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UNIFORM CIVIL CODE AND ITS IMPACT ON PERSONAL LAWS IN INDIA A LEGAL RESEARCH PAPER

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ABSTRACT

The Uniform Civil Code (UCC) remains one of the most contested and consequential constitutional aspirations in the Indian legal landscape. Enshrined as a Directive Principle under Article 44 of the Constitution of India, 1950, the UCC envisions the replacement of diverse religion-based personal law regimes — governing marriage, divorce, inheritance, maintenance, and adoption — with a single secular code applicable uniformly to all citizens irrespective of religion, caste, or gender. This paper undertakes a comprehensive jurisprudential and doctrinal analysis of the UCC debate, situating it at the intersection of constitutional secularism, fundamental rights, and religious freedom.

The research examines the historical evolution of personal law pluralism in India from the colonial period through the post-independence era, the landmark judicial pronouncements by the Supreme Court of India directing legislative attention toward the UCC, the constitutional tension between Articles 25-28 (freedom of religion) and Article 14 (right to equality) and Article 21 (right to life), and the implications of the Uttarakhand Uniform Civil Code Act, 2024 — the first state-level enactment of a comprehensive UCC in independent India.

The paper argues that, while the aspiration of a uniform code is constitutionally valid and socially necessary to achieve substantive gender equality, its implementation demands nuanced legislative craftsmanship that preserves cultural identity, respects religious autonomy, and protects constitutionally guaranteed rights. The paper concludes with a model framework for a constitutionally sustainable UCC.

Keywords: *Uniform Civil Code, Article 44, Personal Laws, Religious Freedom, Gender Equality, Secularism, Constitutional Law, Uttarakhand UCC Act 2024, Supreme Court of India.*

I. INTRODUCTION

The question of a Uniform Civil Code occupies a unique and paradoxical position in Indian constitutional jurisprudence. It is a provision that the framers of the Constitution included with great deliberation, yet qualified with equal deliberation as a Directive Principle — aspirational in character but not directly enforceable. More than seven decades after the Constitution came into force, the UCC remains a promise deferred, its realisation stymied by a complex interplay of political will, religious identity, judicial reticence, and societal negotiation.

India is constitutionally a secular republic. Yet its legal architecture continues to accommodate a plurality of religion-specific personal law regimes: the Hindu personal law (governed by the Hindu Marriage Act, 1955; Hindu Succession Act, 1956; Hindu Minority and Guardianship Act, 1956; and Hindu Adoptions and Maintenance Act, 1956), Muslim personal law (rooted in the Shariat Application Act, 1937, and the dissolution of Muslim Marriages Act, 1939), Christian personal law (Indian Divorce Act, 1869; Indian Christian Marriage Act, 1872), Parsi personal law (Parsi Marriage and Divorce Act, 1936), and the Special Marriage Act, 1954, as a secular alternative available to all.

This fragmented legal structure, while reflective of India's civilisational pluralism, has been consistently criticised as a vehicle for perpetuating gender discrimination, particularly within communities where personal law grants men substantially superior rights over women in matters of divorce, inheritance, and polygamy. The Supreme Court of India has, on numerous occasions, lamented the legislative inertia surrounding the UCC and called upon Parliament to act.

This paper proceeds in seven parts. Part II traces the historical and colonial foundations of personal law pluralism. Part III undertakes a constitutional analysis of Article 44 and its relationship with other fundamental rights. Part IV analyses key judicial pronouncements on the UCC. Part V examines the Uttarakhand Uniform Civil Code Act, 2024 as a pathbreaking legislative development. Part VI identifies the principal legal challenges and debates surrounding UCC implementation. Part VII proposes a model constitutional framework for a UCC, followed by concluding observations.

II. HISTORICAL AND COLONIAL FOUNDATIONS OF PERSONAL LAW PLURALISM

A. The Colonial Legacy

The roots of India's personal law pluralism are firmly embedded in British colonial governance. The colonial administration, in its characteristic exercise of pragmatic authoritarianism, adopted a policy of non-interference in matters of personal and religious law for the indigenous population. This policy found its earliest formal expression in Warren Hastings' Judicial Plan of 1772, which directed that 'in all suits regarding inheritance, marriage, caste, and other religious usages or institutions, the laws of the Koran with respect to Mohamedans and those of the Shaster with respect to Gentoos shall be invariably adhered to.'

This framework was further codified through the administration of the courts. The Caste Disabilities Removal Act, 1850 and subsequent legislative interventions acknowledged personal law as the operative legal domain for family matters, while English common law governed commercial and criminal affairs. The judicial application of personal law during the colonial era, however, was often inconsistent and suffered from translation errors and misinterpretations by colonial judges unfamiliar with the original texts.

Critically, the colonial state's 'hands-off' approach to personal law was not altruistic — it was strategic. Non-interference served to pacify religious communities and minimise political opposition to British rule. As Flavia Agnes, a prominent feminist legal scholar, has argued, the colonial project in India deliberately froze personal law in a 'customary' mould to reinforce communal identities that could be administratively managed.

B. Constitutional Debates and the Framing of Article 44

The Constituent Assembly debates of 1947-1949 provide the most illuminating window into the framers' vision for the UCC. Dr. B.R. Ambedkar, the principal architect of the Constitution and the first Law Minister of India, was among the most forceful proponents of a uniform civil code. He argued that personal laws were not merely religious matters but operated as instruments of gender oppression, particularly against women from minority communities.

"If personal law is to be preserved as part of religion, I am sure that it is the greatest obstacle to the advancement of women. I want a Uniform Civil Code for the whole of India... Is it not extraordinary to say that it is unconstitutional to secure the right of equality to women?" — Dr. B.R. Ambedkar, Constituent Assembly Debates, November 23, 1948.

Against this, members such as Mohammad Ismail Khan and Naziruddin Ahmad opposed a mandatory UCC on the grounds that it would violate the religious freedom guaranteed to minorities, and argued that personal law was an integral part of religious practice protected under what would become Article 25 of the Constitution. The compromise reached was the placement of the UCC as a Directive Principle — a goal to be pursued by the State but not immediately enforceable.

The inclusion of the UCC under Part IV of the Constitution was thus both a recognition of its ultimate desirability and an acknowledgment of the political and societal conditions of the time that made immediate enactment impossible. K.M. Munshi and Alladi Krishnaswami Ayyar, who supported the provision, emphasised that a democracy founded on equality could not indefinitely countenance a dual standard of civil rights based on religious identity.

III. CONSTITUTIONAL ANALYSIS: ARTICLE 44 AND THE RIGHTS

MATRIX

A. The Nature and Force of Directive Principles

Article 44 of the Constitution reads: 'The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.' It is located in Part IV, which Article 37 declares to be 'fundamental in the governance of the country' and imposes a duty on the State to apply these principles in making laws, though they are not enforceable in any court.

The Supreme Court has progressively elevated the status of Directive Principles in constitutional interpretation. In *State of Kerala v. N.M. Thomas* (1976), the Court held that Directive Principles and Fundamental Rights must be read harmoniously. In *Minerva Mills Ltd. v. Union of India* (1980), a Constitution Bench held that both Parts III and IV are essential features of the Constitution and neither can be used to destroy the other. This doctrinal evolution has significant implications for the UCC: the State is under a constitutional obligation to pursue the mandate of Article 44, and legislative omission to do so can itself become a subject of judicial scrutiny.

B. The Equality-Religion Tension: Articles 14, 15, 21 vs. Articles 25-28

The most profound constitutional tension inheres between the right to equality (Article 14), the right against discrimination (Article 15), and the right to life and dignity (Article 21) on one hand, and the freedom of religion and the right to manage religious affairs (Articles 25-26) on the other.

The critical question is whether personal laws, as expressions of religious doctrine, are protected from legislative reform under Articles 25 and 26. The Supreme Court's jurisprudence has consistently held that personal laws are not immune from legislative reform. In *State of Bombay v. Narasu Appa Mali* (AIR 1952 Bom 84), the Bombay High Court held that personal laws are not 'law in force' within the meaning of Article 13 and therefore not subject to direct challenge under Part III. This ruling, while legally contested, has been effectively followed for decades, creating a doctrinal anomaly whereby religious personal laws escape the anti-discrimination scrutiny applied to all other legislation.

However, the Supreme Court in *Shayara Bano v. Union of India* (2017) — in the Triple Talaq judgment — crossed a significant doctrinal threshold. A five-judge Constitution Bench held, by a 3-2 majority, that the practice of instantaneous triple talaq (talaq-e-biddat) was unconstitutional as it violated Article 14 (being manifestly arbitrary) and Article 21. Notably, the majority did not categorically overrule the *Narasu Appa Mali* doctrine, but the judgment opened the door to examining personal law practices against fundamental rights standards.

The constitutional framework thus supports the position that while religious identity and practice are protected, discriminatory elements within personal law systems are susceptible to constitutional challenge and legislative reform. A well-crafted UCC that does not compel the abandonment of religious ceremonies but harmonises civil legal outcomes is constitutionally sustainable.

C. Article 25 and the 'Essential Religious Practices' Test

Article 25(1) guarantees to all persons the right to 'freely profess, practise, and propagate religion.' Article 25(2) however provides that nothing therein shall prevent the State from making laws providing for social welfare and reform or throwing open of Hindu religious institutions to all classes and sections of Hindus, and from regulating or restricting any economic, financial, political, or other secular activity associated with religious practice.

The Supreme Court's 'Essential Religious Practices' (ERP) doctrine, as developed in *The Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt* (1954) and substantially refined thereafter, provides that only those practices that are 'essential' to a religion receive constitutional protection. The State may regulate or prohibit practices that are not essential.

The application of this doctrine to personal law is contested but significant. A UCC that does not prohibit religious solemnisation of marriages but regulates their civil effects (such as registration, grounds for divorce, succession) would, under this analysis, operate on the secular

dimension of personal affairs and fall within legislative competence under Entry 5, List III (Concurrent List) of the Seventh Schedule, which covers 'marriage and divorce' and 'infants and minors.'

IV. LANDMARK JUDICIAL PRONOUNCEMENTS ON THE UNIFORM CIVIL CODE

A. Mohd. Ahmad Khan v. Shah Bano Begum (1985)

No examination of the UCC debate is complete without Shah Bano. In this landmark case, a five-judge Constitution Bench of the Supreme Court held, per Chief Justice Y.V. Chandrachud, that a divorced Muslim woman was entitled to maintenance under Section 125 of the Code of Criminal Procedure, 1973, beyond the iddat period. The Court held that Section 125 was a secular provision applicable to all citizens regardless of religion.

More significantly for the UCC debate, Chief Justice Chandrachud observed with evident concern that it was a 'matter of regret that Article 44 of our Constitution has remained a dead letter' and called upon the Parliament to enact a uniform civil code. He stated: 'A common civil code will help the cause of national integration by removing disparate loyalties to laws which have conflicting ideologies.'

The Shah Bano judgment triggered a significant political backlash. The Parliament, under then-Prime Minister Rajiv Gandhi, enacted the Muslim Women (Protection of Rights on Divorce) Act, 1986, which effectively reversed the judgment's impact by limiting a divorced Muslim woman's right to maintenance to the iddat period. The episode illustrated starkly how political considerations can constrain judicial direction on the UCC.

B. Sarla Mudgal v. Union of India (1995)

In Sarla Mudgal, a two-judge bench of the Supreme Court addressed the abuse of religious conversion to circumvent the monogamy provisions of the Hindu Marriage Act. The Court held that a Hindu husband who converts to Islam and solemnises a second marriage, without dissolving the first marriage under the Hindu Marriage Act, commits the offence of bigamy under Section 494 of the Indian Penal Code.

Justice Kuldeep Singh, in a celebrated and frequently cited observation, reiterated the call for a UCC: 'When more than 80 per cent of the citizens have already been brought under the codified personal law, there is no justification whatsoever to keep in abeyance... the introduction of the Uniform Civil Code for all citizens in the territory of India.'

C. John Vallamattom v. Union of India (2003)

In John Vallamattom, the Supreme Court struck down Section 118 of the Indian Succession Act, 1925, which imposed restrictions on the testamentary powers of Christians to bequeath property for religious or charitable purposes. The Court held that the provision was discriminatory and violated Article 14. Chief Justice V.N. Khare, in a concurring opinion, reiterated the imperative of the UCC.

D. Shayara Bano v. Union of India (2017) — The Triple Talaq Judgment

The Shayara Bano judgment represents the Supreme Court's most direct engagement with personal law reform in decades. The Court struck down the practice of talaq-e-biddat, which allowed a Muslim husband to irrevocably dissolve a marriage by pronouncing talaq three times in quick succession, as manifestly arbitrary and violative of Article 14. The judgment led to the enactment of the Muslim Women (Protection of Rights on Marriage) Act, 2019, which criminalised instantaneous triple talaq.

The constitutional significance of Shayara Bano lies in its articulation that gender equality cannot be subordinated to personal law practices even when those practices claim religious sanction. The judgment, without directly addressing the UCC, substantially reinforced the constitutional foundation upon which a UCC could be built.

V. THE UTTARAKHAND UNIFORM CIVIL CODE ACT, 2024: A PATHBREAKING DEVELOPMENT

A. Background and Legislative Genesis

On February 7, 2024, the Uttarakhand Legislative Assembly passed the Uttarakhand Uniform Civil Code, 2024, making Uttarakhand the first state in independent India to enact a comprehensive uniform civil code. The Act was subsequently notified in the official gazette and brought into force. Its passage marked a watershed moment in the implementation of the constitutional vision of Article 44.

The Act follows the recommendations of a five-member expert committee chaired by retired Supreme Court Justice Ritu Raj Awasthi, which submitted its report in February 2024 after extensive public consultations. The committee examined laws relating to marriage, divorce, succession, adoption, and guardianship across all communities.

B. Key Provisions and Their Impact

1. Marriage

The Act establishes a mandatory registration regime for all marriages solemnised in the State, irrespective of religion. It prohibits child marriage and polygamy for all communities, including Muslims. These provisions directly impact Muslim personal law in Uttarakhand, which previously permitted limited polygamy under the Muslim Personal Law (Shariat) Application Act, 1937. The Act provides for a uniform minimum age of marriage of 18 years for women and 21 years for men, consistent with the Prohibition of Child Marriage Act, 2006.

2. Divorce and Maintenance

The Act provides a uniform set of grounds for dissolution of marriage applicable to all communities, drawing largely from the Hindu Marriage Act, 1955. These include cruelty, desertion, conversion, unsound mind, virulent and incurable leprosy, communicable venereal disease, and mutual consent. The Act provides for a right to maintenance for divorced spouses, irrespective of gender or community, thereby addressing the lacuna exposed in Shah Bano.

3. Succession

In matters of succession, the Act introduces gender-neutral intestate succession rules, providing equal shares to sons and daughters in ancestral property. This is a significant departure from certain practices under Muslim personal law, which provides daughters one-half the share of sons, and from some tribal and customary practices. Scheduled Tribes are expressly excluded from the Act's purview, a carve-out that has been both praised and criticised.

4. Live-in Relationships

Perhaps the most controversial provision of the Uttarakhand UCC Act is the mandatory registration of live-in relationships. Couples in such relationships are required to register with the district registrar within one month of entering into such a relationship. While proponents argue this provides legal protection to partners and children, critics contend it constitutes an intrusion into privacy contrary to the Supreme Court's ruling in Justice K.S. Puttaswamy (Retd.) v. Union of India (2017), which recognised privacy as a fundamental right.

C. Constitutional Validity and Challenges

The Act has been challenged before the Uttarakhand High Court on multiple grounds,

including: (i) its alleged conflict with Muslim Personal Law and violation of Articles 25 and 26; (ii) the mandatory registration of live-in relationships as an invasion of the right to privacy; and (iii) the alleged exclusion of Scheduled Tribes as discriminatory. The constitutional fate of the Uttarakhand Act will have profound implications for any future national UCC legislation. On the question of state legislative competence, Entry 5, List III of the Seventh Schedule empowers both Parliament and State Legislatures to legislate on 'marriage and divorce; infants and minors; adoption; wills, intestacy and succession; joint family and partition.' Uttarakhand's enactment is thus within the scope of state legislative power, though Parliament's legislation in the field would prevail by virtue of Article 254.

VI. PRINCIPAL LEGAL CHALLENGES AND DEBATES IN UCC IMPLEMENTATION

A. Definitional Challenges: What is 'Uniform'?

The very notion of 'uniformity' in the context of a diverse civilisation like India requires careful definitional work. Does uniformity require identical substantive rules for all communities, or does it require equal procedural rights and minimum substantive guarantees while permitting communal variation? Scholars such as Prof. Tahir Mahmood have distinguished between 'uniformity of outcome' and 'uniformity of framework,' arguing that the latter is both achievable and constitutionally sufficient.

A perusal of existing codified personal law statutes reveals that even after statutory codification, Hindu personal law continues to accommodate certain customary practices (see Section 29(2) of the Hindu Marriage Act, 1955, which saves customary divorce practices in certain regions). A UCC that applies common procedural standards, minimum rights guarantees, and anti-discrimination norms — while preserving the freedom to perform religious ceremonies — would satisfy the constitutional aspiration of Article 44 without necessarily mandating cultural homogenisation.

B. The Minority Rights Concern

The most persistent objection to the UCC from minority communities, particularly the Muslim community, is that it constitutes a majoritarian imposition that threatens religious identity. This concern has been amplified by the perception that the UCC debate is politically motivated rather than driven by genuine commitment to gender justice across all communities.

It bears emphasis in this context that Hindu personal law has itself been substantially reformed

through legislation — the Hindu Code Bills of 1955-56 represented a significant legislative intervention in Hindu religious practice that was vigorously opposed but ultimately enacted. The application of similar standards of legislative reform to other communities is constitutionally consistent and socially imperative.

However, the framing of the UCC debate almost exclusively in terms of Muslim personal law — rather than addressing the discriminatory aspects of all communities' personal laws, including tribal customary laws and the absence of a uniform Christian adoption law — undermines its credibility as a neutral instrument of gender justice rather than a community-specific intervention.

C. The Federal Dimension

The Uttarakhand model raises significant questions about the federal structure of personal law reform. If states enact divergent UCC legislation, Indian citizens could be subject to different civil law regimes depending on their domicile, creating legal anomalies in matters such as recognition of marriages, inheritance rights, and custody arrangements in interstate situations. A harmonised national framework is therefore constitutionally preferable to a patchwork of state enactments, though the state-level exercise has value in demonstrating practical feasibility.

D. The Scheduled Tribes Exclusion

The Uttarakhand UCC Act expressly excludes Scheduled Tribes from its purview. At the national level, the question of applying a UCC to tribal communities governed by indigenous customary laws — protected to varying degrees under Articles 13(3)(a), 244, and the Fifth and Sixth Schedules of the Constitution — raises profound questions of legal pluralism, indigenous rights, and the relationship between formal state law and customary law systems.

International law instruments, including the United Nations Declaration on the Rights of Indigenous Peoples (2007) — adopted by India — recognise the right of indigenous peoples to maintain their customary law systems. A constitutionally sustainable UCC must engage with these obligations and carve out appropriate protections for tribal customary law rather than treating it as an afterthought.

VII. TOWARDS A CONSTITUTIONALLY SUSTAINABLE UCC: A MODEL FRAMEWORK

The foregoing analysis suggests that the implementation of a constitutionally valid and socially just UCC requires adherence to the following principles:

- I. **Anti-Discrimination as the Core Principle:** The UCC must be grounded in gender equality and non-discrimination as its foundational values. Every provision must be tested against Articles 14, 15, and 21. Practices that perpetuate discrimination on grounds of sex, religion, or birth must be prohibited.
- II. **Minimum Standards, Not Maximal Homogenisation:** The UCC should establish minimum civil rights standards — equal inheritance rights, equal grounds for divorce, prohibition of polygamy, protection against forced marriage — while permitting religious communities to retain their ceremonial and spiritual practices. The law should regulate civil consequences, not religious rites.
- III. **Consensual Process:** Implementation should be preceded by extensive consultation with community leaders, women's organisations, tribal communities, and legal experts. The Law Commission of India's 21st Report (2018), which opposed a UCC at that stage, recommended wider consultations. The 22nd Law Commission, constituted in 2022, resumed consultations and received over three million representations — a process that must inform any legislation.
- IV. **Special Protections for Scheduled Tribes:** Tribal customary law systems should be subject to a parallel reform process that recognises indigenous legal traditions while eliminating discriminatory practices within them, rather than being subsumed under a general code.
- V. **Institutional Infrastructure:** The UCC must be accompanied by robust institutional infrastructure — trained family court judges, accessible legal aid, registration mechanisms that reach rural areas, and a monitoring framework. A reform that exists only on paper will not deliver justice.
- VI. **Constitutional Review Mechanism:** The legislation should include a provision for periodic review by a statutory commission to assess its implementation, address anomalies, and ensure continued alignment with evolving constitutional jurisprudence.

VIII. CONCLUSION

The Uniform Civil Code is not merely a legal reform proposal — it is a test of India's constitutional maturity and its capacity to reconcile unity with diversity. The framers of the Constitution, in their wisdom, placed it in the realm of aspiration rather than command,

recognising that law cannot run ahead of society. Seven decades on, Indian society has transformed dramatically, and the constitutional aspiration of Article 44 is riper for realisation than at any prior point.

The judicial chorus calling for a UCC — from Shah Bano to Sarla Mudgal to John Vallamattom — reflects a consistent institutional recognition that personal law pluralism, as it currently operates, perpetuates gender inequity, particularly against women from all communities. The Uttarakhand Uniform Civil Code Act, 2024, whatever its limitations, represents a significant advance in demonstrating that legislative reform is achievable.

The path to a national UCC, however, must be walked with both principle and prudence. Principle demands that gender equality and constitutional rights be non-negotiable. Prudence demands that the process of reform be inclusive, consultative, and sensitive to the legitimate concerns of all communities. A UCC imposed without consent will breed resentment; one built through dialogue can become a shared national achievement.

In the words of Dr. B.R. Ambedkar, whose constitutional vision remains the most enduring guide through this complex terrain: 'Constitutional morality is not a natural sentiment. It has to be cultivated.' The cultivation of a national consensus on a Uniform Civil Code is the pre-eminent legal challenge of contemporary India.

BIBLIOGRAPHY AND REFERENCES

A. Primary Sources — Constitutional and Legislative

Constitution of India, 1950, Articles 13, 14, 15, 21, 25, 26, 37, 44, 244, and Schedules V, VI, and VII.

Hindu Marriage Act, 1955 (Act No. 25 of 1955).

Hindu Succession Act, 1956 (Act No. 30 of 1956).

Hindu Adoptions and Maintenance Act, 1956 (Act No. 78 of 1956).

Muslim Personal Law (Shariat) Application Act, 1937 (Act No. 26 of 1937).

Muslim Women (Protection of Rights on Divorce) Act, 1986 (Act No. 25 of 1986).

Muslim Women (Protection of Rights on Marriage) Act, 2019 (Act No. 20 of 2019).

Special Marriage Act, 1954 (Act No. 43 of 1954).

Indian Divorce Act, 1869 (Act No. 4 of 1869).

Parsi Marriage and Divorce Act, 1936 (Act No. 3 of 1936).

Uttarakhand Uniform Civil Code, 2024 (Uttarakhand Act No. 2 of 2024).

Code of Criminal Procedure, 1973, Section 125.

B. Primary Sources — Case Law

Mohd. Ahmad Khan v. Shah Bano Begum, AIR 1985 SC 945.

Sarla Mudgal v. Union of India, AIR 1995 SC 1531.

John Vallamattom v. Union of India, (2003) 6 SCC 611.

Shayara Bano v. Union of India, (2017) 9 SCC 1.

Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

State of Bombay v. Narasu Appa Mali, AIR 1952 Bom 84.

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

Minerva Mills Ltd. v. Union of India, (1980) 3 SCC 625.

State of Kerala v. N.M. Thomas, AIR 1976 SC 490.

Constituent Assembly Debates (Proceedings of the Constituent Assembly of India), Volume VII (November 23, 1948), Lok Sabha Secretariat, New Delhi.

C. Secondary Sources — Books

Agnes, F., Law and Gender Inequality: The Politics of Women's Rights in India (Oxford University Press, 1999).

Derrett, J.D.M., Religion, Law and the State in India (Faber and Faber, 1968).

Galanter, M., Law and Society in Modern India (Oxford University Press, 1989).

Mahmood, T., Muslim Personal Law: Role of the State in the Subcontinent (Vikas Publishing, 1977).

Menski, W., Hindu Law: Beyond Tradition and Modernity (Oxford University Press, 2003).

Seervai, H.M., Constitutional Law of India (4th ed., N.M. Tripathi, 1993).

Ambedkar, B.R., Writings and Speeches, Vol. 14 (Government of Maharashtra, 1994).

Basu, D.D., Commentary on the Constitution of India (9th ed., LexisNexis, 2015).

D. Secondary Sources — Articles and Reports

Cosman, B. and Kapur, R., 'Secularism's Last Sigh?: The Hindu Right, the Courts, and India's Struggle for Democracy' (1997) 38 Harvard International Law Journal 113.

Parashar, A., 'The Ethnicity of Indian Personal Laws' (1988) 1 Journal of the Indian Law

Institute 14.

Law Commission of India, 'Reforms of Family Law' (Consultation Paper, August 2018).

Law Commission of India, 185th Report on 'Review of the Indian Divorce Act, 1869' (2003).

United Nations Declaration on the Rights of Indigenous Peoples, G.A. Res. 61/295, U.N. Doc. A/RES/61/295 (September 13, 2007).

