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## UNIFORM CIVIL CODE ( UCC ) :- APPLICATION & IMPLEMENTATION

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Vajahat Khan<sup>1</sup> & Mohammad Junaid Mahmood<sup>2</sup>

*“Crucially Ambedkar argued that the absence of a UCC would hinder the government’s attempts at social reforms”.*

*In Volume 7 of the CAD (7.65.178) he said that “I personally do not understand why religion should be given this vast, expansive jurisdiction so as to cover the whole of life and to prevent the legislature from encroaching upon that field. After all, what are we having this liberty for? We are having this liberty in order to reform our social system, which is so full of inequities, so full of inequalities, discriminations and other things, which conflict with our fundamental rights. It is, therefore, quite impossible for anybody to conceive that the personal law shall be excluded from the jurisdiction of the State.”<sup>3</sup>*

### I. ABSTRACT

The concept of having a uniform or common set of civil rules for all citizens of a country, regardless of their religious beliefs or personal habits, is emphasized by the term “Uniform Civil Code” (UCC). It aims to replace India’s various personal laws, which are based on religious texts and apply to particular religious communities. In India, different religious communities, including Hindus, Muslims, Christians, and others, have different personal laws covering issues like marriage, divorce, inheritance, and adoption. These personal laws are governed by religious authority and are taken from religious literature. As a result, the legal systems used by various religious communities to handle civil disputes vary. A Uniform Civil Code's supporters contend that by providing all citizens

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<sup>3</sup> *Why Ambedkar supported Uniform Civil Code, The Hindu Business Line (April 15, 2023).*

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with a uniform legal system, it advances equality and justice. They contend that gender inequality and discrimination against women are caused by personal rules based on religion, notably in relation to divorce, inheritance, and maintenance. The possible interference with religious liberty and cultural variety is a point of contention for those opposed to a uniform civil code. They contend that personal laws should coexist with the general civil code since they are a crucial component of religious identity. Some claim that a Uniform Civil Code might be utilized to force the cultural norms of the dominant society on minority communities. For many years, there has been discussion about the introduction of a uniform civil code in India. Under the Directive Principles of State Policy in Article 44 of the Indian Constitution, a uniform civil code must be passed. However, due to political and societal factors, succeeding governments have not made any substantial progress toward its implementation. It is significant to remember that the idea of a uniform civil code is not exclusive to India and has been adopted by many other nations around the world. Establishing a secular legal system that upholds the values of equality, non-discrimination, and individual rights while honoring a country's diversity is the goal.

The principle of having a uniform set of laws governing personal concerns, such as marriage, divorce, inheritance, and property, for all individuals regardless of their religious views is the Uniform Civil Code's (UCC) most important lesson from an Indian perspective. In a multicultural and diversified nation like India, the UCC seeks to advance equality, justice, and a more united judicial system. Its execution, though, has generated discussion and is still a complicated and divisive issue in Indian politics and society.

*'Unity and secularism will be the motto of the government. We can't afford divisive polity in India.'* **Manmohan Singh**

## **II. KEYWORDS**

UCC Application, Constitutional Provisions, Religious Debate, Arguments, Case Laws & Worldly Examples etc.

### III. INTRODUCTION

A Uniform Civil Code (UCC) is a body of rules that apply to all people of a nation, regardless of their religion or personal views, and that regulates personal concerns including marriage, divorce, inheritance, and adoption. It seeks to take the place of the various personal laws that are already in effect in many nations, where various religious communities have their own distinct legal systems for such concerns.<sup>4</sup> A UCC is frequently viewed as a tool to advance social cohesion, secularism, and gender equality in a nation. A unified set of rules, according to supporters, would provide equal rights and protections for all people, regardless of their religious beliefs, and would end any potential discrimination against women and minority groups.

However, the implementation of a UCC can be a complex and contentious issue. In countries with a diverse religious and cultural landscape, different communities often have strong attachments to their own personal laws and may view a UCC as an encroachment on their religious rights and autonomy. Critics argue that imposing a uniform code may undermine cultural diversity and religious freedom. Therefore, the introduction of a UCC requires careful consideration, dialogue, and consensus-building among various stakeholders to strike a balance between personal freedoms and the goal of a unified legal system.<sup>5</sup>

It is important to note that the specific details and provisions of a UCC can vary significantly from country to country, as each nation's legal and social context is unique. The idea of a uniform civil code, which would apply to all religious sects, is one country, one rule. Part 4, Article 44 of the Indian Constitution specifically mentions the term "Uniform Civil Code." In accordance with Article 44, "The State shall endeavor to secure

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<sup>4</sup> Ramesh Sharma, *What framers of our Constitution said about UCC and why they didn't implement it*, *India Today* (July 07, 2023).

<sup>5</sup> M. Venkaiah Naidu, *India needs a Uniform Civil Code*, *The Hindu* (July 07, 2023).

for the Citizens a uniform civil code throughout the territory of India." Every section of society will be treated equally under a national civil code that is uniformly applied to everybody, regardless of their religious views. Marriage, divorce, child support, inheritance, adoption, and property succession are among the subjects they cover. It is based on the premise that there is no connection between religion and the law in modern civilization.

*"This paper is structured into sections covering the historical background, key judicial decisions, ongoing debates, example of Goa's UCC, countries in favour and against it, perspectives of leading figures, and arguments for and against UCC."*

#### **IV. APPLICATION OF ARTICLE 44**

According to Article 44, which is consistent with the Directive Principles of State Policy, the State shall make every effort to offer its citizens a uniform civil code (UCC) over the whole territory of India. The idea of a unified civil code has been discussed for many years in India, and several political and social reform organisations have long advocated for it. Due to its inclusion in the Indian Constitution as a Directive concept, the UCC is viewed as a guiding concept for the government to uphold even if it is not legally enforceable.<sup>6</sup> In India, there is debate over the UCC because proponents say it would promote equality and secularism while detractors say it would restrict people's freedom of religion and cultural practises. Overall, the debate over the UCC in India serves as an example of how delicate and complex the nation's connection between law, religion, and culture is and how it should be analysed objectively and holistically.

#### **V. HISTORICAL BACKGROUND**

A Uniform Civil Code(UCC) has been discussed since India was a colony. Colonial era, before independence, The importance of uniformity in the codification of Indian law with regard to crimes, evidence, and contract was highlighted in the October 1840 Lex Loci

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<sup>6</sup> P.M. BAKSHI, *The Constitution of India Universal LexisNexis Publication 19<sup>th</sup> edition 2021*.

Report. It did, however, also support the idea of keeping Muslim and Hindu personal laws uncodified. The Queen's Proclamation of 1859, which ensured that religious matters would be treated completely impartially. Therefore, unlike criminal laws, which were codified and made standard for the entire country, personal laws continue to be governed by unique codes for local municipalities.

A Postcolonial Age (1947–1985) During the constitution's drafting, prominent personalities like Jawaharlal Nehru and Dr. B.R. Ambedkar pushed for a uniform civil code. Despite opposition from some, the UCC was eventually incorporated into the Directive Principles of State Policy (DPSP, Article 44). Religious extremists and a lack of awareness at the time were both factors. These were a few of the changes made at this time. Dr. B. R. Ambedkar wrote The Hindu Code Bill to modernise Hindu law, which forbade polygamy, permitted divorce, and gave daughters the right to inherit property. Despite strong opposition, four separate statutes enacted a watered-down version of the code.<sup>7</sup> Under the Hindu Succession Act of 1956, daughters initially had no inheritance rights in inherited property. They could only ask one family of Hindus for the right to food. However, the Act was changed on September 9, 2005, to eliminate this distinction.

## VI. LANDMARK JUDGEMENTS

### 1. CASE OF SHAH BANO (1985)<sup>8</sup>

**DETAILS OF THE CASE :-** According to Muslim personal law, maintenance was only required to be paid during the iddat period, which lasted three lunar months (approximately 90 days).

According to Section 125 of the Criminal Procedure Code (CrPC), which applied to all citizens, the wife was entitled to maintenance. Effect - Following this significant decision, there were demonstrations, gatherings, and conversations all around the nation. In response to demand, the then-government not 1986 passed the Muslim

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<sup>7</sup> M.P.JAIN, *INDIAN CONSTITUTIONAL LAW*, LEXISNEXIS, 8<sup>TH</sup> EDITION, 2022

<sup>8</sup> *Mohd. Ahmad Khan v. Shah Bano Begum And Ors* AIR 1985 SC 945.

Women's (Right to Protection on Divorce) Act (MWA), which made Section 125 of the Criminal Procedure Code inapplicable to Muslim women. Shah Bano, a 73-year-old woman, was denied assistance after her husband divorced her by saying "I divorce thee" three times, in accordance with the triple talaq method. She filed a legal claim, and both the District Court and the High Court reached favourable decisions. The Supreme Court then heard her husband's appeal, in which he asserted that he had fulfilled all of his obligations under Islamic law. The "maintenance of wives, children, and parents" provision (Section 125) of the All-India Criminal Code, which was applicable to all citizens regardless of religion, was maintained by the Supreme Court in 1985. It also recommended the creation of a uniform civil code.

## **2. CASE OF DANIEL LATIFI<sup>9</sup>**

It was argued that the Muslim Women's Act (MWA) infringed both Article 21's right to life and Articles 14 and 15's and Article 21's right to equality. The Supreme Court upheld the statute's constitutionality and brought it into accordance with section 125 of the Criminal Procedure Code by concluding that a wife's iddat payment must be sufficient to support her both now and in the future. A Muslim woman who has been divorced is entitled to support for the rest of her life or until she remarries, whichever comes first, according to local laws.

## **3. CASE OF SARLA MUDGAL<sup>10</sup>**

In this case, the question was whether a husband who had been married under Hindu law may marry again after converting to Islam. The Hindu Marriage Act of 1955 states that just one of the grounds enumerated therein may be used to dissolve a Hindu marriage that has been solemnised in conformity with Hindu law, according to the court. According to section 494 of the Indian Penal Code (IPC), a second marriage that is celebrated after converting to Islam is prohibited because the law does not automatically dissolve the first marriage.

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<sup>9</sup> *Daniel Latifi v. Union of India*, (2001) 7 SCC 740.

<sup>10</sup> *Smt. Sarla Mudgal, President, Kalyani v. Union of India*, 1995 SCC (3) 635

#### 4. CASE OF JOHN VALLAMATTOM<sup>11</sup>

In this instance, a Keralan priest by the name of John Vallamattom questioned the constitutionality of Section 118 of the Indian Succession Act, which affects non-Hindus in India. Mr. Vallamattom claimed that Christians are subjected to unfair restrictions under Section 118 of the Act when it comes to bequeathing property to charities or for religious purposes. The bench declared the section to be invalid.

#### 5. LINA JOY CASE, MALAYSIA <sup>12</sup>

The Malaysian Federal Court handled the Lina Joy case in 2007, which involved a dispute involving a Muslim lady who sought to have her identification card's Muslim label removed after converting to Christianity. The situation brought up issues regarding the clash between individual religious beliefs and a possible UCC.

#### 6. SHAHIDA PARVEEN CASE, PAKISTAN

In 2019, Shahida Parveen, a Hindu woman, requested that her marriage be registered under the Hindu Marriage Act. The Sindh High Court in Pakistan heard her petition. The case demonstrated the necessity for a UCC in Pakistan to offer a common legal framework for private issues involving all major religions.

### VII. ONGOING DEBATE

In the upper house, the BJP's Kirodi Lal Meena introduced a bill that would establish a commission to write a Uniform Civil Code (UCC). Meena introduced the Bill with the goal of having it applied across the country. Because the bill mentioned establishing a national inspection and investigation body to create a standard civil code, it was introduced in the Rajya Sabha.<sup>13</sup> According to PM Modi, the country cannot maintain having two separate sets of laws, and the Uniform Civil Code is an essential part of the Constitution. He supported the UCC and emphasised the importance of having uniform

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<sup>11</sup> *John Vallamattom & Anr. v. Union of India* (2003) 6 SCC 611.

<sup>12</sup> *Lina Joy v. Majlis Agama Islam Wilayah Persekutuan & Yang Jain* 30 MEI 2007, [2007] CLJ JT(1)

<sup>13</sup> *Alka Jain, UCC row: Centre, Opposition locked horns at Uniform Civil Code Mint, Mint* (July 06, 2023).



regulations that apply to all situations. He emphasised the equality that the Indian Constitution guarantees and questioned whether it was possible to have various rules for family members.<sup>14</sup> Indresh Kumar, the leader of the Rashtriya Swayamsevak Sangh (RSS), asserted that once the Uniform Civil Code is put into effect, untouchability and religious practises will be abolished. Veteran Congressman and Rajya Sabha member Kapil Sibal stated on Saturday that Prime Minister Narendra Modi should educate the nation of the UCC proposal.

## VIII. ARGUMENTS IN FAVOUR OF UCC

### 1. TO ACCORD ALL CITIZENS EQUAL STATUS <sup>15</sup>

A secular democratic republic in the modern period should have universal civil and personal laws for all of its citizens, regardless of their religion, class, caste, gender, etc. The UCC's promotion of equality and non-discrimination among citizens is one of the main justifications for its existence. Individuals from various religious and cultural backgrounds are treated equally under the law, regardless of their allegiance with a particular religion, because there is a consistent set of laws controlling personal concerns like marriage, divorce, inheritance, and adoption.

*I measure the progress of a community by the degree of progress which women have achieved. ~Dr. B.R. Ambedkar*

### 2. TO ADVANCE GENDER EQUALITY

It is a well-known fact that practically all religions discriminate against women in their personal rules. In concerns of succession and inheritance, men typically receive higher privileged standing. Equal rights for men and women will result from a uniform civil code. Many UCC supporters claim that it would aid in addressing gender inequalities and advancing gender equality. In some cases, personal laws founded on religious or cultural norms uphold discriminatory behaviors against

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<sup>14</sup> Sengupta, Arunabha. *India's Children: Essays on Social Policy*, (2020).

<sup>15</sup> D.D. Basu, *Introduction to the Constitution of India*, LexisNexis Publication, 26<sup>th</sup> Edition 2022.

women, such as uneven inheritance rights, polygamy, and unilateral divorce. Such inequities might be eliminated by a UCC, which would also guarantee that all citizens, regardless of gender, had equal rights and protection.

### **3. IDEA OF SECULARISM <sup>16</sup>**

In a multireligious and varied society, implementing a UCC is viewed as a step toward sustaining the principle of secularism. It assures that the government is impartial and does not support any one religion or set of religious beliefs, avoiding any potential conflicts that would result from dissimilar personal laws.

### **4. TO AVOID THE THORNY SUBJECT OF CHANGING THE CURRENT PERSONAL LAWS**

The majority of current personal laws are founded on the aristocratic, patriarchal ideas of society found in all religions. As patriarchal orthodox people continue to believe that the reforms in personal laws will ruin their sanctity and vigorously resist them, disgruntled women typically make the demand for UCC as a replacement for existing personal laws.

### **5. UCC LESSENS JUDICIARY OVERLOAD**

The burden on the judiciary may be affected in a number of ways by the implementation of a UCC, but it is crucial to remember that the precise implications would depend on the particulars and context of the implementation. Here are a few suggested methods to lighten the load on the judicial system. A UCC would replace several personal laws with a single set of civil laws, creating a more streamlined legal framework that could streamline the judicial process. Legal situations may become less complicated as a result of this streamlining, which also makes it simpler for judges to uniformly interpret the law.<sup>17</sup>

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<sup>16</sup> Ramesh Sharma, *What framers of our Constitution said about UCC and why they didn't implement it*, *India Today* (July 07, 2023).

<sup>17</sup> Sharma, Usha. *Women and Law in India: An Omnibus comprising Law Relating to Women and Children, Women and Law, Women's Rights and Personal Laws* (2017).

## 6. UNIFORMITY IN THE APPLICATION OF LAW

A UCC can reduce problems brought on by varying interpretations of personal laws by establishing a single set of laws that apply to all citizens. This can lessen the number of legal conflicts and make it easier for courts to make decisions.

## 7. CLARITY AND CONSISTENCY

Personal laws can occasionally be ambiguous or susceptible to interpretation, creating uncertainty in court cases. By implementing a UCC, courts may be able to issue decisions more quickly and with less need for protracted litigation thanks to clearer rules and legal requirements.

## IX. EXAMPLE OF GOA'S UNIFORM CIVIL CODE<sup>18</sup>

Goa is the only state in India with a unified civil code because the Special Marriage Act of 1954 is in force throughout the entire state. This was created by the Portuguese in 1870 as Goa family law, but it was maintained when Goa was emancipated and changed to the Special Marriage Act in 1954. This marriage statute recognises a civil partnership between individuals of different sexes regardless of the couple's religious beliefs. This statute forces Indians to marry outside the customs of their personal law. This rule, which penalises polygamy, or having multiple spouses at once, is still in effect in Goa. Therefore, a person can only be married once at a time. Additionally, according to this law, a husband and wife who are divorcing shall be treated equally and without prejudice in terms of property. However, the possibility that a Hindu man could have more than one spouse alive if his first wife does not have a son by the time she is 30 years old shows that even this civil act is discriminatory.

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<sup>18</sup> <https://indianexpress.com/article/india/goa-is-the-only-state-with-a-uniform-civil-code-heres-what-it-looks-like-8894824/>

## **X. ARGUMENTS AGAINST OF UCC<sup>19</sup>**

### **1. THREAT TO CULTURAL DIVERSITY<sup>20</sup>**

India is a diverse country with numerous religions, traditions, and customs. Critics argue that implementing a UCC may undermine cultural and religious diversity by imposing a uniform set of laws on different communities. They believe that personal laws based on religious practices should be respected and protected.

### **2. VIOLATION OF RELIGIOUS FREEDOM<sup>21</sup>**

Opponents argue that a UCC may infringe upon the fundamental right to religious freedom. Religion plays a significant role in the lives of many individuals, and personal laws are often deeply intertwined with religious beliefs and practices. Imposing a uniform code may be seen as interfering with religious autonomy.

### **3. LACK OF CONSENSUS<sup>22</sup>**

Implementing a UCC requires consensus among various religious communities, which is a significant challenge in a diverse and multicultural society. Critics argue that forcing a UCC without consensus may lead to social unrest and resentment among different religious groups.

### **4. POTENTIAL FOR GENDER BIAS**

While proponents argue that a UCC will promote gender equality, opponents claim that a uniform code may not necessarily guarantee equal rights for women. They argue that personal laws of some religious communities already provide progressive rights to women, and a uniform code may dilute these protections or fail to address specific gender-related issues adequately.

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<sup>19</sup> *What's Uniform Civil Code (UCC)? What does Constitution say & why it's such a controversial topic in India, The Economic Times (July 06, 2023).*

<sup>20</sup> *M.P.JAIN, INDIAN CONSTITUTIONAL LAW, LEXISNEXIS, 8<sup>TH</sup> EDITION, 2022*

<sup>21</sup> <https://www.dailyo.in/news/what-is-the-uniform-civil-code-and-why-is-opposition-against-it-40363>

<sup>22</sup> *J.N Pandey, Constitutional Law of India, Central Law Agency, 60<sup>th</sup> Edition 2023.*

## 5. NEED FOR COMPREHENSIVE REFORMS

Critics argue that instead of imposing a UCC, there is a need for comprehensive reforms within personal laws to address existing discriminatory practices and promote gender equality. They contend that a more targeted and nuanced approach is required to tackle specific issues within each community's personal laws.

## 6. POLITICAL IMPLICATIONS<sup>23</sup>

The issue of a UCC often becomes highly politicized. Critics argue that discussions around a UCC can be used as a divisive tool by political parties, leading to polarization and communal tensions. They caution against implementing a UCC without careful consideration of its potential political implications.

## 7. PRACTICAL CHALLENGES

Implementing a UCC involves reconciling diverse legal systems, practices, and customs. Critics argue that this process would be complex and may lead to significant legal and administrative challenges. They believe that the practical difficulties of implementing a UCC should be thoroughly evaluated before considering its implementation.<sup>24</sup>

It's important to note that these arguments against a Uniform Civil Code represent various perspectives and opinions, and the debate around this topic is ongoing.

## XI. THOUGHTS OF RELIGIOUS EXPERTS TOWARDS UCC

Depending on their religious convictions, how they interpret religious texts, and how they see the social and legal ramifications, religious academics' opinions on the idea of a Uniform Civil Code (UCC) differ greatly. Here are some broad viewpoints from several religious academics.

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<sup>23</sup> <https://frontline.thehindu.com/cover-story/politics-around-the-uniform-civil-code-ahead-of-uttar-pradesh-assembly-elections-2022/article64755368.ece>

<sup>24</sup> *Uniform Civil Code - Public Notice*, <https://lawcommissionofindia.nic.in/notice/uniform-civil-code-public-notice/>.

- **ISLAM:-** ‘Islamic scholars’ perspectives on the UCC vary widely. People who think personal laws need to be founded on Sharia (Islamic law) principles contend that a UCC is incompatible with Islamic teachings. They claim that the UCC may violate Muslim communities’ sovereignty and right to practise their religion. There are some academics who think that, while adhering to Islamic principles, some components of personal rules can be changed to advance gender justice and parity.
- **HINDUISM<sup>25</sup> :-**There are several UCC viewpoints within Hinduism. A UCC, according to certain Hindu thinkers, would guarantee justice and equality for all citizens, regardless of their faith. They think that everyone should be treated equally by the law and that personal laws should be uniform and secular. Some scholars preserving the current personal laws based on religious customs and traditions, on the other hand, contend that they provide people a feeling of identity and religious freedom.
- **SIKHISM :-** The idea of a UCC is widely supported by academics within the Sikh community. They emphasise the core tenets of Sikhism, which include equality, social justice, and gender equality. They contend that a unified code would support equal rights for all citizens, regardless of their religious origin, and be consistent with Sikh principles.
- **CHRISTIANITY :-** Christian academics have differing views on the UCC, which reflects the variety among many Christian denominations. Some academics want a secular UCC that emphasises equality, justice, and human rights. They contend that having a unified code would foster social harmony and stop religiously motivated discrimination. The maintenance of their community-specific personal rules may be more important to some researchers, who may have reservations.

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<sup>25</sup> Paras Diwan. *Hindu Law, Allahabad Law Agency, 12<sup>th</sup> Edition, 2016.*

## XII. GANDHI'S VIEWS ON UCC

Mahatma Gandhi, the prominent leader of the Indian independence movement, had expressed his views on the Uniform Civil Code (UCC) during his lifetime. However, it's important to note that Gandhi's opinions on the UCC were complex and evolved over time. Here are some key aspects of Gandhi's views on the UCC:

- **PERSONAL LAWS REFORMS:** Gandhi acknowledged the need for reform in personal laws to eliminate discriminatory practices and ensure gender equality. He believed that the existing personal laws, which were often based on religious practices, needed to be revised to align with the principles of justice and equal rights for all individuals.
- **RESPECT FOR RELIGIOUS DIVERSITY:** Gandhi emphasized the importance of respecting religious diversity and accommodating various religious practices. He advocated for a UCC that would respect religious sentiments and ensure that individuals had the freedom to practice their religious beliefs within the framework of the law.<sup>26</sup>
- **GRADUAL REFORMS:** Gandhi believed in the importance of gradual reforms rather than imposing sudden changes. He favored a step-by-step approach to address inequalities and social issues within personal laws. He advocated for dialogue and consensus-building among different religious communities to ensure a smooth transition towards a UCC.
- **SOCIAL CONSENSUS:** Gandhi stressed the need for social consensus and acceptance in implementing a UCC. He believed that any significant change in personal laws should be based on the willingness and understanding of the people affected by it. He emphasized the importance of education and awareness to bring about social reform and garner support for a UCC.

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<sup>26</sup> <https://swarajyamag.com/magazine/why-we-dont-need-the-uniform-civil-code-part-ii>

It's important to note that Gandhi's views on the UCC were influenced by his broader philosophy of non-violence, religious tolerance, and social harmony. He sought to balance the principles of justice, equality, and religious diversity in the context of personal laws and social reforms. However, it's also worth noting that Gandhi's views on the UCC were not uniformly accepted or adopted by all sections of society, and different interpretations of his views exist.<sup>27</sup>

### **XIII. AMBEDKAR'S VIEWS ON UCC**

B.R. Ambedkar, a prominent leader, jurist, and the chief architect of the Indian Constitution, had clear views on the Uniform Civil Code (UCC). He expressed his opinions on the UCC during the drafting and framing of the Constitution. Here are some key aspects of Ambedkar's views on the UCC:

- **EQUALITY AND GENDER JUSTICE:** Ambedkar firmly believed in the principles of equality and social justice. He argued that a UCC was essential to eliminate discrimination based on gender and religion. He viewed the UCC as a means to provide equal rights and opportunities to all citizens, irrespective of their religious background.<sup>28</sup>
- **SECULARISM AND STATE INTERVENTION:** Ambedkar emphasized the importance of secularism in the Indian context. He believed that the state should intervene and establish a UCC to ensure a uniform legal framework governing personal laws. He saw the UCC as a way to strengthen the secular fabric of the nation and prevent the dominance of any particular religious group.
- **MODERNIZATION AND SOCIAL REFORM:** Ambedkar saw the UCC as an opportunity for social reform and modernization of personal laws. He argued that religiously-based personal laws perpetuated inequalities and regressive practices.

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<sup>27</sup> M.S. Ratnaparkhi *UCC An Ignored Constitutional Imperative*, Atlantic Publishers and Distributors Pvt. Ltd.

<sup>28</sup> <https://www.outlookindia.com/website/story/ambekar-and-the-uniform-civil-code/221068/amp>



He believed that a UCC would help overcome these barriers and create a more progressive and egalitarian society.

- **GRADUAL IMPLEMENTATION:** Ambedkar recognized the challenges and complexities associated with implementing a UCC in a diverse country like India. He advocated for a phased and gradual approach to ensure a smooth transition and to address concerns and apprehensions of various religious communities.

Ambedkar's views on the UCC were strongly influenced by his vision of a just and egalitarian society. His contributions to the framing of the Indian Constitution, including provisions related to personal laws, reflected his commitment to equality, secularism, and social reform.

#### XIV. DISPUTED STANDS ON UCC<sup>29</sup>

Several Muslim nations, like MOROCCO, TUNISIA, INDONESIA, and others, have laws that are gender neutral. A UCC is beneficial in and of itself. Although Nehru and Ambedkar believed it might be a step towards gender fairness, conservative opposition prevented them from advancing the proposal. Following the introduction of the Hindu Code Bill, marriage and family law underwent a significant revision that granted Hindu women's rights. Christian laws were also changed to grant women the ability to divorce and other rights. Despite the progressive jurisprudence in many Muslim nations, no such reform was possible for us.

#### XV. COUNTRIES IN FAVOUR OF UCC<sup>30</sup>

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<sup>29</sup> M.P.JAIN, *INDIAN CONSTITUTIONAL LAW*, LEXISNEXIS, 8<sup>TH</sup> EDITION, 2022

<sup>30</sup> <https://www.legalserviceindia.com/legal/article-7248-uniform-civil-code-in-foreign-countries-its-evaluation-from-the-perspective-of-india.html>

- **SITUATION IN FRANCE:** - France has a long-standing tradition of secularism (laïcité) and a legal framework that promotes a UCC. The country is often seen as in Favor of a UCC to ensure equality and separation of religion and state.
- **POSITION OF GERMANY:** - Germany has a UCC known as the “Bürgerliches Gesetzbuch” (Civil Code). The country is often seen as supporting a UCC to ensure legal unity, consistency, and social cohesion.
- **CONDITION OF TUNISIA:** - Tunisia has made significant strides in promoting gender equality and has implemented a UCC since 1956. The country is considered in favor of a UCC as part of its modernization efforts and commitment to women’s rights.
- **AREAS IN BELGIUM:** - Belgium has been considered in favor of a UCC as part of its commitment to equality and non-discrimination. The country has made efforts to harmonize its legal system and ensure uniformity in civil matters, including personal laws.
- **POSITION OF ITALY:** - Italy has seen discussions and debates on the need for a UCC to address issues related to personal laws and promote equality. Some proponents argue that a UCC would help streamline legal processes and ensure consistent treatment of individuals regardless of their religious affiliations.

## XVI. COUNTRIES AGAINST OF UCC<sup>31</sup>

- **PAKISTAN:-** Pakistan has a range of perspectives on the UCC, with debates centred around religious autonomy, cultural diversity, and the desire to maintain religious-based personal laws.
- **SAUDI ARABIA:-** Saudi Arabia follows a legal system based on Islamic law (Sharia), and there is limited support for a UCC due to the significance of Islamic law in personal matters.

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<sup>31</sup> Dr. Ranjan Kumar, *The Need for A Uniform Civil Code*, Pilgrims Publishing, 2017.

- **UNITED ARAB EMIRATES:-** The United Arab Emirates (UAE) has a legal system based on Islamic law, and there is generally limited support for a UCC due to cultural and religious considerations.
- **IRAN:-** Iran follows a legal system that incorporates elements of both civil and Islamic law, and there may be opposition to a UCC due to the significance of Islamic law in personal matters.
- **LEBANON:-** Lebanon has a complex legal system that includes religious-based personal status laws, and there may be resistance to a UCC due to the desire to maintain religious autonomy and cultural diversity.
- **BANGLADESH:-** Bangladesh has diverse religious communities, and while there are some proponents of a UCC, there may also be opposition due to concerns about cultural and religious autonomy.
- **NIGERIA:-** Nigeria has a diverse population with different religious and customary laws coexisting, and there may be differing views on the UCC, with some emphasizing the importance of respecting cultural and religious diversity.

## **XVII. CONCLUSION**

The idea of a Uniform Civil Code (UCC), as well as its application and execution in India, are covered in the article's conclusion. The country now has a variety of personal laws that are based on religion scriptures and differ for various religious communities. The UCC seeks to replace these laws. The UCC's proponents contend that by offering a standard legal system to all citizens, it advances equality and justice. In particular, they think that laws regarding divorce, inheritance, and maintenance reinforce discrimination and gender inequity against women. However, UCC detractors express alarm over potential violations of religious freedom and multiculturalism. They contend that in order to respect religious identity and safeguard minority communities from prevailing cultural norms, personal laws should coexist with a common civil code. To achieve a balance between individual liberties and the objective of a unified legal system, the

adoption of a UCC necessitates considerable analysis, negotiation, and consensus-building among many stakeholders.

The article also provides historical context, seminal rulings, arguments for and against the UCC, the opinions of religious authorities, and contested positions on the UCC. It demonstrates the opposing perspectives on the UCC held by Mahatma Gandhi and B.R. Ambedkar, two significant personalities in Indian history. The current discussion surrounding the UCC is also covered, along with recent events and political leaders' viewpoints. In the end, the implementation of a UCC in India is still a complicated and divisive matter that takes into account issues of social justice, religious freedom, equality, and cultural variety. The future of the UCC in India will be decided by reaching a consensus and establishing a balance between these numerous concerns.

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