
UCC IN INDIA – A JURISPRUDENTIAL ANALYSIS OF LEGAL PLURALISM AND SOCIAL TRANSFORMATION

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ABSTRACT

This paper interrogates the Uniform Civil Code (UCC) not as a slogan of “one nation, one law” but as a jurisprudential project of constitutional transformation. Through the lenses of legal pluralism and transformative constitutionalism, it examines how India can reconcile religious diversity with constitutional morality. By engaging with Hart’s positivism, Fuller’s natural law, and Pound’s sociological jurisprudence, the study situates the UCC as a constitutional experiment rather than a coercive imposition. Landmark judicial decisions, Law Commission debates, and comparative experiences from Goa, Uttarakhand, Turkey, and South Africa reveal that genuine uniformity lies in equal rights, not erasure of identity. The paper proposes a novel reform—Digital Civil Marriage Framework—to replace the Special Marriage Act, ensuring gender justice, privacy, and constitutional safeguards through technology. Ultimately, it argues that the UCC’s legitimacy rests not on political rhetoric but on its capacity to dismantle discriminatory practices while preserving legitimate cultural diversity.

Keywords: Uniform Civil Code (UCC), Legal Pluralism, Transformative Constitutionalism, Gender Justice, Digital Civil Marriage Framework

I. Introduction

In a plural society, law is not only a collection of enforceable rules but also a contested space where competing identities, values, and ideologies must be reconciled within the constitutional order. In India's constitutional imagination, the Uniform Civil Code (UCC) represents more than a question of codification; it is a test of how pluralism and equality can coexist within a democratic framework. While Article 44 envisages a common civil framework, the debate has too often been reduced to a binary of diversity versus uniformity. Such a framing is inadequate. The real challenge is not to impose sameness but to create a system where all citizens enjoy equal rights irrespective of religion or custom. In this sense, the UCC must be seen less as "one nation, one law" and more as the pursuit of "one nation, equal rights". The jurisprudential significance of the UCC lies in its attempt to balance legal pluralism with the Constitution's transformative vision. Legal pluralism, though reflective of India's cultural richness, has entrenched inequalities—especially gender-based disadvantages—within personal laws. At the same time, constitutional morality requires that law function as an instrument of social transformation, dismantling hierarchies without erasing legitimate cultural diversity. The UCC therefore cannot be understood as a uniform statute imposed from above, but as a framework that harmonizes community practices with constitutional guarantees of equality and dignity. Equally vital is the constitutional limit: any UCC must respect the inviolability of Fundamental Rights. Freedom of religion, equality before law, and the right to dignity form the non-negotiable foundation of Indian constitutionalism. A code that undermines these rights would be self-defeating, for it would violate the very Constitution it claims to realize. Uniformity must therefore mean equality of rights, not erasure of identities. The debate is thus not about whether India should have a UCC, but about how such a code can be conceptualized and implemented in a manner that is participatory, phased, and democratic. Its legitimacy will depend not merely on legal content but also on inclusive processes that engage communities, safeguard minority voices, and advance gender justice. Seen this way, the UCC is less a legislative project and more a constitutional experiment—an attempt to reconcile pluralism with justice, diversity with equality, and cultural identity with human dignity.

II. Literature Review:

A. Shamim Ahmad Anasari & Dr. Naseem Akhtar (2024) – UCC in Modern India, *International Journal of Law, Justice and Jurisprudence*, 4(1):18–22. This study examines UCC through the

lens of gender justice, religious pluralism, legal uniformity, and political motivations, situating the debate in both historical and contemporary contexts. It analyses landmark cases including Shah Bano, the 2021 Delhi High Court remarks, and other significant rulings such as Danial Latifi, John Vallamattom, and Joseph Shine. Additionally, it discusses the 2018 Law Commission report and state-level initiatives in Goa and Uttarakhand, highlighting UCC as emblematic of the promise and complexity of “One Nation, One Law.”

B. Prashanth Kumar & Dr. Sudhir Kumar Jain (2025) – Comparative Examination of UCC in India and Other Perspectives, IJSDR, Vol. 10, Issue 7. This paper provides a comparative view of UCC adoption in countries like France and Turkey, showing how legal uniformity and gender equality can be achieved. In India’s pluralistic society, personal laws remain diverse. The authors advocate for gradual and inclusive implementation, balancing secular principles with religious and cultural diversity. They note underexplored domestic cases (Goa and Uttarakhand) and limited engagement with recent Law Commission reports. A consultative approach to balance individual rights with communal harmony is emphasized.

C. Sangeetha Lakshmi & Dr. Brinda (2024) – UCC in India: An Analysis of Conflict Between Collective Interests and Individual Personal Identity, Vishwakarma University Law Journal, Vol. IV, Issue I. The authors highlight tensions between societal interests and individual personal identity within UCC discussions. Using Shah Bano and Sarla Mudgal as examples, they advocate for a single secular legal framework while acknowledging gaps in tribal and indigenous protections. Economic implications on succession and comparative insights from Turkey are suggested. They stress that a consultative and inclusive framework is vital for aligning constitutional morality with India’s plural traditions, fostering gender justice, equality, and national integration.

D. Sunaina Nassa (2025) – The Debate over UCC and Its Significance for India as a Secular Democracy, Vol. III, Issue III. The research paper explores the controversy among personal laws and equality. Landmark cases like Shah Bano and Sarla Mudgal are analysed, while transformative rulings such as Lily Thomas v. Union of India, Seema v. Ashwani Kumar, and Navtej Johar are less explored. Nassa underscores political, cultural, and historical challenges and advocates gradual, phased reforms with awareness campaigns and constitutional safeguards to harmonize constitutional morality with plural traditions, promoting fairness, equality and unity within the country.

E. Shantanu Pachauri (2025) – UCC in India: A Socio-Legal Perspective, SEEJPH, Vol. XXVI, S4. Pachauri examines balancing the right to equality with religious freedoms by separating secular aspects (marriage age, inheritance, maintenance, registration) from essential religious practices. While initial drafts suggested voluntary adoption, Muslim representatives opposed it, citing interference with personal laws. The paper emphasizes that successful UCC implementation depends on judicial scrutiny, phased adoption, inclusive drafting, and public acceptance, prioritizing constitutional equality over discriminatory customs.

A. Research Methodology

This study employs a comprehensive doctrinal and socio-legal methodology to examine the Uniform Civil Code in India. It involves a deep analysis of constitutional provisions, personal laws, statutes, existing review of literature and landmark judicial decisions focusing on how courts have interpreted equality, gender justice, and secularism within a pluralistic society. In addition, a comparative legal perspective is adopted by studying civil code frameworks in France and Turkey, providing insights into phased implementation, social acceptance, and harmonization of individual rights with societal norms. By integrating doctrinal, comparative, and socio-legal approaches, the methodology enables a holistic understanding of challenges, gaps, and potential pathways for creating an inclusive, consultative framework that balances constitutional morality, gender equality, and national integration

Problem statement

The debate on the Uniform Civil Code (UCC) in India embodies a jurisprudential conflict between constitutional morality and pluralist traditions. Natural law perspectives emphasize uniformity as essential for justice, positivist reasoning validates state-recognized personal laws as legitimate, while sociological jurisprudence uncovers the tension between constitutional promises and social realities. The core challenge is to design a framework that ensures gender justice without undermining cultural autonomy, positioning the UCC not merely as statutory reform but as a constitutional test of India's democratic vision.

Objectives

a. To critically evaluate the UCC through natural law, positivist, and sociological jurisprudential frameworks, thereby examining its constitutional legitimacy.

b. To develop a jurisprudentially consistent framework that harmonizes gender justice with cultural autonomy in India's pluralistic society.

III. Jurisprudential Foundations – Positivism, Natural Law & Sociological Perspectives

The debate on the Uniform Civil Code in India cannot be reduced to a mere legal or political project; it must be examined within deeper jurisprudential traditions. Legal philosophy provides a lens to understand whether the UCC is to be seen as a command of the sovereign, as a moral imperative, or as an evolving instrument of social change. From a positivist standpoint, epitomized by H.L.A. Hart, the UCC derives its legitimacy from the Constitution, specifically Article 44, which envisages a uniform set of civil laws applicable to all citizens¹. For positivists, the validity of law depends on its source and procedure rather than its moral content. Thus, once enacted by Parliament, the UCC would remain valid irrespective of social or religious contestations. This approach underscores that law's authority flows from democratic enactment, not from ethical desirability. In contrast, natural law theorists such as Lon Fuller contend that law and morality cannot be divorced². A UCC that fails to ensure fairness, equality, and justice would be legally hollow even if formally enacted. In India, the debate strongly resonates with this perspective, since proponents often invoke constitutional morality and gender justice as guiding principles. Judicial interventions such as the Shah Bano case (1985), which upheld a divorced Muslim woman's right to maintenance, and the Shayara Bano judgment (2017), which struck down instant triple talaq, reflect natural law reasoning by affirming that justice and fairness must prevail over rigid traditions. Equally significant is the sociological jurisprudence of Roscoe Pound, who viewed law as a tool of social engineering. From this perspective, the UCC is neither a rigid command nor a purely moral ideal, but a pragmatic mechanism balancing religious pluralism with constitutional principles of equality³. However, Friedrich Savigny's historical school offers an important caution: law must evolve organically from customs and lived practices, otherwise its imposition may create resistance. The example of Goa, where a form of uniform civil code has existed since colonial times, illustrates the possibility of gradual and context-sensitive reform rather than abrupt uniformity. Bringing these perspectives together reveals that the UCC debate is not about choosing one theory over another but about weaving them into a coherent vision. Hart's positivism validates the UCC as a constitutional mandate, Fuller's natural law insists that it must embed justice and equality, and Pound's sociological framework emphasizes phased and pragmatic implementation. Dr. B.R. Ambedkar himself embodied this synthesis when he strongly

advocated for the UCC yet acknowledged the need for careful, calibrated reform to avoid social unrest. In conclusion, the UCC is more than a legal reform; it is a philosophical project engaging with competing jurisprudential traditions. It illustrates how Indian constitutional law is shaped by the authority of positivism, the ethical imperatives of natural law, and the pragmatic adaptability of sociological jurisprudence. Ultimately, the strength of the UCC debate lies in harmonizing these traditions to realize the constitutional vision of fairness, equality and national cohesion.

IV. Legal Pluralism and Social Transformation: Theoretical Framework

India's legal architecture reflects the profound social and cultural plurality of its society. Legal pluralism—where multiple normative orders such as religious personal laws coexist with secular civil laws—was historically preserved to respect community identities. Yet, in a constitutional democracy, the preservation of diversity cannot come at the cost of fundamental rights. It is submitted that, legal pluralism is not inherently antagonistic to constitutional morality. But when personal laws or community norms perpetuate regressive practices—be it unequal inheritance rules, patriarchal guardianship norms, or honour killings sanctioned under the guise of tradition—pluralism degenerates into a shield for injustice. Likewise, the protection of minority rights should never be misread as a license to sustain customs that erode gender egalitarianism and personal dignity. True constitutional pluralism safeguards culture, but never at the expense of justice. The Constitution provides the normative anchor for this balance: equality before law (Article 14), non-discrimination (Article 15), freedom of religion (Article 25), and dignity under the right to life (Article 21). Any practice—whether framed as personal law or community custom—that violates these principles is constitutionally indefensible. Honour-based violence, gendered inequities in property rights, or restrictions on women's autonomy cannot find legitimacy under the banner of diversity. This dialectic between pluralism and constitutional morality makes social transformation imperative. Transformation, however, does not mean the wholesale rejection of tradition. Rather, it demands a reconfiguration of practices that are inconsistent with the constitutional promise of equality. A well-conceived Uniform Civil Code, sensitive to India's cultural fabric yet uncompromising on rights, can serve as an instrument of emancipation: dismantling patriarchal practices, affirming gender justice, and simultaneously securing the identity and dignity of minorities. In my jurisprudential outlook, legal pluralism must be conceived not as a permanent exception but as a transitional framework. Communities should be active stakeholders in reform, but the

constitutional baseline must remain non-negotiable. Diversity must be harmonized with justice, not weaponized against it. When law evolves in dialogue with social realities and normative ideals, it transcends its role as a regulatory mechanism and becomes a tool of liberation. By confronting patriarchy, preventing caste and honour-based violence, and guaranteeing the rights of both minorities and women, law fulfils its emancipatory function. Ultimately, the challenge is not to choose between pluralism and uniformity, but to reconcile them under the guiding principle of constitutional morality. In this synthesis lies the true future of Indian jurisprudence: a framework where no individual—irrespective of religion, caste, gender, or custom—is denied their constitutional promise of equality, dignity, and justice.

V. Institutional Role in UCC: A Jurisprudential Synthesis of Judiciary, Legislature and Executive

This paper argues that the debate on the Uniform Civil Code is not simply about codifying personal laws—it is a jurisprudential challenge to reconcile pluralism, constitutional morality, and social transformation. The judiciary, legislature, and executive are not passive actors; they embody distinct jurisprudential philosophies which, when harmonized, can ensure that cultural diversity is respected but never allowed to justify inequality.

A. Judiciary – Natural Law as Constitutional Morality

The judiciary reflects the natural law conscience of India's legal system. In *Shah Bano*, as discussed earlier; in *Danial Latifi*, it harmonised personal law with the principle of dignity; in *John Vallamattom*, it invalidated discriminatory provisions; and in *Joseph Shine*, it struck down archaic morality to uphold equality. These rulings show the judiciary's consistent reliance on a justice-oriented natural law approach, ensuring that personal laws cannot override Articles 14, Article 15, and Article 21. Thus, the judiciary transforms law into a force of emancipation.⁴

B. Legislature – Positivist Authority with Reformist Mandate

The legislature embodies the positivist function of law, exercising its authority under Article 44 to frame civil codes. Yet, jurisprudentially, it has transcended mere rule-making through reforms such as the Hindu Code Bills and the Special Marriage Act. Going forward, the legislature must assume the role of architect of reform, crafting a UCC that is inclusive, gender-just, and equality-driven. In jurisprudential terms, this reflects a synthesis of positivist authority

and constitutional morality, demonstrating that law can be both binding and transformative.

C. Executive – Sociological Jurisprudence in Action

The executive embodies sociological jurisprudence, grounding law in social realities. Its initiatives—through Law Commission consultations and state-level experiments like Goa’s civil code and Uttarakhand’s draft UCC. It must evolve through dialogue, awareness, and consensus-building, reflecting jurisprudence as a living interaction between law and society. Therefore, these approaches converge can the UCC emerge as an instrument of justice, equality, and transformation. From my perspective, the goal is not uniformity for its own sake, but to ensure that no individual is denied fundamental rights in the name of tradition. This is where jurisprudence transforms law into a genuine force for social emancipation. ⁵

VI. Law Commission Reports and Policy Debate & State Experiences (Goa & Uttarakhand)

The Law Commission of India has functioned not as a passive advisory body, but as a jurisprudential mediator between India’s constitutional ideals and the pluralistic realities of society. Its reports reveal a conscious attempt to reconcile legal pluralism with constitutional morality, showing that codification of family law in a diverse country is not merely a technical exercise but a profound constitutional negotiation.

A. Early Reflections – 21st Report (1961)

The Commission in 21st Report emphasised the urgency of codifying personal laws to bring certainty and clarity in marriage, succession, and maintenance. Yet, it simultaneously warned against imposing uniformity in haste. ⁶

B. 185th Report (2002) – Reform within Diversity

The 185th Report signalled a cautious but progressive approach: rather than advocating an immediate UCC, it suggested incremental reforms within personal laws themselves. From my perspective, this reveals the Commission’s recognition of sociological jurisprudence—that law acquires legitimacy only when it resonates with social acceptance. ⁷

C. 2018 Consultation Paper – The Paradigm Shift

The Consultation Paper on “Reform of Family Law” (2018) was a jurisprudential turning point.

Instead of pressing for a uniform code, it declared that the UCC was “neither necessary nor desirable at this stage.”⁸ This statement is not an abdication of reform but a jurisprudential realignment—emphasising that the path to equality lies in making personal laws consistent with constitutional values, rather than enforcing a monolithic code.

D. Policy Debates – Constitutionalism vs. Politics

In the political arena, UCC has often been invoked as a rhetorical promise rather than a nuanced reform agenda. Parliamentary debates and policy statements reveal a tension between constitutional morality and political expediency. The jurisprudential core of the debate, however, is not about whether uniformity is achievable, but whether personal laws that perpetuate inequality can legitimately coexist with Articles 14, 15, and 21.

E. State Experience: Goa & Uttarakhand

The study finds that the lived experiences of Goa and Uttarakhand provide concrete jurisprudential insights into the Uniform Civil Code. Goa, often hailed as India’s “laboratory,” is not truly uniform but a codified mix of Portuguese civil law and selective religious accommodations—permitting, for instance, Hindu bigamy under certain conditions. This shows that codification need not erase religious freedoms but can gradually remove discriminatory practices while respecting cultural identity. Uttarakhand’s UCC Bill, by contrast, represents a deliberate constitutional project rooted in gender justice and dignity. Unlike Goa’s codified compromise, it marks a jurisprudential shift toward principled reform, targeting polygamy, arbitrary divorce, and unequal inheritance. Comparatively, Goa reflects legal pluralism disguised as uniformity, while Uttarakhand embodies aspirational equality. Both, however, reveal that a UCC’s legitimacy lies not in erasing religious autonomy but in dismantling practices that contradict constitutional guarantees of equality and dignity.

F. Jurisprudential Perspective

From a jurisprudential perspective, the Law Commission’s hesitations are not failures but reflections of deliberative constitutionalism. They recognise that transformation in a plural democracy must be gradual, dialogic, and consensus-driven. A UCC imposed without societal preparedness risks undermining its emancipatory potential. Instead, the more jurisprudentially sound pathway is phased reform: codification where consensus exists (such as maintenance,

adoption, succession), combined with sustained dialogue where resistance persists. Thus, both the Law Commission's reports and policy debates represent a jurisprudential laboratory of India's constitutional vision—where diversity is acknowledged but never allowed to legitimise discrimination, and where reform is envisioned as an instrument of justice rather than a project of cultural homogenisation

VII. Global Insights: International Practices & Human Rights Commitments

It may be contended that the debate on the Uniform Civil Code (UCC) in India cannot be examined in isolation; it must be situated in the larger canvas of global legal transformations and international human rights commitments. Around the world, pluralistic societies have grappled with reconciling faith-based personal laws with modern constitutional values. The key insight that emerges from these experiences is that reform aimed at eliminating discriminatory practices need not destroy cultural identity. Instead, law can act as a bridge between tradition and modernity, ensuring that diversity is preserved, but never at the price of decency and equality. Turkey (1926): The adoption of the Swiss Civil Code marked a decisive shift away from religious law to a secular civil framework. This reform was not merely about uniformity but about establishing **gender equality** in marriage, divorce, and inheritance (Menski, 2006) ⁹. Tunisia (1956): The Code of Personal Status abolished polygamy and advanced women's rights, showing that religious traditions can be interpreted in a **rights-consistent** framework (An-Na'im, 1990)¹⁰. South Africa: In *Bhe v. Magistrate, Khayelitsha*, the Constitutional Court invalidated discriminatory inheritance rules under customary law, demonstrating that courts can **respect cultural autonomy while invalidating oppressive practices** (Ndulo, 2011)¹¹. France: Through its secular civil code, France ensures uniform personal law but permits cultural practices outside the legal domain, reinforcing that **legal uniformity does not mean cultural erasure** (Derrett, 1968) ¹². These examples underline that the elimination of social evils and protection of cultural identity are complementary objectives, not conflicting ones. Universal Declaration of Human Rights (UDHR, 1948) – Article 7 enshrines equality before the law, laying the moral foundation of constitutional democracies (Brownlie, 2003) ¹³. International Covenant on Civil and Political Rights (ICCPR, 1966) – While protecting freedom of religion, it obligates states to prohibit practices that undermine equality (Henkin, 1995) ¹⁴. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) – As a ratifying state, India is bound to reform discriminatory family laws. The CEDAW Committee has often urged India to **accelerate personal law**

reforms aligned with gender justice (Choudhury, 2016) ¹⁵. These instruments confirm that abolishing practices such as polygamy or gender-biased inheritance is not interference in religion but observance of international human rights commitments. *Mohd. Ahmed Khan v. Shah Bano Begum*, The Supreme Court held right of a divorced Muslim women have right to claim maintenance under secular law. *Sarla Mudgal v. Union of India* – the court confronted the misuse of personal law to justify polygamy, urging UCC reform. *John Vallamattom v. Union of India* – the court struck down discriminatory succession provisions. *Shayara Bano v. Union of India*– the court declared the practice of triple talaq unconstitutional. *Joseph Shine v. Union of India*– the court decriminalized adultery, reinforcing constitutional morality as the guiding principle. These cases echo global reformist trajectories—diversity is safeguarded, but discrimination is constitutionally dismantled. The convergence of comparative lessons, human rights frameworks, and Indian case law reveals a common jurisprudential message: a rights-based UCC is not a homogenizing force but an emancipatory one. From my perspective, the UCC must be envisioned as a transformative constitutional project, where discriminatory practices are abolished without coercive assimilation, religious freedom is preserved as a fundamental right, and equality and dignity remain the ultimate benchmarks of justice. Such a framework would reaffirm Ambedkar’s vision of constitutional morality and position India’s reforms in harmony with global human rights standards.

VIII. UCC and Social Transformation: Challenges, Critiques & Constitutional Concerns

The paper contends that the Uniform Civil Code (UCC) debate is essentially a **jurisprudential inquiry into the conflict between cultural pluralism and constitutional morality**. The challenges surrounding its implementation cannot be reduced to a mere clash of traditions; rather, they reveal how law must operate as an instrument of social transformation without undermining fundamental rights. Positivist jurisprudence would argue that the legitimacy of law flows from its enactment by a competent sovereign authority. Under this view, once Parliament legislates a UCC, its binding nature is unquestionable. Yet, positivism falls short in addressing whether such a law fulfils the deeper values of justice and equality. Natural law theory, on the other hand, provides a moral compass to assess personal laws. If cultural or religious practices contradict universal principles of human dignity, liberty, and equality, they lose their normative validity. From this perspective, social evils like polygamy, unilateral divorce, or discriminatory inheritance rules cannot claim legitimacy merely because they are sanctioned by tradition. They directly offend Articles 14, 15, and 21, and therefore fail the test

of constitutional morality. Sociological jurisprudence, as articulated by Roscoe Pound, views law as a tool for social engineering. The UCC, seen through this lens, is not about homogenizing identities but about **restructuring personal laws in a manner that maximizes social welfare**¹⁶. Its transformative role lies in dismantling entrenched hierarchies, particularly gender-based inequality, while accommodating India's rich pluralism. Thus, the real critique is not about the desirability of UCC, but about the pace, method, and inclusiveness of its implementation. A major constitutional concern raised by critics is that the UCC may amount to majoritarian imposition, threatening the nation's secular fabric. However, jurisprudence clarifies that freedom of religion (Article 25) is not absolute; it is subject to public order, morality, and fundamental rights. The judiciary has consistently held that practices violating human dignity and equality cannot be shielded under religious freedom. The Supreme Court's decisions in *Shah Bano*¹⁷ and *Shayara Bano*¹⁸ reflect this jurisprudential stance by striking down regressive practices while upholding the constitutional vision of justice. Therefore, the challenge is not whether India needs a UCC, but how it should be realized. A phased, principle-based, and gender-just framework—rather than a uniformity dictated by the majority—ensures that reform does not erode diversity. The UCC must evolve as a jurisprudential tool of social transformation, balancing pluralism with the Constitution's transformative promise¹⁶. In my understanding, the true constitutional legitimacy of the UCC will rest on its ability to eliminate social evils without erasing cultural identity, thereby reaffirming that diversity is respected, but injustice is not tolerated under the shield of personal laws.

IX. Towards Pragmatic Reform: Phased Implementation & Sociological Appraisal

The discourse on the Uniform Civil Code in India cannot be reduced to binaries of immediate imposition or perpetual postponement. A pragmatic reform strategy requires phased implementation, rooted in constitutional morality²¹, while drawing lessons from global practices of legal harmonisation.

A. Phase I: Eliminating Social Evils and Gender Injustice

The first stage of reform should target practices that are in direct violation of fundamental rights. In *Shayara Bano v. Union of India*, the Supreme Court invalidated instant triple talaq for violating women's dignity and equality¹⁹. Similarly, honour killings—condemned in *Shakti Vahini v. Union of India*—undermine Article 21's guarantee of life and liberty by denying women autonomy in marriage choices²⁰. Reforms must also safeguard inter-faith and inter-

caste marriages. The Special Marriage Act, 1954, though secular, suffers from procedural hurdles (e.g., compulsory notice period, public scrutiny), which expose couples to harassment²². A restructured framework should guarantee privacy, simplify procedures, and uphold Articles 19 and 21. United States: *Loving v. Virginia* struck down state bans on interracial marriage, establishing that marital choice is an essential liberty under equal protection⁹. South Africa: The Recognition of Customary Marriages Act, 1998 integrated diverse personal laws while affirming the validity of inter-community unions, thereby constitutionally protecting marital autonomy⁹. Indonesia: Despite religious plurality, inter-faith marriages are recognised, although administrative barriers exist—highlighting the importance of balancing social sentiment with individual liberty⁹. These comparative lessons stress that protecting marital choice is not merely reformist but central to constitutional democracy²¹.

B. Phase II: Harmonisation of Civil Procedures

The next stage requires uniform civil procedures without dismantling cultural identity. Compulsory marriage registration, equal divorce rights, maintenance, guardianship, and adoption norms must apply across communities²³. Goa (India's own example) The Goa Civil Code, inherited from Portuguese rule, applies uniformly across religions in key areas like marriage and succession, showing that a common civil framework can coexist with cultural pluralism²³. Turkey: Adopted the Swiss Civil Code in 1926, replacing religious laws with secular codification, ensuring gender equality in marriage and inheritance⁹. Tunisia: The Code of Personal Status abolished polygamy and introduced progressive rights for women while still acknowledging Islamic heritage, demonstrating reform through selective codification⁹. These examples show that harmonisation works best when introduced gradually, targeting universally accepted areas first²⁵.

C. Phase III: Towards Consolidated Codification

Full codification should be undertaken only after adequate public deliberation and phased acceptance²². South Africa: Through a combination of legislative reform and Constitutional Court interventions, customary laws were harmonised with constitutional equality standards, ensuring progressive alignment rather than abrupt abolition⁹. Singapore: Maintains separate Muslim personal law under the Administration of Muslim Law Act, but simultaneously subjects all citizens to a secular civil law framework in areas like contracts, property, and

succession, thus balancing pluralism with uniformity⁹. These models illustrate that successful UCC implementation requires incremental scaffolding, not abrupt overhauls²³.

D. Sociological Appraisal: Law as Social Engineering

As Roscoe Pound observed, law is a form of social engineering¹⁶. Reform in India must account for lived realities. The 21st Law Commission noted that wholesale UCC imposition may be premature, but piecemeal reforms eliminating inequality would foster a supportive atmosphere²⁶. Civil society dialogue, grassroots awareness, and inclusive participation of women and minorities are essential for legitimacy.

E. Reconciling Constitutional Morality with Social Morality

Dr. B.R. Ambedkar emphasised that **constitutional morality must prevail over social morality**²¹. The phased approach ensures that reforms, while protecting diversity under Article 25, simultaneously advance substantive equality under Articles 14 and 21. Therefore, A phased UCC represents not compromise but constitutional pragmatism. By prioritising elimination of social evils (honour killings, gender injustice), ensuring protection for inter-faith marriages, harmonising civil institutions, and gradually codifying laws with global best practices in mind, India can transform legal pluralism into an engine of equality²⁷. Reform, thus, becomes an evolutionary journey of constitutional morality, not a coercive mandate.

X. Suggestion: “Digital Civil Marriage Framework with Constitutional Safeguards”

This research paper proposes one concrete reform that would transform personal law into a rights-based civil institution is the replacement of the Special Marriage Act, 1954 with a Digital Civil Marriage Framework (DCMF). The concept of a Digital Civil Marriage Framework finds its origin in Estonia, the pioneer of e-governance, where marriages began to be registered through secure digital platforms. Over time, this model evolved across Europe, particularly in Denmark and Finland, to simplify civil procedures and ensure cross-border recognition. “Since honor - killings remain a deep-rooted social evil in India, particularly to prevent interfaith marriages, introducing a Digital Civil Marriage framework becomes essential to ensure legal protection, transparency, and safeguard the right of individuals to marry by choice.” The Digital Civil Marriage Framework is not just administrative reform but a jurisprudential innovation. Positivism grants the State authority under Article 44 to enact it; Natural law demands fairness

by protecting dignity and autonomy against honour killings; and Sociological jurisprudence views it as social engineering through technology, privacy, and protection orders. By keeping cultural rites optional but making digital registration legally binding, the DCMF harmonises pluralism with constitutional morality, realising Ambedkar's vision that constitutional morality must prevail over social morality. Repeal & Replace the Special Marriage Act should be repealed in its current form because its compulsory 30-day notice period and public display requirements expose inter-faith and inter-caste couples to harassment, threats, and honour-based violence. 48-Hour Online Registration, A new online marriage registration system must be introduced, allowing couples to apply digitally Verification of age, consent, and legal eligibility can be completed through Aadhaar-linked digital identity checks. Once verified, a 48-hour window can be mandated before solemnisation, ensuring both consent and efficiency. Automatic Protection Orders Upon registration, the couple should be granted an automatic protection order under Article 21 safeguards, ensuring police protection against coercion, vigilante interference, or family threats. Optional Religious / Customary Rites After legal registration, couples may perform religious or cultural rites privately if they choose, but the civil registration remains the primary legal basis, thus balancing pluralism with constitutional uniformity. Constitutional Justification Such a framework directly advances Article 14 (equality), Article 19 (freedom of choice), and Article 21 (right to dignity and privacy), while still respecting Article 25's protection of voluntary religious practice. It operationalises Dr. Ambedkar's vision of constitutional morality prevailing over social morality. Comparative Lessons Canada allows quick civil marriage registration with digital documentation, protecting individual liberty while permitting optional religious ceremonies. Estonia uses e-governance to process civil registrations efficiently, showing how technology can reduce bureaucratic harassment. This reform is not just administrative, but jurisprudentially significant because it treats marital choice as a fundamental right, not a privilege granted after social scrutiny. It also directly eliminates one of the biggest social evils — honour-based violence — by removing exposure from the process itself.

XI. Conclusion

The debate on the Uniform Civil Code transcends the rhetoric of legal uniformity; it represents a constitutional test of India's democratic vision. While pluralism reflects cultural richness, it cannot justify gender injustice, caste oppression, or honour-based violence. As Dr. B.R. Ambedkar insisted, constitutional morality must prevail over social morality. A jurisprudential

synthesis of positivism, natural law, and sociological perspectives shows that the UCC is not a project of homogenisation but a rights-based framework of emancipation. Comparative insights—from Goa’s cautious pluralism to Uttarakhand’s principled reform, and from Tunisia to South Africa—affirm that law can protect diversity while dismantling discrimination. The way forward lies in phased, consultative, and technologically enabled reforms, such as the proposed Digital Civil Marriage Framework, which modernises family law while safeguarding tradition. The UCC must therefore be judged not by its political symbolism, but by its power to guarantee equal rights, uphold dignity, and constitutionalise justice—where no tradition overrides liberty and no identity diminishes equality.

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