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HARMONIZING DIVERSITY: THE QUEST FOR A UNIFORM CIVIL CODE

Indisha Sachan¹

I. ABSTRACT

In a world characterized by diverse cultures, religions, and traditions, the challenge of harmonizing diversity becomes paramount for fostering social cohesion and ensuring equal rights and justice for all. India is a country of immense diversity, with different religions, cultures, languages, and traditions coexisting in a pluralistic society. However, this diversity also poses challenges for the legal system, which has to deal with the personal laws of various communities that govern matters such as marriage, divorce, inheritance, adoption, and maintenance. The Uniform Civil Code (UCC) is a proposal to replace these personal laws with a standard set of laws that would apply to all citizens irrespective of their religion, gender, or sexual orientation. The UCC has been a contentious issue in Indian politics and society for decades, with supporters arguing that it would promote national integration, gender justice, and human rights, while opponents claim that it would violate the constitutional guarantee of religious freedom and the cultural identity of minorities. This paper examines the historical background, constitutional provisions, judicial pronouncements, and socio-political implications of the UCC debate in India. It analyzes the arguments for and against the UCC from various perspectives, such as secularism, democracy, feminism, minority rights, and legal reform. It also explores the feasibility and desirability of implementing the UCC in a country as diverse as India and suggests some possible ways to harmonize diversity with uniformity in the civil law domain.

II. KEYWORDS

Uniform Civil Code, Personal Laws, Religious Freedom, Diversity.

¹ Law student at Amity Law School, Lucknow.

III. INTRODUCTION

India is often described as a land of unity in diversity, where people of different religions, cultures, languages, and ethnicities live together in harmony. However, this diversity also poses challenges for the legal system, which has to deal with the personal laws of various communities that govern matters such as marriage, divorce, inheritance, adoption, and maintenance. Personal laws are based on the religious scriptures or customs of different groups, and they often differ from each other in terms of their principles, procedures, and outcomes. For example, while Hindu law allows adoption, Muslim law does not; while Christian law requires a judicial decree for divorce, Parsi law allows mutual consent; while Sikh law grants equal rights to women in inheritance, Muslim law gives them half the share of men. These differences create problems of discrimination, inequality, injustice, and conflict among citizens, especially women and minorities.

The Uniform Civil Code (UCC) is a proposal to replace these personal laws with a common set of laws that would apply to all citizens irrespective of their religion, gender, or sexual orientation. The UCC has been a contentious issue in Indian politics and society for decades, with supporters arguing that it would promote national integration, gender justice, and human rights, while opponents claim that it would violate the constitutional guarantee of religious freedom and the cultural identity of minorities. The UCC is also a constitutional mandate, as Article 44 of the Directive Principles of State Policy states that “The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India”. However, the implementation of the UCC has been delayed due to various legal, political, and social hurdles. This paper argues that the adoption of a UCC can promote national integration and gender justice while respecting India’s diversity. It will also explore the feasibility and desirability of implementing the UCC in a country as diverse as India, and suggest some possible ways to harmonize the diversity with the uniformity in the civil law domain.

IV. UNRAVELLING THE UNIFORM CIVIL CODE

The idea of a UCC predates the independence of India from British colonial rule. The British administration had introduced a uniform criminal code for India in 1860, but left the personal laws of different communities intact, following a policy of non-interference in religious matters. However, some social reformers and nationalists advocated for the codification and reform of personal laws to remove discriminatory and oppressive practices against women and lower castes. In 1937, an All India Women's Conference was held in Bombay (now Mumbai), where a resolution was passed demanding a UCC for India. In 1941, a committee headed by B.N. Rau was appointed by the Congress party to draft a constitution for free India, which included a provision for a UCC as one of the fundamental rights. However, this provision faced opposition from some Muslim leaders who feared that their personal laws would be subordinated to Hindu laws under a UCC.²

After independence in 1947, the Constituent Assembly debated on whether to include a UCC as a fundamental right or as a directive principle in the Constitution. A fundamental right would be enforceable by courts, while a directive principle would be non-justiciable but would guide the state policy. The majority view was that a UCC was desirable but not feasible at that time, given the diversity and sensitivity of personal laws in India. Therefore, Article 44 was inserted in Part IV of the Constitution as a directive principle, which states: "The State shall endeavour to secure for citizens a uniform civil code throughout the territory of India." However, Article 25-28 in Part III of the Constitution also guaranteed the right to freedom of religion and conscience to all citizens, subject to public order, morality, and health.³

The Constitution also empowered Parliament to enact laws on matters relating to personal laws under Entry 5 of List III (Concurrent List) of Schedule VII. Accordingly, Parliament enacted several laws to codify and reform the personal laws of various communities in India. For example,

² Falguni Goswami, Uniform Civil Code (UCC): History & Evolution. Jagran Josh (July 14, 2023, 17:34), <https://www.jagranjosh.com/articles/uniform-civil-code-ucc-history-and-evolution-all-you-need-to-know-1689335957-1>.

³ Diksha Munjal, Explained | The Uniform Civil Code, The Hindu, (July 3, 2023, 10:05 PM), <https://www.thehindu.com/news/national/explained-the-uniform-civil-code/article66105351.ece>.

- The Hindu Code Bills were passed between 1955 and 1956, which codified and reformed personal laws for Hindus (including Buddhists, Jains, and Sikhs) on matters such as marriage (Hindu Marriage Act), succession (Hindu Succession Act), adoption (Hindu Adoptions and Maintenance Act), minority (Hindu Minority and Guardianship Act), etc.
- The Special Marriage Act⁴ was passed in 1954, which provided for civil marriage between any two persons irrespective of their religion or caste.
- The Parsi Marriage and Divorce Act was passed in 1936 (amended in 1988)⁵, which codified and reformed personal laws for Parsis on matters such as marriage (Parsi Marriage Act), divorce (Parsi Divorce Act), etc.
- The Indian Christian Marriage Act was passed in 1872 (amended in 1995)⁶, which codified personal laws for Christians on matters such as marriage (Indian Christian Marriage Act), etc.
- The Indian Succession Act was passed in 1925 (amended in 2002)⁷, which provided for uniform law of succession for Christians (Indian Succession Act), Parsis (Parsi Succession Act), etc.
- The Muslim Personal Law (Shariat) Application Act was passed in 1937⁸, which recognized the application of Muslim personal law (Shariat) to Muslims on matters such as marriage, divorce, inheritance, etc. However, the Muslim personal law was not codified or reformed by Parliament and remained largely based on the interpretations of religious texts and customs by various schools of Islamic jurisprudence.

Thus, India adopted a piecemeal and selective approach to personal laws and UCC, which resulted in different degrees of codification and reform for different

⁴ The Special Marriage Act, 1954, No. 43, Acts of Parliament, 1954 (India).

⁵ The Parsi Marriage and Divorce (Amendment) Act, 1988, No. 5, Acts of Parliament, 1988 (India).

⁶ The Indian Christian Marriage (Amendment) Act, 1995, No. 27, Acts of Parliament, 1995 (India).

⁷ The Indian Succession (Amendment) Act, 2002, No. 26, Acts of Parliament, 2002 (India).

⁸ The Muslim Personal Law (Shariat) Application Act, 1937, No. 26, Acts of Parliament, 1937 (India).

communities. This also created several anomalies and inconsistencies in the application and interpretation of personal laws across the country. For example,

- The Hindu Succession Act of 1956 gave equal rights to sons and daughters in the coparcenary property (joint family property) of their father, but this was subject to the condition that the father had to die after the commencement of the Act. This meant that daughters who were born before 1956 were denied their coparcenary rights if their father died before 1956. This anomaly was removed by the Hindu Succession (Amendment) Act of 2005, which gave equal coparcenary rights to daughters irrespective of their date of birth or the death of their father.
- The Special Marriage Act of 1954 provided for civil marriage between any two persons irrespective of their religion or caste, but it also required them to renounce their personal laws and adopt a uniform law of succession under the Indian Succession Act. This meant that couples who opted for civil marriage lost their rights and obligations under their respective personal laws. This anomaly was removed by the Special Marriage (Amendment) Act of 1976, which allowed couples to retain their personal laws even after civil marriage.
- The Muslim Personal Law (Shariat) Application Act of 1937 recognized the application of Muslim personal law (Shariat) to Muslims on matters such as marriage, divorce, inheritance, etc., but it did not define or codify the Shariat or provide for any reform or regulation of its provisions. This meant that Muslim personal law was subject to diverse and often conflicting interpretations by various schools of Islamic jurisprudence, courts, and religious authorities. This also led to several discriminatory and oppressive practices against Muslim women, such as polygamy, triple talaq (instant divorce), halala (remarriage with former husband after divorce), etc.

V. THE LEGAL PERSPECTIVE

The Legal Perspective on the Uniform Civil Code (UCC) in India is deeply rooted in constitutional provisions, legislative acts, and landmark court cases that have shaped the discourse surrounding this contentious issue. Article 44 of the Indian Constitution,

as part of the Directive Principles of State Policy, plays a pivotal role in advocating for a Uniform Civil Code.⁹ This constitutional mandate calls for the State to endeavour to secure a uniform civil code for all citizens throughout the country. While the Directive Principles are not legally enforceable, they serve as guiding principles for governance and reflect the vision of the framers of the Constitution for a just and equitable society. The Special Marriage Act, of 1954, is a significant legislative enactment that serves as a precursor to the concept of a Uniform Civil Code. This Act provides for a special form of marriage where individuals of different religions can marry without converting or following their personal laws. It enables couples to choose a secular legal framework for their marriage, demonstrating the feasibility of a uniform code that transcends religious boundaries. The Act recognizes the need for a common legal system for inter-religious marriages and serves as a stepping stone towards the broader implementation of a UCC.

The Goa Civil Code stands as a remarkable example of a Uniform Civil Code already in place in India.¹⁰ Inherited from its colonial past, Goa's civil code governs family matters, inheritance, and other personal issues for all residents, irrespective of their religious beliefs. The Goa Civil Code has functioned successfully, providing a model for the rest of the country to consider when contemplating the adoption of a unified legal framework. It highlights the possibility of harmonizing diverse cultural and religious identities under a single civil code. The Goa Civil Code is a set of civil laws that governs the residents of the Indian state of Goa, irrespective of their religion, gender, or sexual orientation. It is based on the Portuguese Civil Code of 1867, which was introduced in Goa in 1870 when it was a Portuguese colony. The code was retained in Goa after its merger with the Indian Union in 1961 and has undergone some modifications over the years. The Goa Civil Code is different from other Indian laws in several ways, such as:

⁹ M P JAIN, *THE CONSTITUTIONAL LAW* 44 (8thed. 2018).

¹⁰ Sandhya Prakash, *Uniform Civil Code: decoded*, LinkedIn, (July 1, 2023), <https://www.linkedin.com/pulse/uniform-civil-code-decoded-sandhya-prakash/>.

1. It provides for a uniform law of succession, inheritance, and property rights for all Goans, regardless of their faith or community. It also allows for antenuptial agreements, which may stipulate a different division of assets in case of a divorce¹¹¹².
2. It grants equal rights to women and men in matters of marriage, divorce, adoption, and guardianship. It also recognizes the concept of divorce by mutual consent and does not discriminate against children born out of wedlock.
3. It does not recognize polygamy or bigamy and prohibits child marriage and dowry. It also allows for inter-religious and inter-caste marriages, without any conversion or ceremony.

The Goa Civil Code is often cited as a significant example of how a uniform civil code can be implemented in India, without violating the constitutional guarantee of religious freedom or the cultural identity of minorities. It is also seen as a model of how equal rights can be granted to both women and men, without discriminating against them on the basis of religion or community. However, some critics argue that the Goa Civil Code is not as uniform as it is made out to be and that it still contains some elements of discrimination and injustice. For instance, some claim that the code does not adequately protect the rights of Muslims and Christians, who are governed by their personal laws in some matters, such as marriage registration and dissolution. Others point out that the code does not address the issues of domestic violence, marital rape, alimony, and maintenance. Moreover, some contend that the code is not suitable for the rest of India, as it reflects the unique historical and social context of Goa, which cannot be replicated elsewhere¹³.

¹¹ Goa civil code, https://en.wikipedia.org/w/index.php?title=Goa_civil_code&oldid=1164396367, (Aug. 31, 2023).

¹² Kirti Kothari, All you need to know about Goa Civil Code, iPleaders, (April 25, 2017), <https://blog.ipleaders.in/goa-civil-code/>.

¹³ Faizan Mustafa, Explained: Why Goa's Civil Code is not as uniform as it is made out to be, The Indian Express, (April 20, 2021, 07:41 AM), <https://indianexpress.com/article/explained/why-goas-civil-code-is-not-as-uniform-as-it-is-made-out-to-be-7279365/>.

The constitutional provision for a UCC in Article 44 has been invoked by various courts, legislatures, and commissions in India to address the issues and challenges arising from the diversity and disparity of personal laws in the country. Some of the landmark constitutional cases, legislative acts, and commission reports on UCC are discussed below:

- In **State of Bombay v. Narasu Appa Mali**¹⁴, the Bombay High Court upheld the validity of the Bombay Prevention of Hindu Bigamous Marriages Act of 1946, which prohibited bigamy among Hindus in Bombay. The court rejected the argument that the Act violated Article 14¹⁵ (equality before law) and Article 15¹⁶ (prohibition of discrimination) of the Constitution by discriminating between Hindus and Muslims on the grounds of religion. The court held that personal laws were not laws within the meaning of Article 13¹⁷ (laws inconsistent with fundamental rights) of the Constitution, and therefore could not be challenged on the ground of violating fundamental rights. The court also observed that Article 44 was only a directive principle and not enforceable by courts.
- In **Mohd. Ahmed Khan v. Shah Bano Begum**¹⁸, the Supreme Court upheld the right of a Muslim woman to claim maintenance from her husband under Section 125 of the Code of Criminal Procedure (CrPC), which provided for maintenance for wives who were unable to maintain themselves. The court rejected the argument that Section 125 was not applicable to Muslims as it was contrary to their personal law, which allowed a husband to divorce his wife by pronouncing triple talaq and paying her a lump sum amount as mehr (dower). The court held that Section 125 was a secular provision applicable to all citizens irrespective of their religion and that it did not interfere with the personal law of Muslims. The court also observed that Article 44 was an imperative

¹⁴ State of Bombay v. Narasu Appa Mali, A.I.R. 1952 Bom 84, (1951) 53 BOMLR 779, ILR 1951 Bom 775.

¹⁵ INDIA CONST. art. 14.

¹⁶ INDIA CONST. art. 15.

¹⁷ INDIA CONST. art. 13.

¹⁸ Mohd. Ahmed Khan v. Shah Bano Begum, A.I.R. 1985 S.C. 945 (India).

constitutional mandate that had remained a dead letter due to a lack of political will.

- In **Sarla Mudgal v. Union of India**¹⁹, the Supreme Court held that a Hindu husband could not convert to Islam and marry another woman without dissolving his first marriage under Hindu law. The court held that such conversion and marriage amounted to bigamy punishable under Section 494 of the Indian Penal Code (IPC), which prohibited marrying again during the lifetime of a husband or wife. The court held that personal laws could not be used as a cover to escape from penal provisions applicable to all citizens irrespective of their religion. The court also observed that Article 44 was necessary for national integration and gender justice.

VI. POTENTIAL ADVANTAGES AND RATIONALE²⁰

The implementation of a Uniform Civil Code (UCC) in India has been a subject of extensive debate and contemplation due to its potential advantages and rationale:

1. **Social Cohesion:** One of the primary advantages of a UCC is fostering social cohesion and national unity. India is a diverse nation with various religious and cultural communities. The existence of different personal laws based on religious beliefs can lead to divisions and fragmented identities within society. By establishing a common set of civil laws applicable to all citizens, irrespective of their religious affiliations, a UCC would promote a sense of oneness and solidarity among all Indians. It would strengthen the shared identity as citizens of one nation, transcending religious barriers and contributing to social harmony.
2. **Gender Equality:** India's existing personal laws often contain provisions that discriminate against women, particularly in matters of marriage, divorce, inheritance, and property rights. A UCC would present an opportunity to eliminate these gender-based disparities and establish uniform and equitable

¹⁹ Sarla Mudgal v. Union of India, A.I.R. 1995 S.C. 1531 (India).

²⁰ Lovely Chugh, Uniform Civil Code (UCC): Positive response towards equality and progress, Readers' Blog, (July 11, 2023, 12:47), <https://timesofindia.indiatimes.com/readersblog/mywriteexpress/uniform-civil-code-ucc-positive-response-towards-equality-and-progress-56242/>.

rights for women across the country. It would provide a framework that upholds gender justice and equal opportunities for women, ensuring their empowerment and active participation in society. By removing discriminatory provisions and guaranteeing equal rights, a UCC would be a significant step toward achieving gender equality and promoting social progress.

- 3. Modernization and Progress:** India's legal system comprises a complex web of personal laws, each applicable to specific religious communities. The existence of multiple legal frameworks can hinder the country's progress, causing confusion, overlapping jurisdictions, and inconsistent application of laws. A UCC would streamline the legal landscape, bringing India's legal system in line with contemporary notions of justice, human rights, and individual liberties. The adoption of a unified and modern civil code would enhance the country's efficiency, legal clarity, and ability to adapt to evolving societal needs and challenges.
- 4. Protection of Minority Rights:** Critics of the UCC often express concerns about its potential impact on minority rights and cultural practices. However, proponents argue that a well-framed UCC would be designed with due consideration for the customs and traditions of all communities, including minorities. By ensuring that the code respects the unique identities and practices of diverse religious groups while providing a common legal framework, the UCC would uphold minority rights. It would protect their cultural heritage while guaranteeing equal citizenship and access to justice for all, regardless of religious affiliation.
- 5. Streamlined Legal System:** The existence of multiple personal laws creates complexities and challenges in legal proceedings, especially in cases involving individuals from different religious backgrounds. A UCC would simplify the legal system by replacing multiple codes with a unified framework. This simplification would result in more efficient legal proceedings, better access to justice, and reduced legal costs for citizens. A streamlined legal system would

lead to greater clarity, consistency, and uniformity in legal interpretations and decisions, benefiting all stakeholders in the legal process.

VII. LIMITATIONS OF THE CURRENT APPROACH TO PERSONAL LAWS AND UCC

- The piecemeal and selective codification and reform of personal laws for different communities, which has resulted in different degrees of legal uniformity and diversity across the country.

Personal laws are a set of laws that govern and regulate relations arising out of certain factors connecting two persons or over two persons, such as marriage, divorce, inheritance, adoption, and maintenance. In India, personal laws are based on the religious scriptures or customs of different groups, and they often differ from each other in terms of their principles, procedures, and outcomes. However, over time, some of these personal laws have been codified and reformed by the legislature or the judiciary, while others have remained uncodified and unreformed. This has resulted in a piecemeal and selective approach to the codification and reform of personal laws for different communities, which has created different degrees of legal uniformity and diversity across the country. Some examples and pieces of evidence of this are:

1. The Hindu law, which applies to Hindus, Jains, Sikhs, and Buddhists, has been extensively codified and reformed by various enactments, such as the Hindu Marriage Act 1955, the Hindu Succession Act 1956, the Hindu Adoption and Maintenance Act 1956, and the Hindu Minority and Guardianship Act 1956. These enactments have introduced uniformity and modernity in the Hindu law by abolishing practices such as polygamy, child marriage, dowry, and unequal inheritance rights for women. However, some aspects of the Hindu law remain uncodified

and subject to customary variations, such as the joint family system and the partition of coparcenary property²¹²².

2. The Muslim law, which applies to Muslims, has been largely uncodified and unreformed by the legislature, except for some enactments such as the Dissolution of Muslim Marriages Act 1939, the Muslim Women (Protection of Rights on Divorce) Act 1986, and the Muslim Personal Law (Shariat) Application Act 1937. These enactments have either confirmed or modified some aspects of the Muslim law relating to marriage, divorce, maintenance, and inheritance. However, most of the Muslim law remains based on the Quran, the Hadiths (sayings of Prophet Muhammad), and the interpretations of various schools of jurisprudence (such as Hanafi, Shafi'i, Maliki, and Hanbali). These sources often differ from each other in their rules and principles, creating diversity and complexity in the Muslim law²³²⁴.
3. The Christian law, which applies to Christians, has been partially codified and reformed by some enactments such as the Indian Christian Marriage Act of 1872, the Indian Divorce Act of 1869 (amended in 2001), and the Indian Succession Act of 1925. These enactments have regulated some aspects of the Christian law relating to marriage, divorce, succession, and inheritance. However, some aspects of the Christian law remain uncodified and governed by ecclesiastical laws (such as canon law) or customary laws (such as tribal laws). These laws may vary according to different denominations (such as Roman Catholic,

²¹ Sonia Balhara, The personal laws under Part III of the Indian Constitution, iPleaders, (Dec 18, 2020), <https://blog.ipleaders.in/personal-laws-part-iii-indian-constitution/>.

²² Personal Law – I: Hindu And Muslim Law, Introduction to Law, Pg. 31-42, https://nios.ac.in/media/documents/SrSec338New/338_Introduction_To_Law_Eng/338_Introduction_To_Law_Eng_L3.pdf.

²³ Khushboo Dev, Personal Laws vis-à-vis Fundamental Rights, Part III of the Constitution, CJP, (Mar 19, 2021), <https://cjp.org.in/personal-laws-vis-a-vis-fundamental-rights-part-iii-of-the-constitution/>.

²⁴ Personal Laws in India, PT's IAS Academy, <https://civils.pteducation.com/p/theme-personallaws.html>.

Protestant, Orthodox) or regions (such as North-East India) within the Christian community.²⁵

- The lack of consensus and consultation among various stakeholders, especially religious minorities and women's groups, on the content and scope of a UCC.

Some examples and evidences of this are:

1. Religious minorities, such as Muslims, Christians, Parsis, and Sikhs, have expressed their apprehensions and opposition to the UCC, fearing that it would infringe on their constitutional right to freedom of religion and their cultural identity. They argue that their personal laws are based on their sacred scriptures or traditions and that any attempt to impose a common law would amount to interference in their religious affairs. They also contend that the UCC is a political agenda of the ruling party to impose a majoritarian and homogenous culture on the diverse and pluralistic society of India^{26,27}.
2. Women's groups, such as All India Muslim Women Personal Law Board, All India Democratic Women's Association, Bharatiya Muslim Mahila Andolan, and Indian Christian Women's Movement, have also raised their concerns and demands regarding the UCC. They argue that the UCC should not be a mere codification of existing personal laws, but a comprehensive reform of the patriarchal and discriminatory aspects of all personal laws. They demand that the UCC should ensure gender justice, equality, and dignity for all women, irrespective of their religion or community. They also demand that the UCC should be drafted in

²⁵ Lekshmi Parameswaran, History of Personal Laws in India, India Policy Foundation,

https://www.ipf.org.in/Encyc/2020/11/13/2_02_27_53_History-of-Personal-Laws-in-India-Papers_1.pdf.

²⁶ Shubhangi Misra, UCC is everywhere in divided Parsi homes—WhatsApp groups, dinner talks, op-eds, letters, The Print, <https://www.msn.com/en-in/news/other/ucc-is-everywhere-in-divided-parsi-homes-whatsapp-groups-dinner-talks-op-eds-letters/ar-AA1g4ApQ>.

²⁷ Madhuri Adnal, One Nation, One Election, UCC, And Women's Reservation Bill: What To Expect In Special Parl Session? One India, (Sep 1, 2023, 11:39 AM), <https://www.oneindia.com/india/one-nation-one-election-ucc-and-womens-reservation-bill-what-to-expect-in-special-parl-session-3622759.html>.

consultation with women from different backgrounds and perspectives and that their voices should be heard and respected in the process²⁸²⁹³⁰.

Thus, the lack of consensus and consultation among various stakeholders on the UCC poses a serious obstacle to its implementation in India. It also reflects the need for a more inclusive and participatory approach to address the complex and sensitive issue of personal laws in a diverse and democratic country like India.

- The politicization and communalization of the UCC debate, which has often been used as a tool to polarize and mobilize voters along religious lines. Some examples and evidences of this are:
 1. The ruling Bharatiya Janata Party (BJP), which has a Hindu nationalist ideology, has been advocating for the UCC as one of its core agenda items, along with the construction of a Ram temple in Ayodhya and the abrogation of Article 370 in Kashmir. The BJP has portrayed the UCC as a means to achieve national integration, gender justice, and human rights, and to counter the alleged appeasement of minorities by the previous governments. The BJP has also accused the opposition parties, especially the Congress, of opposing the UCC for vote bank politics and minority appeasement³¹.
 2. The opposition parties, such as the Congress, the Samajwadi Party, the Rashtriya Janata Dal, and the All India Majlis-e-Ittehadul Muslimeen, have been resisting and criticizing the UCC as an attempt to impose a majoritarian and homogenous culture on the diverse and pluralistic society of India. They have argued that the UCC would violate the constitutional

²⁸ Soutik Biswas, UCC: The coming storm over a single common law in India, BBC News, (May 30, 2022), <https://www.bbc.com/news/world-asia-india-61589491>.

²⁹ Priya Kumari Shukla, The 360° UPSC Debate: Is Uniform Civil Code ‘unnecessary and undesirable’ or ‘justice for all communities’, The Indian Express, (July 12, 2023, 10:12 AM), <https://indianexpress.com/article/upsc-current-affairs/the-360-upsc-debate-is-uniform-civil-code-unnecessary-and-undesirable-or-justice-for-all-communities-8690947/>.

³⁰ M. Venkaiah Naidu, India needs a Uniform Civil Code, The Hindu, (July 07, 2023, 12:16 AM), <https://www.thehindu.com/opinion/lead/india-needs-a-uniform-civil-code/article67050330.ece>.

³¹ Shubhangi Misra, UCC is everywhere in divided Parsi homes—WhatsApp groups, dinner talks, op-eds, letters, The Print, <https://www.msn.com/en-in/news/other/ucc-is-everywhere-in-divided-parsi-homes-whatsapp-groups-dinner-talks-op-eds-letters/ar-AA1g4ApQ>.

guarantee of religious freedom and the cultural identity of minorities, especially Muslims. They have also alleged that the BJP is using the UCC as a divisive and communal issue to polarize and mobilize voters on religious lines³².

3. The Religious groups, such as the All India Muslim Personal Law Board, the Vishwa Hindu Parishad, the Jamiat Ulama-i-Hind, and the Christian Association of India, have also been involved in the UCC debate, often taking extreme and rigid positions on their personal laws. They have claimed that their personal laws are based on their sacred scriptures or traditions and that any attempt to change or replace them would amount to interference in their religious affairs. They have also mobilized their followers and supporters to protest or support the UCC, depending on their stance.
- The resistance and apprehension among some sections of society, especially Muslims, who perceive a UCC as an imposition of Hindu law or an infringement of their religious identity and autonomy. Some examples and evidences of this are:
 1. The All India Muslim Personal Law Board (AIMPLB), a non-governmental organization that claims to represent the interests of the Muslim community in India, has been vehemently opposing the UCC, asserting that Sharia law should exclusively govern Muslims in any state. The AIMPLB has argued that the UCC is a violation of the constitutional right to freedom of religion and an attack on the cultural diversity of India. The AIMPLB has also launched a campaign to

³² Madhuri Adnal, One Nation, One Election, UCC, And Women's Reservation Bill: What To Expect In Special Parl Session? One India, (Sep 1, 2023, 11:39 AM), <https://www.oneindia.com/india/one-nation-one-election-ucc-and-womens-reservation-bill-what-to-expect-in-special-parl-session-3622759.html>.

mobilize public opinion against the UCC, by issuing pamphlets, posters, and online forms³³³⁴.

2. Some Muslim scholars and leaders have also expressed their concerns and objections to the UCC, citing various religious, legal, and social reasons. For instance, Maulana Arshad Madani, the president of Jamiat Ulama-i-Hind, a prominent Islamic organization, has said that the UCC is a conspiracy to impose Hindu law on Muslims and to destroy their identity. He has also said that the UCC is not feasible or desirable in a country like India, where different communities have different customs and traditions³⁵. Similarly, Asaduddin Owaisi, the president of All India Majlis-e-Ittehadul Muslimeen, a political party that represents Muslims in some states, has said that the UCC is a violation of the basic structure of the constitution and an attempt to homogenize India. He has also said that the UCC is not necessary or beneficial for women's rights, as it would ignore the diversity and complexity of women's issues across religions and regions³⁶.
3. Some Muslim women's groups have also raised their concerns and reservations about the UCC, fearing that it would not address their specific needs and problems. For example, Zakia Soman, the co-founder of Bharatiya Muslim Mahila Andolan, a women's rights organization, has said that the UCC should not be imposed without consulting and involving Muslim women in the process. She has also said that the UCC should not be a mere codification of existing personal laws, but a comprehensive reform of the patriarchal and discriminatory aspects of

³³ India Today News Desk, Muslim law board opposes Uniform Civil Code, asks people to do the same, India Today, (Jul 5, 2023, 08:54 PM), <https://www.indiatoday.in/india/story/all-india-muslim-personal-law-board-opposes-ucc-asks-people-to-do-same-2402355-2023-07-05>.

³⁴ Archie Bandyopadhyay, Do Muslims fear UCC? The resistance to Uniform Civil Code – EXPLAINED, Financial Express, (July 4, 2023, 06:35 PM), <https://www.financialexpress.com/india-news/do-muslims-fear-ucc-the-resistance-to-uniform-civil-code-explained/3155592/>.

³⁵ Taheer Anwar, UCC and Islam: Why it is being opposed by a section of the Muslim community in India, First Post, (July 04, 2023, 02:00 PM), <https://www.firstpost.com/opinion/ucc-and-islam-why-it-is-being-opposed-by-a-section-of-the-muslim-community-in-india-12823232.html>.

³⁶ Mohammad Bilal, Why many Muslims in India are against the Uniform Civil Code, DAILYO, (Jul 05, 2023, 04:46 PM), <https://www.dailyo.in/news/why-many-muslims-in-india-are-against-the-uniform-civil-code-40438>.

all personal laws. She has also said that the UCC should respect the diversity and pluralism of India, and not impose a uniformity that would erase the identities and cultures of different communities.

VIII. CONCLUSION

In conclusion, The UCC has been a subject of debate and controversy in India for a long time. Some of the arguments in favour of the UCC are that it would promote equality, secularism, and gender justice among all citizens and that it would reduce conflicts and tensions between different religious or community groups. Some of the arguments against the UCC are that it would violate the right to religious freedom and cultural diversity of minority communities and that it would be impractical and difficult to implement given the diverse and complex nature of India's society.

The UCC's role in balancing unity and diversity is therefore a challenging and delicate one. On one hand, the UCC could foster a sense of national identity and cohesion among all Indians, by ensuring that everyone is governed by the same set of laws, irrespective of their faith or background. On the other hand, the UCC could also threaten the distinct identity and rights of various religious or cultural groups, by imposing a uniform code that may not be compatible with their beliefs or practices. The UCC could also potentially create resentment and resistance among those who feel that their personal laws are being infringed upon or disregarded by the state.

Hence, the UCC requires a careful and nuanced approach, that takes into account the aspirations and concerns of all stakeholders, and that respects the constitutional values of democracy, secularism, and pluralism. The UCC should not be seen as a tool to impose homogeneity or hegemony over diversity or difference, but rather as a means to achieve harmony and justice among all citizens. The UCC should also be based on a broad consensus and consultation among various sections of society, rather than being imposed by force or coercion. The UCC should aim to balance unity and diversity in India, not at the cost of either, but for the benefit of both.

However, this paper also acknowledges some limitations and suggests some areas for future research on the topic, such as:

- The need for a more inclusive and participatory process of consultation and consensus-building among various stakeholders, especially religious minorities and women's groups, on the content and scope of a UCC.
- The need for a more nuanced and contextualized understanding of the diversity and complexity of personal laws and customs in India, and how they interact with state-made laws and institutions.
- The need for a more comparative and interdisciplinary approach to studying the experiences and implications of UCC or similar legal reforms in other countries or regions with diverse religious and cultural backgrounds.

IX. REFERENCES:

1. The Constitution of India.
2. The Special Marriage Act, 1954.
3. The Hindu Succession Act, 1956.
4. The Muslim Personal Law (Shariat) Application Act, 1937.
5. The Parsi Marriage and Divorce Act, 1988.
6. The Indian Christian Marriage Act, 1995.