

CHALLENGES IN IMPLEMENTING UCC IN INDIA: A CRITICAL ANALYSIS
WITH THE CASE STUDIES OF GOA & UTTARAKHAND

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Abstract

One of the main subjects of Indian legal and political debates has been the Uniform Civil Code (UCC). It seeks to unify the personal laws of various religious and cultural groups that control inheritance, marriage, divorce, and adoption. Drawing from the constitutional principle of “One Nation, One Law,” the UCC aims to advance legal uniformity, equality, and secularism. A united but diverse country should be strengthened by this. The UCC pledges to promote national integration, streamline intricate personal legal systems, and end gender-based discrimination. But despite its allure, there are a lot of obstacles in the way of the UCC’s implementation. A uniform code, according to critics, might infringe upon the constitutionally guaranteed rights of minorities and religious freedom. Because of India’s rich socio-cultural diversity, legal uniformity frequently seems unattainable. Adoption is made more difficult by political opposition and concerns about majority rule. The constitutional, social, and political concerns surrounding UCC enforcement are examined in this essay. It examines the conflicts and legal arguments it brings up. The study makes use of case studies from recent legislative changes in Uttarakhand as well as Goa, the only state in India with an active uniform code. It investigates whether these regional initiatives can serve as templates or models for more extensive reforms. It also considers whether a phased or varied implementation strategy might facilitate the shift.

Keywords: *Personal Laws, Legal Pluralism, Cultural Diversity, Gender Justice, Uniform Civil Code, Directive Principles of State Policy*

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Introduction: The Vision Behind UCC

The Uniform Civil Code (UCC) is one of the most ambitious and controversial ideas in the Indian Constitution. It is rooted in creating a united and equal nation after independence. The UCC is mentioned in Article 44 of the Directive Principles of State Policy (DPSP), which states that the government should work to provide a uniform civil code for all citizens in India. Although this provision cannot be enforced in court, it serves as more than an aspirational goal; it represents a constitutional aim to unify personal laws that differ among various religious and cultural groups. This intended uniformity covers issues like marriage, divorce, inheritance, adoption, and succession, intending to create a single, secular, and non-discriminatory legal system. The UCC seeks to replace specific religious codes with a common set of civil laws that apply to everyone, regardless of religion, gender, caste, or community. This reflects a broader constitutional goal of promoting equality, secularism, and national unity. However, the discrepancy between its constitutional mention and actual implementation highlights the challenges of achieving legal uniformity in a country with deep-rooted diversity.³

The Uniform Civil Code (UCC) is closely tied to the principle of secularism outlined in the Constitution. It plays a key role in upholding this principle within India's political and legal system. In India, secularism does not mean being against religion. Instead, it represents the goal of keeping religious beliefs separate from how state institutions operate. This principle helps ensure that public policy and justice remain free from sectarian influences, maintaining the state's neutrality in matters of faith.

With this setup, religion cannot determine legal norms. Instead, legal standards come from fair, rational, and widely applicable principles. Secularism has a positive side; it fosters an environment of mutual respect, tolerance, and coexistence among different religious communities, promoting harmony in a diverse society. At the same time, it places necessary limits on the role of religion in legal and administrative functions, making sure that laws are based on constitutional values rather than religious beliefs.

In this context, the idea of common citizenship means that everyone, regardless of their religious background, should be governed by the same personal laws for key civil issues like

³ Saurav Narayan, UCC in India, iPleaders (31 July 2025, 08:56 A.M.) <https://blog.iplayers.in/ucc-india/>

marriage, divorce, inheritance, succession, guardianship, and adoption. By enforcing this uniformity, the UCC aims to eliminate legal divisions based on religion and strengthen the shared civic identity envisioned by the Constitution, enhancing both the fundamental and procedural aspects of secular governance.⁴

It is important to recognise that religion has historically had a significant and lasting impact on Indian society and politics. Religious beliefs, rituals, and customs are closely tied to the cultural identities of many countrywide communities. They often serve as key factors that shape individual and collective feelings of belonging. For many groups, these religiously based personal laws are not just legal rules but essential for preserving their heritage, values, and social structure.

As a result, the idea of establishing a Uniform Civil Code, which aims to replace the various religion-specific legal systems with one system for all citizens, can be viewed by some as intrusive or even threatening to their unique identity and independence. The laws currently governing important family issues like marriage, divorce, inheritance, adoption, and succession mainly come from religious texts, traditional customs, and long-standing community practices. These vary widely among faiths, including Hinduism, Islam, and Christianity.

While the Indian legal system has a set of uniform laws for civil and criminal issues that apply nationwide, this consistency does not extend to personal laws, which remain diverse and divided along religious lines. This complicated coexistence of uniform civil laws and diverse personal laws highlights India's unique challenge in balancing constitutional secularism and equality with the realities of its diverse society.⁵

This deep-rooted diversity of personal laws often clashes with the constitutional values of equality, non-discrimination, and fundamental rights, particularly regarding women's rights and status. India's Constitution guarantees equality before the law and forbids discrimination based on religion, sex, caste, or place of birth through Articles 14 and 15. It also protects the right to life and personal liberty under Article 21. However, multiple personal laws create a

⁴ Nidhi Thakur and Dr Rajinder Verma, One Nation One Law: Understanding Uniform Civil Code, Vol 9 Issue 3, IJNRD, 257-263 (2024) <https://www.ijnrd.org/papers/IJNRD2403028.pdf>

⁵ Sonam Singh, Uniform Civil Code in India, Urgent Need of the Hour for Harmonisation, Vol 10 Issue 8, IJCRT, 718-727 (2022) <https://ijcrt.org/papers/IJCRT2208583.pdf>

legal environment full of contradictions. Critics argue that many provisions within religion-based personal laws continue to support gender-based discrimination. This undermines women's autonomy and denies them equal protection under the law. Discriminatory rules about inheritance rights, divorce proceedings, maintenance, child custody, and polygamy disproportionately impact women, limiting their legal and social agency. These unfair practices are often seen as incompatible with the progressive constitutional goal of promoting gender justice and protecting individual dignity. Therefore, the conflict between protecting religious freedom and ensuring absolute equality remains a key and unresolved issue in India's legal and social discussions. Reform advocates suggest that a Uniform Civil Code must align personal laws with constitutional principles. This would help eliminate legal pluralism that leads to unequal treatment, especially of women, and further the cause of gender equality in the country's diverse society.⁶

Because of the ongoing tension between religiously governed personal laws and the commitment to equality in the constitution, the Indian State has faced pressure over the years from various groups. These include the judiciary, notable social reformers, advocates for women's rights, and expert legislative committees. They have all called for concrete action to implement Article 44 of the Directive Principles of State Policy. The main argument for these calls is that a Uniform Civil Code would help break down structural inequalities in specific personal laws. This would promote a fairer, more equal society.

Courts have stressed in several important decisions that while Article 44 cannot be enforced in court, it represents a crucial constitutional goal. The State has a moral and political duty to work toward aligning different personal laws with the key principles of equality, secularism, and non-discrimination. Social reformers, since the time of the freedom struggle, have seen the UCC to modernise Indian society and move away from outdated practices that obstruct gender justice and social progress.

Additionally, legislative bodies and law reform commissions have, at various times, proposed gradual or comprehensive plans for codifying and unifying personal laws among communities. They argue that these reforms are essential for strengthening the rule of law and creating a common civic identity. Together, these court decisions, reform efforts, and

⁶ The Constitution of India, 1949, Art 14 & 15: The Constitution of India, 1949, Art 21

policy suggestions highlight the firm belief that putting Article 44 into practice is not just about legal uniformity. It is a crucial step toward developing a society based on constitutional values and genuine equality.⁷

Several significant obstacles hinder the achievement of the constitutional vision expressed in Article 44. The main issue is that Article 44, which urges the State to "endeavour to secure for the citizens a uniform civil code throughout the territory of India," is part of Part IV of the Constitution under the Directive Principles of State Policy (DPSPs). This placement makes it explicitly non-enforceable, meaning no individual or group can force its implementation through legal action in any court. This limitation significantly reduces the enforceability of the provision, making its realisation entirely reliant on the political will of the legislature and the executive. Although the framers of the Constitution intended the DPSPs to serve as guiding principles for governance, they chose not to make them legally binding. This decision was partly to allow the State to gradually adopt these ideals based on social and political changes. However, this has led to successive governments being cautious about the political sensitivities surrounding personal laws and the possible backlash from religious communities. As a result, they have frequently postponed or avoided meaningful steps toward implementing the UCC. Consequently, the non-binding nature of Article 44 has become a significant barrier, allowing the conflict between personal law pluralism and the constitutional commitment to equality and secularism to continue without resolution.⁸

Second, the Government of India has shown an apparent reluctance to actively pursue the goal of implementing a Uniform Civil Code. This hesitance largely stems from the complex political sensitivities surrounding the issue. The risk of alienating religious minorities, many of whom see personal laws as essential to their faith and cultural heritage, often prevents the government from taking decisive action. In a diverse democracy like India, where community ties influence voting patterns, policymakers tend to be cautious about pushing reforms that could be seen as undermining religious freedom. They worry that such changes could lead to social unrest or be seen as a favour to one group over others.

⁷ Dr Pradeep Inder Kaur, Towards a Uniform Civil Code in India: Challenges, Prospects and Stakeholder Perspectives, Vol 9 Issue 3, IJNRD, 804-821 (2024) <https://www.ijnrd.org/papers/IJNRD2403497.pdf>

⁸ The Constitution of India, 1949, Art 44

Third, both the Indian Parliament and State legislatures face a challenging task in creating a single, unified civil code that would bring together various communities' very different personal law systems. This task goes beyond just legal writing; it requires dealing with profound philosophical, cultural, and theological differences in these laws, many of which are based on centuries-old religious texts, customs, and traditions. The challenge is made more difficult by ensuring that any new UCC complies with the constitutional promises of equality, non-discrimination, and freedom of religion while being feasible in a socially diverse country.

Perhaps the biggest challenge, however, comes from the strong attachments that religious groups have to their laws. For many communities, these laws are not just legal rules but sacred reflections of divine will, closely tied to their spiritual identity and cultural continuity. Therefore, any attempt to change or replace these laws is often viewed as a violation of their religious freedom as guaranteed by Articles 25 to 28 of the Constitution. This deep emotional and cultural connection makes it particularly hard to reach a consensus, ensuring that the discussion around the UCC remains one of the most divisive and ongoing issues in India's constitutional debate.⁹

This ongoing conflict between the goal of legal uniformity and the reality of religious diversity raises essential and often controversial questions about India's constitutional philosophy. One urgent question is whether Indian secularism, as expressed in the Preamble, represented in the fundamental rights, and shown in the overall constitutional framework, requires the eventual establishment of a Uniform Civil Code to ensure equality under the law. Alternatively, does the Indian Constitution allow, and maybe even support, the ongoing existence of different personal law systems to recognise and protect the country's unique cultural, religious, and linguistic diversity?

Linked to this is the question of what secularism means in India. Should it be seen in its strict form, calling for a complete separation of religion from the state's functions, thus excluding religious factors entirely from law and governance? Or, considering India's complex social and cultural landscape, should secularism be viewed as a more practical and accommodating

⁹ Shashyak Roy, Aryan Agarwal, & Diya Naresh Changwani, The Uniform Civil Code: Same-Same; But Different A Critical Analysis of UCC in Goa and Uttarakhand, Vol 5 Issue 1, IJLR, 849-860 (2025) <https://ijlr.iledu.in/wp-content/uploads/2025/03/V5I195.pdf>

approach that allows some state involvement in religious matters when necessary for promoting constitutional goals like social reform, gender justice, and the protection of vulnerable groups, while also respecting the independence of religious communities?

These questions are not just theoretical; they go to the heart of the Republic's constitutional identity and challenge its dedication to upholding the principles of absolute equality and the protection of diversity. The answers to these questions will shape the future of the Uniform Civil Code debate and the changing balance between individual rights, community independence, and the state's role in creating a fair, inclusive, and peaceful society.¹⁰

The Indian judiciary has highlighted the need for a Uniform Civil Code on several occasions. This is especially true in key cases like *Mohd. Ahmed Khan v. Shah Bano Begum*¹¹ and *Sarla Mudgal v. Union of India*.¹² In these cases, the Supreme Court did not just resolve the disputes but also pointed out the conflicts between some religious personal laws and the fundamental rights in the Constitution. The *Shah Bano* case, decided in 1985, marked a turning point in the discussion on the UCC. It involved a divorced Muslim woman who was seeking maintenance under Section 125 of the Code of Criminal Procedure, which applies to all citizens regardless of their religion. The Court ruled in her favour, upholding her right to maintenance beyond the *iddat* period established by Islamic law. This showed how gender-discriminatory parts of personal laws can violate constitutional rights to equality and dignity under Articles 14 and 21. The judgment triggered a nationwide discussion on the need for consistent personal laws while highlighting the political and communal sensitivities surrounding these reforms.

Like this, the Supreme Court addressed the problem of Hindu men converting to Islam only to get married again without ending their first marriage, avoiding the requirement of monogamy under Hindu personal law, in *Sarla Mudgal* (1995). In addition to ruling against such practices, the Court emphasized how urgent it is to implement a UCC to stop exploitation that results from having several legal systems coexist. Legislative action in this area has been sluggish despite these forceful court rulings, due to electoral concerns, the fear

¹⁰ S Sadhana & S Bhuvaneswari, A Contemporary Study on the Uniform Civil Code, Vol 120 Issue 5, IJPAM, 4683-4694 (2018) <https://doi-ds.org/doilink/02.2022-45737686/IJLLR/V4/I1/A85>

¹¹ AIR 1985 SUPREME COURT 945

¹² 1995 SCC (3) 635

of offending religious minorities, and the more general difficulty of reaching an agreement in a highly pluralistic society. Because of this, the goal of Article 44 remains more of an ideal than a practical reality.¹³ Legal scholars and constitutional commentators largely agree that creating and implementing a Uniform Civil Code should involve meaningful consultation, building consensus, and making gradual reforms instead of using sudden or forced actions. Personal laws are deeply tied to individual identities. So, any effort to enforce broad uniformity without enough dialogue may lead to social unrest and damage trust between the State and its diverse communities. A well-planned reform strategy must involve ongoing engagement with religious leaders, community representatives, women's rights organizations, legal experts, and civil society groups. This is necessary to ensure that all viewpoints are acknowledged and that concerns are addressed in an open and respectful way.

At the heart of this process needs to be the push for gender justice. Many personal law systems have deep-rooted inequalities that unfairly affect women in areas like inheritance, divorce, maintenance, and guardianship. The main goal of these reforms should be to uphold constitutional values, especially equality before the law, non-discrimination, and the protection of individual dignity, rather than focusing on short-term political gain or election strategies. The goal of the UCC should not be to erase India's rich variety of cultural and religious traditions. It should be about aligning civil law to honour cultural diversity while eliminating discriminatory rules and ensuring legal clarity. By taking a gradual and consultative approach, the State can strive toward a UCC that reflects constitutional morality and the practical realities of India's diverse society. This would help create an inclusive, fair, and socially sustainable legal system.¹⁴

The vision for a Uniform Civil Code goes beyond simplifying and combining different laws. It is a moral obligation and a constitutional necessity. The UCC is grounded in the principles found in the Preamble. It is supported by the guarantees of equality, non-discrimination, and personal freedom in Articles 14, 15, and 21. The UCC symbolises India's commitment to ensuring that every citizen has equal rights, regardless of religion, gender, caste, or

¹³ Vaishali Mahlyan, Uniform Civil Code: Enforcement Challenges, Vol 11 Issue 3, JETIR, 330-334 (2024) <https://www.jetir.org/papers/JETIR2403A41.pdf>

¹⁴ Karri Moulendra Satya Venkat, The Uniform Civil Code in India: A Constitutional Ideal or a Social Dilemma? Vol 2 Issue 12, IJMR, 954-972 (2024) <https://theacademic.in/wp-content/uploads/2025/01/84.pdf>

community. It reflects the promise of a secular government, where the State stays neutral in religious matters while protecting the dignity and independence of individuals through a uniform civil law framework.

Its implementation has significant challenges, including political sensitivities, religious concerns, socio-cultural issues, and difficulties harmonising various legal traditions. Despite these challenges, the need for reform remains urgent. Ongoing gender inequalities, legal inconsistencies, and risks of exploitation from overlapping personal law systems highlight the need for a coherent and inclusive legal structure. A well-structured UCC, developed through widespread consultation and informed by constitutional principles and social realities, has the potential to balance the preservation of cultural diversity with the promotion of fundamental rights.

In a deeply diverse country like India, this code would not seek to eliminate the richness of different traditions. Instead, it aims to integrate them into a common civic framework that supports justice, freedom, and equality, the core values of the Indian constitutional system. Successfully implementing this code would be a crucial step toward achieving the transformative vision of the Constitution: creating a fair, inclusive legal system that reflects a modern democratic society focused on social progress and human dignity.¹⁵

Legal and Constitutional Framework

The idea of a Uniform Civil Code (UCC) is central to India's constitutional vision. It represents one of the most ambitious efforts to reform social and legal practices envisioned by the Constitution's framers. At its core, the UCC aims to unify and simplify personal laws so that all citizens, regardless of their religion, are governed by a single set of civil rules in areas such as marriage, divorce, inheritance, adoption, and succession. This goal is clearly stated in Article 44 of the Directive Principles of State Policy (DPSP). It declares, "The State shall endeavour to secure a uniform civil code for the citizens throughout the territory of India." Even though no court can enforce this provision, its presence in the Constitution shows the framers' intention to guide the State toward a legal system based on equality, secular governance, and national unity.

¹⁵ Shaik Ashfaq, Viewing UCC through the lens of Secularism, iPleaders (1 August 2025, 08:05 A.M.) <https://blog.iplayers.in/viewing-ucc-through-the-lens-of-secularism/>

Including Article 44 was not just a symbolic act. It aimed to move beyond the divisions caused by religion-specific legal systems and replace them with a uniform approach that protects individual rights while promoting social harmony. By separating religious beliefs from civil law, the UCC supports the constitutional values of non-discrimination, gender equality, and the rule of law. However, despite this clear intent, India still has a fragmented legal system in personal law matters. Different communities continue governed by distinct legal systems based on their religious texts, customs, and traditions. This diversity, while showcasing India's cultural richness, has also led to legal inconsistencies and, in some cases, inequalities, especially concerning women's rights. This situation fuels ongoing discussions about how practical, desirable, and urgent it is to implement the UCC.¹⁶

Religious groups in India continue to be governed in key aspects of their personal and family lives by legal systems based on ancient customs, sacred texts, and long-standing traditions unique to each community. These personal laws predate the modern Indian state and often draw their authority from religious scriptures. For example, Muslims follow the Shariat, Hindus refer to the Dharmashastra, and certain Christian denominations use canon law. These laws come from customary practices that have developed over centuries. They cover important areas of life, including marriage, divorce, maintenance, inheritance, adoption, guardianship, and succession. These laws are closely linked to the cultural and spiritual identities of the communities they serve.

These systems are more than just legal frameworks; they are seen as sacred mandates. They have legal force and moral and religious legitimacy for their followers. They play a vital role in shaping community norms, preserving cultural heritage, and preserving historical traditions. This continues even as these laws sometimes conflict with modern constitutional principles of equality and individual rights.¹⁷

Hindus, Muslims, Christians, Parsis, and other recognised religious communities in India are governed by separate legal systems for personal and family law. These systems are based on

¹⁶ Advait Shah, Goa Civil Code: An Evident Hoax to Uniformity and Gender Equity in Goa, Vol 3 Issue 1, IJLLR, 837-844 (2021) <https://www.ijllr.com/post/goa-civil-code-an-evident-hoax-to-uniformity-and-gender-equity-in-go>

¹⁷ Shivam Shukla & Dr Prashant Kumar Varun, The Implementation of UCC in Uttarakhand: A Model for Legal Reform or Political Experiment? Vol 12 Issue 4, IJAAR, 231-235 (2025) <https://ijaar.co.in/wp-content/uploads/2025/04/120441-1.pdf>

their unique religious beliefs, customs, and traditions. Many have roots in ancient religious texts, customs, and some colonial-era laws, dating long before India's independence. For example, Hindu personal law primarily comes from the Dharmashastra tradition and has been codified through acts like the Hindu Marriage Act of 1955. In contrast, Muslim personal law is mainly based on the Shariat and is only partly codified, depending heavily on religious interpretation. Christian and Parsi laws, many established during British colonial rule, have also seen gradual changes, but still reflect their historical and theological roots.

Since independence, the government has made several attempts at legislative reform, especially concerning marriage, divorce, and inheritance. However, these changes have typically been specific to each community instead of being uniform across the board. As a result, India's law system remains fragmented. Each community follows its own legal rules, which can differ significantly from those of others. This partial codification has led to consistency in specific procedures, but legal rules vary widely. This situation creates practical challenges in enforcement and raises ongoing concerns about how this diversity aligns with constitutional guarantees of equality, secularism, and gender justice.¹⁸

This diversity in personal laws contrasts sharply with the relative uniformity found in other areas of Indian law, such as criminal law, contract law, and property law. These laws apply equally to all citizens, regardless of their religious beliefs. The Indian Penal Code, the Indian Contract Act, and the Transfer of Property Act, among others, provide a common legal framework across the nation. They ensure consistency, predictability, and fairness in their application. The difference between the uniformity of secular laws and the pluralism of personal laws highlights a key issue in India's legal system: balancing a unified civil order in some areas with a fragmented, community-specific legal structure in others.

The Indian Constitution recognises secularism as a fundamental principle of governance. This value is evident both in its Preamble and in its substantive provisions. In India, secularism is not just about separating religion and state, like in some Western models. Instead, it means *sarva dharma sambhava*, or equal respect for all faiths. This inclusive view ensures that the State neither favours nor discriminates against any faith. At the same time, it requires that

¹⁸ Madhav Khaneja, Uniform Civil Code: A Critical Analysis of its Application in Contemporary India, Vol 6 Issue 2, IJFMR, 1-38 (2024) <https://www.ijfmr.com/papers/2024/2/16058.pdf>

laws apply fairly and protect the rights of all individuals, regardless of their religious identity. The Constitution envisions a legal order where equality and secular governance work together by establishing legal frameworks that do not discriminate on religious grounds. However, this goal conflicts with the continued existence of religion-specific personal laws. This ongoing tension is at the heart of the debate over the need for a Uniform Civil Code.¹⁹

However, the Indian government has taken a mixed and often cautious approach to reforming religious personal laws. It has intervened selectively instead of pursuing comprehensive or uniform changes. This selective intervention usually happens in response to urgent social reform movements, court rulings that reveal unfair practices, or strong public discussions on specific issues. It is not part of a consistent legislative strategy.

For instance, Hindu personal law was significantly reformed in the 1950s after independence. This occurred through the Hindu Marriage Act, the Hindu Succession Act, and other related laws. These laws aimed to modernise and codify regulations on marriage, divorce, adoption, and inheritance for Hindus, Buddhists, Jains, and Sikhs. In contrast, reforms in Muslim personal law have been much more limited. Parliament has often chosen to defer to religious leaders and community feelings. A clear example is the Shah Bano case, where legislative action essentially reversed the Supreme Court's progressive decision.

At times, the State has taken specific actions. For example, it criminalised instant triple talaq (talaq-e-biddat) in 2019, while keeping other aspects of the same personal law framework unchanged. Likewise, some parts of Christian and Parsi personal laws have been updated to fix certain inequalities, but without a wider unification or adherence to constitutional principles across all communities. This piecemeal approach shows the government's struggle to promote social reform under constitutional values of equality and secularism. It also manages the political risks of upsetting religious groups that consider their laws essential to their cultural and spiritual identity. As a result, personal law reform in India has been marked by small steps and compromises, leaving the broader goal of a Uniform Civil Code largely unmet.²⁰

¹⁹ Riya Maggu, Uniform Civil Code: Critical Analysis, Vol 3 Issue 4, JCLJ, 158-167 (2023) <https://www.juscorpus.com/wp-content/uploads/2023/08/30.-Riya-Maggu.pdf>

²⁰ Aditya Singh Parmar, Uniform Civil Code of Uttarakhand and Marriage Laws, Vol 6 Issue 4, IJFMR, 1-9 (2024) <https://www.ijfmr.com/papers/2024/4/25566.pdf>

The call for a Uniform Civil Code (UCC) is clearly stated in Article 44 of the Directive Principles of State Policy. However, it has faced intense pushback. This resistance mainly stems from the sensitivities around religious identities in a culturally diverse country like India. In such a society, personal laws are not just rules for marriage, divorce, inheritance, and adoption; they are deeply connected to a community's culture, spiritual beliefs, and long-standing traditions. For many religious groups, attempts to change or replace these laws are viewed not as neutral efforts toward legal uniformity, but as threats to their rights to religious freedom guaranteed by Articles 25 and 26. This fear is also shaped by historical experiences, where changes to personal laws during colonial times were often seen as attacks on local cultural independence.

Political factors have also influenced the UCC discussion. The electoral importance of religious communities often leads governments to proceed carefully. They try to balance the constitutional principle of equality with the need for social harmony. As a result, legislative efforts have often been limited to targeted reforms within specific personal laws rather than creating a unified framework for all citizens. The judiciary has highlighted the need to align personal laws with constitutional principles in several key rulings, but these comments have not led to significant legislative changes. Thus, after many years of discussion, the UCC remains more a promise in the Constitution than a legal reality. It is stuck between the goals of justice, liberty, and secularism, and the complicated issues of cultural diversity and practical politics.²¹

The judiciary has repeatedly stressed the need to enact a Uniform Civil Code (UCC) to promote national unity and reduce conflicts caused by having different personal laws. Courts have pointed out that the lack of consistency in personal law systems often results in legal uncertainty, unfair treatment of citizens, and the exploitation of loopholes. For example, in a key ruling, the Supreme Court tackled the issue of individuals misusing religious conversion to bypass restrictions in their original personal laws, especially regarding practices like bigamy. This exposed the shortcomings of current legal protections and showed how the selective application of personal laws could damage gender justice and the rule of law. The

²¹ K Ariffa, Uniform Civil Code in India: Impact on Its Implementation, Vol 1 Issue 2, JLLRD, 30-33 (2024) <https://www.jllrd.com/index.php/journal/article/view/12/12>

Court strongly encouraged lawmakers to take action to create a UCC that would apply equally to all citizens, thus preventing such manipulations.

In another important ruling, the Supreme Court looked at the constitutionality of succession law provisions that imposed unfair restrictions based on religion. The court struck down these provisions, reinforcing that civil laws on inheritance, marriage, and similar matters must follow the constitutional requirement of equality before the law. Through these declarations, the judiciary has consistently highlighted that a well-structured and inclusive UCC would unify the legal system and strengthen the secular nature of the Indian state, ensuring that no citizen's rights are compromised due to their religious beliefs. Although these judicial actions have played a significant role in shaping public discussion, they have not yet led to substantial legislative action, leaving the constitutional goal of Article 44 unachieved.²²

A well-known example in discussions about the Uniform Civil Code (UCC) is the Goa Civil Code, or Goa Family Law. This legal framework comes from the Portuguese Civil Code of 1867. It was put in place in Goa during colonial times. Unlike most other Indian states and union territories that have laws based on religion, Goa kept this common civil code even after joining the Indian Union in 1961. The code uniformly covers various civil issues like marriage, divorce, inheritance, adoption, and guardianship for all residents, regardless of religion.

The ongoing use of the Goa Civil Code is often seen as a model for a nationwide UCC. It reflects the ideas of equality and secularism in civil law by ensuring all citizens follow the same legal rules for personal matters. However, it has its challenges and criticisms. Some provisions, such as those regarding polygamy in specific communities or gender-based inheritance issues, have been pointed out as inconsistent with modern ideas of equality. Still, Goa's experience shows that a common set of civil laws can exist alongside cultural diversity. This provides essential insights into the opportunities and challenges of applying such a system in a large, diverse country like India.²³

²² (2003) 6 SCC 611

²³ Jeya Bharathi Sivakumar, Global Perspectives on Uniform Civil Code: Comparative Analysis on Legal Uniformity and Cultural Pluralism, Vol 7 Issue 2, IJLLR, 3347-3360 (2025) <https://www.ijllr.com/post/global-perspectives-on-uniform-civil-code-comparative-analysis-on-legal-uniformity-and-cultural-plu>

Unlike other Indian states, where personal laws vary by religion, Goa stands out for having one unified set of civil laws. These laws manage critical personal matters such as marriage, divorce, inheritance, adoption, and guardianship. They apply equally to all citizens, regardless of religion, caste, or community. Based on the Portuguese Civil Code of 1867 and kept after liberation, this system is often seen as a working example of the Uniform Civil Code (UCC) at the state level. It shows a religion-neutral civil law framework can exist in a diverse society.

Following this example, Uttarakhand has recently made a significant move by creating its version of a UCC. This initiative aims to replace the various religion-based personal laws currently in place with a single legal framework that applies to all residents. The proposed code seeks to standardise legal rules on marriage, divorce, inheritance, maintenance, and adoption, removing differences caused by religious or customary practices. In doing this, the draft bill seeks to uphold the constitutional principles of equality under the law and non-discrimination, ensuring that all citizens are treated equally under one civil system. If done correctly, Uttarakhand's UCC could act as a trial model and inspire broader national reforms, like how Goa has influenced UCC discussions for many years.²⁴ It also offers protection for children born out of wedlock. While many reform advocates welcome this move, it has drawn criticism for potentially interfering with religious freedoms.

The effort to implement a Uniform Civil Code (UCC) in India exists at the crossroads of constitutional vision and legal diversity. In *Sarla Mudgal*, the Court reiterated that keeping separate personal laws weakens national unity and gender justice. In *Shayara Bano v. Union of India*, the Supreme Court declared the practice of instant triple talaq unconstitutional, stressing the need for reform in personal laws to uphold fundamental rights. The push for a Uniform Civil Code (UCC) in India sits at a sensitive point between the Constitution's hopeful vision and the country's long-standing legal diversity. Article 44 establishes a common set of civil laws for all citizens. However, progress has been slow and contentious. Over the years, the judiciary has emphasised that having multiple personal laws, based on religious and customary traditions, often disrupts the ideals of equality, gender justice, and

²⁴ Narender Nagarwal, Destroying the Basic Standards of Legislation- The Uttarakhand Model of UCC, Research Gate (1 August 2025, 05:53 P.M.) https://www.researchgate.net/publication/379116479_Destroying_the_Basic_Standards_of_Legislation-The_Uttarakhand_Model_of_UCC

national unity. In *Sarla Mudgal*, the Court highlighted that separate personal laws hinder the development of a unified national identity and continue practices that can harm vulnerable groups, especially women. Similarly, in *Shayara Bano*, the Supreme Court declared the practice of instant triple talaq unconstitutional. It was found inconsistent with the fundamental rights framework's guarantees of equality and dignity. These court decisions show the urgent need to reform personal laws and the larger constitutional requirement to unify them in a single, religion-neutral framework. The UCC aims to balance the country's diversity with the promise of equal protection and consistent justice for all citizens.²⁵

The Directive Principles of State Policy, including Article 44, are not enforceable in court, yet they are essential for governance and guide legislative reform. Any new code must carefully balance Article 14's promise of equality before the law.²⁶ with Articles 25²⁷ and 26,²⁸ which protect religious freedom and the right to manage religious affairs. Critics claim that enforcing uniformity without considering fundamental cultural differences could violate the religious freedoms outlined in Article 25.

The Uttarakhand Bill has faced criticism, particularly for its requirement to register live-in relationships and its failure to recognise certain community-specific customs. These provisions seem to clash with court decisions like *Shafin Jahan*, which upheld the right to choose a partner as a key part of personal freedom,²⁹ and *Navtej Singh Johar* broadened the constitutional view on dignity, autonomy, and privacy in intimate relationships.³⁰ These rulings highlight that personal choice in relationships is crucial to the right to life and individual liberty. This raises significant constitutional issues for any law that attempts to regulate these areas too strictly.

Philosophically, the legitimacy of the UCC is debated between natural law and legal positivism. The Hobbesian perspective raises concerns about its coercive nature. The Law Commission of India has twice stated that a UCC is "neither necessary nor desirable." It prefers codifying and reforming personal laws to ensure gender equality and protect diversity.

²⁵ *Shayara Bano v. Union of India*, (2017) 9 SCC 1

²⁶ The Constitution of India, 1949, Art 14

²⁷ The Constitution of India, 1949, Art 25

²⁸ The Constitution of India, 1949, Art 26

²⁹ *Shafin Jahan v. Asokan*, (2018) 16 SCC 368

³⁰ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1

While both Parliament and State Legislatures can make laws about personal matters, a lack of national consensus can lead to inconsistencies. Articles 25 and 26 need consideration when drafting UCCs. The courts clarify that religious freedom must be consistent with public order, morality, and health. When customs violate equality, state action becomes essential. Ultimately, the legal and constitutional framework for a UCC is in place. The real question is whether there is the political will to implement it. The Constitution, the judiciary, and the legislature are ready. What is needed now is open dialogue and careful implementation.³¹

Goa: The 'Model' UCC? An Analysis

The state of Goa has often been seen as a model for a future all-India Uniform Civil Code (UCC). Unlike the rest of India, where personal laws based on religion govern issues like marriage, divorce, and inheritance, Goa has a common civil code based on the Portuguese Civil Code of 1867. This code applies equally to all communities, regardless of their religious identity. This system remained in place when Goa became part of India in 1961. Thus, Goa offers a unique example to study the practical viability, social effects, and legitimacy of a UCC in a diverse society like India.³² The Indian judiciary has formally recognised Goa's model. In the case of *Jose Paulo Coutinho v. Maria Luiza Valentina Pereira*, the Supreme Court noted that the Goan Civil Code reflects the vision of Article 44 of the Constitution, which looks forward to a UCC for all of India. The Court praised the Goa Civil Code as an example of legal uniformity, equality before the law, and secular governance. Such statements have helped promote political discussions that use Goa as a benchmark to support national reforms.³³

The GCC has its roots in colonial legislation, primarily based on the Portuguese Civil Code of 1867, which was extended to Goa in 1870 and later adapted to meet local needs. The *Gentile Hindu Usages and Customs of Goa, 1880*, reinforced the code by including

³¹ Mughda Garg, Implementation of Uniform Civil Code-Impact on Personal Laws, The Amikus Qraie (1 August 2025, 06:00 P.M.) <https://theamikusqraie.com/implementation-of-uniform-civil-code-impact-on-personal-laws/>

³² Salini C and Dr S Ambika Kumari, A Comparative Study on Goa Common Civil Code and Uttarakhand Uniform Civil Code, Vol 8 Issue 3, IJLMH, 652-665 (2025) <https://ijlmh.com/paper/a-comparative-study-on-go-common-civil-code-and-uttarakhand-uniform-civil-code/>

³³ (2019) SCC OnLine SC 1190

provisions for local Hindu customs, such as the joint family system and limited polygamy.³⁴ Following Goa's annexation by India in 1961, the Indian government retained the code rather than replacing it with national personal laws. This decision established a kind of secular personal law in the region. The "communion of assets" principle is a notable aspect of the GCC. When a couple marries, they enter a financial partnership where all assets obtained before and after marriage are jointly owned. If one spouse dies, half of the property goes to the surviving partner, while the other half is shared among legal heirs.³⁵ This system is meant to encourage economic partnership and promote gender equality within marriage. Furthermore, the Goa Succession, Special Notaries and Inventory Proceedings Act, 2012, establishes gender-neutral inheritance laws. Unlike the Hindu Succession Act or Muslim personal laws, the Goa code treats all heirs equally, regardless of gender. It eliminates gendered language, ensuring that inheritance rights are determined by relational status, not sex.

Another significant feature is that marriage registration is mandatory, regardless of religion. This civil registration is a legal requirement for marriage recognition in Goa and helps address issues such as child marriage and fraud in marriage agreements.³⁶ The code also prohibits certain practices, like verbal divorce or unilateral repudiation, which often disadvantage women in other legal frameworks. However, despite these progressive elements, some experts warn that the Goa Civil Code is not entirely free from inconsistencies and patriarchal influences. For example, although marital property is jointly owned, husbands have administrative control over community property.³⁷ This arrangement undermines the idea of equal partnership and limits women's decision-making power, particularly for homemakers without independent incomes. Article 3 of the Gentile Hindu Usages and Customs Decree (1880) allows a Hindu man to marry a second wife if his first wife does not produce a male child by age 30. While this provision is seldom applied, it remains law and

³⁴ Manya Rai, Goa Civil Code: Is it Uniform? Vol 2 Issue 1, IJIRL, 622-630 (2022) <https://ijirl.com/goa-civil-code-is-it-uniform/>

³⁵ Kratee Aggarwal & Sunidhi Agrahari, The Goan Civil Code: A Great Success or Steep Failure? Vol 2 Issue 3, IJALR, 1-11 (2022) <https://ijalr.in/wp-content/uploads/2022/09/THE-GOAN-CIVIL-CODE-A-GREAT-SUCCESS-OR-A-STEEP-FAILURE.pdf>

³⁶ Smt. Seema v. Ashwani Kumar, AIR 2006 SUPREME COURT 1158

³⁷ Dishita Mittal, Between Uniformity and Justice: Rethinking the UCC Through Goa and Uttarakhand, Juris Centre (1 August 2025, 08:43 P.M.) <https://juriscentre.com/2025/07/30/between-uniformity-and-justice-rethinking-the-ucc-through-go-and-uttarakhand/#:~:text=Many%20feminist%20scholars%20and%20civil,much%20like%20the%20Goan%20code.>

highlights a troubling gap between legal standards and women's rights, particularly regarding reproductive rights and dignity. This contradicts the Indian Penal Code and the Hindu Marriage Act, which outlaw bigamy. Another troubling issue involves the marriage registration process. For Catholics, a church signature is enough for civil registration, while non-Catholics must provide an additional signature. This detail, often overlooked, can lead non-Catholic women to mistakenly believe their marriage is legally recognised, only to find out otherwise during legal proceedings. Critics have pointed out that the code offers little protection for women in divorce situations concerning maintenance, equitable property division, or access to legal aid. Additionally, ante-nuptial agreements allowed by the code are often biased in favour of the economically stronger spouse, usually the man, especially in wealthy, property-owning families.

The colonial origins of the code and its lack of democratic legitimacy cannot be ignored. Unlike other Indian personal laws created through post-independence legislative processes and subject to parliamentary oversight, Goa's code has not faced much scrutiny. Scholars emphasise that this contributes to a lack of public debate and reform, leaving many provisions unchanged since colonial times. While the code states it is secular, its application often reflects upper-caste Hindu norms, marginalising tribal, lower-caste, and non-Hindu communities. Women's groups in Goa have consistently called for gender-sensitive updates, but legislative stagnation and political reluctance have hampered these efforts. Goa's Civil Code provides an insightful but flawed perspective on the challenges of implementing a UCC in India. It shows that legal uniformity does not guarantee social equality. Although it has some progressive features, Goa's code falls short of being a transformative model due to inherent patriarchal norms, procedural inconsistencies, and insufficient protections for vulnerable groups. If India aims to move toward a national UCC, the Goa model cannot be taken as it is. The experience of Goa should be examined critically, considering constitutional, gender, and participatory issues. The future of a UCC should rest on genuine equality, justice for all, and democratic engagement with the communities it intends to serve.

Uttarakhand's Draft UCC: Experiment or Blueprint?

The passage of the Uniform Civil Code (UCC) in Uttarakhand in 2024 is a notable moment in Indian legal history. It is the first state in India since independence to enact a complete civil

code that applies equally to all communities regarding marriage, divorce, live-in relationships, inheritance, adoption, and guardianship. This legislative action has reopened national discussions on Article 44 of the Constitution, which requires that the State strive to ensure a uniform civil code throughout India.³⁸ The Uttarakhand UCC gets its constitutional backing from Article 162, which gives states executive power. Entry 5 of the Concurrent List in the Seventh Schedule allows state and central governments to make laws about marriage, divorce, and adoption. This authority was exercised when the Pushkar Singh Dhami government set up a five-member expert committee led by Justice (Retd.) Ranjana Prakash Desai will review current personal laws and suggest a common legal framework.

After thorough consultations, the UCC Bill was introduced in the legislative assembly, and its passage marks a political achievement and a significant legal change. It positions Uttarakhand as a possible testing ground for national reforms. The legislation's connection to constitutional values like equality, secularism, and gender justice is crucial to its legitimacy, even though its implementation might meet sociocultural opposition.³⁹ The Code cancels various religion-based personal law practices that were earlier allowed. It bans polygamy, triple talaq, halala, and iddat, thereby eliminating gender-discriminatory aspects from Islamic personal law. The UCC sets a minimum marriage age of 18 for women and 21 for men across all communities. It criminalises extra-judicial divorces, including talaq-i-biddat, khula, mubarat, and zihar, and imposes penalties for violations. Significantly, the legislation goes beyond mere symbolic changes by ensuring equal property rights for women, including Muslim women, who were previously entitled to a smaller share under traditional Shariat laws. The Code also recognises dower (mehr) as an enforceable right, clarifying that it is separate from maintenance.⁴⁰

³⁸ Shruti Yadav, *Decoding the Uniform Civil Code: A Critical Analysis of Uttarakhand's Landmark Legislation*, Manupatra (1 August 2025, 09:48 P.M.) <https://articles.manupatra.com/article-details/Decoding-the-Uniform-Civil-Code-A-Critical-Analysis-of-Uttarakhand-s-Landmark-Legislation>

³⁹ Alisha Barnwal, *Implementation of Uniform Civil Code by Uttarakhand Assembly: Comparative Analysis - Step towards development or Downfall*, Record of Law (2 August 2025, 05:50 A.M.) <https://recordoflaw.in/implementation-of-uniform-civil-code-by-uttarakhand-assembly-comparative-analysis-step-towards-development-or-downfall/>

⁴⁰ Shamim Ahmad Ansari and Dr. Naseem Akhtar, *Uniform Civil Code in modern India: Historical Roots, Contemporary Developments, and the Role of the Judiciary in pursuit of 'One Nation-One Law,'* Vol 4 Issue 1, IJLJ, 18-22 (2023) <https://www.lawjournal.info/article/90/4-1-8-824.pdf>

A groundbreaking and contentious feature of the Uttarakhand UCC is its regulation of live-in relationships. The law requires that all live-in partnerships be registered and that both partners inform district authorities of their status. Failure to register results in penalties, and repeat violations can lead to criminal charges. The Code also secures the legitimacy and inheritance rights of children born from these unions, safeguarding the rights of those born outside traditional marriages. This recognition signifies a meaningful shift toward state regulation of changing family structures, moving informal arrangements into formal legal systems. However, critics claim this measure could violate personal freedom and privacy by monitoring relationships that would otherwise be private.⁴¹

Despite its progressive elements, the Code maintains traditional guardianship norms, where the father is the natural guardian, and the mother is seen merely as a custodian. The UCC does not challenge the long-standing assumption of paternal authority in guardianship choices. This point has drawn criticism from feminist legal scholars for sustaining gender biases within families. Moreover, while custody of children under five is usually granted to mothers, this stipulation reinforces caregiving stereotypes without significantly enhancing women's rights as independent decision-makers. One of the more admirable aspects of Uttarakhand's process was the consultative and deliberative steps leading up to the bill's drafting. The Desai Committee looked at existing legal systems, gathered public feedback, and engaged with religious groups. While some argue that minority voices were not adequately represented, the state government insists that the bill reflects a widespread agreement on gender justice and legal clarity.

The government also pointed to supportive Supreme Court decisions regarding UCC implementation, such as those of Shah Bano, Sarla Mudgal, and Jose Paulo Coutinho, viewing them as judicial support for uniformity, even if not for the specific approaches used. Although the UCC is progressive in many ways, it has sparked considerable debate. Scholars warn that legal uniformity might compromise cultural diversity, especially when one dominant framework is imposed on various religious communities without enough protection

⁴¹ Siddharth Singh, Unravelling the Uniform Civil Code (UCC): Evolution, Implications, and Challenges in Contemporary India, Vol 4 Issue 1, IJCSL, 45-49 (2024) <https://www.criminallawjournal.org/article/67/4-1-13-452.pdf>

for minority identities. There is worry that the UCC could lead to a more homogenised, rather than harmonised, legal landscape.⁴²

Additionally, the mechanisms for enforcing the law and the awareness needed for implementation are still underdeveloped. There are concerns about whether the lower judiciary and police can handle the interpretative changes this new legal framework requires. A significant critique is that the law only applies in Uttarakhand, which could create confusion and lead to strategic legal behaviour in cross-border personal law cases. The Uttarakhand UCC is a bold attempt to reform personal law based on secularism, equality, and constitutional morality principles. While its goals are commendable, its application and acceptance are still debated. It is premature to evaluate its social success, but its political and legal importance is evident. Ultimately, whether the UCC in Uttarakhand acts as a legislative trial or a model for others will depend on its ability to adapt, include diverse voices, and endure judicial examination. Nevertheless, it provides a real-world setting to explore what has long been an ideal confined to courts and political discussions.⁴³

Socio-Religious Challenges to UCC Implementation

The Uniform Civil Code (UCC) is one of the most controversial legal reforms proposed since India gained independence. While its constitutional basis under Article 44 of the Directive Principles of State Policy is clear, the UCC has faced significant socio-religious opposition rooted in India's complex diversity.⁴⁴ Many see replacing religion-based personal laws with a uniform civil code as more than just a legal change; it symbolises a shift in social norms, community autonomy, and identity politics.⁴⁵ In India, religion shapes spirituality and everyday life, including personal laws on marriage, divorce, adoption, maintenance, and

⁴² Ismat Ara, Uttarakhand Uniform Civil Code: Testing the waters? Frontline (19 February 2024, 22:18 IST) <https://frontline.thehindu.com/news/uttarakhand-uniform-civil-code-controversy-over-womens-rights-and-minority-targeting-india/article67864614.ece#:~:text=Its%20introduction%20is%20purely%20political,level%20UCC%2C%E2%80%9D%20he%20said.>

⁴³ Shamim Ahmad Ansari and Dr. Naseem Akhtar, Uniform Civil Code in India: A Comprehensive Analysis, Vol 10 Issue 1, IJAR, 106-110 (2024) <https://www.allresearchjournal.com/archives/2024/vol10issue1/PartB/10-1-62-151.pdf>

⁴⁴ Tanya Sharma, Uniform Civil Code: A Detailed Analysis, Vol 12, PAJ, 1-7 (2020) <https://penacclaims.com/wp-content/uploads/2020/09/Tanya-Sharma.pdf>

⁴⁵ Nidhi Rao, Consequences of Uniform Civil Code on Integrity and Social Life of India, Vol 2 Issue 4, JCLJ, 378-384 (2022) <https://www.juscorpus.com/wp-content/uploads/2022/07/70.-Nidhi-Rao.pdf>

inheritance.⁴⁶ This diversity has led to several legal systems coexisting, often justified as necessary in a secular and multicultural democracy.⁴⁷ In this context, many religious communities view the call for a common civil code as a move toward cultural uniformity and a threat to their constitutional right to religious freedom.⁴⁸

The Muslim community has been particularly outspoken against the UCC. They argue that the Shariat provides a complete moral and legal framework, and modifying it would mean changing divine law.⁴⁹ Organisations like the All-India Muslim Personal Law Board contend that the UCC would violate their fundamental rights under Article 25 of the Constitution, which guarantees freedom of religion. Historically, colonial authorities avoided interfering with Muslim personal laws to prevent social unrest, reinforcing their importance.⁵⁰ Many Islamic scholars and clerics believe personal laws are not just customs but are essential to their faith.⁵¹ Christian groups have also raised concerns about how a uniform code might conflict with traditional laws.⁵² For example, specific Christian personal laws on divorce or inheritance may not match the proposed UCC guidelines. Likewise, smaller communities such as Parsis and Jews worry about the possible legal elimination of their unique systems, which have been recognised and protected under Indian law.

The concerns extend beyond the more widely recognised religions. Tribal and Adivasi communities follow customary practices that are not formally documented but are crucial to

⁴⁶ Ansi Palandi, Uniform Civil Code & Its Analysis, Vol 2 Issue 4, JCLJ, 1241-1249 (2022) <https://www.juscorpus.com/wp-content/uploads/2022/09/222.-Ansi-Palandi.pdf>

⁴⁷ Arishtha, Harmonising Personal Laws: A Comprehensive Study of the Uniform Civil Code in India, The Amikus Qraie (2 August 2025, 08:07 A.M.) <https://theamikusrqraie.com/harmonizing-personal-laws-a-comprehensive-study-of-the-uniform-civil-code-in-india/>

⁴⁸ Eshika Thakur & Hritvij Saxena, Uniform Civil Code: Implementation & Complexities, Vol 4 Issue 4, JCLJ, 863-881 (2024) <https://www.juscorpus.com/wp-content/uploads/2024/09/92.-Eshika-Thakur.pdf>

⁴⁹ Tarang Arora, Is Uniform Civil Code A Final Nail in the Coffin? The Amikus Qraie (2 August 2025, 08:32 A.M.) <https://theamikusrqraie.com/is-uniform-civil-code-a-final-nail-to-coffin/#:~:text=A%20unified%20civil%20code%20means,everyone%20is%20treated%20the%20same.>

⁵⁰ Sameer Rawat, Uniform Civil Code, Benefits, and Pitfalls, Vol 3 Issue 1, JCLJ, 679-687 (2022) <https://www.juscorpus.com/wp-content/uploads/2022/11/134.-Sameer-Rawat.pdf>

⁵¹ J Arockiya Blessy & Rishibala Manoharan, A Critical Analysis on Uniform Civil Code-Need or Myth, Institute of Legal Education (2 August 2025, 08:40 A.M.) <https://book.iledu.in/wp-content/uploads/2023/09/70.pdf>

⁵² Varun Ranganathan, Uniform Civil Code – Issues and Challenges and How to circumvent them? Vol 3 Issue 1, JCLJ, 416-423 (2022) <https://www.juscorpus.com/wp-content/uploads/2022/10/89.-Varun-Ranganathan.pdf>

their social structure.⁵³ These customs govern inheritance, land ownership, and marriage arrangements in ways that reflect local traditions instead of broader national norms. Imposing a uniform legal system for these groups could threaten their legal autonomy and the preservation of their cultures, including those of these communities under a standard civil code, without proper consultation or acknowledgement of their traditional rights, which risks worsening historical marginalisation.⁵⁴ Even within the Hindu community, often seen as a single entity, the legal landscape varies significantly. Different schools, such as Mitakshara and Dayabhaga, follow distinct inheritance rules. The Hindu Code Bills of the 1950s, which reformed personal law, faced pushback from more traditional segments of Hindu society. Differences like matrilineal inheritance in Kerala or localised marriage customs in eastern India show that diverse traditions persist even within the so-called majority. These internal variations highlight the paradox of assuming the UCC would only affect minority groups. Resistance also stems from viewing the UCC as a majoritarian push, especially when proposed without broad representation. Minority groups frequently see such proposals as attempts to impose dominant community values in the name of reform. This feeling grows when the UCC is discussed in politically charged settings, turning it into a campaign tool rather than a source of social agreement.

The Indian judiciary has walked a fine line between promoting the UCC and respecting religious diversity. In the *Sarla Mudgal* case, the Supreme Court stressed the need for the UCC to tackle issues like bigamy and gender inequality in personal laws. However, in the *Shayara Bano* case, the Court struck down triple talaq and highlighted the importance of honouring religious sensitivities. Similarly, in the *Shafin Jahan* case, the Court upheld individual autonomy in marriage and personal choices, affirming that constitutional values protect the right to choose a partner. These rulings illustrate the delicate balance between enforcing uniform rights and maintaining religious freedoms. Furthermore, misinformation plays a key role in increasing resistance to the UCC. Many communities associate the UCC with the ban on religious customs or state interference in personal spiritual matters. The lack

⁵³ Ravi Shankar Bhatt, Uniform Civil Code in India: Path to Unity or a Threat to Diversity, The Amikus Qraie (2 August 2025, 09:27 A.M.) <https://theamikusqraie.com/uniform-civil-code-in-india-a-path-to-unity-or-a-threat-to-diversity/>

⁵⁴ Nitin Raj Singh, Unravelling India's Uniform Civil Code: A Profound Examination, The Amikus Qraie (2 August 2025, 09:36 A.M.) <https://theamikusqraie.com/unravelling-indias-uniform-civil-code-a-profound-examination/>

of organised public education and participation in lawmaking adds to this mistrust. Religious communities will likely remain wary without clearly explaining the UCC's goals and scope. Therefore, opposition to the UCC should not be seen merely as traditionalism. It represents a mix of concerns about representation, historical grievances, gender fairness, identity politics, and constitutional rights.⁵⁵ Reform efforts must be gradual, inclusive, and sensitive to context, steering clear of imposing a single standard in the name of justice.

The socio-religious challenges to the UCC arise from valid fears and historical tensions. The success of the UCC depends on its legal framework and its acceptance in society. It should be presented as a means for inclusive justice rather than a tool for cultural conformity. As India progresses, achieving legal uniformity should come through mutual respect, thoughtful dialogue, and a commitment to secularism, not through force.

Federalism and State-Level UCCs: Legal Concerns

The Uniform Civil Code (UCC), outlined in Article 44 of the Constitution, is often seen to promote equal civil rights for all religions. However, implementing it, particularly at the state level, raises essential constitutional and federal questions. India has a quasi-federal structure where legislative powers are split between the Union and the States. When individual states try to enact UCCs, it introduces a new aspect that needs careful consideration of constitutional design, centre-state relations, and the possible risks of inconsistent legal development.⁵⁶ According to the Seventh Schedule of the Constitution, personal law topics like marriage, divorce, adoption, and succession fall under the Concurrent List (Entry 5). This allows the Union and the state governments to create laws regarding these issues. However, if there is already a central law, Article 254 states that it takes precedence over any state law that conflicts with it, unless the state law has Presidential assent. While this allows states to propose UCCs, it creates risks of inconsistency across different jurisdictions.⁵⁷ This situation can lead to a dual-track personal law system, undermining the overall goal of uniformity envisioned in Article 44.

⁵⁵ Sunaina Nassa, The Debate over Uniform Civil Code (UCC) and its Significance for India as a Secular Democracy, Vol 3 Issue 3, IJRL, 1029-1041 (2023) <https://ijrl.com/wp-content/uploads/2023/06/THE-DEBATE-OVER-UNIFORM-CIVIL-CODE-UCC-AND-ITS-SIGNIFICANCE-FOR-INDIA-AS-A-SECULAR-DEMOCRACY.pdf>

⁵⁶ Shivam Bhalla, Can UCC be applied in a Diverse Country like India? JCLJ, Vol 2 Issue 3, JCLJ, 717-724 (2022) <https://www.juscorpus.com/wp-content/uploads/2022/05/143.-Shivam-Bhalla.pdf>

⁵⁷ The Constitution of India, 1949, Art 254

Goa's Civil Code is frequently cited as a successful example of a state-level UCC. Based on Portuguese civil law, Goa continued with its civil code after joining the Indian Union in 1961. On the surface, it is neutral regarding religion and applies equally to all state citizens, covering marriage, succession, and divorce. However, legal experts and court observations have noted that this uniformity is imperfect. For example, Catholic couples benefit from special privileges related to church marriages and property, while Hindu men face certain exceptions regarding ancestral property under the Mitakshara system.⁵⁸ These distinctions highlight that even well-regarded UCCs have underlying religious or customary differences. Uttarakhand's recent move to create a Uniform Civil Code marks a significant moment in Indian legislative history. The Bill approved by the state assembly addresses various personal matters, including marriage registration, divorce, guardianship, inheritance, live-in relationships, and the rights of children born out of wedlock. It tries to create a legal framework that does not favour religion and removes community-specific laws. The provisions include equal property rights for men and women, a ban on polygamy, and mandatory registration of marriages and live-in relationships.⁵⁹ However, critics suggest that such ambitious laws may not survive legal challenges if they clash with central laws like the Hindu Marriage Act of 1955, the Indian Christian Marriage Act of 1872, or the Muslim Personal Law (Shariat) Application Act of 1937. Without Presidential assent under Article 254(2), the law could be invalidated if it conflicts with central laws.

This raises a key question: Can a state-level UCC achieve national legal uniformity, or does it risk further fragmentation of personal laws across the country? A significant concern is the possible confusion about jurisdiction in matters crossing state lines. For example, imagine a woman from Uttarakhand married to a man from Uttar Pradesh. If the two states have different personal laws regarding property division, maintenance, or inheritance, it will complicate court matters and may lead to conflicting rulings.⁶⁰ Additionally, having multiple UCCs at the state level could weaken the consistency of civil law in India. The idea of "uniformity" is compromised if each state interprets it according to local socio-political

⁵⁸ Ankit Kundra, Uniform Civil Code: Constitutionality and Significance, The Amikus Qraie (2 August 2025, 02:55 P.M.) <https://theamikusqraie.com/uniform-civil-code-constitutionality-and-significance/>

⁵⁹ G.S. Suvethan, R. Niranjana and Tejashwini Kuna, Discerning the Need for an Uniform Civil Code (UCC), Vol 16 Issue 1, IJER, 185-196 (2019) https://serialsjournals.com/abstract/62661_17-g.s._suvethan.pdf

⁶⁰ Garvit Sharma, Uniform Civil Code: A Boon or Bane? Vol 3 Issue 2, JLRJS, 525-536 (2024) <https://jlrjs.com/wp-content/uploads/2024/03/65.-Garvit-Sharma.pdf>

factors. States motivated by ideology might use the UCC to promote specific moral or religious standards while pretending to ensure legal equality. In this scenario, state-level UCCs could undermine secularism and instead support majoritarianism or social manipulation.⁶¹ There are also worries about procedural issues in how state-level UCCs are being implemented. In Uttarakhand, several legal experts and community organisations have claimed that the drafting process did not adequately involve minority groups, tribal communities, or women's rights organisations. Law commissions, bar associations, and community leaders were either not consulted or involved only superficially. This lack of participation goes against the principles of federalism and democratic law-making, which should be inclusive and transparent, especially in sensitive areas.

Judicial decisions provide essential insights into the constitutional context of the UCC. In the case of *Jose Paulo Coutinho*, the Supreme Court commended the Goa model as a successful example of legal uniformity, stating that a UCC should not remain a mere aspiration. However, the Court did not clarify whether state initiatives are better than a central law. In *Pannalal Bansilal v. State of A.P.*, the Court upheld the state's authority to reform personal law for specific religious communities, affirming legislative power under the Concurrent List.⁶² However, it also warned that these reforms must not violate fundamental rights under Articles 14, 15,⁶³ or 25. A more recent case of *Shayara Bano* saw the Court declare the practice of instant triple talaq unconstitutional. While this ruling highlighted the need for gender justice in personal laws, it also highlighted the absence of cohesive legal reform. The judiciary has shown occasional support for UCC but has avoided prescribing its exact form or jurisdiction. Therefore, while the constitutional framework allows the Union and states to create laws on personal matters, a fragmented, state-by-state approach could lead to legal confusion. To avoid this, there should be a coordinated framework between the Centre and States, where the Union government sets guiding principles and states tailor them to local circumstances. Alternatively, the Law Commission of India could draft a model UCC, allowing states to adopt or modify it, ensuring legal consistency while maintaining federal flexibility.

⁶¹ Raj Pipara and Renuka Bhalerao, *Uniform Civil Code: A Socio-Legal Perspective*, Vol 2 Issue 4, JCLJ, 59-64 (2022) <https://www.juscorpus.com/wp-content/uploads/2022/06/10.-Renuka-Bhalerao-Raj-Pipara.pdf>

⁶² (1996) 2 SCC 498

⁶³ The Constitution of India, 1949, Art 15

Critical Comparative Evaluation: Goa v. Uttarakhand

Implementing the Uniform Civil Code (UCC) in Goa and Uttarakhand shows two different approaches to legal standardisation in India. Goa's civil code, a remnant of colonial times, continues to operate with only minor changes. In contrast, Uttarakhand has become the first state after independence to create a Uniform Civil Code through a democratic process. A detailed comparison highlights the socio-legal challenges of implementing the UCC and assesses the effectiveness, inclusiveness, and potential for both models to be replicated. Goa's UCC is based on the Portuguese Civil Code of 1867, which remained in place even after Goa joined India in 1961.⁶⁴ This legal continuity makes Goa unique, as a common set of civil laws governs citizens of different religions. Rules about marriage, divorce, guardianship, and inheritance apply alike, at least on the surface, setting Goa apart from the rest of India, where personal laws vary by religion.⁶⁵ However, the idea of uniformity in Goa has its limitations. The code, while secular, still reflects religious influences. Catholic marriages need a church annulment for divorce, and traditional practices still impact inheritance laws. Also, Muslim men in Goa cannot practice polygamy, which is an exception to Islamic law but allowed in other parts of India under Muslim Personal Law.⁶⁶ These aspects indicate a partially secularised legal system rather than an entirely neutral one.

The situation for women under Goa's code is also in question. Although the legal system has fostered inter-religious uniformity, real progress toward gender equality has not followed suit. In some cases, women's rights to property or independent guardianship are still limited by outdated customs rooted in the inherited civil law framework. These concerns show that despite its enduring nature, Goa's UCC does not fully align with constitutional ideals of gender justice and equality.⁶⁷ The lack of a democratic origin for Goa's UCC further weakens its claim as a model code. Unlike new laws created through legislative processes, Goa's framework was passed down from colonial governance with few consultative changes over

⁶⁴ Ravindranath Chowdary Namburu & Sivani Ledalla, A Detailed Study on Uniform Civil Code in regard with Personal Laws and its Reforms, Vol 3 Issue 4, IJLSI, 821-832 (2021) <https://www.ijlsi.com/wp-content/uploads/A-Detailed-Study-on-Uniform-Civil-Code-in-regard-with-Personal-Laws-and-its-Reforms.pdf>

⁶⁵ Richa Choudhary, Uniform Civil Code, SSRN (2 August 2025, 05:37 P.M.) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3649628

⁶⁶ Shambhavi, Uniform Civil Code: The Necessity and the Absurdity, Summer Issue Vol 1, ILILR, 12-29 (2017) <https://ili.ac.in/pdf/paper217.pdf>

⁶⁷ Gautam Sanjay, Uniform Civil Code: A Comprehensive Study, Vol 4 Issue 3, IJALR, 1-16 (2024) <https://ijalr.in/wp-content/uploads/2024/04/UNIFORM-CIVIL-CODE-A-COMPREHENSIVE-STUDY.pdf>

the years. Thus, its legitimacy is more a result of historical inertia than participatory governance.⁶⁸

Uttarakhand's UCC initiative in 2024 marks a significant moment in India's federal and constitutional framework. It was developed through a structured and open process. The state formed a five-member committee led by Justice Ranjana Prakash Desai to draft a comprehensive UCC. The bill was eventually approved in the legislative assembly, making Uttarakhand the first state to fulfil the constitutional requirement of Article 44 after independence.⁶⁹ Unlike Goa, Uttarakhand's UCC came from democratic discussions, extensive stakeholder consultations, and public feedback. The code spans over 740 pages and covers many areas of civil life, including marriage, divorce, adoption, guardianship, and inheritance. The legislation is explicitly secular and aims to treat all citizens equally, regardless of their religious background.⁷⁰

Among its innovative features are the elimination of polygamy, banning child marriage, requiring registration for live-in relationships, and granting equal property rights to women and adopted children. It also removes the legal differences between legitimate and illegitimate children, ensuring all offspring have equal legal rights. However, the UCC has faced criticism for specific provisions. For instance, live-in partners younger than 21 need parental consent to register, raising concerns about privacy and personal freedom. Critics warn that this could overreach state power into private lives. Nonetheless, the overall vision of Uttarakhand's UCC focuses on progressive reform to achieve absolute equality.

Comparative Dimensions and Reflections		
Criteria	Goa	Uttarakhand
Legal Origin	Portuguese Civil Code (1867)	Uniform Civil Code of Uttarakhand Act (2024)
Religious	Applied to all religions with	Explicitly secular and applies to all

⁶⁸ Aneesha Kumari, Uniform Civil Code in India: A Constitutional Mandate or Cultural Conundrum, Vol 22 No 22, TLWLJ, 1-10 (2025) <https://thelawwaywithlawyers.com/wp-content/uploads/2025/05/UCC-Aneesha-kumari-ANEESHA-KUMARI.pdf>

⁶⁹ Rituporna Das, Towards Equitable Rights: Condition of Women in Uttarakhand Post-Uniform Civil Code, Vol 6 Issue 2, IJFMR, 1-6 (2024) <https://www.ijfmr.com/papers/2024/2/16376.pdf>

⁷⁰ Harish K Thakur, Uttarakhand UCC Bill and its Implications, Research Gate (2 August 2025, 06:40 P.M.) https://www.researchgate.net/publication/378128158_Uttarakhand_UCC_Bill_and_its_Implications_Uttarakhand_UCC_Bill_and_its_Implications

Uniformity	minor exceptions	communities
Gender Rights	Partial limitations in inheritance and guardianship	Comprehensive equality: live-in, adoption, inheritance
Live-in Relationships	Not addressed	Mandatory registration and regulation
Implementation Status	Passive continuance since 1961	Active implementation with new legislative backing
Consultation Process	None (Colonial inheritance)	Broad-based committee consultations, but limited minority input

The code also requires a one-year separation before divorce, regardless of community, and sets uniform marriageable ages: 18 for women and 21 for men. This legal consistency replaces varying religious norms with a single statutory framework, improving legal certainty and access to justice. Notably, the bill includes penalties for non-compliance and aims to establish a strong regulatory structure for effective enforcement. Although implementation challenges like administrative readiness and spreading awareness exist, the act sets a strong example for other Indian states. The different paths of Goa and Uttarakhand highlight key differences in their methods of legal reform. Goa's framework is an unaltered inheritance, while Uttarakhand's model represents a clear assertion of constitutional ambition. The former offers the benefits of longevity and social integration, while the latter provides a more intentional, rights-focused legislative approach.

Cultural resistance, particularly from religious minorities, still looms over efforts to implement the UCC. Goa's adoption of its UCC during colonial times did not trigger the communal tensions that modern legislative efforts often do. On the other hand, Uttarakhand's initiative has led to debates about majority dominance and fears of cultural uniformity. These issues highlight the need for inclusive discussions and protections for minority rights within a uniform framework.⁷¹ The framers of the Indian Constitution, notably B.R. Ambedkar and K.M. Munshi, stressed the need for a Uniform Civil Code to achieve a modern and fair legal system. They recognised that having a unified set of civil laws was crucial for national unity

⁷¹ Joy, Edwin, Uniform Civil Code or Unified Civilizational-State? Why Implementing UCC will Destroy the Civilizational Base of India (August 22, 2023). Available at SSRN: <https://ssrn.com/abstract=4548838> or <http://dx.doi.org/10.2139/ssrn.4548838>

and gender justice. Uttarakhand's move represents a strong revival of this constitutional vision, though it still requires fine-tuning and careful implementation. The comparison between Goa and Uttarakhand shows more than just a timeline or procedural difference; it reflects the evolving journey of India's civil law. Goa's model is a historical case study, rich in legal continuity yet lacking modern social justice credentials. Uttarakhand's code is new and closely observed but offers an inclusive and progressive model that could shape national discussions.

The way ahead requires legal innovation, political commitment, cultural sensitivity, and effective administration. As more states consider implementing a UCC, Uttarakhand's experience will likely serve as both a reference and a warning. Balancing uniformity with diversity and equality with freedom remains the central challenge in India's pursuit of a truly fair civil code.

The Way Forward: A Pluralistic UCC?

The discussion around implementing a Uniform Civil Code (UCC) in India has been ongoing for a long time. Advocates see it as a way to promote unity, gender fairness, and social progress. However, introducing a common civil code in a nation as diverse as India should not be about forcing everyone into the same mould. Instead, it should focus on respecting cultural differences while promoting equality. In a democracy, achieving uniformity does not mean making everyone the same; it means ensuring fairness. The success of the UCC depends on blending constitutional objectives with the realities of India's varied social landscape. Central to the UCC debate is Article 44 of the Indian Constitution. This article states, "the State shall endeavour to secure a uniform civil code for the citizens throughout the territory of India." While it is not enforceable by law, Article 44 offers a moral guideline for the government to pursue legal uniformity in personal matters over time. However, more than seventy years after the Constitution was enacted, this goal remains unachieved, mainly due to India's religious diversity and the strong personal laws within different communities.⁷² India's legal framework creates a divide between secular laws and those based on religious

⁷² Ahmar Afaq & Dr Sukhvinder Singh Dari, Understanding Uniform Civil Code: Its Need and Challenges, Vol 21 Issue 1, RLJ, 1-9 (2023) https://www.researchgate.net/publication/371678239_UNDERSTANDING_UNIFORM_CIVIL_CODE_ITS_NEED_AND_CHALLENGES

beliefs. While laws concerning crime, contracts, property, and evidence are uniformly applied to all, personal laws governing marriage, divorce, inheritance, guardianship, adoption, and maintenance vary by religion. These laws include the Hindu Marriage Act, the Muslim Personal Law (Shariat) Application Act, the Indian Christian Marriage Act, and the Parsi Marriage and Divorce Act.⁷³ This separation leads not only to legal inconsistencies but also to unfair treatment of individuals based on their religion and gender.

Moving forward, the UCC must be based on legal pluralism, the concept that uniformity can exist alongside diversity. Instead of imposing a single legal structure that disregards religious practices, a better approach would be to merge existing personal laws, keeping their positive aspects while removing discriminatory rules. This kind of merger would create a pluralistic UCC that honours cultural identities while supporting constitutional values of equality, liberty, and dignity.⁷⁴

A key step is to proceed with gradual reform instead of abrupt changes. The State could enhance existing secular laws, such as the Special Marriage Act of 1954, which allows interfaith marriages without requiring religious conversion. This law could encourage more people to choose it and build public confidence by making the process easier and ensuring privacy and acceptance. Additionally, slowly unifying inheritance and maintenance laws through court interpretations and legislative changes could help establish common standards without provoking strong social reactions.⁷⁵ Moreover, a pluralistic UCC could gain valuable insights from regional examples. Goa is notable as the only Indian state with a functioning uniform civil code. The Portuguese Civil Code, retained after Goa's annexation in 1961, applies equally to all citizens, regardless of religion. Yet, even Goa's UCC includes some religious accommodations. For example, it permits polygamy for Hindus under certain conditions and offers privileges for Catholics, such as exemption from mandatory marriage registration. This demonstrates that a UCC can maintain a flexible approach, balancing

⁷³ Suhani Sharma, Need for Uniform Civil Code in India, The Amikus Qraie (2 August 2025, 07:29 P.M.) <https://theamikusqraie.com/need-for-uniform-civil-code-in-india/>

⁷⁴ Diantha Kumar, Uniform Civil Code in India: An Examination of it's Feasibility and Implication, The Amikus Qraie (2 August 2025, 07:35 P.M.) <https://theamikusqraie.com/uniform-civil-code-in-india-an-examination-of-its-feasibility-and-implications/>

⁷⁵ Anshita Tripathi, Analysis on Uniform Civil Code, The Amikus Qraie (2 August 2025, 07:37 P.M.) <https://theamikusqraie.com/analysis-on-uniform-civil-code/>

uniformity with limited and justified religious practices.⁷⁶ Similarly, the recent legislative effort in Uttarakhand, the Uniform Civil Code of Uttarakhand Act, 2024, has opened possibilities for state-level experimentation with a model others might follow. While its practical effectiveness and inclusivity remain to be seen, it underscores the idea that personal law reforms are not just a responsibility of the Union Government but are shared duties as outlined in the Concurrent List. This power distribution can allow states to customise reforms suitable for their unique demographics and cultures, paving the way for future national legislation.⁷⁷

In addition to legislative efforts, the Indian judiciary has been crucial in supporting uniformity in personal laws. The Supreme Court has clarified through landmark rulings that issues like marriage, divorce, and inheritance are secular matters and can be managed without violating the religious freedoms outlined in Article 25. In the case of Sarla Mudgal, the Court criticised the misuse of religious conversion for polygamy. It highlighted the necessity of a UCC to ensure fairness and prevent manipulation of the law.⁷⁸ Similarly, in Shabnam Hashmi v. Union of India, the Court affirmed a Muslim woman's right to adopt under the Juvenile Justice Act, asserting that statutory rights take precedence over personal laws in secular matters.⁷⁹ The judiciary has thus laid the foundation for a pluralistic UCC by clarifying the false dichotomy between personal law and religious freedom. It has been asserted that the right to practice religion does not extend to secular matters like marriage or inheritance when these practices contradict principles of equality and justice. The Supreme Court has also criticised the legislature's neglect and delays regarding the UCC, emphasising the Court's commitment to uphold constitutional promises despite political stagnation.⁸⁰ However, the journey toward a UCC is not without challenges. A significant concern is the fear of cultural loss and dominance by the majority. Minority groups, particularly Muslims, worry that a single code might primarily reflect Hindu customs, thus undermining their religious rights.

⁷⁶ Naga Suganeswar, The Uniform Civil Code: A Boon or A Bane for India? The Amikus Qraie (2 August 2025, 07:39 P.M.) <https://theamikusqraie.com/the-uniform-civil-code-a-boon-or-a-bane-for-india/>

⁷⁷ Ujjwal Vikash, The Need for a Uniform Civil Code in Modern India, The Amikus Qraie (2 August 2025, 07:46 P.M.) <https://theamikusqraie.com/the-need-for-a-uniform-civil-code-in-modern-india/>

⁷⁸ Neha Arya, Need for Uniform Civil Code, The Amikus Qraie (2 August 2025, 07:50 P.M.) <https://theamikusqraie.com/need-for-uniform-civil-code/>

⁷⁹ AIR 2014 SUPREME COURT 1281

⁸⁰ Devanshi Sharma & Nitika Chaudhary, Uniform Civil Code: A Boon or Bane for India, The Amikus Qraie (2 August 2025, 07:52 P.M.) <https://theamikusqraie.com/uniform-civil-code-a-boon-or-bane-for-india/>

Such fears are valid, especially considering the current climate of religious division and political agendas influencing legal reforms. Therefore, crafting a UCC must be inclusive, transparent, and open to participation.

A successful model needs to come from consensual discussions rather than top-down mandates. This calls for a diverse committee of representatives from all major religions, gender rights groups, legal experts, and civil society members. The aim should be to balance diversity with constitutional equality, not erase differences. As constitutional scholar B.R. Ambedkar imagined, the UCC should serve as a tool for constructive change rather than a means of cultural oppression. Educating the public about UCC's goals is equally important. Many individuals, particularly from marginalised backgrounds, are often unaware of their legal rights under personal laws or the advantages of a uniform code. Awareness campaigns, discussions in education formats, and public consultations can help dispel myths and encourage informed dialogue. This grassroots approach will ensure that the final law reflects the people's will instead of merely representing political interests.

In summary, a pluralistic UCC should not be seen as a sweeping legal overhaul that replaces every personal law overnight. Instead, it should evolve through reforms, judicial integration, and public support. This strategy maintains the constitutional balance between Article 25 and Article 44, ensuring that religious rights are protected without sacrificing the fundamental rights of women and other disadvantaged groups. Looking at global experiences with civil codes offers valuable lessons. Countries like France, Turkey, and Tunisia have adopted uniform family laws to foster national identity and gender fairness, often with great success. Nevertheless, India's unique social and religious landscape requires that its UCC be crafted with local context in mind. Simply replicating Western legal models, without considering their specific cultural implications, would likely alienate communities and provoke resistance. Ultimately, the future of a UCC in India should be rooted in justice, equality, and inclusivity. Its development must involve consultation, reflect constitutional values, and be implemented with political commitment and social accountability. A well-thought-out, pluralistic UCC can emerge not as a tool for forced conformity but as a symbol of India's strength in diversity—one that protects individual rights without erasing cultural identities. It should strive to be the foundation for a truly secular, fair, and just society, where religious personal laws do not become burdens for those already marginalised.