
CONSTITUTIONAL VALIDITY OF THE UNIFORM CIVIL CODE: HARMONIZING RIGHTS, EQUALITY, AND PLURALISM

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ABSTRACT

This research paper presents a comprehensive doctrinal analysis of the constitutional validity of the Uniform Civil Code (UCC) in India, exploring its complex intersection with fundamental rights, gender equality, and religious pluralism. The primary objective is to evaluate the perceived tension between the Directive Principle enshrined in Article 44, which mandates the State to secure a uniform civil code, and the Fundamental Rights guaranteeing religious freedom under Articles 25 to 28¹. Employing a strictly neutral and balanced methodology, the study examines historical antecedents, Constituent Assembly debates, and the evolution of personal laws to determine the scope of secular legislative reform. Rather than framing the UCC as an inherent conflict between state uniformity and minority rights, this paper posits that the issue must be resolved through the doctrine of harmonious construction². The research demonstrates that the Constitution envisions an integrated scheme where secular civil matters—such as marriage, divorce, maintenance, and succession—can be uniformly regulated without infringing upon essential religious practices. This balanced approach aligns with the Supreme Court's foundational jurisprudence, which views Parts III and IV not as competing silos, but as complementary pillars of constitutional governance.³

"The Fundamental Rights and the Directive Principles were designed by the members of the Assembly to be the chief instruments in bringing about the great reforms of the social revolution. They have helped to bring the Indian society closer to the Constitution's goal of social, economic and political justice for all... they together constitute 'the conscience of the Constitution'."

HIS HOLINESS KESAVANANDA BHARATI SRIPADAGALAVARU
Vs STATE OF KERALA (Supreme Court of India, 1973) [[1973] SUPP. 1
S.C.R. 1, 1973 INSC 91]

Ultimately, the paper concludes that a carefully drafted UCC, modeled on

¹ INDIA CONST. art. 44; INDIA CONST. arts. 25–28.

² Granville Austin, *The Indian Constitution: Cornerstone of a Nation* 50–52 (Oxford University Press, 1966).

³ *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625; AIR 1980 SC 1789.

principles of equality and non-arbitrariness, serves as a vital instrument for national integration and gender justice, fulfilling the constitutional mandate while preserving India's pluralistic ethos.⁴

I. INTRODUCTION

The concept of the Uniform Civil Code (UCC) is embodied in Article 44 of the Constitution of India, which provides that the State shall endeavour to secure for citizens a uniform civil code throughout the territory of India. A UCC refers to a common set of secular civil laws governing personal matters such as marriage, divorce, maintenance, adoption, succession, and inheritance, applicable equally to all citizens irrespective of religion. At present, India follows a system of diverse personal laws based on religious communities, including Hindu, Muslim, Christian, and Parsi laws, which often create legal inequality and inconsistency in civil rights⁵.

During the Constituent Assembly debates, the framers of the Constitution recognized the importance of a common civil code for promoting national unity and social reform. However, due to India's immense religious and cultural diversity, and the sensitivity surrounding personal laws, the UCC was placed under Part IV as a Directive Principle of State Policy rather than under Part III as an enforceable Fundamental Right. This created a constitutional tension between Article 44 and the Fundamental Right to freedom of religion guaranteed under Articles 25 to 28.⁶

The Supreme Court of India has consistently emphasized the need to balance these constitutional principles through harmonious construction. In *Kesavananda Bharati v. State of Kerala*, the

Court observed that Fundamental Rights and Directive Principles together form the “conscience of the Constitution,” working jointly to achieve social, economic, and political justice. Similarly, in *Mohd. Ahmed Khan v. Shah Bano Begum*, the Court expressed regret that Article 44 had remained a “dead letter” and stated that a common civil code would promote national integration by removing conflicting loyalties created by separate personal laws⁷.

⁴ *Sarla Mudgal v. Union of India*, (1995) 3 SCC 635; AIR 1995 SC 1531.

⁵ INDIA CONST. art. 44; Paras Diwan, *Modern Hindu Law* 32–35 (21st ed., Allahabad Law Agency, 2021).

⁶ Constituent Assembly Debates, Vol. VII, 23 Nov. 1948, speech of Dr. B.R. Ambedkar on Article 35 (now Article 44); INDIA CONST. arts. 25–28.

⁷ *Mohd. Ahmed Khan v. Shah Bano Begum*, (1985) 2 SCC 556; AIR 1985 SC 945.

The continued existence of plural personal laws has often resulted in gender injustice, particularly affecting women in matters of marriage, divorce, maintenance, and inheritance. Judicial decisions have repeatedly highlighted that civil rights in a secular democracy should not depend solely on religious identity. At the same time, concerns remain that the implementation of a UCC may interfere with religious freedom and India's pluralistic social structure.

II. HISTORICAL EVOLUTION OF PERSONAL LAWS IN INDIA

A. Colonial Era and the Lex Loci Report

1. The genesis of the Uniform Civil Code (UCC) discourse in India is inextricably linked to the colonial administration's approach to legal codification. In 1835, the British government submitted a comprehensive report stressing the urgent need for uniformity in the codification of Indian laws relating to crimes, evidence, and contracts. However, this report specifically recommended that the personal laws of Hindus and Muslims be kept outside the purview of such uniform codification⁸. This bifurcated approach was formally cemented by the Lex Loci report of 1840, which established uniform secular laws for crimes and commerce while deliberately leaving the personal laws of religious communities untouched⁹. The colonial strategy thus created an artificial dichotomy between public secular law and private religious law.

B. Post-1857 Policy of Non-Interference

2. The trajectory of legal reform experienced a paradigm shift following the First War of Indian Independence in 1857. The uprising sent a strong signal to the British Crown, prompting a strategic retreat from altering the social fabric of India. The colonial administration adopted a strict policy of non-interference in personal codes governing marriage, divorce, maintenance, adoption, and succession. This policy of non-interference was a pragmatic choice designed to maintain political stability rather than a recognition of religious inviolability, a stance that mirrors contemporary arguments surrounding religious pluralism and cultural autonomy.¹⁰

⁸ Report of the First Law Commission of India, 1835, reprinted in M.P. Jain, *Indian Constitutional Law* 1440 (8th ed., LexisNexis, 2018).

⁹ Lex Loci Report, 1840, discussed in Paras Diwan, *Family Law* 52–54 (10th ed., Allahabad Law Agency, 2019).

¹⁰ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* 128–130 (Oxford University Press, 1966).

3. It is imperative to recognize that the operational validity of these personal laws was sanctioned by State enactments, such as the Regulations of 1781, rather than divine scripture. The Hon'ble Supreme Court has authoritatively clarified this constitutional position, affirming that personal laws derive their legitimacy from legislative sanction and are therefore fully amenable to legislative reform and supersession by a uniform code:

"The Legislation — not religion — being the authority under which personal law was permitted to operate and is continuing to operate, the same can be superseded/supplemented by introducing a uniform civil code."

SMT. SARLA MUDGAL, PRESIDENT, KALYANI AND ORS. Vs UNION OF INDIA AND ORS (Supreme Court of India, 1995) [[1995] SUPP. 1 S.C.R. 250, 1995 INSC 363]¹¹

C. Constituent Assembly Debates

4. As the colonial era drew to a close, the proliferation of piecemeal legislations dealing with personal issues necessitated a more systematic approach. In 1941, the government constituted the B N Rau Committee to examine the necessity of common Hindu laws, which ultimately recommended a codified Hindu law ensuring equal rights for women. Subsequently, during the Constituent Assembly sessions held between December 9, 1946, and January 24, 1950, the framing of a Uniform Civil Code became a subject of intense and polarized debate under Draft Article 35.

III. CONSTITUTIONAL FRAMEWORK: DIRECTIVE PRINCIPLES VS. FUNDAMENTAL RIGHTS

The constitutional debate surrounding the Uniform Civil Code (UCC) lies at the center of the relationship between Directive Principles of State Policy and Fundamental Rights under the Constitution of India. Article 44 directs the State to endeavour to secure for citizens a uniform civil code throughout the territory of India¹². This provision reflects the constitutional aspiration of establishing a common set of civil laws governing matters such as marriage, divorce, succession, inheritance, maintenance, and adoption for all citizens irrespective of religion. However, this objective must be balanced with Fundamental Rights, particularly the

¹¹ *Sarla Mudgal v. Union of India*, (1995) 3 SCC 635; AIR 1995 SC 1531.

¹² INDIA CONST. art. 44 read with art. 37.

freedom of religion under Articles 25 to 28 and the right to equality and dignity under Articles 14, 15, and 21¹³. This constitutional tension has made the UCC one of the most debated issues in Indian constitutional law.

A. Article 44 and the Mandate for a Uniform Civil Code

Article 44 of the Constitution states that “the State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.” It is placed under Part IV of the Constitution, which deals with Directive Principles of State Policy. Under Article 37, Directive Principles are non-justiciable, meaning that courts cannot enforce them directly. However, Article 37 also declares that these principles are fundamental in the governance of the country and it is the duty of the State to apply them while making laws.

Therefore, although Article 44 is not enforceable in a court of law, it carries significant constitutional importance. It reflects the vision of a secular legal system where civil rights are determined by common citizenship rather than religious identity. The framers of the Constitution intentionally placed UCC under Directive Principles instead of making it an enforceable Fundamental Right because of India’s deep religious diversity and the political sensitivity attached to personal laws.

The relationship between Directive Principles and Fundamental Rights was clearly explained by the Supreme Court in *Kesavananda Bharati v. State of Kerala*. The Court held that Fundamental Rights and Directive Principles together form the “conscience of the Constitution” and must be read harmoniously rather than as opposing constitutional commands. The Court emphasized that Directive Principles cannot be used to destroy Fundamental Rights, but they remain essential for achieving social justice and constitutional reform.¹⁴

This principle is directly relevant to Article 44. The implementation of a Uniform Civil Code cannot take place by violating religious freedom, but it can be achieved through carefully framed legislation that respects constitutional guarantees. During the Constituent Assembly debates, Dr. B.R. Ambedkar strongly defended the idea of a common civil code and argued that personal law should not be treated as entirely religious. According to him, matters such as

¹³ INDIA CONST. arts. 14, 15, 21, and 25–28.

¹⁴ *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225; AIR 1973 SC 1461.

marriage and succession are largely secular and therefore open to legislative reform.

In *Mohd. Ahmed Khan v. Shah Bano Begum*, the Supreme Court expressed regret that Article 44 had remained a “dead letter.” The Court observed that a common civil code would strengthen national integration by reducing conflicting loyalties created by different personal laws. It further noted that legislative competence already exists, but political courage to exercise that power has been lacking.

At the same time, the Court clarified its constitutional limits in *Lily Thomas v. Union of India*. It held that although the enactment of UCC is desirable, courts cannot issue a writ of mandamus directing Parliament to enact a particular law. Law-making remains the exclusive domain of the legislature. This reflects the doctrine of separation of powers, which prevents judicial overreach into legislative functions.

Thus, Article 44 creates a constitutional duty for the State, but its realization depends upon democratic processes, legislative policy, and public consensus rather than judicial enforcement.

B. Freedom of Religion (Articles 25–28) and Personal Laws

The strongest constitutional objection to the UCC arises from Articles 25 and 26, which protect religious freedom. Article 25 guarantees freedom of conscience and the right to freely profess, practice, and propagate religion. Article 26 protects the right of religious denominations to manage their own affairs in matters of religion¹⁵.

Opponents of the UCC argue that personal laws are closely linked with religion and therefore enjoy constitutional protection. According to this argument, laws relating to marriage, divorce, inheritance, guardianship, and adoption form an integral part of religious identity and cannot be altered by the State without violating religious freedom.

However, the Supreme Court has distinguished between essential religious practices and secular activities associated with religion. This distinction was established in *Commissioner, Hindu Religious Endowments v. Sri Lakshmindra Thirtha Swamiar of Shirur Mutt*, popularly known as the Shirur Mutt case. The Court introduced the Essential Religious Practices (ERP) doctrine and held that only essential parts of religion are protected under Article 25. Activities

¹⁵ INDIA CONST. arts. 25–26.

that are economic, social, or secular in nature, even if associated with religion, can be regulated by the State¹⁶.

Applying this doctrine, the Court has repeatedly held that matters such as marriage, succession, divorce, and maintenance are secular in character rather than essential religious practices. In *Sarla Mudgal v. Union of India*, the Court stated that there is no necessary connection between religion and personal law in a civilized society. It observed that marriage and succession are secular matters and cannot be protected absolutely under Articles 25 and 26¹⁷.

This reasoning was reaffirmed in *John Vallamattom v. Union of India*, where the Court held that succession and similar matters are secular in nature and cannot be fully protected under religious freedom provisions. The Court emphasized that any legislation attempting to place such matters beyond constitutional scrutiny by invoking religion would be constitutionally suspect.

However, a counter-view was reflected in *Shayara Bano v. Union of India*, where the minority opinion suggested that long-standing personal law practices followed by a community may form part of religious faith and therefore deserve constitutional protection. This reflects the concern that excessive judicial interference in personal laws may weaken religious autonomy and cultural identity.

Articles 27 and 28 further reinforce the secular nature of the Indian State by preventing the State from promoting any particular religion and restricting religious instruction in State-funded institutions. These provisions support the idea that civil rights should not depend on religious identity. At the same time, they require that any UCC must remain neutral and should not amount to the imposition of one community's personal law upon others.

Therefore, the real constitutional challenge is not whether reform is possible, but how to distinguish between protected religious faith and reformable secular personal law.

C. Right to Equality and Gender Justice (Articles 14, 15, and 21)

Articles 14, 15, and 21 provide a strong constitutional basis for examining the validity of

¹⁶ *Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Shirur Mutt*, AIR 1954 SC 282.

¹⁷ *Sarla Mudgal v. Union of India*, (1995) 3 SCC 635; AIR 1995 SC 1531.

personal laws. Article 14 guarantees equality before law and equal protection of laws. Article 15 prohibits discrimination on grounds of religion, race, caste, sex, or place of birth. Article 21 guarantees the right to life and personal liberty, which includes the right to live with dignity¹⁸.

India's personal law system creates different legal standards for citizens based on religion. A Hindu woman, Muslim woman, Christian woman, and Parsi woman may have different rights relating to divorce, inheritance, maintenance, guardianship, and succession. This raises an important constitutional question under Article 14: whether classification based on religion for civil rights is constitutionally justified.

Traditionally, the argument has been that religious communities constitute separate legal classes, and therefore different personal laws are valid because they preserve cultural and religious autonomy. However, this reasoning becomes weak when such laws produce gender discrimination and deny equal dignity to women.

The most significant judicial intervention in this area came in *Shayara Bano v. Union of India*, where the Supreme Court struck down the practice of instant triple talaq (talaq-e-biddat). Justice Nariman held that the practice was "manifestly arbitrary" under Article 14 because it allowed a Muslim husband to unilaterally and instantly dissolve marriage without any fair procedure or opportunity for reconciliation. Such arbitrary power violated equality and dignity.

Justice Kurian Joseph, in his concurring opinion, stated that what is bad in theology cannot be good in law. This judgment is important because it established that personal law practices are not beyond constitutional scrutiny and must satisfy standards of fairness, equality, and justice.

The issue of gender justice had earlier been highlighted in *Mohd. Ahmed Khan v. Shah Bano Begum*, where the Court held that a divorced Muslim woman was entitled to maintenance under Section 125 of the Code of Criminal Procedure, a secular provision applicable to all citizens. The Court emphasized that while courts can provide relief in individual cases, only a comprehensive UCC can ensure complete and lasting equality.

The political response to *Shah Bano* came through the Muslim Women (Protection of Rights on Divorce) Act, 1986, which was widely viewed as limiting the rights granted by the judgment. However, in *Danial Latifi v. Union of India*, the Supreme Court upheld the law by

¹⁸ INDIA CONST. arts. 14, 15, and 21; *Shayara Bano v. Union of India*, (2017) 9 SCC 1.

interpreting it in a manner that protected the divorced woman's right to fair and reasonable future maintenance. This showed how judicial interpretation was necessary to preserve constitutional justice.

Article 15(3), which allows the State to make special provisions for women and children, further supports the idea of a gender-just UCC. A uniform civil code that removes discriminatory practices such as unilateral divorce, unequal inheritance, and polygamy can be justified as a constitutional measure to protect women's rights.

Article 21 strengthens this argument by recognizing dignity as an essential part of life and liberty. Practices that deny women financial security, equal status, or matrimonial justice violate dignity and therefore become constitutionally questionable.

At the same time, Article 21 also protects personal liberty, including the freedom to live according to cultural and religious traditions. Therefore, a UCC must carefully balance dignity and equality with personal autonomy and cultural freedom.

IV. JUDICIAL PRONOUNCEMENTS AND PRECEDENTS

The judicial interpretation of Article 44 of the Constitution of India reflects a consistent recognition of the importance of a Uniform Civil Code (UCC) in achieving gender justice, equality, and national integration. The Supreme Court has repeatedly addressed the conflict between the constitutional goal of a uniform civil code and the protection of religious freedom under Articles 25 and 26. Through several landmark judgments, the Court has clarified that matters such as marriage, divorce, maintenance, and succession are secular in nature and therefore open to legislative reform.

A. The Shah Bano Judgment and Legislative Response

A major judicial step in the UCC debate came in *Mohd. Ahmed Khan v. Shah Bano Begum*. The issue concerned the right of a divorced Muslim woman to claim maintenance under Section 125 of the Code of Criminal Procedure, 1973. The Supreme Court held that Section 125 is a secular provision intended to prevent destitution and applies to all citizens regardless of religion¹⁹.

¹⁹ *Mohd. Ahmed Khan v. Shah Bano Begum*, (1985) 2 SCC 556; AIR 1985 SC 945.

The Court observed that whether the parties are Hindus, Muslims, Christians, or Parsis is irrelevant for the application of Section 125. It further expressed regret that Article 44 had remained a “dead letter” and stated that a common civil code would strengthen national integration by removing conflicting personal laws. This judgment strongly supported the idea that maintenance is a civil right and not merely a matter of religious personal law.

In response, Parliament enacted the Muslim Women (Protection of Rights on Divorce) Act, 1986, which was widely seen as limiting the husband’s liability to the iddat period. However, in *Danial Latifi v. Union of India*, the Supreme Court interpreted the Act in a progressive manner and held that a Muslim husband must make a “reasonable and fair provision” for the future of the divorced wife, which includes maintenance beyond the iddat period²⁰.

More recently, in *Mohd. Abdul Samad v. State of Telangana*, the Court reaffirmed that Section 125 CrPC applies to Muslim women as well and that the remedies under personal law statutes are additional and not a substitute for secular maintenance rights. This shows judicial continuity in protecting women’s rights despite legislative and religious complexities.

B. Sarla Mudgal and the Issue of Conversion

Another important case was *Sarla Mudgal v. Union of India*, where the Court dealt with Hindu husbands converting to Islam solely to contract a second marriage without dissolving the first one. This misuse of religious conversion exposed the loopholes created by different personal laws.

The Supreme Court strongly criticized this practice and emphasized that Article 44 contains an unequivocal constitutional mandate for a uniform civil code. The Court stated that there is no necessary connection between religion and personal law in a civilized society and that marriage and succession are secular matters, not protected entirely by Articles 25 and 26.

This judgment clearly separated religious freedom from civil obligations and highlighted how the absence of a UCC can lead to legal abuse and injustice.

The principle of gender justice was later strengthened in *Shayara Bano v. Union of India*, where the Supreme Court declared instant triple talaq (talaq-e-biddat) unconstitutional. The Court

²⁰ *Danial Latifi v. Union of India*, (2001) 7 SCC 740; AIR 2001 SC 3958.

held that allowing a Muslim husband to unilaterally and instantly dissolve marriage was “manifestly arbitrary” under Article 14 and therefore violated the right to equality.

This judgment established that personal law practices are not immune from constitutional review and must satisfy standards of fairness, dignity, and equality.

C. John Vallamattom and Succession Laws

The constitutional scrutiny of personal laws also extends to inheritance and succession. In *John Vallamattom v. Union of India*, the Supreme Court examined Section 118 of the Indian Succession Act, 1925, which imposed restrictions on Christians regarding charitable bequests by will²¹.

The Court struck down the provision as arbitrary and discriminatory under Article 14. It observed that succession is a secular matter and cannot be completely protected under Articles 25 and 26 as a religious practice. The Court reiterated that marriage, succession, and similar matters are civil rights and must comply with constitutional principles of equality and nondiscrimination.

This judgment further strengthened the argument that personal laws cannot escape constitutional scrutiny merely by claiming religious protection.

D. Judicial Restraint and Limits of Court Intervention

Although the Supreme Court has repeatedly encouraged the enactment of a Uniform Civil Code, it has also maintained judicial restraint. In *Lily Thomas v. Union of India*, the Court clarified that its earlier observations supporting UCC were expressions of constitutional concern and not enforceable directions to Parliament²².

The Court held that it cannot issue a writ of mandamus directing the legislature to enact a particular law because law-making is a matter of legislative policy. This reflects the constitutional principle of separation of powers.

Similarly, in *Pannalal Bansilal Pitti v. State of Andhra Pradesh*, the Court recognized that while

²¹ *John Vallamattom v. Union of India*, (2003) 6 SCC 611; AIR 2003 SC 2902.

²² *Lily Thomas v. Union of India*, (2000) 6 SCC 224; AIR 2000 SC 1650.

a uniform law is desirable, sudden implementation may be counterproductive in a diverse society like India. It observed that gradual and progressive reform is more suitable for maintaining unity and social harmony²³.

Thus, the judiciary has consistently protected individual rights and struck down discriminatory practices, but it has also respected the legislature's exclusive authority to frame a UCC.

V. COMPARATIVE ANALYSIS AND CURRENT STATUS

A. The Goa Civil Code Model

The State of Goa remains the only part of India where a functional form of Uniform Civil Code exists through the continued application of the Portuguese Civil Code of 1867. After Goa's integration into India in 1961, this civil code was retained and continues to govern matters such as marriage, divorce, succession, and property rights for all communities with limited exceptions. It reflects the principle that civil rights should be governed by a common secular framework rather than separate religious laws²⁴.

In *Jose Paulo Coutinho v. Maria Luiza Valentina Pereira*, the Supreme Court described Goa as a "shining example" of a state with a uniform civil code applicable to all citizens irrespective of religion. The Court noted that Muslim men in Goa cannot practice polygamy and verbal divorce is also not recognized, showing how the code eliminates discriminatory practices often associated with unequal personal laws²⁵.

A major feature of the Goa model is the principle of "Communion of Assets," under which both spouses hold equal rights over matrimonial property. Unless there is a registered pre-nuptial agreement, the assets of marriage are treated as jointly owned, ensuring financial equality between husband and wife. This system promotes gender justice and reduces patriarchal inequality in property relations.

B. Secular Alternative: The Special Marriage Act

At the national level, the Special Marriage Act, 1954 serves as a secular alternative to religious

²³ *Pannalal Bansilal Pitti v. State of Andhra Pradesh*, (1996) 2 SCC 498; AIR 1996 SC 1023.

²⁴ Flavia Agnes, *Family Law: Volume I – Family Laws and Constitutional Claims* 312–315 (Oxford University Press, 2011).

²⁵ *Jose Paulo Coutinho v. Maria Luiza Valentina Pereira*, (2019) 20 SCC 85.

personal laws. It allows interfaith and civil marriages without requiring religious conversion. In theory, it reflects the spirit of a Uniform Civil Code by separating marriage from religion.

However, in practice, the Act faces serious procedural difficulties. The mandatory public notice period and objection process often expose couples, especially interfaith couples, to family pressure, social harassment, and administrative obstacles. Because of these delays, many couples choose religious conversion as a legal shortcut rather than using the secular route.

The Allahabad High Court observed that the procedural burdens of the Special Marriage Act sometimes compel couples to convert only to avoid lengthy formalities, defeating the purpose of providing a neutral and secular legal framework.

C. Sociological and Pluralistic Challenges

Despite the success of the Goa model, implementing a nationwide UCC remains a major constitutional and social challenge. India is a deeply diverse country with multiple religions, tribal customs, regional traditions, and community-based family laws. A single uniform law may be seen as threatening cultural identity and religious autonomy protected under Article 25.

The real challenge is not merely creating one law for all, but ensuring that such a law is genuinely neutral, gender-just, and respectful of pluralism. A UCC should not become the imposition of one community's personal law over others. Instead, it must protect equality under Article 14 while preserving legitimate cultural diversity.

Even the Goa model is not entirely perfect. Courts and legal scholars have pointed out that Goa's family laws also require reforms and are not fully uniform in every respect. This shows that uniformity itself is not the final goal; constitutional justice and fairness are.

Thus, while Goa offers a practical constitutional model, the path toward a national Uniform Civil Code must be gradual, inclusive, and carefully balanced to harmonize Article 44 with India's pluralistic constitutional identity.

VI. TABLES AND DATA

The following tabular data synthesizes the comparative framework of personal laws currently operating within the territory of India and the corresponding judicial precedents that have

consistently underscored the constitutional necessity of a Uniform Civil Code (UCC). The data illustrates the disparate legal standards governing secular civil matters across different religious communities and highlights the Supreme Court's authoritative pronouncements on the intersection of Article 44, gender justice, and national integration.

TABLE 1: COMPARATIVE PERSONAL LAW MATRIX

This matrix provides a comparative overview of the substantive provisions governing marriage, divorce, and succession across the primary personal law systems in India, demonstrating the variations in civil rights based on religious affiliation.

Legal Aspect	Hindu Personal Law	Muslim Personal Law	Christian Personal Law
Marriage	Codified under the Hindu Marriage Act, 1955. Strictly monogamous. Bigamy is a punishable offense under Section 494 of the Indian Penal Code, 1860.	Largely uncodified, governed by the Muslim Personal Law (Shariat) Application Act, 1937. Polygamy is permitted, allowing a male to have up to four wives simultaneously.	Codified under the Indian Christian Marriage Act, 1872. Strictly monogamous.
Divorce	Governed by Section 13 of the Hindu Marriage Act, 1955. Provides specific statutory grounds for divorce, including mutual consent, cruelty, and desertion.	Governed by uncodified Shariat and the Dissolution of Muslim Marriages Act, 1939. Includes extra-judicial forms such as Talaq (by husband) and Khula (by wife), though instant triple talaq has been declared unconstitutional.	Governed by the Indian Divorce Act, 1869. Historically restrictive, but amended in 2001 to include broader statutory grounds such as mutual consent and cruelty.
Succession & Inheritance	Codified under the Hindu Succession Act, 1956. The 2005 Amendment granted daughters equal coparcenary rights in joint family property, ensuring gender parity.	Governed by uncodified Islamic jurisprudence. Inheritance is based on specific Quranic shares, where a female heir generally inherits half the share of a male counterpart of the same degree.	Codified under the Indian Succession Act, 1925. Provides a uniform statutory framework for intestate and testamentary succession without gender discrimination.

TABLE 2: JUDICIAL PRECEDENTS SUMMARY

The following table summarizes landmark judgments of the Supreme Court of India that have shaped the constitutional discourse on the Uniform Civil Code. It outlines the core constitutional principles addressed in each case, supported by verbatim excerpts from the respective judgments.

Case Name & Year	Core Constitutional Principle	Judicial Observation & Citation
Mohd. Ahmed Khan v. Shah Bano Begum (1985)	National Integration & Secular Maintenance	"It is also a matter of regret that Article 44 of our Constitution has remained a dead letter... A common Civil Code will help the cause of national integration by removing disparate loyalties to laws which have conflicting ideologies."MOHD. AHMED KHAN Vs SHAH BANO BEGUM AND ORS (Supreme Court of India, 1985) [[1985] 3 S.C.R. 844, 1985 INSC 97]
Sarla Mudgal v. Union of India (1995)	Secular Character of Marriage & Article 44 Mandate	"The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India' is an unequivocal mandate under Article 44 of the Constitution of India which seeks to introduce a uniform personal law — a decisive step towards national consolidation."SMT. SARLA MUDGAL, PRESIDENT, KALYANI AND ORS. Vs UNION OF INDIA AND ORS (Supreme Court of India, 1995) [[1995] SUPP. 1 S.C.R. 250, 1995 INSC 363]
Shayara Bano v. Union of India (2017)	Manifest Arbitrariness & Gender Justice	"This form of Talaq is manifestly arbitrary in the sense that the marital tie can be broken capriciously and whimsically by a Muslim man without any attempt at reconciliation so as to save it. This form of Talaq must, therefore, be held to be violative of the fundamental right contained under Art.14 of the Constitution of India." SHAYARA BANO Vs UNION OF INDIA AND OTHERS (Supreme Court of India, 2017) [[2017] 9 S.C.R. 797, 2017 INSC 785]
Jose Paulo Coutinho v. Maria Luiza Valentina Pereira (2019)	Practical Viability of UCC (Goa Model)	"Goa is a shining example of an Indian State which has a uniform civil code applicable to all, regardless of religion except while protecting certain limited rights."JOSE PAULO COUTINHO Vs MARIA LUIZAVALENTINA PEREIRA & ANR (Supreme Court of India, 2019) [[2019] 12 S.C.R. 390, 2019 INSC 1029]

VII. CONCLUSION AND WAY FORWARD

The constitutional validity of the Uniform Civil Code (UCC) depends upon a harmonious interpretation of Directive Principles of State Policy and Fundamental Rights. Article 44 directs the State to secure a uniform civil code for all citizens, while Articles 25 to 28 protect religious freedom²⁶. The constitutional solution lies in distinguishing essential religious practices from secular civil matters such as marriage, divorce, maintenance, succession, and adoption. These matters are social and legal in nature and therefore fall within the legitimate sphere of state regulation.

Judicial pronouncements have consistently clarified that personal laws governing civil relations cannot remain entirely beyond constitutional scrutiny. In *Sarla Mudgal v. Union of India*, the Supreme Court held that Article 44 is an unequivocal mandate and that marriage and succession are secular matters not fully protected under Articles 25 and 26. Similarly, in *Mohd. Ahmed Khan v. Shah Bano Begum* and *Shayara Bano v. Union of India*, the Court emphasized that gender justice and equality cannot be denied in the name of personal law.

However, the implementation of a UCC requires more than legal authority; it demands social acceptance and legislative wisdom. The first possible approach is reform within existing personal laws by removing discriminatory practices while preserving cultural diversity. The 21st Law Commission of India supported this view by stating that a UCC was neither necessary nor desirable at that stage and that the priority should be eliminating discrimination rather than enforcing immediate uniformity²⁷.

The second approach supports gradual and phased implementation of a common civil code. In *Pannalal Bansilal Pitti v. State of Andhra Pradesh*, the Supreme Court observed that although a uniform law is desirable, its sudden enactment may be counterproductive in a pluralistic society. Progressive reform through incremental legislation is therefore more practical and constitutionally sustainable.

²⁶ INDIA CONST. art. 44; INDIA CONST. arts. 25–28.

²⁷ Law Commission of India, Consultation Paper on Reform of Family Law, 2018 (21st Law Commission of India).

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