
UNIFORM CIVIL CODE IN INDIA: A CONSTITUTIONAL AND SOCIO-LEGAL ANALYSIS

Riya Anam, Dipti Parab & Anushka Sangale, KES' Shri Jayantilal H. Patel Law College

ABSTRACT

When the solution to a legal issue is governed in a different way for one community or other for another community, then the consistency and rightfulness is to be questioned. This issue keeps popping up in the ongoing debate over the Uniform Civil Code (UCC), which aims to create a single set of laws for personal matters i.e. marriage, adoption and many more. This research paper dives into the history and constitutional roots of the Uniform Civil Code (UCC), zeroing in on Article 44 of India's Constitution. The paper digs into those landmark court decisions that really pushed the UCC conversation forward. From there, it breaks down the pros and cons of bringing it in, It then assesses the arguments for and against its adoption, spotlighting issues like gender justice, religious liberty, and fostering national unity. Ultimately, it's all about that tricky dance between personal liberties and community ties. The piece that argues a UCC could deliver true equality, but only if we roll it out thoughtfully, with everyone at the table.

Keywords: Uniform Civil Code (UCC), Personal Laws in India, Article 44, Gender Justice, Religious Freedom, Supreme Court Judgments, Constitutional Framework, Legal Reform.

INTRODUCTION

The country of India, which came into existence with the idea of being democratic and secular, had the objective of uniting its varied people under a uniform constitution. While unifying, different communities maintained different laws for themselves according to their religion, caste, and traditions. However, this has become a topic of discussion in the modern age. In the current era, this diversity in legal systems has been increasingly debated. Prime Minister Narendra Modi questioned this disparity by stating, “If in the same family there is one law for one member and another law for a second member, will that household be able to function? Can one run the country with such a dual system?”¹ This perspective highlights the importance of incorporating the Uniform Civil Code (UCC).

The Uniform Civil Code seeks to unify personal laws and establish a common set of rules governing all citizens, irrespective of religion, caste, or creed, in personal matters such as marriage, divorce, inheritance, maintenance, and adoption, which are at the moment governed by different religious laws in India. Proponents argue that a UCC would eradicate discrimination, give power to women, and promote national integration through the development of the spirit of the one nationhood among its citizens. As per the observation made by the Supreme Court in the case of *Mohd. Ahmed Khan v. Shah Bano Begum* (1985), “A common civil code will help the cause of national integration by removing disparate loyalties to laws which have conflicting ideologies”² These words really bring out the importance of uniform laws in relation to the larger cause of national integration. However, opponents raise concerns about religious freedom, cultural autonomy, and the potential marginalization of minority communities.³ This highlights the ongoing debate surrounding UCC, where the aim of legal uniformity must be meticulously balanced against the protection of cultural diversity. The constitutional basis for the Uniform Civil Code is found in Article 44 of the Constitution of India, which is a provision under the Directive Principle of State Policy (DPSP), part IV that declares, “The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.” Although DPSP can’t be legally enforced on a state, it’s merely a general guideline for governance. The UCC is time and again interpreted and implemented by the

¹ Rajesh, Y. (2023, July 14). India’s modi sparks political storm with pitch for Common Civil Code | Reuters. <https://www.reuters.com/world/india/indias-modi-sparks-political-storm-with-pitch-civil-code-2023-07-14/>

² “*Mohd. Ahmed Khan vs Shah Bano Begum and Ors* on 23 April, 1985.” *Indiankanoon.org*, indiankanoon.org/doc/823221/.

³ B.G. Byali, *Uniform Civil Code: Its Need, Challenges and Impact*, IJCRT (2025).

Supreme Court.

On the other hand, the compulsory implementation of a uniform civil code would present its own challenges, as it leads to a number of social and constitutional distresses. The key concern is to create stability between rights to equality with the right to freedom of religion guaranteed under the constitution of India. While the concept of uniform law aims to ensure equality and eradication of discrimination, especially in personal law affecting women but the erosion of various communities' cultural identities and religious customs is one of the major issues raised by uniform law. The UCC is one of the most hotly contested legal topics in India because of this conflict between uniformity and diversity.

In the current era, the uniform civil code has garnered considerable attention in the legal and social domains. The judiciary system has, in several instances, pointed out the necessity of the reforms that are needed in personal laws to ensure harmony and justice. While on the other hand, the issue of the Uniform Civil Code has gained momentum in view of the cultural situation prevailing now and an increased realization about individual rights. Moreover the discourse within institutions and government circles has also ensured that the topic remains relevant in contemporary India. As a result, the Uniform Civil Code is now an active and developing topic of legal discussion rather than just a constitutional mandate.

In light of the above discussion, this research paper aims to investigate the idea of the Uniform Civil Code from a constitutional and socio-legal standpoint. It seeks to assess the arguments for and against the UCC's implementation as well as the judiciary's influence on the conversation surrounding it. The study also makes an effort to determine if, in a multicultural country like India, a consistent civil framework can be successfully strike a balance between the values of equality, secularism, and religious freedom.

HISTORICAL BACKGROUND

- ***Pre-Colonial Diversity***

Manusmriti governed Hindu personal laws across kingdoms, regulating marriage, inheritance, and caste duties through 2,685 verses composed 200 BCE–200 CE. Sharia via Fatawa-e-Alamgiri controlled Muslim family matters under Mughals, creating parallel legal systems. Regional customs dominated without national uniformity, as Ashoka's edicts (3rd century

BCE) promoted dhamma universally and Akbar's Ibadat Khana (1575) hosted interfaith debates, both failing to establish unified civil laws across diverse communities.

- ***British Reforms and Resistance***

The Uniform Civil Code (UCC) concept in India originated during British colonial rule, introducing English common law alongside diverse customary personal laws governing marriage, inheritance, and succession, thus creating legal pluralism. Reforms such as the Hindu Widow Remarriage Act (1856), Indian Succession Act (1865), Special Marriage Act (1872), and Child Marriage Act (1929) addressed specific issues but shunned broad uniformity to avoid religious interference. Leaders like Raja Ram Mohan Roy advocated change, yet divide-and-rule policies sustained communal laws, seeding post-independence UCC debates.

- ***Constituent Assembly Divisions***

In the 1948 Constituent Assembly debates on Draft Article 35 (later Article 44), Ambedkar and Nehru supported UCC against minority opposition fearing religious interference. Responding to the second objection, drafting committee member K.M. Munshi noted: "Nowhere in advanced Muslim countries the personal law of each minority has been recognized as so sacrosanct as to prevent the enactment of a civil code,"⁴ deeming UCC essential for a unified, secular India. Ambedkar highlighted India's uniform codes in 11 matters—contract, property transfer, sales, partnership, companies, negotiable instruments, civil procedure, arbitration, limitation, crimes, criminal procedure—excluding marriage, succession, adoption, and maintenance. He refuted Muslim law's immutability, noting Shariat's absence in pre-1939 North-West Frontier (followed Hindu succession) and its application to United Provinces, Central Provinces, Bombay Muslims only post-1939. Article 44, placed in Directive Principles as non-enforceable ideals, states: "The State shall endeavour to secure a Uniform Civil Code for all citizens."

- ***Hindu Code Bills Era***

Dr. B.R. Ambedkar introduced four revolutionary bills in 1948 to codify Hindu personal laws: Hindu Marriage, Divorce, Adoption, and Succession Bills, aiming for gender equality through

⁴ Constituent Assembly Debates, Nov. 23, 1948, Constitution of India, <https://www.constitutionofindia.net/debates/23-nov-1948/>.

divorce rights and equal inheritance⁵. Facing fierce orthodox Hindu opposition, Ambedkar resigned as Law Minister in 1951. Under Nehru's leadership, these passed as Hindu Marriage Act 1955, Hindu Succession Act 1956, Hindu Minority Guardianship Act 1956, and Hindu Adoptions Act 1956, uniformly applying to Hindus, Sikhs, Jains, and Buddhists—achieving partial national civil code while excluding Muslim and Christian personal laws entirely.

- ***State-Level Experiments***

Goa retained its 1867 Portuguese Civil Code post-1961 annexation, ensuring equal inheritance for sons/daughters and secular marriage registration across religions—India's oldest UCC model with minimal conflict. Uttarakhand's 2024 UCC mandates uniform marriage age, bans polygamy, and registers live-in relationships, achieving gender parity in inheritance. Both demonstrate UCC delivers equality without communal unrest.

- ***21st-Century Momentum***

Law Commission's 2018 report rejected UCC outright, calling it "neither necessary nor desirable" for India's complex pluralism. 2023 consultations pivoted toward selective personal law reforms instead. BJP's 2024 manifesto committed to national UCC even as Uttarakhand's groundbreaking implementation ignited "laboratory of federalism" debates—proving states can perfect Article 44 before nationwide adoption amid persistent minority rights concerns.

JUDICIAL INTERPRETATION OF THE UCC

The judiciary has also contributed substantially towards the discourse of the Uniform Civil Code in India. Although it is within the legislative domain to implement a UCC, it is also significant to understand how the Supreme Court, through several landmark judgments, has also stressed the need for a UCC. In several judgments, it has been stressed how conflicts arise because of personal laws; the inclusion of the UCC is required to gain harmony, which is necessary to achieve equality and justice. Some of the significant judgments are discussed below.

⁵ B.R. Ambedkar, *Hindu Code Bill*, <http://www.ambedkar.org/ambcd/64A1.htm>.

CASE 1:-

Mohd. Ahmed Khan vs Shah Bano Begum.

FACTS:-

This situation emerged from a disagreement that happened between Mohd. Ahmed Khan and his wife Shah Bano Begum, who had been married for a couple of years. After a lengthy marriage, the husband divorced Shah Bano - his wife, by declaring triple talaq. Following the divorce, he refused to provide her with maintenance. Due to her inability to support herself, Shah Bano submitted a petition under Section 125 of the Code of Criminal Procedure (CrPC), requesting maintenance. The husband argued that, according to Muslim personal law, his responsibility was limited to the duration of the iddat and that he had already met his obligation by providing the necessary amount during that time. This resulted in a legal clash between personal law and statutory regulations.

ISSUE:-

The main question in the eyes of the Court was whether a divorced Muslim woman has the right to seek maintenance under Section 125 of the Code of Criminal Procedure after the iddat period has ended, and if such a claim would be at odds with Muslim personal law.

JUDGMENT:-

The Supreme Court determined that Section 125 of the Code of Criminal Procedure is a secular law that is applicable to all citizens, regardless of their religion. The Court found that a divorced Muslim woman is entitled to financial support if she cannot support herself, even beyond the end of the iddat period. It dismissed the claim that personal law could take precedence over the rules of a secular statute. The Court additionally highlighted that refusing maintenance would undermine the objective of Section 125, which aims to prevent poverty and homelessness. In its ruling, the Court also emphasized the importance of establishing a Uniform Civil Code, suggesting that a unified civil law could help address the conflicts arising from various personal laws.

RATIO DECIDENDI:-

The ratio decidendi of this case lies in the interpretation of Section 125 of Code of Criminal

Procedure (CrPC), where the Hon'ble Supreme court held that Section 125 of CrPC is a secular provision which is applied to all the citizen of the country regardless of their religion and it also stated that section 125 is a part of Code of Criminal Procedure (CrPC) and not a part of personal laws. This means that every husband who has divorced his wife is entitled to pay maintenance until she remarries. Furthermore, it also distinguished between mahr and maintenance, ruling that mahr can't be treated as a substitute for post-divorce maintenance. Hence, the husband still has an obligation to some extent toward his wife even after the divorce.

SIGNIFICANCE:-

This case is seen as a significant ruling in relation to the Uniform Civil Code as it drew attention to the discrepancies between personal laws and the principles of equality. It underscored the importance of delivering justice for women, especially concerning maintenance issues. The judgment further asserted that secular laws should take precedence in instances where personal laws result in unjust outcomes. Additionally, the Court's remarks on the Uniform Civil Code reinforced the position that a consistent legal framework is essential to prevent contradictions and guarantee equal protection under the law. This case remains pertinent in conversations about gender justice and legal reform in India.

CASE 2:-

Smt. Sarla Mudgal, President,...v. Union of India & Ors.

FACTS:-

This case began as the outcome of numerous petitions submitted by women who were impacted by their husbands' decision to convert to Islam in order to get married subsequently. In these instances, the husbands were initially tied in marriage of compliance with Hindu law, but they later converted to Islam without dissolving their first union. Claiming that this conversion allowed them to do so, they subsequently entered into a second marriage. The major reason for the conversion to Islam was to elude from the provision of bigamy and avoid the punishment they might need to face under section 494 of the Indian Penal code, 1860 and after converting they argued that according to Muslim law, if one or the other of two people do not follow or hold onto the same religion as their spouse, it would lead to dissolution of the marriage,

therefore the spouse who has transformed and married in Islam will not be liable for any punishment. Moreover, they also argues that once they have transformed to Islam, they can have four wives despite having a former one as a Hindu and they are not subjected to the applicability of the Hindu Marriage Act, 1955, and IPC. The wives contested this practice, claiming that it was being abused to get around Hindu law's rules, especially those pertaining to monogamy. The Supreme Court was then called to determine the lawfulness of such actions.

ISSUES:-

The primary issues before the hon'ble court was:-

- Whether a Hindu husband, married under Hindu law, by embracing Islam, can solemnise a second marriage?
- Whether such a marriage, without having the first marriage dissolved under law, would be a valid marriage *qua* the first wife who continues to be Hindu?
- Would the husband who renounced Hinduism, or the apostate husband, is guilty of the crime under Section 494 of the IPC?

JUDGEMENT:-

The Supreme Court ruled that a marriage consummated in accordance with Hindu law is not automatically dissolved upon conversion of the husband or wife to Islam. The Court decided that a Hindu husband cannot convert to a distinct religion merely to avoid his legal duties and be married again. It further ruled and held that the husband was likely to face indictment under Section 494 of the Indian Penal Code, which addresses bigamy, and that the second marriage would be null and void.

The Court harshly denounced the abuse of religious conversion as a way to get around the law. It also noted that the lack of a uniform civil code makes it possible for people to take advantage of variations in personal rules, which leads to unfairness. In this regard, the Court stressed that in order to guarantee uniformity and equity in personal laws, a Uniform Civil Code must be implemented.

RATIO DECIDENDI:-

The case's ratio decidendi is based on the ideas if someone changes their religion it does not end a marriage that was done according to Hindu law. A marriage like this can only end if it follows the rules of the Hindu Marriage Act. The Court also said that people cannot use their laws to get out of doing what the law says they have to do. So if someone gets married again after changing their religion they can get in trouble for bigamy under the law. The Hindu Marriage Act is what matters here. People have to follow it even if they change their religion. The law, about bigamy is clear. It applies to people who get married again after converting to another religion.

SIGNIFICANCE:-

This case is important because it dealt with the abuse of personal laws and emphasized the necessity of defending women's rights in married partnerships. It illustrated how discrepancies and exploitation can result from a lack of a consistent legal framework. The Court reaffirmed the need of upholding legal accountability by ruling that conversion cannot be utilized to evade legal obligations. In addition, the Court's remarks about the Uniform Civil Code reinforced the claim that in order to avoid such disputes and guarantee equality before the law, a single set of laws is required. The court also went a step forward and guided the government of India, through secretary of ministry of law and justice, to file an affidavit regarding the process to be followed by the government of India towards securing a UCC for the people of India. In conversations on UCC and gender justice in India, the case continues to be a significant precedent.

ARGUMENTS IN FAVOUR OF UCC

1. **Gender Equality and Women's Rights:-** In India personal laws are govern to marriage, divorce and inheritance on the basis of religion and each religion has its own different set of laws. These personal laws often result in the violation of women's fundamental rights. To effectively resolve these issues, the implementation of the Uniform Civil Code is necessary. In Muslim laws daughters receive a smaller share compared to sons. The practice of polygamy also puts women in a weak position. In issues of divorce women had to face many financial difficulties. Hindu laws have been amended over time through the Hindu Succession Act, which improved women's

inheritance rights. However, some issues still pending. For example women may not have equal control over family property. Women also faced restrictions in adopting children independently. Many laws have been needed to improve their acts for achievement. In some tribal and local customs, customary behavior continues to limit women's rights. Women may not get equal bundle of rights and their financial independence is restricted. These protocol is based on patriarchal values where men have more power than women. This creates inequality in society. The Uniform Civil Code established set of common personal laws that would be applied to all citizens equally irrespective of their gender, religion superseding the existing religious based personal laws. The Uniform Civil Code solves the issues of inequality and differential treatment by replacing section religious laws with a legal statute thereby ensuring gender justice and equal rights.

2. **Secularism and National Integration:-** The Uniform Civil Code promotes the principle of secularism which is based on Indian Constitution. Secularism means does not favor any particular religion and the state always treats all religion equally. At present, In India different religious communities follow separate personal laws applicable to inheritance, marriage and divorce. This creates inequality and at times conflicts with the constitutional principle of equality. The UCC recommend to all individuals, regardless of religion, Thus guaranteeing equal treatment before the law. By excluding religion based legal disparity, the UCC fortifies secularism and advance a more fair and neutral legal system. In addition to, the UCC plays an crucial role in ensuring national integration. India is diverse country with numerous culture, religion and traditions which sometimes results in division in society. Different personal laws can create a sense of severance among communities. The execution of a Uniform Civil Code would institute a common legal identity for all individuals, promoting unity and solidarity. It supports the idea of “Equality before a common civil law” which can reduce social divisions and foster harmony among people.
3. **Legal Uniformity and Simplicity:-** Legal uniformity and simplicity under the Uniform Civil Code focus to create streamlined and cogent legal framework governing personal matters. In present India’s family laws are based on religion leading to confusion, procedural complexity and inconsistent judicial outcomes. The UCC aim to simplify this term by replacing different personal laws with a single, fair code thereby alleviating

statutory formalities and making the law more intangible and clearly explained. It promotes uniformity by guaranteeing that all individuals are subject to the equal rights and responsibilities, fortifying the principle of equality before law and initiating coherence in civil dispute resolution. This simplified system also supports gender justice by removing ensuring equal rights and discriminatory provisions, especially for women in case of divorce, marriage and inheritance and maintenance. Additionally, a statutory commercial framework can reduce the burden on court and promote a shared civil status, contributing to national integration. Current developments codify a shift toward implementation with Uttarakhand imposing UCC Rules in 2025 and furthermore simplifying procedure through amendments in 2026, featuring digitized marriage registration. Likewise, Gujarat passed its UCC Bill in March 2026, highlighting compulsory registration interdiction of polygamy and equal inheritance rights. Judicial observations in 2026 have also identified the need for a exhaustive legal system to avoid legal uncertainty. However, a gradual and inclusive approach remains crucial to balance uniformity with multiculturalism.

4. **Modernization of Society:** - Modernization of society is a significant argument in favour of the Uniform Civil Code is reflect through recent current amend and extant models. The Goa Civil Code provides a standardised system with equal property rights and asset division for lawful wedded partners. The Muslim Women (Protection of Rights on Marriage) Act Illegalized triple talaq, protecting women from arbitrary divorce. The Hindu Succession (amendment) Act gives daughters equal inheritance rights, promoting progressive social transformation and gender the equality.
5. **Reduction of Vote Bank Politics:** - The step taken by the Assam government between 2024 and 2026 to prohibit polygamy reflects how the idea of a Uniform Civil Code (UCC) can help in reducing vote bank politics. In the past, different personal laws existed for different communities, which allowed practices like polygamy in some cases. Because of this, political parties often hesitated to introduce changes, mainly to maintain their support among specific groups. With the move towards UCC, the government is making an effort to bring one set of rules for all citizens, giving importance to equality rather than benefits based on religion. As mentioned by Amit Shah, the implementation of UCC can reduce the scope of appeasement politics and promote decision-making based on social justice and equal rights, especially in the

context of women. This indicates that when the same laws are applied to everyone, it becomes difficult for politicians to give special advantages to particular communities for electoral gain. At the same time, some critics point out that such reform may also be politically motivated and could result in majoritarian influence, which remains an important issue in this discussion.

ARGUMENTS AGAINST UCC

1. **Violation of Religious Freedom:** - There are concerns that implementing a UCC may conflict with the constitutional protections for religious practices outlined in Articles 25–28. This clause permits communities and individuals to manage, practice and profess their religious matters, including personal laws guiding the divorce, marriage and inheritance. Critics argue that the UCC though specified under Article 44 as a directive principle of state policy may clash with these fundamental rights by replacing religion based personal laws with a equalised legal framework this is seen as an contravention of religious autonomy, particularly in the framework of laws such as muslim personal laws (Shariat Application Act 1937) which govern matters like marriage and inheritance. It is alleged that such intervention may amount to a violation of Article 25 and could excluded minority communities by ignoring their distinct customs and religious practices.
2. **Threat to Cultural Diversity:** - The critics of Uniform Civil Code argue that personal laws infringement to inheritance, marriage and adoption inextricably linked to religious identity to dissolving them with a uniform law could erode these traditions. There are also implicate that minority groups and tribal customs may be disregarded, promoting to their marginalization. Opponents contend that instead of observing “Unity in Diversity” the UCC may enforce uniformity and diminish cultural richness. They also caution that imposing such laws legitimate agreement could cause civil friction. However, the proponents argue that UCC promote equality, especially for women and fortifies national unity.
3. **Fear of Minority Marginalization:** - People are worried that the Uniform Civil Code (UCC) might not fully respect the different traditions and customs followed by different community in India. Many minority groups, including religious and local communities, see their personal laws like those related to marriage, property rights, and family as an

important part of who they are. Because of this, they feel that if one common law is applied, they may have to give up practices that they have followed for many years. Another concern is that such a law might mostly reflect the values of the majority community. This can make minority groups feel like their voices are not being properly heard or considered. Also, if the UCC is introduced without proper discussion and agreement with different communities, it may lead to dissatisfaction or even conflict. People may feel that their views and rights are being ignored. So, many believe that if UCC is implemented, it should be done carefully, with proper understanding and involvement of all communities.

4. **Practical Difficulties in Implementation:** - Implementing a Uniform Civil Code (UCC) in India is not easy at all. India is a country with a lot of diversity, where different religions, communities, and regions follow their own personal laws. These laws are connected to customs and traditions that people have been following for many years. Because of this, making one same law for everyone becomes very difficult. There is also resistance from some religious and minority groups, as they feel that such a law may affect their identity and interfere with their way of life. Another issue is that bringing all these different laws together into one system is not simple and takes a lot of time. Also, there is no full agreement among political leaders and society, which makes the process slow. Along with this, problems like tribal rights, administrative difficulties, lack of legal awareness, and already busy courts make things more complicated.
5. **State Interference in Personal matters:** - State interference in personal matters is a principal grievance in the debate over the UCC. Opponents argue that personal laws analogous to divorce, marriage and inheritance are closely connect to religious beliefs and any state govern over them may contravene the right to religious freedom under Article 25 and 26. They consider that the government is accessing private family issues, which should be left to individual communities. There is a also apprehension that a common law may ignore cultural pluralism and impose majority practices on minorities. Ultimately, critics contend that such interference reduces local sovereignty challenges India's diverse social system.

Comparative Perspective (1804–2026)

France (1804 Napoleonic Code)

- **What they did:** Post-1789 Revolution, Napoleon imposed Code Civil across 36 million diverse citizens, replacing Catholic canon law controlling marriage and inheritance with secular state law within five years.
- **Key features:** Articles 745-755 mandated equal inheritance shares for sons and daughters; Article 331 required civil marriage registration ending Church authority over family matters.
- **India connection:** Article 44 envisions France's nationwide uniformity but through democratic consensus rather than revolutionary imposition.

Turkey (1926 Swiss Civil Code)

- **What they did:** Atatürk abolished 600-year Ottoman Sharia courts overnight in 1926, adopting Switzerland's Civil Code for 13 million Muslim citizens in 18 months.
- **Key features:** Article 93 banned polygamy; Articles 324-401 granted women equal divorce and property rights; civil marriage became compulsory for all faiths.
- **India connection:** Demonstrates Muslim-majority nation can secularize personal laws rapidly, offering blueprint for India's diverse religious landscape.

United Kingdom (1857–1923 Reforms)

- **What they did:** Parliament passed 40+ gradual acts replacing Anglican Church courts—Matrimonial Causes Act 1857 created first secular divorce courts.
- **Key features:** Married Women's Property Act 1882 ended husband's absolute control over wife's assets; achieved uniformity without single comprehensive code.
- **India connection:** Evolutionary state-level reforms match India's federal structure better than sudden national legislation.

Canada (1867–1982 Federal System)

- **What they did:** British North America Act 1867 empowered provinces over family law while Divorce Act 1968 created national uniformity.
- **Key features:** Quebec retained French Civil Code as exception while other provinces followed English common law principles.
- **India connection:** Perfect federal template—Uttarakhand 2024 pilot precedes Article 44 as National implementation.

Comparison Matrix

Country	Speed	Diversity	Indian Model
France	Fast	Low	Leadership
Turkey	Fast	Medium	Secularization
UK	Gradual	High	States-first
Canada	Balanced	High	Federalism

India's Optimal Strategy

Uttarakhand validates Canada's provincial experimentation while adopting Turkey's decisive secular vision democratically. Global experience proves UCC succeeds through phased federal implementation rather than France-style revolution. Article 44 transforms from directive to reality as states demonstrate communal harmony under uniform personal laws, building national consensus incrementally.

CONCLUSION

The Uniform Civil Code is one of the most significant ideas found in Article 44 of the Indian Constitution. This code seeks to ensure that there are only civil laws on aspects such as marriage, divorce and inheritance, and that they apply to all Indians regardless of the religion practiced. This paper provides a historical account of the Uniform Civil Code from its origin to present day. The Uniform Civil Code will help the country realize uniformity without discriminating against any custom of a community. There have been many developments

regarding the Uniform Civil Code since the days when the British colonialists had power until now when the state governments of Goa and Uttarakhand are making efforts. Individuals such as Ambedkar as well as major court cases such as Shah Bano's have contributed immensely in promoting the Uniform Civil Code as a means of getting rid of discriminatory legislations. I shall briefly revise the salient features of our discussion. The fact is that, historically, there were codes for different communities before freedom in India—such as Manusmriti for the Hindus and Sharia for the Muslims. The British made some changes to this, such as providing liberty to Hindu widows to marry again. With India's liberation, the Hindu code Bills have ensured that all the Hindu, Sikhs, Jains, and Buddhists have uniform laws. However, Muslims and other communities continue with the older system. Goa follows the uniform civil code from its days under the Portuguese rule; it suits them as they enjoy equality between sons and daughters. Nevertheless, the importance of the UCC cannot be denied. It will empower women, balance families, and unite India. There is no need to enforce 'one law for one family member' that PM Modi spoke about. The system will correct historical inequities while preserving diversity only when we consult everyone before introducing the bill. The future plan includes adopting the UCC by other states; for example, Assam will now ban polygamy. Also, introduce digital marriage certificates for easier verification. Exclude tribal territories during the initial phase. The Law Commission may provide some recommendations here. Finally, through the UCC, the Indian Constitution will transform its dream into reality through Article 44. We are not imposing sameness on everyone but providing an equal opportunity for all. We can achieve this goal gradually, like making house rules for a large family. Our country will become stronger, more balanced, and united.

REFERENCES

1. Garg, Rachit. "Sarla Mudgal vs. Union of India : Case Analysis." *IPleaders*, 4 Jan. 2024, blog.ipleaders.in/bigamy-in-india-sarla-mudgal-case/. Accessed 9 Apr. 2026.
2. IJLLR Journal. "Uniform Civil Code: A Boon or Bane to Secularism in 21st Century India." *IJLLR Journal*, 11 Apr. 2025, www.ijllr.com/post/uniform-civil-code-a-boon-or-bane-to-secularism-in-21st-century-india. Accessed 9 Apr. 2026.
3. IJLLR Journal. "Colonial Legacy and the Uniform Civil Code of Goa." *IJLLR Journal*, 2 Sept. 2025, www.ijllr.com/post/colonial-legacy-and-the-uniform-civil-code-of-go. Accessed 9 Apr. 2026.
4. Kapoor, Vanshika. "Shah Bano Case - IPleaders." *IPleaders*, 16 Aug. 2023, blog.ipleaders.in/shah-bano-case/. Accessed 9 Apr. 2026.
5. Kaur, Dr.pardeep Inder. "Towards a Uniform Civil Code in India: Challenges, Prospects, and Stakeholder Perspectives." *INTERNATIONAL JOURNAL of NOVEL RESEARCH and DEVELOPMENT*, vol. 9, no. 3, Mar. 2024, pp. e804–e821 e804–e821, ijnrd.org/viewpaperforall.php?paper=IJNRD2403497. Accessed 9 Apr. 2026.
6. Layish, Aharon. "The Transformation of the Sharī‘a from Jurists’ Law to Statutory Law in the Contemporary Muslim World." *Die Welt Des Islams*, vol. 44, no. 1, 2004, pp. 85–113. *JSTOR*, www.jstor.org/stable/1571336, <https://doi.org/10.2307/1571336>. Accessed 9 Apr. 2026.
7. "Mohd. Ahmed Khan vs Shah Bano Begum and Ors on 23 April, 1985." *Indiankanoon.org*, indiankanoon.org/doc/823221/. Accessed 9 Apr. 2026.
8. Parliament Digital Library: Home." *Sansad.in*, 2025, eparlib.sansad.in/. Accessed 9 Apr. 2026.
9. "Revisiting the Uniform Civil Code: Constitutional Promise and Practical Challenges" – International Journal of Research and Innovation in Applied Science (IJRIAS). *Rsisinternational.org*, 2025, rsisinternational.org/journals/ijrias/articles/revisiting-the-uniform-civil-code-constitutional-promise-and-practical-challenges/. Accessed 13

Apr. 2026.

10. "Smt. Sarla Mudgal, President, ... Vs Union of India & Ors on 10 May, 1995." *Indiankanoon.org*, indiankanoon.org/doc/733037/. Accessed 9 Apr. 2026.
11. Singh, Siddharth. "International Journal of Criminal, Common and Statutory Law 2024; 4(1): 45-49 Unraveling the Uniform Civil Code (UCC): Evolution, Implications, and Challenges in Contemporary India." *International Journal of Criminal, Common and Statutory Law*, 8 Jan. 2024, www.criminallawjournal.org/article/67/4-1-13-452.pdf, <https://doi.org/10.22271/27899497.2024.v4.i1a.67>. Accessed 9 Apr. 2026.
12. "The Turkish Civil Code and Code of Obligations of 1926 and the Charm of Swiss Civil Law, by Michał Tutaj." *British Association of Comparative Law*, 23 Feb. 2024, british-association-comparative-law.org/2024/02/23/the-turkish-civil-code-and-code-of-obligations-of-1926-and-the-charm-of-swiss-civil-law-by-michal-tutaj/.
13. "Uniform Civil Code in India: Impact on Its Implementation." *Journal of Law and Legal Research Development*, 30 May 2024, jllrd.com/index.php/journal/article/view/12. Accessed 9 Apr. 2026.
14. "Uniform Civil Code (UCC), Arguments for and against UCC, Law Commission on UCC - PMF IAS." *PMF IAS*, 25 Sept. 2023, www.pmfias.com/uniform-civil-code-ucc/. Accessed 9 Apr. 2026.
15. "Uniform Civil Code – Crime Surveillance and Intelligence Council." *Csic.org.in*, 2018, csic.org.in/uniform-civil-code/. Accessed 9 Apr. 2026.
16. "Uniform Civil Code- Promise of Equality, Challenge of Pluralism." *Drishti IAS*, 19 Dec. 2024, www.drishtias.com/daily-updates/daily-news-editorials/uniform-civil-code-promise-of-equality-challenge-of-pluralism. Accessed 9 Apr. 2026.
17. "Uniform Civil Code- Promise of Equality, Challenge of Pluralism." *Drishti IAS*, 2 May 2024, www.drishtias.com/daily-updates/daily-news-editorials/uniform-civil-code-promise-of-equality-challenge-of-pluralism. Accessed 9 Apr. 2026.
18. Vajiram Editor. "Uniform Civil Code, Meaning, Arguments in Favour and Against."

Vajiram and Ravi, vajiramandravi, 4 Jan. 2026, vajiramandravi.com/upsc-exam/uniform-civil-code/. Accessed 9 Apr. 2026.

19. *Gouv.fr*, 9 Apr. 2022,

www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006070721/. Accessed 9 Apr. 2026.

20. Team, CA. “Uniform Civil Code: Need, Challenges and Different Views on UCC.”

PMF IAS, 23 Aug. 2024, www.pmfias.com/uniform-civil-code/. Accessed 13 Apr. 2026.