
BETWEEN TRADITION AND TRANSFORMATION: POLITICAL DIMENSIONS OF THE UCC DEBATE

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ABSTRACT

The Indian Uniform Civil Code has a long history, going back to the colonial era, and is currently at the heart of the Indian Constitution as Article 44. This analysis delves into the benefits and pitfalls of the UCC's implementation. The study of the UCC's development is supported by a detailed examination of HinduCode Bills, a series of judicial pronouncements and also contemporary political factors, laying out the religious freedoms, cultural identities, and minority and tribal communities that are being put against gender equality, social justice and nation wide unity. Our paper's objectives are to evaluate how UCC will be able to change India's private law system by looking to regional examples like Goa and Uttarakhand, local customs, and the extremely polarised political scene, standardisation of personal law.

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INTRODUCTION

A contentious and much awaited change to Indian society and the legal system is the Uniform Civil Code (UCC). The Uniform Civil Code (UCC) is a proposal to create a single common law that would apply to all every person , regardless of their caste, religion, or community, individual concerns including marriage, divorce, inheritances, adoption, and succession. Implementing such regulations in India is difficult due to the country's great variety and the delicate nature of religion. Religion has evolved from a social and personal issue to a political agenda, making its implementation more challenging. Historically, the Lex Loci Report of 1840 that uniform rules be implemented³, but the British government chose not to do so out of fear of offending people's religious feelings, which eventually sparked protests. Additionally, uniform legislation would uphold gender equality and guarantee the quick and straightforward application of the law. This essay examines the Uniform Civil Code's judicial elements, constitutional basis, and historical context.

HISTORICAL BACKGROUND

The concept of a Uniform Civil Code (UCC) has its roots in the history of British control over India and the creation of the Constitution. a proposed set of personal laws that would be applicable to all Indian citizens, regardless of their religious beliefs. The Indian National Congress first put out the concept of a UCC in 1925. Minorities opposed the Uniform Civil Code's introduction after independence out of concern that their religious beliefs and practices would be compromised. Leaders who opposed the Uniform Civil Code included B. Pocker Sahib Bahadur, Naziruddin Ahmad, and Muhammad Ismail. Although they were unable to enact a statutory law, leaders like Jawaharlal Nehru and Dr. B.R. Ambedkar supported the Uniform Civil Code and pushed for its inclusion in the constitution under article 44 as a Directive principle, aiming for equality. Since then, the issue has been discussed. The Constituent Assembly⁴ adopted Article 44 (formerly Draft Article 35) as a Directive Principle:

³ Munjal, Diksha. Explained: The Uniform Civil Code. THE HINDU. Nov. 6, 2022.
<https://www.thehindu.com/news/national/explained-the-uniform-civil-code/article66105351.ece>

⁴ Centre for Law and Policy Research, UCC Part 1 – Constitutional History, at 1–3 (n.d.), UCC-Part-1-Constitutional-History.pdf

"The State shall endeavour to secure a uniform civil code for the citizens throughout the territory of India." After independence, the Indian constitution's founders discussed whether or not to include a standard civil code, but in the end, they decided to put it under Part IV's guiding principle, which instructs the government to create a just and humane society. Although the principles established there are not enforceable by any court of law, the state has an obligation to implement these principles when enacting laws to create an equitable society because they are deemed "fundamental."

Hindu code bill

The first major move toward establishing a Uniform Civil Code (UCC) in India was the Hindu Code Bills (1955–56). To promote female equality and legal uniformity, they changed Hindu personal rules concerning to marital relation, dissolution of marriage ,succession of property ,child adoption and custodial matters . These changes were implemented for Hindus, Buddhists, Jains, and Sikhs by the means of four late legislation:, “The Hindu Adoptions and Maintenance Act, and The Hindu Minority and Guardianship Act ,The Hindu Marriage Act, The Hindu Succession Act”.Because of prevailing political objection and concern rooted in religious beliefs and surrounding other religions, the government restricted their application to Hindu populations even though they were meant to serve as the basis for a single civil code under Article 44 of the Constitution. Despite this limitation, the Hindu Code Bills remain a milestone in India’s legal history and continue to shape contemporary debates on the UCC, representing

both progress toward equality and the challenges of achieving legal uniformity in a diverse society.

SOCIO POLITICAL DEBATE

The Uniform Civil Code (UCC) has significant socio-political ramifications in addition to being a legal reform. India's population is enormous. Political parties in India exploit social issues, such as the caste system, reservations, poverty, unemployment, and the Uniform Civil Code⁵, as part of their political agendas. In light of its overarching goal of "One Nation, One

⁵ Law Commission of India, Consultation Paper on Reform of Family Law (Aug. 31, 2018), <https://archive.pib.gov.in/documents/rlink/2018/aug/p201883101.pdf>.

Law," the ruling party supports it. The ruling party appeals to Indian citizens about modernization and uniformity of law by focusing on policies that advance national unity, gender equality, and secularism. Since the act was started in 1955, customs and regulations have changed, hence there are several gaps in India's current personal laws. communities who fear it threatens religious freedom guaranteed under Article 25 of the

The opposition opposes Uniform Civil Code (UCC), mainly because of the minority Constitution. They argue that personal laws are integral to religious identity and that a uniform code could impose majoritarian values on minorities, especially Muslims. Critics also claim that implementing the UCC without social consensus undermines India's pluralistic and secular fabric. Political parties like the Congress and regional groups maintain that reforms should come through dialogue and gradual change within communities not through state-imposed uniformity. Northeastern states oppose UCC in fear of erosion of their customs and practices and being deprived of their constitutional rights given under Articles 371 A and 371 G, (where the constitution gives them right to preserve their customs and practices).

DIFFICULTIES OF IMPLEMENTATION OF THE UCC

Implementing a Uniform Civil Code (UCC) in India is challenging because the country is built on a rich mix of religions, cultures, and traditions. Each community has its own personal laws for marriage, divorce, inheritance, and family matters, and many people see these practices as deeply tied to their identity. Introducing a single common law for everyone often feels to them like an intrusion into their religious freedom. Minority groups, especially, the tribal groups worry that a UCC might overshadow their customs and bring in rules shaped by the majority whose freedom is given under Article 371 A and Article 371 G, leading to mistrust and resistance. A contentious and much awaited change to Indian society and the legal system is the Uniform Civil Code (UCC). In India, the Uniform Civil Code (UCC) is a proposal to create a single common law that would apply to all individuals, irrespective of their caste, religion, or community, in personal concerns including marriage, divorce, inheritances, adoption, and succession. Implementing such regulations in India is difficult due to the country's great variety and the delicate nature of religion.. Balancing the goal of gender equality with respect for cultural practices is another delicate task. Overall, the difficulties arise not from the idea of a UCC itself but from India's diversity, the emotional value people attach to their traditions, and the practical challenges of bringing such a major reform into reality.

RECENT DEVELOPMENT

Constituent Assembly and Constitution

The Constituent Assembly⁶ (1946–1950) vigorously debated a Uniform Civil Code (UCC). Leaders like Nehru and Ambedkar saw a common code as a step toward a secular, progressive nation, whereas many Muslim and other members warned it would infringe religious freedom. The compromise was to include UCC as Directive Principle (Article 44), non-justiciable and to be implemented by future governments. Post-Independence to

2014 After 1950, India enacted major Hindu civil reforms (Hindu Marriage, Succession, etc.), but left Muslim, Christian and tribal laws largely untouched. The issue flared in 1985: the Supreme Court, in the Shah Bano case, urged a common code for women's maintenance, but Parliament (Congress government) overruled it by passing the Muslim Women (Protection of Rights on Divorce) Act. Thereafter UCC lay mostly dormant in Parliament, with no uniform law enacted. Renewed Debate (2014–present) The BJP revived the UCC as a key agenda after 2014. Its 2014 manifesto reiterated that gender equality “cannot be” achieved without UCC, promising to draft such a code. NDA governments in states like Gujarat and Uttarakhand signalled support, while opposition parties warned against it. In Parliament, the issue resurfaced sharply in Dec 2022 BJP MP Kirodi Lal Meena introduced a private member's UCC bill in the Rajya Sabha. Opposition MPs protested vigorously, calling the bill “unconstitutional” and saying it would “destroy” India's social fabric and “divide the nation”. The motion to introduce it was passed (63–23) despite their demands for withdrawal. In late 2024 and early 2025 UCC again featured in Parliament. Replying to a debate on the Constitution's 75th anniversary, PM Modi reminded MPs that the Constituent Assembly had long discussed UCC an “decided” elected governments should implement it; he noted the Supreme Court's repeated calls for a UCC and said his government is working “with full force for a Secular Civil Code”. In the 2025 Budget session he praised Uttarakhand's new common code as fitting that vision. Throughout, BJP leaders have framed UCC as ensuring women's rights and national unity. Opponents in Parliament counter that forcing one code threatens India's pluralism and minority

⁶ Centre for Law & Policy Research, UCC Part 3: Political History, at (n.d.), <https://clpr.org.in/wp-content/uploads/2017/11/UCC-Part-3-Political-History.pdf>.

rights. Sources: Constituent Assembly records and constitutional history; news and analysis of recent Lok Sabha Rajya Sabha debates

Supreme court's stance on uniform civil code (UCC)

In the landmark Shah Bano case³ of 1985, the Supreme Court ruled in favour of a divorced woman denied maintenance, invoking the provision of Section 1254 of the CRPC and also emphasised the need for a uniform civil code applicable to all citizens, irrespective of religion. Subsequent cases like Sarla Mudgal v. Union of India (1995) and John Vallamattom v. Union of India⁶ (2003) reiterated this demand. In the 2019 Jose Paulo Coutinho v. Maria Luiza Valentina Pereira case⁷, the Court lauded Goa's implementation of a uniform civil code and urged for its nationwide adoption.

Law Commission's Stance on Uniform Civil Code (UCC)

The 21st Law Commission⁸, led by Justice Balbir Singh Chauhan in 2018, stated that a uniform civil code wasn't necessary or desirable at that stage, emphasizing the coexistence of secularism with the country's plurality. It recommended amending⁷ discriminatory practices within existing personal laws instead. In acknowledgement of the lapse of time since the initial consultation paper, the 22nd Law Commission, under Justice (Retd) Rituraj Awasthi in 2022, sought opinions from various stakeholders, including the public and religious organizations, on the matter of UCC.

Uttarakhand vs Goa

Goa became the first state to adopt the Portuguese Civil Code of 1867 as its own. Indian state to enact a Uniform Civil Code. It ensures parity in marriage, divorce, and inheritance for every resident, regardless of their faith. Crucial clauses consist of joint Equitable property distribution, prohibition of polygamy, and ownership of marital assets between partners and children. Uttarakhand was the first state to pass a Uniform Civil Code Bill in 2024 that included marriage, divorce, inheritance, and cohabitation but excluded Scheduled Tribes. Polygamy is prohibited, women living together are recognized and protected, children are given equality, and divorce is facilitated. However, the Bill is attacked

⁷ Riya Maggu, Uniform Civil Code: Critical Analysis, JUSCORPUS (Aug. 2023), <https://www.juscorpus.com/wp-content/uploads/2023/08/30.-Riya-Maggu.pdf>.

for its intrusive live-in registration, gender prejudice in maintenance, moral policing, and privacy violations. It also disregards guardianship equality and adoption reforms. The Goa Code demonstrates nonuniformity by allowing Hindu men to practice restricted bigamy, even though it advances gender justice. Community agreement, inclusive writing, and consideration for India's diversity are critical to the UCC's success. The UCC can be transformed from a divisive political issue into a cohesive legal framework that ensures justice, equity, and dignity for all citizens with a wellrounded approach built on equality, knowledge, and education.

CUSTOMARY LOOPHOLES

Marriage and divorce procedures have a significant flaw. Certain groups rely on documented practices to justify exceptions, even when a uniform rule—like forced registration or monogamy—is suggested. For instance, it is challenging to execute UCC laws since some indigenous cultures maintain customary weddings outside of the law. Similar to this, even after changes, some Muslims may still rely⁸ on rituals unique to their group to justify unofficial divorces or nikahs that evade legal scrutiny. Statutory equality criteria in inheritance may be superseded by customary succession norms, particularly among matrilineal tribes in the Northeast or patrilineal traditions in North India. Uniform inheritance laws may be more difficult to implement if communities continue to divide property⁹ in accordance with custom. Customary guardianship and adoption, which are unofficial, community-approved adoptions that take place without formal registration, provide another loophole. Children's rights and paperwork may be impacted by certain customs that circumvent consistent procedures. Overall, the biggest challenge is that customs, protected historically under Article 13 and other constitutional provisions, are deeply rooted and often enjoy local legitimacy. Unless the UCC clearly defines which customs are valid and which are invalidated, people may continue using customary practices as alternatives—creating loopholes that prevent full uniformity.

⁸ Saumya Uma, Law Commission of India and Uniform Civil Code: Looking Back, Looking Forward, 58 EPW (40) (2023), <https://www.epw.in/journal/2023/40/commentary/law-commission-india-and-uniform-civil-code.html>.

⁹ “Uniform Civil Code in India: Meaning, Arguments Against,” VAJIRAM & RAVI (Nov. 2025), <https://vajiramandravi.com/upsc-exam/uniform-civil-code/>.

JUDICIAL PROCUREMENT

Mohd. Ahemd Khan v Saha Bano (1985)¹⁰

“Triple Talaq ,referred to as “Talaq -e-biddat” is a Islamic practice through which a Muslim man to promptly divorce his wife by uttering the word "talaq" (divorce) three times in a succession. This can be communicated verbally, in writing, or—more recently—by phone or text. The husband has the right to unilaterally and permanently dissolve the marriage without the wife's consent or the involvement of the court. The Supreme Court of India decided in favor of providing support to a Muslim lady who had been wrongfully divorced in the controversial Shah Bano case. The rights to maintenance during the iddat period prior to a divorce and the transfer of the woman's support obligations to her family or the Waqf Board were the most contentious aspects of the law that the government passed. The law was seen as discriminatory since it deprived Muslim women the fundamental maintenance rights provided by secular law. In 1932, Shah Bano wed the respondent, a prominent attorney in Indore. After marrying a younger woman fourteen years later, the respondent left Shah Bano filed a maintenance plea under Section 125 of the CrPC, 1973, on the grounds that the respondent's three immediate pronouncements of talaq rendered the divorce final. He said that he was not required to pay maintenance because she was no longer his legal wife. The magistrate first mandated that he give Shah Bano 25 rupees each month. She moved to the Madhya Pradesh High Court to raise the sum to 179 rupees after becoming dissatisfied with her situation with children. The court granted her request, putting the penalty at 179.20 rupees. The respondent subsequently appealed this decision to the Supreme Court, arguing that women had no rights following a divorce”.

Sarla Mudgal v. Union of India (1995)¹¹

“In Sarla Mudgal v. Union of India, the question of a Hindu spouse changing to Islam in order to get married again without ending his prior marriage under the Hindu Marriage Act, 1955, raised by Hindu women whose husband converted to Islam and entered into a second marriage without dissolving the first without obtaining a divorce from their prior wives, filed a number of petitions, and the court invalidated the second marriage achieved through dishonest

¹⁰ Mohd.Ahmed Khan v. Shah Bano Begum (1985) 2 SCC 556

¹¹ Sarla Mudgal V. Union of India (1995) 3 SCC 635

conversion in order to escape bigamy laws. The petitioners sought to ascertain if Indian law permitted such second marriages. A Hindu husband's second marriage after converting to Islam was deemed unlawful and null and invalid if the prior marriage was not dissolved. The ruling established a significant precedent for discussions in India about gender justice, personal laws, and UCC”.

Lilly Thomas v Union of India (2013)¹²

“In the Sarla Mudgal case, a Hindu spouse became an Islamic convert in order to get married again without officially dissolving his first marriage. A Hindu wife said that in order to remarry, her husband had converted to Islam. The Supreme Court was requested to decide whether the second marriage was lawful, if the husband could face bigamy charges under Section 494 of the Indian Penal Code (IPC), and whether the creation of a Uniform Civil Code (UCC) was necessary to prevent conflicts between personal laws”.

Abdul Vahab Mohammed Shabbir Sopariwala v. State of Gujrat ¹³

“In July 2025, the Gujarat High Court upheld the State's authority to form a committee to create the UCC. Declaring that selecting committee members falls "within the absolute domain of the state government," it dismissed a complaint about the underrepresentation of minorities. The court also stated, "When more specifically it is always open for any class of people to make representation... to the committee," adding that there was no discrimination as a result of the panel's formation. It declined to intervene in this administrative action through Article 226”.

Navtej Singh Johar v. Union of India¹⁴

“Classical dancer Navtej Singh Johar and other LGBTQ+ campaigners filed a writ suit contesting the validity of Section 377 of the Indian Penal Code, which made it illegal for adults to have consensual same-sex relationships. "Carnal intercourse against the order of nature," according to the applicants. Section 377 infringed LGBTQ+ people's fundamental rights to equality, dignity, privacy, and personal liberty under Articles 14, 15, 19, and 21 of the Constitution, notwithstanding the law's introduction during British administration in 1860. They stressed that the clause unfairly criminalized a whole class of people by failing to

¹² Lilly Thomas V. Union of India (2013) 7 SCC 653

¹³ Abdul vahab Mohammed Shabbir sopariwala v State of Gujarat 2025 SCC OnLine Guj 3256

¹⁴ Navtej Singh Johar v Union of India (2018) 10 SCC 1

distinguish between private behaviors that were consenting and those that were hurtful or non-consensual.

After the earlier ruling in Suresh Kumar Koushal (2013) upheld Section 377 and overturned the progressive Delhi High Court ruling in Naz Foundation (2009), the matter made its way to the Constitution Bench. On September 6, 2018, a five-judge Supreme Court Constitution Bench unanimously overturned Section 377, which made consenting sexual actions between adults of the same sex illegal. The Court determined that by depriving five LGBTQ+ people of equality before the law, autonomy, dignity, and the right to privacy, the provision infringed Articles 14, 15, 19, and 21. Judges ruled that no one can be punished for freely expressing love because sexual orientation is an intrinsic, natural, and unchangeable part of identity. The Court further declared that minority rights are protected by the Constitution from majoritarian bias and that constitutional morality must take precedence over social or religious morality. The Court made it clear that Section 377 will still apply to non-consensual actions, bestiality, and activities involving minors even after decriminalizing 20 consensual same-sex relationships. The ruling confirmed that everyone has the right to equal citizenship and dignity, marking a significant step forward for LGBTQ+ rights in India”.

IMPORTANCE OF IMPLEMENTATION OF THE UNIFORM CIVIL CODE (UCC)

When it comes to the laws governing marriage, divorce, inheritance and family matters in India, there is a need for a Uniform Civil Code or UCC to bring about fairness and equality in the way these laws are applied to all Indians, with regards to religion not being an exception to it. At present, people of different religions follow different laws, which, while reflecting the cultural heritage of the country, results in people of one faith getting different treatment from law, and also has the potential to create problems, not least being gender based injustices.

The need for the UCC takes on an even higher degree of gravity for women, who under some laws face the prospect of being left to beg on the streets after their husband's demise, as per property laws and sometimes encounter inhuman treatment, gender injustice. The gender-neutral laws given by the UCC is all that will be able to shield them from these unpleasant things, give them their rightful respect, and place them on an even footing with their fellow citizens, and is in accordance with the principles laid down in Articles 14, 15 and 21 of the Constitution. The UCC also helps in increasing national unity, as people who are at present

being divided by very different laws will be brought closer together, which is the purpose of this law.

Making all citizens equal in the eyes of the law, would be an advantage, when creating the Uniform Civil Code in India. Coming hotfooting through a multitude of laws would be a thing of the past and the justice system would be much clearer, and people wouldn't get bogged down in confusing rules.

Well-known case *Navtej Singh Johar v. Union of India*¹⁵ in 2018 was a “major victory for the LGBTQ+ community in India, decriminalizing same-sex relationships, but they are still lacking the civil rights that other couples enjoy, such as marriage, adoption, inheritance, guardianship, and maintenance. If the Uniform Civil Code wants to be truly fair, uniform and blind to people's sexuality and gender identity, then it can't just leave out the LGBTQ+ community, because that would completely miss the point of the whole thing”.

Incorporating LGBTQ+ rights in the Uniform Civil Code will also bring people a lot of pride, self-respect and acceptance, letting them form stable relationships and families with legal protection, rather than being at the mercy of society. It will also stop people using narrow-minded ideas about what makes a family, which have been embedded in our laws for too long. Recognising the rights of the LGBTQ+ community would not only sort out legal grey areas, but send India racing towards a fairer, more modern society where everyone gets the same level of respect and protection under the law.

CONCLUSION

The UCC promises a more even-handed treatment of the law, simplification of the judicial process, justice for women, and a clearer secular foundation. However, it is difficult to achieve in a country of such profound cultural diversity, and people are heavily attached to their private customs. Minority communities, tribes, and regional identities are quite right to feel threatened by losing their autonomy, and show that a top-down, sudden change will be anything but easy. Court decisions and recent happenings prove that there's a pressing need for the UCC, but also a necessity for sensitivity to the emotional stakes. Well-known examples in Goa and Uttarakhand have shown that progress is achievable, but only when the reorganisation is anchored in local realities and is constructed with the participation of the people. The triumph

¹⁵ *Navtej Singh Johar v Union of India* (2018) 10 SCC 1

of a UCC would depend on a lot more than legislation. Fostering trust, being inclusive, and getting the reform in line with the Constitution's principles of equality and dignity are also quite important. A very well-structured, gender-free, and culturally sensitive UCC can clear the way to a fairer, more harmonious nation.

