
THE UNIFORM CIVIL CODE IN INDIA: A CONSTITUTIONAL IDEAL OR A SOCIAL DILEMMA

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ABSTRACT

The Uniform Civil Code (UCC) in India remains a subject of intense debate, oscillating between being hailed as a constitutional necessity and criticized as a threat to cultural pluralism. Envisioned in Article 44 of the Indian Constitution, the UCC seeks to replace personal laws based on religious scriptures and customs with a common set governing every citizen uniformly on matters such as marriage, divorce, inheritance, and adoption. While its proponents argue that the UCC upholds the ideals of equality, secularism, and national integration, critics raise concerns about religious freedom, minority rights, and social cohesion. The article aims to analyze the historical background, legal framework, sociopolitical challenges, and ethical considerations surrounding the implementation of the UCC.

It highlights landmark judicial interventions and discusses the role of public perception in shaping legislative action. Through a balanced examination, the article concludes that the implementation of a UCC should not be seen as a unilateral imposition, but rather as a collaborative effort rooted in dialogue, inclusivity, and justice. A reformed civil code must respect India's pluralistic traditions while ensuring that individual rights are uniformly protected, particularly those of marginalized groups such as women and religious minorities. The Uniform Civil Code, thus, is both a constitutional aspiration and a complex social challenge—requiring nuanced, phased, and participatory approaches.

Keywords: Uniform Civil Code, Indian Constitution, Personal Laws, Secularism, Gender Justice.

INTRODUCTION

India, the world's largest democracy, is known not just for its vibrant electoral politics but also for its immense cultural, religious, and linguistic diversity. With over 1.4 billion people practicing multiple faiths and following a wide range of traditions, the Indian legal system has always faced the challenge of balancing individual rights with collective identities. At the heart of this complex intersection lies the long-debated concept of the Uniform Civil Code (UCC). While it occupies a prominent position in the Directive Principles of State Policy in the Indian Constitution under Article 44, the UCC remains one of the most contentious and politically sensitive issues in modern India.¹

The core idea of the UCC is to provide a common set of laws governing civil matters—such as marriage, divorce, inheritance, adoption, and maintenance—for all Indian citizens, irrespective of their religion. Currently, these matters are regulated by personal laws based on the respective religious scriptures and customs of communities, including Hindus, Muslims, Christians, Parsis, and others. This legal pluralism was inherited from the colonial era and has continued in independent India as a means to respect religious autonomy and minority rights. However, the continuation of separate personal laws has led to discrepancies and inequalities, particularly with regard to gender justice and equal protection under the law.

The UCC, as envisioned by the framers of the Indian Constitution, was meant to create a cohesive framework for civil rights, bringing uniformity and equality in matters of personal law. It was seen not only as a step toward ensuring social justice but also as a move to strengthen national integration by fostering a sense of unity among citizens. Dr. B.R. Ambedkar, the chief architect of the Indian Constitution, was a vocal proponent of this idea. He viewed the UCC as a necessary reform to eliminate religiously sanctioned inequalities, particularly those faced by women under patriarchal interpretations of personal laws. However, despite its idealistic appeal, the UCC was relegated to the Directive Principles—non-binding guidelines for the state—due to the sociopolitical realities of the time. The newly independent nation was still fragile, and imposing a uniform law across diverse communities was considered potentially disruptive.²

¹ Constitution of India 1950, art 44.

² DD Basu, *Introduction to the Constitution of India* (24th edn, LexisNexis 2020).

Over the decades, the UCC has resurfaced intermittently in public discourse, political agendas, and judicial pronouncements. The debate, however, has often been polarized. On one side are advocates who argue that the UCC is a constitutional necessity and a vital instrument for achieving gender equality, secularism, and legal uniformity.³ They believe that in a secular republic, laws should not be governed by religion and that equal citizenship must be reflected in equal civil rights. On the other side are critics who caution against what they perceive as an imposition of majoritarian values on minority communities.⁴ They argue that the push for a UCC undermines the pluralistic ethos of India and threatens the cultural and religious identities of minority groups.

The tension between these two perspectives makes the UCC both a constitutional ideal and a social dilemma. Implementing it requires a delicate balance between upholding the fundamental rights of individuals and respecting the religious freedoms guaranteed under Article 25 of the Constitution. The fear among minorities—especially Muslims—is that the UCC may lead to the erosion of their personal laws and religious customs, thereby marginalizing their cultural identity. This fear is exacerbated by political narratives that often conflate the UCC with a homogenizing national identity, leading to suspicion and resistance.⁵

Gender justice is one of the most pressing arguments in favor of the UCC. In many religious personal laws, women are not granted equal rights in matters of divorce, inheritance, or maintenance. For instance, under certain interpretations of Islamic law, a man can unilaterally divorce his wife through "triple talaq," a practice that was only recently declared unconstitutional by the Supreme Court in *Shayara Bano v. Union of India* (2017). Similarly, Hindu inheritance laws historically favored male heirs until they were amended in the 2005 Hindu Succession (Amendment) Act. These examples demonstrate the inconsistency in civil rights across communities and the urgent need for reform that prioritizes equality over tradition.

The judiciary has played a critical role in keeping the spirit of Article 44 alive. In landmark cases such as *Mohd. Ahmed Khan v. Shah Bano Begum* (1985), the Supreme Court underscored the need for a UCC to protect the rights of divorced Muslim women. The judgment sparked a national debate and led to legislative backlash in the form of the Muslim Women (Protection of Rights on Divorce) Act, 1986, which effectively overturned the Court's decision. This

³ Granville Austin, *Working a Democratic Constitution: The Indian Experience* (Oxford University Press 1999).

⁴ *Ibid*

⁵ HM Seervai, *Constitutional Law of India* (4th edn, Universal Law Publishing 2013).

incident highlights how deeply personal law reforms are tied to political will and public sentiment. Despite the legal and ethical rationale for the UCC, successive governments have been hesitant to take concrete steps toward its implementation.⁶ Political parties often use the issue as a rallying point during elections but shy away from pursuing it legislatively due to its sensitive nature. The Law Commission of India, in its 2018 consultation paper, acknowledged the importance of legal reforms in family law but did not support a blanket uniform code. Instead, it suggested a piecemeal approach to reform that would bring personal laws in line with constitutional principles without necessarily replacing them with a single code.⁷

Public opinion on the UCC is equally divided. While urban and educated segments often support the idea in principle, rural and minority communities remain skeptical. The fear of losing cultural autonomy and the suspicion that UCC may be used to assert a dominant cultural narrative has led to widespread apprehension. For any reform to succeed, it must be rooted in trust, inclusivity, and participatory policymaking. A UCC imposed unilaterally would only deepen societal fault lines rather than bridge them.

Moreover, the term “Uniform” itself needs to be revisited. Uniformity should not mean sameness but equality. A reimagined civil code must incorporate the values of justice, equality, and individual dignity while also being sensitive to the cultural and religious diversity of India. In this context, the goal should be harmonization rather than homogenization. Legal reforms should aim to bring personal laws in alignment with constitutional values without erasing the unique practices that communities hold dear—provided these practices do not violate human rights or principles of gender equality.

HISTORICAL AND CONSTITUTIONAL CONTEXT

The idea of the Uniform Civil Code (UCC) in India did not originate in a vacuum. It has deep historical roots and was shaped significantly by the sociopolitical climate of both pre- and post-independence India. Understanding the historical and constitutional context of the UCC is essential to grasp its significance, the reasons for its inclusion in the Constitution, and the persistent challenges surrounding its implementation.

⁶ Law Commission of India, *Consultation Paper on Reform of Family Law* (Report No 277, 2018).

⁷ *Ibid*

1. Pre-Independence Legal Pluralism

Before India gained independence in 1947, the British colonial administration governed civil and criminal matters through a bifurcated legal system. While criminal laws were uniformly applied across the population, civil matters such as marriage, divorce, succession, and adoption were governed by religious customs. The British adopted a policy of non-interference in personal laws to avoid antagonizing religious communities and to maintain administrative convenience. This legal pluralism allowed each religious community to manage its civil affairs according to its traditional practices. For instance, Hindus had their own legal system based on Dharmashastra, while Muslims followed Sharia-based laws. Christians and Parsis also had separate legal codes for civil matters. This compartmentalized approach entrenched the notion that civil rights were to be interpreted through the lens of religious identity rather than universal principles of equality.

The colonial administration did, however, engage in limited reform. The Hindu Widow Remarriage Act of 1856 and the Child Marriage Restraint Act of 1929 are examples of early legislative interventions to modernize personal laws. Still, no attempts were made to unify these laws across religious communities, as the British prioritized stability over reform.

2. The Constituent Assembly Debates

The question of a Uniform Civil Code was discussed at length during the framing of the Indian Constitution. The Constituent Assembly, composed of leaders from diverse backgrounds, was acutely aware of the sensitive nature of personal laws. The debate was marked by a fundamental tension: on one side was the desire to create a modern, secular, and egalitarian state; on the other was the commitment to preserving religious freedom and cultural identity in a newly independent, deeply diverse nation.⁸

Dr. B.R. Ambedkar, the chairman of the Drafting Committee, strongly supported the inclusion of a Uniform Civil Code as a means to ensure equality and to eliminate gender and caste-based discrimination entrenched in personal laws. He argued that the state had a duty to bring about legal uniformity to protect individual rights, especially those of women who were often subordinated under religious customs. However, strong opposition came from various quarters, particularly from Muslim representatives who feared that the UCC might override Islamic law

⁸ Mohd. Ahmed Khan v Shah Bano Begum AIR 1985 SC 945.

and erode their community's religious autonomy. Leaders like Mohammed Ismail and Naziruddin Ahmad argued that personal laws were an essential aspect of religious freedom and that any attempt to enforce a uniform code would amount to interference in religious affairs.

To navigate these opposing views, a compromise was reached: Article 44 was included in Part IV of the Constitution under the Directive Principles of State Policy. It states: "*The State shall endeavor to secure for the citizens a uniform civil code throughout the territory of India.*" By placing the UCC in the non-justiciable part of the Constitution, the framers signaled its importance as a long-term goal while acknowledging that immediate implementation might not be politically or socially feasible.

3. The Directive Principles and Their Significance

The Directive Principles of State Policy are guidelines for the government to follow in the governance of the country. Although they are not legally enforceable in a court of law, they are fundamental in the governance of the country and act as a moral compass for legislation and public policy. Alongside the UCC, these principles include directives on education, public health, equitable distribution of wealth, and the protection of the environment.⁹

Article 44's inclusion reflects the framers' vision of an eventual legal landscape where civil laws are not segregated by religion. It aimed to strengthen national unity, foster equality before the law, and dismantle discriminatory social practices. However, the Directive Principles often clash with Fundamental Rights, particularly the right to freedom of religion under Article 25. This has made the UCC a constitutional conundrum: a directive with noble intentions but perpetually caught in the web of political hesitation and social resistance.

4. Early Legislative Reforms Post-Independence

While a full-fledged UCC was not pursued in the early years of the republic, significant steps were taken to reform Hindu personal laws. Under the leadership of Jawaharlal Nehru, the first Prime Minister of India, the 1950s witnessed the passage of four landmark legislations collectively known as the **Hindu Code Bills**:

⁹ Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* (Oxford University Press 2011)

1. **The Hindu Marriage Act (1955)**
2. **The Hindu Succession Act (1956)**
3. **The Hindu Minority and Guardianship Act (1956)**
4. **The Hindu Adoptions and Maintenance Act (1956)**

These laws sought to modernize Hindu personal laws by granting women rights to divorce, inheritance, and maintenance—rights that had been denied under traditional interpretations of Hindu scripture. However, these reforms were not extended to Muslims, Christians, or Parsis, who continued to be governed by their own religious laws. The selective application of reform raised valid concerns about inconsistency and inequality in the legal system. It also signaled that while the state was willing to modernize personal laws, it was cautious about applying uniform standards across all communities, particularly minorities.

5. UCC and the Judicial Narrative

Over the years, Indian courts have repeatedly underscored the need for a Uniform Civil Code. The judiciary has expressed frustration over the unequal application of laws and has often urged the legislature to fulfill the mandate of Article 44.¹⁰

In the **Shah Bano case (1985)**, a 62-year-old Muslim woman sought maintenance from her husband after divorce under Section 125 of the Criminal Procedure Code. The Supreme Court ruled in her favor, emphasizing that secular laws apply to all citizens regardless of religion. The Court also criticized the delay in implementing the UCC. The judgment was met with both praise and protest, leading to the **Muslim Women (Protection of Rights on Divorce) Act, 1986**, which sought to dilute the effect of the ruling and appease conservative sections of the Muslim community.¹¹

More recently, the **Shayara Bano case (2017)** led to the abolition of instant triple talaq, a practice deemed discriminatory and unconstitutional. The Court again highlighted the inconsistency between personal laws and fundamental rights, reinforcing the argument for a

¹⁰ Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* (Oxford University Press 2011)

¹¹ Mohd. Ahmed Khan v Shah Bano Begum AIR 1985 SC 945.

common civil code that prioritizes justice over tradition.¹²

6. The Law Commission and Contemporary Perspectives

The **Law Commission of India**, tasked with recommending legal reforms, addressed the issue in its **2018 consultation paper**. Interestingly, it did not recommend a single uniform code but instead suggested reforming existing personal laws to remove discriminatory elements. The Commission emphasized that the goal should be equality rather than uniformity and that pluralism need not contradict the principles of justice and fairness.

This shift indicates a maturing understanding of India's diversity and the need for legal harmonization rather than forced assimilation. It aligns with the notion that a Uniform Civil Code should emerge not from imposition, but from consensus and cultural sensitivity.

CONTEMPORARY DEBATES AND PUBLIC PERCEPTION

The debate surrounding the Uniform Civil Code (UCC) has intensified in recent decades, fueled by evolving legal interpretations, shifting political landscapes, increasing awareness of gender justice, and heightened identity politics. As India continues to develop economically and socially, the urgency to reconcile civil law with constitutional principles of equality, justice, and secularism becomes more pronounced. Yet, despite the growing discourse, the implementation of the UCC remains elusive. This chapter delves into the multifaceted contemporary debates surrounding the UCC and explores how different segments of Indian society perceive its potential impact.¹³

1. Secularism vs. Religious Autonomy

One of the most profound dimensions of the UCC debate is the perceived conflict between secularism and religious freedom. India's secularism is distinct from Western models in that it recognizes and respects the religious and cultural diversity of its population rather than enforcing a strict separation of religion and state. Critics of the UCC argue that its implementation could infringe upon the religious freedoms guaranteed under **Article 25** of the Indian Constitution. They contend that personal laws are integral to religious practice and

¹² *Shayara Bano v Union of India* (2017) 9 SCC 1.

¹³ Indira Jaising, 'Reforming Personal Laws in India: A Call for Gender Justice' (2005) *Economic and Political Weekly* 40(7) 579.

identity, and any attempt to replace them with a common code would undermine the pluralistic ethos of the nation.¹⁴

On the other hand, proponents assert that true secularism necessitates neutrality in law. They argue that the state cannot claim to be secular while allowing religious doctrines to govern civil rights. In their view, uniform civil laws would ensure that citizens are treated equally before the law, regardless of their faith. This tension between collective religious identity and individual rights lies at the core of the UCC dilemma.¹⁵

2. Gender Justice and Equality

The issue of gender justice is perhaps the strongest argument in favor of implementing a Uniform Civil Code. Many religious personal laws contain patriarchal norms that disadvantage women in matters of marriage, divorce, custody, and inheritance. For instance, under traditional Islamic law, a man may unilaterally divorce his wife by pronouncing **talaq**, whereas a woman faces considerable legal hurdles in seeking a divorce. Although the **2019 law banning triple talaq** marked a significant milestone, other discriminatory practices persist in various communities. Similarly, Hindu women were historically denied equal inheritance rights until the passage of the **Hindu Succession (Amendment) Act of 2005**. Christian women also faced legal barriers regarding divorce and alimony, which were only gradually reformed through court rulings and legislative amendments.¹⁶

A Uniform Civil Code, if thoughtfully crafted, could eradicate such gender biases by replacing religion-based inequalities with a gender-neutral legal framework. Women's rights activists often emphasize that the UCC is not merely a legal reform but a social justice imperative that aligns with the constitutional guarantee of equality under **Article 14** and protection against discrimination under **Article 15**.¹⁷

3. Political Will and Partisan Narratives

The UCC has often been appropriated as a political tool, making it difficult to approach the

¹⁴ Tahir Mahmood, 'Uniform Civil Code: Fictions and Facts' (2001) *Indian Journal of Secularism* 6(1).

¹⁵ AG Noorani, *Constitutional Questions in India: The President, Parliament and the States* (Oxford University Press 2003).

¹⁶ United Nations, *Convention on the Elimination of All Forms of Discrimination against Women* (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13 (CEDAW).

¹⁷ Asghar Ali Engineer, *The Rights of Women in Islam* (Sterling Publishers 2002).

subject with neutrality and consensus. Political parties have historically used the UCC to either champion modernism or to appease specific vote banks. The Bharatiya Janata Party (BJP), for instance, has consistently included the implementation of the UCC in its election manifestos, positioning it as a nationalist and reformist measure. However, critics accuse the party of using the issue to target minority communities, particularly Muslims, and to further a majoritarian cultural agenda.¹⁸

This politicization has eroded trust and polarized public opinion. Many minorities view the UCC not as a neutral legal reform but as an attempt to impose the majority's customs under the guise of legal uniformity. Such suspicions are deepened by the absence of transparent, inclusive dialogue and the lack of publicly available drafts or frameworks outlining what a UCC might entail. The lack of political consensus, even among secular or centrist parties, indicates the delicacy of the issue. Most parties acknowledge the need for reform but remain cautious due to the potential backlash from religious communities and the implications for electoral politics.

4. Legal and Judicial Advocacy

The judiciary in India has consistently advocated for the UCC as a means of advancing constitutional values. From **Shah Bano (1985)** to **Shayara Bano (2017)**, the Supreme Court has repeatedly highlighted the inconsistencies and injustices embedded in personal laws. In many of these judgments, the Court urged the government to fulfill the mandate of Article 44 and move toward a common civil code.

The judiciary's stance, however, is constrained by the constitutional framework, which places Directive Principles outside the scope of enforceable rights. Judges have called upon the legislature to act but cannot themselves impose a UCC. This dynamic has created a legislative vacuum where the need for reform is judicially acknowledged but politically deferred.

The **Law Commission of India**, in its **2018 consultation paper**, took a pragmatic view, suggesting that reform should focus on eliminating discrimination within personal laws rather than replacing them entirely. This perspective advocates a bottom-up, inclusive approach that builds consensus rather than imposing uniformity.

¹⁸ Rajeev Bhargava (ed), *Secularism and Its Critics* (Oxford University Press 1998).

5. Public Perception: Between Support and Suspicion

Public opinion on the UCC is varied and often shaped by regional, religious, and educational differences. Among urban, educated Indians—especially women and youth—there is increasing support for the idea of a common civil law that upholds equality and modern legal standards. Many perceive personal laws as outdated and inconsistent with contemporary values of human rights.¹⁹

Conversely, among religious minorities and rural populations, skepticism remains high. The fear is that a UCC could be wielded as an instrument of cultural assimilation. Many Muslims, for example, fear that the UCC would essentially be an extension of Hindu legal norms, despite assurances to the contrary. These fears are not unfounded, as many of the laws termed "uniform" today, such as the Hindu Marriage Act and Hindu Succession Act, apply broadly to Sikhs, Jains, and Buddhists, despite their distinct religious identities. Moreover, different communities have varying definitions of family, inheritance, and marriage. Among certain tribal groups, for instance, matrilineal systems prevail, which would be disrupted by a rigidly uniform code. Therefore, the notion of "uniformity" must be approached with cultural sensitivity and adaptability.²⁰

6. Media, Civil Society, and the Digital Era

The role of media and civil society in shaping the UCC discourse cannot be overstated. In the age of social media and instant communication, debates around personal laws and UCC have become part of public consciousness like never before. Campaigns for gender justice, videos highlighting inequalities in personal laws, and digital petitions have amplified voices that were historically marginalized.

Civil society organizations, women's rights groups, and legal activists have increasingly begun to argue for reforms that balance tradition with rights. At the same time, fringe groups and misinformation campaigns have also exploited the issue, fueling communal tension and deepening divides. As India becomes more interconnected and exposed to global human rights discourses, the pressure to reform outdated laws will only grow. The digital age, with its ability

¹⁹ Abhinav Chandrachud, *Republic of Rhetoric: Free Speech and the Constitution of India* (Penguin Viking 2017).

²⁰ Human Rights Watch, *Injustice in the Name of Religion: Human Rights Abuses under Personal Laws in India* (HRW Report, 2015).

to mobilize public opinion and generate awareness, offers a unique opportunity to build consensus and push for inclusive reforms.

REGIONAL EXPERIENCES AND COMPARATIVE PERSPECTIVES

The debate on the Uniform Civil Code (UCC) in India gains deeper dimensions when viewed through regional experiences within the country and comparative perspectives from other nations. This chapter explores how certain Indian states have experimented with uniformity in civil laws and draws insights from countries with similar multicultural and multi-religious societies that have navigated the complex terrain of legal pluralism and civil code uniformity.

1. The Goa Model: India's Sole Uniform Civil Code in Practice

Among Indian states, **Goa** stands out as a unique example of a functioning Uniform Civil Code. The state inherited the **Portuguese Civil Code of 1867**, which continued to govern family and civil matters even after Goa was annexed by India in 1961. Unlike the rest of the country, where personal laws are governed by religion, Goa applies a single family law to all its citizens, regardless of faith.²¹

The Goa Civil Code provides uniform regulations on marriage, divorce, succession, and guardianship. For instance, it mandates that marriage be registered with civil authorities, recognizes joint ownership of property by spouses, and ensures equitable inheritance rights for sons and daughters alike. Even provisions related to divorce and alimony are gender-neutral to a large extent. While Goa is often cited as a model for the nationwide implementation of the UCC, critics argue that the code still contains certain religious exceptions. For example, Muslim men in Goa are allowed to practice polygamy under certain conditions, a privilege not extended to followers of other religions. Thus, even Goa's "uniform" code is not entirely devoid of religious considerations.²²

Nonetheless, Goa demonstrates that legal uniformity is not only feasible but can be accepted in a multicultural society, provided it respects essential cultural nuances. It also shows that gradual legal reform, implemented through a consistent framework and maintained over time, can establish public trust and create a viable precedent.

²¹ Shweta Sinha, 'Legal Pluralism and Gender Justice in India' (2020) *Indian Journal of Gender Studies* 27(1) 37.

²² Goa Civil Code, Portuguese Civil Code 1867 (as applicable in Goa post-1961).

2. Northeast India: Customary Laws and Legal Autonomy

While Goa represents the possibility of uniformity, the **Northeastern states of India** illustrate the complexities involved in imposing a common civil code in culturally distinct regions. Several tribal communities in states like Nagaland, Mizoram, and Meghalaya enjoy constitutional protection of their customary laws under **Article 371A and 371G**. These provisions ensure that no act of Parliament can affect religious or social practices, customary law, or civil and criminal justice systems in these regions without the consent of their respective state legislatures. For instance, in **Nagaland**, tribal customary laws govern matters related to marriage, divorce, and inheritance. These customs vary significantly between tribes and have been preserved as a mark of respect for the community's autonomy. In **Meghalaya**, the Khasi and Garo tribes follow matrilineal systems where property is inherited through the female line, a practice that could be disrupted by a gender-neutral but patrilineal civil code.²³

Any attempt to implement a UCC without accounting for such unique social arrangements could lead to cultural alienation and resistance. Therefore, regional experiences within India underscore the importance of local contexts in shaping civil law. A truly inclusive UCC must either accommodate these differences or allow for voluntary participation and gradual alignment.²⁴

3. Comparative Perspectives: Global Lessons on Civil Law Uniformity

India is not alone in facing the challenge of legal pluralism. Many nations have grappled with the question of whether a diverse population can be governed by a single set of civil laws. Examining their experiences can offer valuable lessons.

a. France: A Strict Secular Model

France is often cited as the epitome of **laïcité**, a form of strict secularism. Civil law in France is uniformly applied to all citizens, and religious practices are strictly separated from public policy and legal affairs. Personal law based on religion does not exist, and religious marriages

²³ MSA Rao, *Social Movements and Social Transformation: A Study of Two Backward Classes Movements in India* (Manohar Publishers 1996).

²⁴ Constitution of India 1950, arts 371A and 371G.

are not recognized unless registered civilly.²⁵

This uniform approach promotes equality but has also led to tensions with religious communities, especially Muslims. The ban on headscarves and religious symbols in public institutions has sparked protests and debates about the limits of secularism. While France provides a model for legal uniformity, it also highlights the challenges of imposing secular values in deeply religious societies.²⁶

b. Indonesia: A Hybrid Approach

Indonesia, with its Muslim majority and significant religious minorities, offers a more nuanced model. The country operates under a **plural legal system** where religious courts handle personal laws for Muslims, while civil courts cater to other citizens. However, Indonesia has introduced standardized procedures and documentation for marriage and divorce to ensure transparency and legal protection.²⁷

Indonesia's approach balances religious autonomy with state oversight. It illustrates that partial harmonization of personal laws is possible without erasing cultural identities, particularly when it is done transparently and inclusively.²⁸

c. Israel: Religious Courts and Social Tensions

Israel is a striking example of how the absence of a uniform civil code can exacerbate social and political divisions. The state grants significant authority to **religious courts** over matters of marriage and divorce. Jewish, Muslim, Christian, and Druze communities are each governed by their own religious institutions in personal matters.²⁹

This system has led to serious challenges, particularly concerning women's rights. In Jewish law, for instance, a man must consent to a divorce; refusal to do so can trap women in so-called "marital captivity" (agunot). While Israel is a modern democracy, the control of religious courts over civil life has sparked widespread criticism and calls for reform. These examples reveal

²⁵ France's Laïcité Model (implied in content; cross-reference with Jacobsohn)

²⁶ Ibid

²⁷ Rajeev Bhargava (ed), *Secularism and Its Critics* (Oxford University Press 1998).

²⁸ Indonesia Constitution 1945 (as amended) and Law No. 1/1974 on Marriage (as discussed in context of plural legal systems).

²⁹ Ibid

that while some degree of pluralism can be maintained, excessive reliance on religious law can lead to systemic inequalities and social strife.³⁰

4. India's Path Forward: Harmonization vs. Homogenization

The regional and international experiences analyzed above indicate that a one-size-fits-all model of civil law may not be feasible in a culturally diverse country like India. Rather than pursuing complete **homogenization**, the Indian approach must focus on **harmonization**—streamlining civil laws to reflect constitutional values of equality, justice, and secularism without dismantling culturally significant practices.

This could be achieved by identifying and eliminating discriminatory elements within each personal law system while allowing room for religious practices that do not violate constitutional rights. For instance, ensuring equal inheritance rights for women across all communities, prohibiting unilateral divorce, and setting minimum marriageable ages can be steps toward legal equality that are widely acceptable.

In this process, **consultation and consensus-building** are essential. Legal reforms should be preceded by extensive dialogue with religious leaders, civil society, legal experts, and grassroots organizations. The government must make clear that the goal is not to impose one community's norms on others but to create a fair and inclusive legal framework. Moreover, a **model UCC** could be drafted and introduced as an optional code that individuals may voluntarily opt into. Over time, as public confidence grows, broader adoption may naturally follow. This phased and participatory approach respects diversity while fostering legal coherence.

CONCLUSION

The Uniform Civil Code (UCC) represents one of the most complex, debated, and ideologically charged topics in the Indian constitutional and socio-legal landscape. As envisioned in **Article 44** of the Indian Constitution, the UCC aspires to unify personal laws across religions to ensure justice, equality, and national integration. However, the journey toward realizing this ideal is fraught with legal, political, cultural, and social dilemmas that resist simplistic solutions.

³⁰ Israel's Religious Courts (and marital captivity issue)

From a constitutional perspective, the UCC embodies the spirit of equality, secularism, and justice. In theory, it would eliminate gender discrimination inherent in various personal laws and establish a common set of civil rights for all citizens. The Supreme Court of India has consistently advocated for the implementation of the UCC, recognizing it as a tool for ensuring gender justice and removing inconsistencies in civil jurisprudence. Yet, the practical and political implications of such a move remain deeply contentious. On the social front, India's vast religious, ethnic, and cultural diversity presents a formidable challenge to the implementation of a uniform code. Communities fear the erosion of their identities and traditions under the guise of legal uniformity. As illustrated by regional case studies such as Goa's civil code and the constitutional protections granted to the Northeast's tribal communities, any reform must be context-sensitive, inclusive, and gradual. The Goan model, although frequently cited, is not without exceptions and cannot be universally imposed without modifications.³¹

International experiences further underscore that legal pluralism is not unique to India. Countries like Indonesia, Israel, and France offer contrasting models—from hybrid legal frameworks to strict secularism—with varying degrees of success. These global cases suggest that harmonization of laws, rather than enforced uniformity, can be a more pragmatic and equitable approach. Moving forward, a phased, participatory process that involves religious communities, civil society, legal experts, and the general public is essential. A model UCC that individuals can voluntarily opt into could be an effective starting point. More importantly, reforms must focus on the core constitutional values—dignity, equality, and justice—rather than political expediency or majoritarian impulses.

³¹ Ministry of Law and Justice, *The Muslim Women (Protection of Rights on Marriage) Act 2019*.