension is not against reform per se, but against reform imposed unilaterally without respecting the autonomy and voice of religious communities.

Moreover, they question why gender justice is selectively pursued in personal laws while similar scrutiny is absent in caste-based, tribal, or economic injustices.²⁹ A rights-based approach to legal reform—focused on internal reform of all personal laws—has been proposed as a more democratic and effective alternative to top-down imposition of a UCC.

Socio-Legal Challenges to Implementation

1. Cultural and Religious Diversity

India is home to a vast mosaic of religions, customs, and ethnic identities, making **legal uniformity an extremely sensitive task**. Personal laws are not merely legal instruments; they are deeply embedded in **religious and cultural identities**, often viewed as non-negotiable expressions of faith. Hindu, Muslim, Christian, Parsi, tribal, and other communities have developed **distinct legal traditions** over centuries, making the imposition of a single civil code a complex sociological exercise.³⁰

This legal pluralism was acknowledged by the framers of the Constitution, who placed the UCC in the Directive Principles rather than the Fundamental Rights chapter, indicating a **gradualist approach** rather than immediate

²⁸ Rajeev Bhargava, *The Distinctiveness of Indian Secularism*, in *The Future of Secularism* 65 (Oxford Univ. Press 2009).

²⁹ Faizan Mustafa, *Is the Uniform Civil Code Really Uniform?*, *The Hindu* (July 5, 2016), <https://www.thehindu.com/>

³⁰ Werner Menski, *Comparative Law in a Global Context: The Legal Systems of Asia and Africa* 349–52 (Cambridge Univ. Press 2006).

enforcement. The multiplicity of practices in marriage, divorce, inheritance, and adoption suggests that any uniform law would have to balance **diversity with equality**, a task fraught with both legal and political difficulty.

2. Minority Rights vs. Majority Rule

The push for a UCC often triggers fears among **religious minorities**, particularly Muslims and Christians, that their identity and autonomy will be subsumed under **majoritarian norms**. In the Indian context, where the majority community already has a codified personal law (e.g., Hindu Marriage Act, Hindu Succession Act), the demand for uniformity is often perceived as a move to **normalize majority standards** under the guise of reform.³¹

This tension between **collective minority rights and the liberal ideal of individual equality** is at the heart of the UCC debate. Constitutional scholars have warned that any attempt to override religious freedom in the name of uniformity must pass the test of constitutional morality, not majoritarian sentiment.³² An inclusive and participatory approach is thus crucial to ensuring that the UCC, if implemented, is not seen as a tool of domination but as a vehicle for justice.

3. Fear of Majoritarian Imposition

The **politicization of the UCC** has only deepened the distrust among minorities. With the issue being championed primarily by majoritarian parties, there is a widespread perception that the UCC is less about reform and more about **ideological assertion**. The experience of past legal reforms—such as the Shah Bano case followed by the 1986 Act—has left many communities suspicious of state-led initiatives that appear to selectively target their religious practices while leaving others untouched.

This fear is compounded by the lack of clarity about what a future UCC would actually look like. Without a **draft or framework** that ensures equal representation of all communities and upholds constitutional values, the call for a UCC remains vulnerable to **charges of selective justice and cultural homogenization**.³³

4. Practical Difficulties in Drafting and Enforcement

Even if consensus were to be achieved, the **technical challenges of drafting a truly uniform civil code** are formidable. Existing personal laws differ not only across religions but also within them—Shias and Sunnis, different Christian denominations, tribal and customary laws—all have **substantive and procedural differences**.

³¹ Rajeev Dhavan, *The Uniform Civil Code Debate in India*, 45(9) *J. Indian L. Inst.* 35, 37–40 (2003).

³² Tahir Mahmood, *Uniform Civil Code: Fictions and Facts*, *The Hindu* (Jan. 3, 2003), <https://www.thehindu.com/>

³³ Flavia Agnes, *Interrogating the Uniform Civil Code*, in *Legal Pluralism and Development: Scholars and Practitioners in Dialogue* 212–16 (Cambridge Univ. Press 2011).

Reconciling these divergent frameworks into a coherent, secular, and constitutionally valid code would require extensive consultation, legal expertise, and political will.

Moreover, enforcement presents its own challenges. Uniformity in law does not necessarily translate into **uniformity in practice**, especially in rural areas where customary laws dominate. Without **institutional safeguards, education, and community engagement**, the mere enactment of a UCC could lead to social unrest and resistance.

Recent Developments

1. Political Debates and State-Level Initiatives (2023–2025)

Between 2023 and 2025, the discourse surrounding the Uniform Civil Code (UCC) intensified, with significant political and legislative activities at both state and national levels. The Bharatiya Janata Party (BJP) reiterated its commitment to implementing the UCC, emphasizing it as a means to ensure gender justice and national integration. This stance was prominently featured in the party's manifestos and public statements during this period.³⁴

In contrast, opposition parties, including the Indian National Congress (INC), expressed concerns over the potential implications of a UCC on India's pluralistic society. Critics argued that the push for a UCC might infringe upon religious freedoms and minority rights, emphasizing the need for broader consensus and inclusive dialogue before enacting such legislation.³⁵

2. Uttarakhand's Uniform Civil Code Bill (2024)

On February 7, 2024, Uttarakhand became the first Indian state to pass a Uniform Civil Code Bill, marking a significant milestone in the country's legal landscape. The legislation aimed to standardize personal laws related to marriage, divorce, inheritance, and live-in relationships across all communities, irrespective of religion.³⁶

Key features of the Uttarakhand UCC included:

- **Prohibition of Polygamy and Polyandry:** The law banned practices such as polygamy and polyandry, which were permissible under certain religious personal laws.³⁷

³⁴ BJP, *Sankalp Patra: Lok Sabha Manifesto 2024*, at 14–16, available at <https://www.bjp.org/>.

³⁵ Ronojoy Sen, *Articles of Faith: Religion, Secularism, and the Indian Supreme Court* 179–82 (Oxford Univ. Press 2010).

³⁶ India: Legislative Assembly of Uttarakhand Enacts Uniform Civil Code, *Library of Congress* (Mar. 21, 2024), <https://www.loc.gov/item/global-legal-monitor/2024-03-21/india-legislative-assembly-of-uttarakhand-enacts-uniform-civil-code/>.

³⁷ Aditi Tandon, Uttarakhand Uniform Civil Code Bill tabled; polygamy, polyandry banned, *The Tribune* (Feb. 6, 2024), <https://www.tribuneindia.com/news/india/uttarakhand-ucc-bill-tabled-polygamy-polyandry-banned-588080>.

- **Mandatory Registration of Live-in Relationships:** Couples in live-in relationships were required to register their partnerships, with penalties for non-compliance. This provision sparked debates over privacy and state intrusion into personal lives.³⁸
- **Equal Inheritance Rights:** The code granted equal inheritance rights to sons and daughters, aiming to promote gender equality in property matters.³⁹
- **Exemptions for Scheduled Tribes:** Recognizing the unique customs of Scheduled Tribes, the law exempted these communities from its purview, leading to discussions about the uniformity of the code.⁴⁰

While proponents hailed the legislation as a step toward gender justice and legal uniformity, critics viewed it as an imposition of majoritarian values and a potential infringement on religious freedoms.⁴¹

3. Judicial Interventions and Ongoing Petitions

The implementation of the Uttarakhand UCC led to several legal challenges. Petitioners raised concerns about specific provisions, particularly the mandatory registration of live-in relationships, arguing that such requirements violated the right to privacy and personal autonomy.⁴²

In response, the Uttarakhand High Court sought the Central Government's stance on these challenges, emphasizing the need for a balanced approach that respects individual rights while pursuing legal reforms.⁴³

These developments underscore the complexities involved in implementing a Uniform Civil Code in a diverse and pluralistic society like India. The debates and legal challenges highlight the need for inclusive dialogue, careful consideration of constitutional principles, and sensitivity to the country's multifaceted social fabric.

³⁸ Uttarakhand UCC: How is mandatory registration of “brazen” live-in relationships an invasion of privacy, asks HC, *The Hindu* (Feb. 19, 2025), <https://www.thehindu.com/news/national/uttarakhand-ucc-how-is-mandatory-registration-of-brazen-live-in-relationships-an-invasion-of-privacy-asks-hc/article67899026.ece>.

³⁹ Key Features of Uttarakhand’s Uniform Civil Code Bill, *Drishti IAS* (Feb. 8, 2024), <https://www.drishtias.com/state-pcs-current-affairs/key-features-of-uttarakhand-uniform-civil-code-bill>.

⁴⁰ Uttarakhand Uniform Civil Code draws significantly from Hindu law – and barely represents others, *Scroll.in* (Feb. 9, 2024), <https://scroll.in/article/1063438/uttarakhand-uniform-civil-code-draws-significantly-from-hindu-law-and-barely-represents-others>.

⁴¹ Uttarakhand’s Uniform Civil Code: Unifying laws or dividing communities?, *Frontline* (Feb. 10, 2024), <https://frontline.thehindu.com/politics/uttarakhand-ucc-bill-law-implications-for-uniform-civil-code-in-india-women-marriage-relations/article67899026.ece>.

⁴² Uttarakhand HC asks Centre to respond to UCC challenges within 3 weeks, *The Times of India* (May 27, 2025), <https://timesofindia.indiatimes.com/city/dehradun/uttarakhand-hc-asks-centre-to-respond-to-ucc-challenges-within-3-weeks/articleshow/121296831.cms>.

⁴³ Ibid.

Critical Analysis

The debate over the Uniform Civil Code (UCC) raises a fundamental question: Is the UCC a genuine constitutional necessity, or has it been wielded primarily as a political weapon? The Directive Principle under Article 44 mandates the state to strive toward a UCC, reflecting the framers' vision of legal uniformity aimed at promoting equality.⁴⁴ However, the political utilization of the UCC, especially by majoritarian parties, often complicates its constitutional intent, turning the discourse into a tool of electoral mobilization rather than thoughtful legal reform.

Balancing **secularism with religious freedom** remains one of the most intricate challenges in the UCC debate. Indian secularism is unique, characterized not by strict separation but by accommodation of religious pluralism within the legal framework. The demand for a uniform code must therefore respect religious autonomy while ensuring that no community is subject to discriminatory practices. Achieving this balance requires nuanced reforms that reconcile constitutional morality with religious rights.

Given these complexities, many scholars argue that a **phased and consultative approach to reform** is preferable to an abrupt imposition of complete uniformity. Incremental reforms focusing on gender justice and individual rights within existing personal laws may pave the way for broader acceptance of eventual uniformity. This approach mitigates fears of cultural homogenization and ensures that reforms are rooted in dialogue and consensus rather than political expediency.

Conclusion

The question of implementing a Uniform Civil Code (UCC) in India straddles a fine line between constitutional aspiration and political controversy. This paper has traced the UCC's constitutional foundation in Article 44, its intersections with fundamental rights such as equality and freedom of religion, and its treatment by the judiciary in landmark cases such as *Shah Bano*, *Sarla Mudgal*, and *Danial Latifi*. It also analyzed recent legislative efforts—most notably Uttarakhand's UCC Bill of 2024—and political narratives surrounding the issue from 2023 to 2025.

The analysis reveals that while the UCC is indeed a part of India's constitutional directive framework, its politicized deployment risks undermining its credibility and acceptability, especially among minority communities. The socio-legal challenges of religious diversity, fears of majoritarian imposition, and the technical difficulty of reconciling various personal laws underscore the need for cautious and inclusive lawmaking.

⁴⁴ Rajeev Dhavan, *Uniform Civil Code in India: Constitutional Necessity or Political Weapon?*, 39 *Economic and Political Weekly* 2007, 45, 47 (2004).

Recommendations

To move forward constructively:

- **Legal reform must be evidence-based** and grounded in principles of constitutional morality, especially gender justice and individual autonomy.
- **Inclusive drafting** is essential—stakeholders from all religious, tribal, and regional communities should be part of the consultative process to ensure legitimacy and acceptance.
- **Phased implementation**, starting with consensus-driven reforms in areas like marriage registration, maintenance, and inheritance, may be more effective than enforcing a sweeping uniform code at once.

Final Argument

Ultimately, the success of any UCC depends on its ability to reconcile India's constitutional ideals of equality and secularism with the pluralistic realities of its social fabric. A genuinely reformist UCC must not seek to erase difference but to ensure justice within diversity. It must reflect not only the letter of Article 44 but also the spirit of inclusion that underlies the Constitution of India.

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