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# UNIFORM CIVIL CODE: A HOLISTIC ANALYSIS

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Aman Tyagi<sup>1</sup>

## I. ABSTRACT

The Uniform Civil Code (UCC) in India has been a subject of extensive debate and discussion since the country's independence. The concept of a unified set of laws governing personal matters such as marriage, divorce, inheritance, and adoption, irrespective of religion, has its roots in the Indian freedom struggle and the vision of a secular nation. This research paper delves into the historical background, legislative reforms, state-driven measures, and debates in the Constituent Assembly that shaped the discourse around the UCC.

The paper examines landmark judgments by the Indian judiciary, which have played a major role in interpreting the constitutional provisions related to the UCC. The Law Commission of India's recommendations and reports on the subject are also analysed, providing valuable insights into the legal and societal implications of implementing a uniform code.

To provide a comprehensive understanding, the research paper undertakes a comparative analysis of similar initiatives in other countries, drawing parallels and contrasts with the Indian context. This international perspective offers a broader framework for evaluating the challenges and opportunities associated with implementing a UCC in a diverse and pluralistic society as India.

Finally, the paper presents a conclusion that synthesizes the findings and offers a personal perspective on the feasibility, desirability, and potential consequences of introducing a Uniform Civil Code in India, considering the complex interplay of religious, cultural, and societal factors.

## II. KEYWORDS

*Uniform Civil Code in India ,Constituent Assembly Debates UCC , Landmark Judgements on UCC , Law Commission's Recommendations on UCC.*

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<sup>1</sup> UFYLC, Jaipur, Rajasthan

### III. INTRODUCTION

India is a secular nation , world's largest democracy and the most populous nation in the world (Around 1.5 billion) . With its myriad languages , cultures and religions , India is considered being a highly diverse nation . Religions not only have been an integral and foundational part of the Indian Culture , but have a tremendous impact on Indian politics and the way society work . Up to this extent that we can say in India “ *religion is a way of life*”<sup>2</sup>. But we know with rising diversity, there is also a rise of cultural and political differences that can have a tremendous impact on a country's democracy. That's why there is a need for us to crucially understand what UCC means and what's its significance in the contemporary times.

### IV. RESEARCH OBJECTIVES

1. To get a holistic understanding about UCC without giving much consideration to partisan views by solely considering logical arguments to substantiate my view point.
2. To cover the historical background of the topic and the contemporary debates associated with it to illustrate the complexities involved with the topic since time immemorial.

### V. RESEARCH QUESTIONS

1. Is Uniform Civil Code even essential in the contemporary era or there can be an alternative to it which is comparatively effective?
2. Will the implementation of UCC promote social harmony and secularity or it will lead to a complete breakdown of the secular fabric of our nation?

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<sup>2</sup> Sathya, S. (no date) 'A Term paper on UNIFORM CIVIL CODE IN INDIA -ENDEAVOUR OR A PERSONAL PROBLEM FOREVER? -AN EMPIRICAL STUDY Subject CONSTITUTIONAL HISTORY OF INDIA Submitted By'. Available at: [https://www.academia.edu/12113250/A\\_Term\\_paper\\_on\\_UNIFORM\\_CIVIL\\_CODE\\_IN\\_INDIA\\_ENDEAVOUR\\_OR\\_A\\_PERSONAL\\_PROBLEM\\_FOREVER\\_AN\\_EMPIRICAL\\_STUDY\\_Subject\\_CONSTITUTIONAL\\_HISTORY\\_OF\\_INDIA\\_Submitted\\_By](https://www.academia.edu/12113250/A_Term_paper_on_UNIFORM_CIVIL_CODE_IN_INDIA_ENDEAVOUR_OR_A_PERSONAL_PROBLEM_FOREVER_AN_EMPIRICAL_STUDY_Subject_CONSTITUTIONAL_HISTORY_OF_INDIA_Submitted_By) (Accessed: 19 March 2024).

## VI. RESEARCH HYPOTHESES

1. Implementation of a Uniform Civil Code in a diverse nation like India will lead to communal harmony, increased inclusion of minority communities and promotion of the secular fabric of our nation .
2. There will be a difference of opinion in the general populace about UCC as people belong to different parts of the country, speak different languages ,follow different customs and religious practises.

## VII. RESEARCH METHODOLOGY

The research methodology adopted in this paper is purely doctrinal in nature. Doctrinal research, also known as library-based research, is a distinctive method of conducting legal research that involves the study and analysis of existing legal provisions, case laws, and scholarly works. This methodology is well-suited for examining the theoretical and conceptual aspects of law and for providing a systematic exposition of legal doctrines and principles. The primary sources relied upon in doctrinal research include statutory materials, judicial precedents, and authoritative texts, while secondary sources such as commentaries, articles and legal digests are also consulted. The research process involves the identification, collection, and critical analysis of these sources to draw logical conclusions and offer insights into the legal issues under investigation. Through doctrinal research, this paper seeks to provide a comprehensive and coherent understanding of the legal framework governing the subject matter at hand.

## VIII. LITERATURE REVIEW-

The paper draws upon a key provision *Article 44* of the Indian Constitution .To understand legislative reforms it also takes into account certain aspects of *Hindu Marriage Act (1955)* , *Hindu Succession Act (1956)* , *Special Marriage Act(1954)* and *The Muslium Women (Protection of Rights on marriage) Act (2019)* .It refers to research papers already published on prominent platforms like SSRN(Social Science Research Networks) Academia.

To understand the stand of judiciary on this issue the paper mentions landmark judgements of the Apex Court: *Mohd. Ahmed Khan vs. Shah Bano Begum (1985)*, *Sarla Mudgal vs. Union of India (1995)*, *Shayara Bano vs. Union of India (2017)*, *Joshep Shine vs. Union of India (2018)* and *Indian Young Lawyers Association vs. State of Kerala (2018)*.

The paper also includes the mention of the Goan Civil Code by taking into reference the *Portuguese Civil Code (1869)* and the notable mention of the recently passed *Uttarakhand's Uniform Civil Code*.

The literature reviewed in the paper provides a comprehensive understanding about Uniform Civil Code .By taking into account relevant sources the paper aims at bringing awareness about this issue by maintain a neutral stance .

## IX. DEFINITION

UCC or Uniform Civil Code has been a widely debated issue since time immemorial. UCC has been enshrined in Article 44 Part IV (Directive Principles of state policies) of our constitution which reads the following "*The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India*"<sup>3</sup> To define it in laymen language UCC aims to establish a common law that is applicable to all religious communities in personal matters such as marriage , inheritance and adoption . "*It aims to replace different personal laws that currently govern personal matters within different religious communities.*"<sup>4</sup>

Its primary objective is to promote social harmony, gender equality and secularism by eliminating divergent legal systems based on different religions and communities.

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<sup>3</sup> Article 44: Uniform civil code for the citizens (no date) Constitution of India. Available at: <https://www.constitutionofindia.net/articles/article-44-uniform-civil-code-for-the-citizens/> (Accessed: 16 March 2024).

<sup>4</sup> Team, N.I.C. (2023) 'Uniform Civil Code: Meaning, Constitutional Provisions, Debates, Judgments & More', 18 September. Available at: <https://www.nextias.com/blog/uniform-civil-code-ucc/> (Accessed: 16 March 2024).

## X. HISTORICAL BACKGROUND-

- **Colonial Era:** During the British rule in our country ,different personal laws governed various religious communities .The British introduced separate laws for various different communities such as Hindu law , Muslium law and various others. However, the introduction of these laws was solely motivated with the aim to ease their own trade and to maintain their rule in the garb of “social harmony” .
- **Independence movement:** The demand for a Uniform Civil Code gained momentum during India’s struggle for Independence . Many leaders and luminaries raised their voices in favour and against the concept of uniform civil code .
- **Post Independence era:** India saw the inclusion of UCC in Article 44 Part IV(Directive principles of state policy) of their constitution . Due to its sensitive and controversial nature, it was included in DPSPs (Not enforceable) and was up to the discretion of states whether to enact such code if deemed necessary.
- **Contemporary Times:** In the recent times a nationwide adoption of UCC remains an illusory goal . However, the current ruling government is actively pursuing its aim to adopt a nationwide UCC this can be seen by its efforts to organise a nationwide poll by asking voters to submit their views in this aspect and so far, the government has received 46 lakh responses.

## XI. LEGISLATIVE REFORMS BY THE GOVERNMENT AND ITS CONNECTION TO UCC:

The central government in India hasn’t enacted a nationwide Uniform Civil Code due to its complex nature . However there have been several reforms in some specific areas of personal laws that could be seen as steps towards creating a more uniform system or in some way to address issues which a UCC aimed to tackle .These reforms also seem to address issues like gender equality within the already existing personal laws of our country . A closer look at some key reforms is as follows –

**A. “The Hindu marriage Act (1955)”<sup>5</sup> and “Hindu Succession Act (1956)”<sup>6</sup>:** These were some landmark reforms that codified the Hindu personal laws , particularly related to marriage, inheritance and adoption . Prior to these acts ,Hindu personal laws were governed by myriad customary practises .

**Impact on UCC:** These reforms were seen as steps towards uniformity particularly within Hindu personal laws across India .However these particular reforms did not apply to other religious communities, highlighting a need for a more comprehensive set of reforms encompassing most of the religions .

**B. The Special Marriage Act (1954):** “This act was a landmark development as it provided a civil marriage option to any two legally competent (fulfilling basic criteria like age, mental capacity etc ) individuals.”<sup>7</sup> This act provided a uniform legal framework for marriage, divorce and child custody regardless of the religious background of willing individuals.

**Impact on UCC-** The special marriage act highlights the possibility of a uniform legal framework for personal matters like marriage . However, its adoption is voluntary and surprisingly most of the marriages till date happen under the religious personal laws .

**C. “The Muslium Women (Protection of Rights on marriage) Act (2019):** This act aimed to *address the burning issue of instant triple talaq (talaq-e-biddat) , a practise where a Muslim husband could divorce his wife by uttering the word “talaq” three times concurrently . The act abolished the practise and provided safeguards for Muslim women ‘s rights in the marriage .”*<sup>8</sup>

**Impact on UCC:** Though the issue not directly related to UCC clearly highlights the government’s willingness to address issues of gender inequality in existing

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<sup>5</sup> ‘Hindu Marriage Act, 1955’ (1955). Available at: <http://indiacode.nic.in/handle/123456789/1560> (Accessed: 19 March 2024).

<sup>6</sup>Hindu Succession Act, 1956’ (1956). Available at: <http://indiacode.nic.in/handle/123456789/1713> (Accessed: 19 March 2024).

<sup>7</sup> ‘Special Marriage Act, 1954’ (1954). Available at: <http://indiacode.nic.in/handle/123456789/1387> (Accessed: 19 March 2024).

<sup>8</sup> ‘Special Marriage Act, 1954’ (1954). Available at: <http://indiacode.nic.in/handle/123456789/1387> (Accessed: 19 March 2024).

personal and hence doing away with practises which are outrightly discriminatory in nature .

## XII. STATE DRIVEN INITIATIVES OR MEASURES

While there's no nationwide adoption of a Uniform Civil Code, some states have taken matters into their own hands. And you know what? A few have actually succeeded. Let's take a closer look at those states and what their codes entail:

**A. Goa:** Goa is the first Indian state to have a Uniform Civil Code. Goa's CM Pramod Swant in a discussion about UCC advocated that "the Goa Civil Code could be a good example for other states to follow."<sup>9</sup>

### 1. What is Goa Civil code?

*"In 1867 , Portugal enacted a Portuguese civil code and in the year 1869 it was extended to Portugal's overseas provinces (that included Goa). It was called a Uniform Civil Code*

*While when it comes to issues like marriage and adoption , there is no complete uniformity generally the Goa Civil Code is far more gender-just than other existing laws in the country. The law also prohibits polygamy or bigamy ,including for Muslims but surprisingly grants an exception to a Hindu Man to marry once again if his wife doesn't conceive a child by the age of 21 or a male child by the age of 30. "*<sup>10</sup>

**2. The law mandates:** Compulsory registration of marriage before a civil authority ensuring that the wife is an equal inheritor and is entitled to half of the "common assets" including those inherited by her husband in case of a divorce. The parents must compulsorily share at least half of the property with their children including daughters.

**3. Why does the Portuguese civil code still apply today?:** *"The Portuguese Civil Code in Goa persists in India due to Section 5(1) of the Goa, Daman and Diu Administration Act, 1962. This act stipulates that "all laws in force in Goa, Daman*

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<sup>9</sup> Goa A Model For States In Implementing Uniform Civil Code: Pramod Sawant (no date) NDTV.com. Available at: <https://www.ndtv.com/india-news/goa-a-model-for-states-in-implementing-uniform-civil-code-pramod-sawant-2957015> (Accessed: 15 March 2024).

<sup>10</sup> Editor, I. (2022) 'The Goa civil code':, INSIGHTSIAS - Simplifying UPSC IAS Exam Preparation, 13 May. Available at: <https://www.insightsonindia.com/2022/05/13/the-go-civil-code/> (Accessed: 15 March 2024).



*and Diu or any part thereof shall continue to be in force therein until amended or repealed by a competent legislature or other competent authority.”<sup>11</sup>As a result, the Portuguese civil code remains in effect in Goa.”<sup>12</sup>*

**B. Uttarakhand-** In the contemporary times the state that has been at the forefront in implementing a UCC is Uttarakhand. *“Uttarakhand also became the first state to clear the UCC bill post-independence aimed at unifying personal laws across religious communities .Like Goa it aims to replace diverse personal laws with a unified code , providing one set of rules for all citizens ,regardless of religion.”<sup>13</sup>*

Talking about the most recent development on 14<sup>th</sup> March 2024 *“President Droupadi Murmu has signed the final draft of the Uttarakhand’s UCC bill , paving the way to make it a law . State Government will now issue a notification making the Himalayan state the first to implement UCC.”<sup>14</sup>*

### **XIII. KEY FEATURES OF THE UTTARAKHAND’S UCC BILL 2024-**

1. *“ Equal Property Rights for Sons and Daughters: Ensures equal inheritance rights for both sons and daughters within families.*
2. *Complete Ban on Child Marriage: Imposes a strict prohibition on underage marriages across all religious communities.*
3. *Legal Age of Marriage for Men and Women: Establishes 21 as the minimum age for men and 18 for women to marry.*
4. *Prohibition on Polygamy: Forbids individuals from being married to more than one spouse simultaneously.*

<sup>11</sup> ‘Goa, Daman and Diu (Administration) Act, 1962’ (1962). Available at: <http://indiacode.nic.in/handle/123456789/1369> (Accessed: 15 March 2024).

<sup>12</sup> Editor, I. (2022) ‘The Goa civil code’: *INSIGHTSIAS - Simplifying UPSC IAS Exam Preparation*, 13 May. Available at: <https://www.insightsonindia.com/2022/05/13/the-go-civil-code/> (Accessed: 15 March 2024).

<sup>13</sup> Uttarakhand ‘s Uniform Civil Code: Highlights (no date). Available at: <https://blog.finology.in/Legal-news/ucc-uttarakhand> (Accessed: 15 March 2024).

<sup>14</sup> *The Times of India* (2024) ‘Uttarakhand UCC bill gets President nod’, 14 March. Available at: <https://timesofindia.indiatimes.com/india/uttarakhand-ucc-bill-gets-president-nod/articleshow/108473976.cms> (Accessed: 15 March 2024).

5. **Ending the Difference Between Legitimate and Illegitimate Child:** Aims to eliminate distinctions between children born within and outside wedlock concerning property inheritance.
6. **Inclusion of Adopted and Biological Children:** Treats all children equally, regardless of adoption or biological origin, in matters of inheritance.
7. **Doesn't Apply to Scheduled Tribes:** Exempts tribal communities from the provisions outlined in the UCC Bill.
8. **Registration of Live-In Relationships:** Mandates couples cohabitating in Uttarakhand to register their relationships with authorities.
9. **Children Born of Live-In Relationships Will Be Considered Legitimate:** Acknowledges children from void marriages or live-in arrangements as legitimate, affording them equal rights.
10. **Ban Practices such as Halala, Iddat, and Triple Talaq:** Recommends severe penalties for practices like triple talaq, iddat, and halala prevalent in Muslim personal law.
11. **Equal Property Rights After Death:** Ensures fair distribution of property among spouses, children, and parents post the deceased individual's passing."<sup>15</sup>

#### XIV. CONTROVERSIES AROUND THE UCC IN UTTARAKHAND

1. **"Tribal Concerns:** Some tribal communities in Uttarakhand, particularly the Van Gujjar tribe, have expressed apprehensions about the potential effects of the UCC on their traditions and customary practices.
2. **Religious Freedom and Personal Liberty:** Critics argue that the UCC may infringe upon the fundamental rights of religious freedom and personal liberty guaranteed by the Constitution of India, potentially limiting the rights of religious groups and minorities.
3. **Diversity and Cultural Imposition:** Concerns have been raised that the UCC may undermine the diversity of religions and cultures in India, with critics contending

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<sup>15</sup> Uttarakhand 's Uniform Civil Code: Highlights (no date). Available at: <https://blog.finology.in/Legal-news/ucc-uttarakhand> (Accessed: 15 March 2024).

*that it imposes a uniform code that may not align with the customs and practices of different communities.”<sup>16</sup>*

## **A. Debates in the constituent assembly**

While we are considering to discuss different views in regards to UCC how can we miss the most historical event of the past that is the views of the constituent assembly. So here are some of the major arguments issued by both sides of the assembly while discussing the contentious issue of the Uniform Civil Code :

**1. Arguments in Favor:** Some of the proponents of UCC in the constituent assembly included the chairman of the drafting committee himself (Dr. B.R. Ambedkar) ,K.M. Munshi and Alladi Krishnaswamy Ayyar. They put forth the following arguments in favor of the common code:

- **Secularism-** *Supporting the secular ethos of India (which was later inscribed in the preamble of our constitution by the 44<sup>th</sup> Amendment Act 1978), a UCC would aim at separating personal laws from religious associations , promoting a unified national identity in the nation.*
- **Equality and Justice -** *They believed that a common civil code would ensure fairness and equality by applying uniform laws to all of its citizens , irrespective of their personal religious beliefs.*
- **Women’s Rights-** *By aiming to abolish discriminatory/derogatory practises found in personal laws , particularly those which impacts women’s rights in areas like marriage ,divorce and inheritance , it would prosper gender equality and empower women .”<sup>17</sup>*

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<sup>16</sup> Uttarakhand ‘s Uniform Civil Code: Highlights (no date). Available at: <https://blog.finology.in/Legal-news/ucc-uttarakhand> (Accessed: 15 March 2024).

<sup>17</sup> Anand, A. (2021) *How Ambedkar, Munshi & Krishnaswamy Ayyar argued for Uniform Civil Code at Constituent Assembly*, ThePrint. Available at: <https://theprint.in/india/how-ambedkar-munshi-krishnaswamy-ayyar-argued-for-uniform-civil-code-at-constituent-assembly/771945/> (Accessed: 15 March 2024).

2. **Arguments Against:** In the well learned Constituent Assembly, opponents of the UCC included members like Nazirrudin Ahmad and Mohammad Ismail Khan. They raised the following arguments:
- **“Religious Autonomy:** They expressed their fears that the UCC might infringe upon the religious autonomy of communities by imposing changes to religious customs without their consent.
  - **Cultural Sensitivities:** Some argued that a single code might not adequately respect the diverse customs and sensitivities of different communities, potentially disturbing the rich diversity of religious and cultural practices in India.
  - **Social Unrest:** Implementing a uniform civil code could uproot deeply entrenched religious and cultural practices, leading to social unrest and communal tensions as minority communities may feel compelled to abandon their identities.”<sup>18</sup>

## XV. LANDMARK JUDGEMENTS-

### A. *Mohd. Ahmed Khan vs. Shah Bano Begum (1985)*

**Facts of the Case:** Shah Bano was married to Mohd. Ahmad Khan in 1932, and they had 5 children together. After 14 years of marriage, Khan married another woman and disowned Shah Bano in 1975, when she was 62 years old. In April 1978, Shah Bano filed an appeal under Section 125 of the Code of Criminal Procedure (CrPC) after being thrown out of her matrimonial home and abandoned by her husband.

#### **Legal Issues:**

1. Whether Section 125 of the Code of Criminal Procedure applied to Muslims.
2. Whether the amount of Mehr given by the husband on divorce was adequate to absolve the husband from the responsibility to maintain his wife.

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<sup>18</sup> Team, N.I.C. (2023) ‘Uniform Civil Code: Meaning, Constitutional Provisions, Debates, Judgments & More’, 18 September. Available at: <https://www.nextias.com/blog/uniform-civil-code-ucc/> (Accessed: 15 March 2024).

3. Whether the Uniform Civil Code applied to all religions.

**Final Judgment:**

The Supreme Court, in its judgment, held that Section 125 of the Code of Criminal Procedure applied to Muslims without discrimination.

It was ruled that the responsibility of a Muslim husband towards his divorced wife is not limited to the extent of the "iddat" period and that the law should ensure maintenance for the divorced wife if she is unable to maintain herself after the iddat period. The Supreme Court's decision in this case, acknowledging the right to maintenance for a divorced Muslim woman, led to the enactment of the Muslim Women (Protection of Rights on Divorce) Act, 1986, which aimed to protect the rights of divorced Muslim women."<sup>19</sup>

**B. "Sarila Mudgal vs. Union of India (1995)-**

**Facts of the Case:** Petitions filed under Article 32 of the Indian Constitution in the Supreme Court of India. Instances of individuals converting religion to exploit personal laws, specifically regarding marriage. Cases involving individuals converting to Islam to marry another without dissolving their first Hindu marriage.

**Key Legal Issues:**

1. Validity of Hindu man converting to Islam for a second marriage without dissolving the first.
2. Interplay between personal laws - Hindu law's monogamy vs. Muslim law allowing multiple wives.
3. Interpretation of Section 494 of the Indian Penal Code in cases of religious conversions for marriage purposes.

**Judgment:**

Conversion to Islam for a second marriage is invalid under Hindu law without dissolving the first marriage.

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<sup>19</sup> Mohd. Ahmed Khan vs Shah Bano Begum and Ors on 23 April, 1985 (no date). Available at: <https://indiankanoon.org/doc/823221/> (Accessed: 16 March 2024).

Apostate husbands marrying under Muslim law was found illegal and against natural justice. Emphasizing the need for a Uniform Civil Code to regulate matrimonial disputes uniformly across all religions for consistency and equity.”<sup>20</sup>

### C. *Shayara Bano vs. Union of India (2017)*-

**Facts of the case:** Shayara Bano was married to Rizwan Ahmed for 15 years until he pronounced instant triple talaq (talaq-e-biddat) in 2016, allowing a man to divorce his wife by saying "talaq" three times in one sitting without her consent. The petitioner filed a writ petition in the Supreme Court seeking the declaration of talaq-e-biddat, polygamy, and nikah-halala as unconstitutional, citing violations of women's fundamental rights under Articles 14, 15, 21, and 25 of the Indian Constitution.

Nikah-halala requires a divorced woman who wants to remarry her first husband to marry and get divorced from a second husband first, while polygamy refers to Muslim men having more than one wife.

#### **Key Legal Issues:**

1. The primary issue revolved around whether the practice of Triple Talaq (talaq-e-biddat) complied with the Indian Constitution or if it violated fundamental rights.
2. The Court examined whether the practice of Triple Talaq was an essential religious practice protected by Article 25 of the Constitution or if it could be considered an arbitrary act.
3. A pivotal issue was whether uncodified Muslim personal law, specifically practices like triple talaq, could be subject to constitutional judicial review.

**Judgement:** The Constitution Bench of the Supreme Court, in a 3:2 majority, declared the practice of instantaneous Triple Talaq unconstitutional under Article 14 read with Article 13(1) of the Indian Constitution. The court found that Triple Talaq

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<sup>20</sup> *Smt. Sarla Mudgal, President, Kalyani & ... vs Union Of India & Ors on 10 May, 1995* (no date). Available at: <https://indiankanoon.org/doc/733037/> (Accessed: 16 March 2024).

violated Article 14 as it allowed the marital tie to be broken capriciously without attempts at reconciliation, hence nullifying the practice under the Constitution.

The apex court ruled that Talaq-e-biddat did not qualify as an essential religious practice of Islam as it contradicted the basic tenets of the Quran, making it not protected under Article 25 of the Constitution.”<sup>21</sup>

The three cases were landmark judgments in Indian constitutional history, explicitly mentioning the Uniform Civil Code (UCC) and its implications. However, these were not the only instances where the UCC was addressed. Other notable cases, such as “*Joshep Shine vs. Union of India (2018)*”<sup>22</sup> and “*Indian Young Lawyers Association vs. State of Kerala (2018)*”<sup>23</sup>, also made references to the enactment of the UCC in their final judgments.

## XVI. LAW COMMISSION’S VIEW ON UCC-

Law commission, though an advisory body, has a monumental impact on important decisions, especially in relation to matters which affect the public at large and involve national interest. Some notable observations made by the law commission regarding UCC are:

### A. “21st Law Commission of India (Headed by Justice Balbir Singh Chauhan):”<sup>24</sup>

1. The commission expressed reservations about implementing a Uniform Civil Code (UCC) suggesting it might not be necessary or desirable.
2. Instead of proposing a single uniform law, the commission recommended a series of reforms and amendments within the existing personal laws of various communities.

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<sup>21</sup> *Shayara Bano vs Union Of India And Ors. Ministry Of Women ... on 22 August, 2017* (no date). Available at: <https://indiankanoon.org/doc/115701246/> (Accessed: 16 March 2024).

<sup>22</sup> *Joseph Shine vs Union Of India on 27 September, 2018* (no date). Available at: <https://indiankanoon.org/doc/42184625/> (Accessed: 16 March 2024).

<sup>23</sup> *Indian Young Lawyers Association vs The State Of Kerala on 28 September, 2018* (no date). Available at: <https://indiankanoon.org/doc/163639357/> (Accessed: 16 March 2024).

<sup>24</sup> Mishra, I. (2023) ‘Law Commission seeks fresh suggestions on Uniform Civil Code’, *The Hindu*, 14 June. Available at: <https://www.thehindu.com/news/national/law-commission-seeks-fresh-suggestions-on-uniform-civil-code/article66969329.ece> (Accessed: 16 March 2024).

3. The aim was to ensure justice and equality within all religions by modifying the respective family laws, rather than introducing a UCC.

**B. "22nd Law Commission of India (Headed by Justice Rituraj Awasthi):"<sup>25</sup>**

1. This commission has issued a consultation paper seeking public opinion on the UCC.
2. Diverse stakeholders, including religious organizations, legal experts, policymakers, and civil society groups, have been invited to provide their views
3. The consultation process aims to gather feedback on the feasibility, implications, and potential framework for implementing a UCC in India.( As of now 46 Lakh responses have been recorded )

## **XVII. COMPARATIVE ANALYSIS WITH AN INTERNATIONAL PERSPECTIVE :**

- **ROME:** The idea of civil law comes from ancient Rome. Romans made rules to create a legal system for their society, called Jus Civile. It included rules from Roman laws and customs, different from laws of other nations (jus gentium) or basic human morals (jus naturale). Emperor Justinian, who ruled from 527 CE, started this legal code. Even though it's old, Roman law stayed in use in many places, changing over time with new interpretations and decisions by judges.
- **FRANCE:** Today, France has one of the most famous sets of laws worldwide. The Napoleonic Civil Code, made in 1804 during a push for legal unity, replaced many local laws. It covered lots of areas like property, business, inheritance, contracts, and similar things. The French Code tries to balance different things like fairness, tradition, and legal needs.
- **UNITED STATES OF AMERICA:** In the USA, laws can be different depending on where you are, much like in India. There are laws at the

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<sup>25</sup> Pioneer, T. (no date) *22nd Law Commission rightly seeks to study need for UCC, The Pioneer*. Available at: <https://www.dailypioneer.com/2023/state-editions/22nd-law-commission-rightly-seeks-to-study-need-for-ucc.html> (Accessed: 16 March 2024).



national, state, and local levels. Each state has its own courts and laws. While there are some common rules across the country, the Supreme Court deals with big national issues like security, taxes, and general legal problems.”<sup>26</sup>

## XVIII. CONCLUSION, SUGGESTIONS & RECOMMENDATIONS

To conclude I would say that UCC is a very sensitive and debatable topic in itself so what is crucial for us as individuals is to base our views on long term repercussions and not on prejudicial biases. I personally feel if a UCC is being implemented it should be free from partisan politics and should be based on the idea of neutrality without giving any undue consideration to the whims or fancies of a single religion .

On the other hand, I do give a consideration to a situation where a UCC is not being implemented due to several reasons in that case the ultimate reason to implement the same that is to eliminate blatant discriminatory or derogatory practises subsisting in a religion should be given due consideration and that can be achieved by filtering out every religion ,taking into account such practices , observing their impact on the populace and taking steps in the direction either to reform or completely eliminate such practises. An absence of something shouldn't be a reason to not bring a change .

## XIX. REFERENCES

### A. Online Articles / Sources Referred-

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