



INDIAN JOURNAL OF  
LEGAL REVIEW

VOLUME 4 AND ISSUE 1 OF 2024

INSTITUTE OF LEGAL EDUCATION



## INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Free and Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 4 and Issue 1 of 2024 (Access Full Issue on – <https://ijlr.iledu.in/volume-4-and-issue-1-of-2024/>)

### Publisher

Prasanna S,

Chairman of Institute of Legal Education (Established by I.L.E. Educational Trust)

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## TOWARDS A UNIFIED LEGAL FRAMEWORK: THE JOURNEY OF IMPLEMENTING THE UNIFORM CIVIL CODE IN INDIA

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**BEST CITATION** – DR SANCHITA RAY, TOWARDS A UNIFIED LEGAL FRAMEWORK: THE JOURNEY OF IMPLEMENTING THE UNIFORM CIVIL CODE IN INDIA, INDIAN JOURNAL OF LEGAL REVIEW (IJLR), 4 (1) OF 2024, PG. 1571-1581, APIS – 3920 – 0001 & ISSN – 2583-2344.

### ABSTRACT

A Uniform Civil Code refers to a standardized set of laws applicable to all citizens of the nation, irrespective of their religious affiliations, regarding personal matters like marriage, divorce, adoption, inheritance, and succession.

Presently, diverse religious communities in India adhere to distinct personal laws, developed over time through various legislative acts. Examples include the Hindu Marriage Act, Hindu Succession Act, Indian Christian Marriages Act, Indian Divorce Act, and Parsi Marriage and Divorce Act. Notably, Muslim personal laws lack codification and are rooted in religious texts, though certain aspects are explicitly acknowledged through acts like the Shariat Application Act and Dissolution of Muslim Marriages Act.

Article 44 of the Indian Constitution, a Directive Principle of State Policy, articulates that "The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India." While Directive Principles are not enforceable by courts, Article 37 emphasizes their fundamental role in governance, and it is the State's duty to apply these principles in legislating.

A series of landmark court rulings, including the notable *Minerva Mills* case of 1980, have affirmed that maintaining a balance between the Fundamental Rights and the Directive Principles of State Policy is a core aspect of the Constitution's basic structure. The verdict in this case emphasized, "The foundation of the Indian Constitution is the equilibrium between Fundamental Rights and Directive Principles," underscoring this balance as pivotal. Similarly, the Supreme Court in the *Dalmia Cement Case* of 1996 declared that the Constitution's preamble, its Fundamental Rights, and Directive Principles—this triad—form the Constitution's moral core. Numerous rulings have reinforced the notion that Directive Principles are crucial in the nation's governance, compelling the State to endeavor towards achieving the goals outlined in these principles.

The preamble of the legislation proposed by Uttarakhand concerning the Uniform Civil Code references Article 44, indicating that the law is being drafted in adherence to this constitutional mandate to ensure that all citizens residing in the state are governed by a unified legal framework.

### HISTORY OF UCC

The genesis of the concept for a Unified Code can be traced back to the colonial period in India when, in 1835, the British government emphasized the necessity for uniform codification of laws governing crimes, evidence, and contracts in its report. It was specifically recommended that the personal laws of Hindus

and Muslims remain exempt from this codification process.

Towards the latter part of British rule, an increase in legislation addressing personal matters prompted the formation of the B N Rau Committee in 1941, tasked with codifying Hindu law. The committee's objective was to explore the need for unified Hindu laws and, guided by

religious scriptures, it advocated for a codified Hindu law that would ensure equal rights for women. The committee reviewed the Act of 1937, suggesting a civil code for marriage and succession.

The Rau Committee's draft report was reviewed by a select committee led by B R Ambedkar and was discussed in 1951, following the Constitution's adoption. After the initial Hindu Code Bill lapsed, it was resubmitted in 1952, and ultimately enacted in 1956 as the Hindu Succession Act. This Act, aimed at amending and codifying laws related to intestate succession among Hindus, Buddhists, Jains, and Sikhs, significantly reformed Hindu personal law by enhancing women's property rights and ownership, including rights in their father's estate.

The Hindu Succession Act of 1956 established that in the case of intestate succession, Class I heirs would have precedence over those in other classes. A significant amendment in 2005 further expanded this list, elevating daughters to the status of Class I heirs, thereby entitling them to an equal share as sons.

While India's criminal laws are uniformly applicable to all citizens regardless of their religious beliefs, civil laws are often influenced by religious faith. Personal laws, which govern civil matters, are rooted in and implemented according to the constitutional norms, but are influenced by religious texts and customs. These laws, specific to groups based on religion, caste, or belief, draw authority from ancient religious scriptures.

For Hindus, personal laws cover legal issues such as inheritance, succession, marriage, adoption, the obligations of sons concerning their father's debts, family property partition, maintenance, guardianship, and charitable giving, based on their religious texts. Similarly, in Islam, personal laws govern matters related to inheritance, wills, succession, marriage, wakfs (religious endowments), dowry, guardianship, divorce, gifts, and pre-emption, all rooted in the Holy Quran.

## UNIFORM CIVIL CODE IN UTTARAKHAND

The proposed Uniform Civil Code (UCC) in Uttarakhand outlines a consistent legal framework for marriage and divorce, aligning the age for marriage with existing laws such as the Hindu Marriage Act, Special Marriage Act, Indian Christian Marriage Act, and Parsi Marriage and Divorce Act. According to the UCC, both girls and boys can marry at the ages of 18 and 21, respectively. In contrast, Muslim personal laws allow girls to marry upon reaching puberty, around 15 years of age, but the UCC prohibits this and introduces penalties under Section 32 for those involved in marriages where either or both partners are below the legal age, with potential imprisonment up to six months and fines.

The bill addresses the issue of prohibited relationships, listing 37 such relationships, either by blood or otherwise, and deems marriages within these relationships as punishable offenses.

Polygamy is declared void under the UCC, regardless of religion, putting an end to the practice. While personal laws for Hindus, Sikhs, Jains, Buddhists, Christians, and Parsis already outlaw polygamy, the Shariat Act of 1937 still permits Muslim men to have up to four wives.

The UCC mandates the registration of marriages in Uttarakhand if one of the parties has been a resident of the state, defining "resident" as someone who has lived in the state for at least a year, is a permanent employee, or a beneficiary of a government scheme. Couples are required to submit a memorandum within 60 days of marriage for registration, with the sub-registrar issuing a certificate or stating reasons for rejection within 15 days. Failure to respond is considered deemed registration, while rejection can be appealed before the registrar general.

The bill also covers divorce procedures, with a court order being the sole method for marriage dissolution, thereby invalidating various forms of "talaq" permitted under Muslim personal law.

The UCC imposes penalties, including imprisonment up to three years, for dissolving a marriage without a court order. Both men and women are entitled to alimony under the UCC, mirroring the gender-neutral provision in the Hindu Marriage Act. Legal matters related to marriage, divorce, and alimony are to be directly challenged in the state high court.

In terms of succession and inheritance, the UCC aligns with Hindu laws but notably includes "father" as a class I heir in cases of intestate succession, a departure from Hindu laws where only mothers are entitled to an equal share in property alongside sons, daughters, and widows.

The proposed legislation characterizes a "live-in relationship" as a domestic arrangement where a man and woman coexist in a union akin to marriage. The law mandates that individuals in such arrangements, irrespective of their permanent residence, must report their relationship status to the designated registrar if they are living in Uttarakhand. Additionally, Uttarakhand residents living in a live-in relationship outside the state are required to notify the registrar in their usual place of residence.

To verify the legitimacy of the live-in relationship, the registrar is tasked with conducting a preliminary investigation to confirm that both parties are of legal age, single, and not related within forbidden degrees. The process may involve summoning the couple or others to gather necessary information before approving the relationship's registration.

Furthermore, the dissolution of a live-in relationship is formalized through a submission to the registrar by one or both parties. The law specifies that the purpose of registering live-in relationships is solely for record-keeping. However, it obligates the registrar to notify the local police and inform the parents of partners under 21 years old about the relationship and its subsequent termination.

The statute requires couples to register their live-in relationship within a month. Non-compliance or providing misleading information could result in imprisonment up to three months and a fine of Rs 10,000. Ignoring a registrar's notice to declare the relationship could extend the imprisonment by an additional three months. Registrars have the authority to issue notices independently or upon receiving complaints about non-disclosure from third parties.

Children born from live-in relationships are recognized as legitimate offspring under this bill, granting them rights such as maintenance and inheritance. In cases involving support for a deserted woman partner, jurisdiction lies with the court of the couple's last shared residence.

While no other state in India has formally recognized live-in relationships, several Supreme Court rulings have acknowledged them, affirming rights related to maintenance, inheritance, and the legitimacy of children born from these unions. The Supreme Court, in its judgments, has clarified that adults cohabiting outside marriage are not committing a crime, highlighting the legal acceptance of live-in relationships as part of the right to life and personal liberty under Article 21 of the Constitution.

The Supreme Court has historically addressed the issue of a Uniform Civil Code (UCC) in several rulings. While advocating for uniformity in alignment with Article 44, the court has refrained from issuing orders, emphasizing that law-making is the prerogative of Parliament. Various judgments, including the Shah Bano Case in 1985 and the Sarla Mudgal case in 1995, highlighted the need for a UCC, but the court has not mandated its implementation. The Law Commission of India, in 2018, stated that a UCC was "neither necessary nor desirable at this stage," emphasizing the need to amend and codify existing family laws across religions. The Commission revisited the issue in June 2023, seeking public and religious organizations' views on the feasibility of a UCC.

The implementation of the UCC has been part of the BJP's election manifestos, citing the example of Goa, which already has a common law called the Goa Civil Code. Prime Minister Narendra Modi has expressed support for the UCC, emphasizing its implementation without imposing the Hindu code on all citizens. Critics argue that the UCC may lead to the tyranny of the majority and marginalize minorities, while supporters contend that it would create a more coherent legal framework. The UCC provisions in Uttarakhand may serve as a test case, examining the sanctity and constitutionality of the objective behind the UCC. The implementation may raise questions related to the freedom to practice religious beliefs, the right to privacy, and autonomy in personal matters.

#### CHALLENGES

1) **Article 29 of the Indian Constitution 1949**,---  
-The implementation of a Uniform Civil Code (UCC) could potentially pose challenges and conflicts with Article 29 of the Indian Constitution. Article 29 is primarily aimed at safeguarding the cultural rights of minority groups in India. It ensures that these groups have the freedom to preserve and propagate their distinct cultural identities. However, a UCC would entail the imposition of a common set of laws governing personal matters such as marriage, divorce, inheritance, and adoption, regardless of religious affiliations. This uniformity might clash with the diverse cultural practices and traditions of various minority groups protected under Article 29.

For instance, certain religious communities in India have their own unique customs and laws governing marriage, inheritance, and family matters. The imposition of a UCC could potentially infringe upon these cultural practices and traditions, leading to resistance and discontent among minority communities.

Moreover, there may be concerns about the dominance of one particular cultural or religious framework over others in the formulation of a uniform code. This could undermine the

principles of cultural pluralism and diversity enshrined in Article 29.

Therefore, the implementation of a UCC would necessitate careful consideration and consultation with representatives from diverse communities to ensure that it does not violate the cultural rights guaranteed under Article 29. Any attempt to enforce a uniform code must be accompanied by measures to respect and accommodate the cultural diversity of India's minority groups.

#### 2) **Articles 371A (13th Amendment Act, 1962),**

**Nagaland:** Article 371A of the Indian Constitution, introduced through the 13th Amendment Act of 1962 following the 16-point agreement between the Centre and the Naga People's Convention in 1960, grants special status to the state of Nagaland. This special provision was instrumental in the creation of Nagaland in 1963. Under Article 371A, the Parliament is restricted from legislating on matters pertaining to Naga religion or social practices, Naga customary law and procedure, the administration of civil and criminal justice involving decisions according to Naga customary law, and the ownership and transfer of land without the concurrence of the state Assembly.

The introduction of a Uniform Civil Code (UCC) proposes a common set of laws governing personal matters such as marriage, divorce, inheritance, and adoption for all citizens, irrespective of their religious and cultural backgrounds. Implementing a UCC across India, including Nagaland, poses potential challenges to the special protections afforded by Article 371A, specifically:

- I. **Cultural and Legal Autonomy:** Article 371A ensures that Naga people can maintain their unique cultural identity and administer their own customary laws and social practices. A UCC could be perceived as an infringement on this autonomy, as it would necessitate a uniform set of laws that may not align with Naga customs and traditions.

II. Customary Laws: Naga society operates on a rich tapestry of customary laws that govern various aspects of life, including marriage, inheritance, and land ownership. These customs are deeply ingrained in Naga culture and identity. A UCC, by its very nature, would aim to standardize legal procedures and laws, potentially clashing with and overriding these customary laws.

III. Legislative Restrictions: The special provision under Article 371A restricts the Parliament's ability to legislate on specific matters related to Nagaland without the state Assembly's concurrence. The implementation of a UCC could lead to constitutional and legislative challenges, given that it would require altering or bypassing the protections granted by Article 371A.

IV. Socio-Political Implications: The imposition of a UCC in Nagaland could lead to socio-political tensions. The special status accorded to Nagaland was a result of lengthy negotiations aimed at acknowledging and preserving the unique cultural identity of the Naga people. Any move perceived as undermining this status could reignite tensions and lead to resistance from local communities and political factions.

To address these challenges, any discussion on implementing a UCC would need to consider the unique socio-cultural and legal landscapes of states like Nagaland. It would require careful negotiation, widespread consultation with local communities, and potentially, tailored provisions to ensure that the cultural rights and autonomy granted by Article 371A are respected and preserved.

### 3) Articles 371G (53rd Amendment Act, 1986)

Article 371G of the Indian Constitution, introduced through the 53rd Amendment Act of 1986, grants special provisions to the state of Mizoram. This provision aims to protect the unique cultural and legal identity of the Mizos, the predominant ethnic group in Mizoram. Article 371G restricts the Parliament's authority to legislate on various matters concerning

Mizoram without the consent of the state Assembly.

The implementation of a Uniform Civil Code (UCC) poses potential challenges and conflicts with the protections provided under Article 371G, particularly in the following ways:

I. Cultural Autonomy: Article 371G safeguards the religious and social practices, as well as the customary laws and procedures of the Mizos. These customs and traditions are deeply intertwined with the cultural identity of the Mizo community. Introducing a UCC would likely impose a uniform set of laws that may not align with Mizo customs, potentially undermining their cultural autonomy.

II. Legal Autonomy: The administration of civil and criminal justice involving decisions according to Mizo customary law is protected under Article 371G. A UCC would standardize legal procedures across the country, potentially disregarding or superseding the unique legal practices followed by the Mizos. This could lead to conflicts between national laws and Mizo customary laws.

III. Land Rights: Article 371G prohibits Parliament from making laws regarding the ownership and transfer of land in Mizoram without the consent of the state Assembly. Land is often a sensitive issue tied to the identity and livelihood of indigenous communities like the Mizos. A UCC might infringe upon these land rights by imposing uniform regulations that do not account for the specific land tenure systems and practices in Mizoram.

IV. Legislative Authority: Any attempt to implement a UCC in Mizoram would require navigating the constitutional restrictions outlined in Article 371G. Parliament would need to seek the consent of the Mizoram Assembly before enacting laws that could potentially impact religious, social, customary, and land-related matters in the state.

To address these challenges, any discussion on implementing a UCC in Mizoram would necessitate careful consideration of the state's unique cultural and legal landscape. It would require active engagement with Mizo

communities and their representatives to ensure that their cultural and legal rights, as protected under Article 371G, are respected and preserved. Any proposed UCC provisions would likely need to accommodate the specific needs and preferences of Mizoram while balancing the broader objectives of uniformity and equality under the law.

#### 4) Gender Equality:

The Uniform Civil Code (UCC) and its relationship to gender equality, particularly in the context of Article 3 of the International Covenant on Civil and Political Rights (ICCPR) 1966, involves nuanced considerations. Article 3 of the ICCPR aims to ensure the equal rights of men and women to the enjoyment of all civil and political rights set forth in the Covenant. It emphasizes equality in various aspects of life, including but not limited to, matters of marriage, divorce, inheritance, and rights of children irrespective of their birth circumstances.

The proposal for a UCC in India aims to unify personal laws of all religions concerning marriage, divorce, inheritance, and adoption into a single, secular law applicable to all citizens, irrespective of their religion. While the intent behind a UCC can be seen as striving towards ensuring equality among all citizens, there are concerns about its implementation and the challenges it could pose in relation to the principles under Article 3 of the ICCPR:

- I. Interpretation and Application: The challenge lies in ensuring that the UCC is framed and implemented in a manner that truly promotes gender equality. The risk is that if not carefully crafted, the UCC might reflect the patriarchal biases embedded in society, thereby failing to guarantee equal rights to men and women as envisioned by Article 3 of the ICCPR.
- II. Cultural and Religious Practices: Various communities follow religious and cultural practices that have their own interpretations of gender roles and rights. The implementation of a UCC might lead to conflicts with these

practices, especially if they are perceived to infringe upon religious freedom or traditional gender roles, thus creating tension between the objectives of gender equality under international covenants and the preservation of cultural identity.

- III. Rights of Children: Article 3 of the ICCPR underscores the importance of ensuring equality for children, irrespective of their birth circumstances. A UCC would need to carefully address the rights of adopted children, those born out of wedlock, or conceived through surrogate births, ensuring they are not discriminated against. This aspect requires sensitive handling to reconcile diverse cultural attitudes towards these issues with the principle of equality.

- IV. Legal Reform and Social Acceptance: Legal reforms like the UCC aiming to promote gender equality must also be accompanied by measures to ensure social acceptance. Laws alone cannot change societal attitudes overnight. There's a need for education and awareness campaigns to shift societal norms and ensure that the principles of gender equality are not just enshrined in law but are also embraced in practice.

In essence, while the UCC has the potential to streamline legal processes and promote equality, its success in upholding the principles of gender equality as per Article 3 of the ICCPR depends on its formulation and implementation. It requires a delicate balance between unifying legal principles and respecting cultural diversity, ensuring that the laws are progressive and inclusive, truly reflecting the spirit of equality between men and women.

#### 5) Existing laws and Its Implementation:

The introduction of a Uniform Civil Code (UCC) in India aims to consolidate and harmonize diverse personal laws currently governing matters of marriage, divorce, inheritance, and guardianship among different religious communities into a single, secular set of laws applicable to all citizens irrespective of their religion. This endeavor, while aimed at



promoting national unity and ensuring equality before the law, presents several challenges and potential conflicts with existing laws that have been enacted to address specific issues within different communities, such as the Hindu Marriage Act 1956, Hindu Minority and Guardianship Act 1956, Dowry Prohibition Act 1961, The Prohibition of Child Marriage Act 2006, and the Muslim Women (Protection of Rights on Divorce) Act 1986. Here's how the UCC could pose challenges to these laws and their implementation:

- I. **Diverse Legal Frameworks:** The existing laws like the Hindu Marriage Act and the Muslim Women (Protection of Rights on Divorce) Act were enacted considering the specific customs, traditions, and needs of different communities. These laws reflect a balance between traditional practices and the need for reform. Implementing a UCC could disrupt this balance by imposing a uniform set of laws that might not cater to the nuances and sensitivities of all communities.
- II. **Progressive Steps Toward Gender Equality:** Laws such as the Dowry Prohibition Act and the Muslim Women (Protection of Rights on Divorce) Act represent significant steps towards addressing gender-based disparities and injustices within specific cultural and religious contexts. A UCC must ensure that it not only retains these progressive provisions but also builds upon them to enhance gender equality further. There's a risk that a uniform code might overlook specific gender issues prevalent within certain communities.
- III. **Cultural and Religious Identities:** Personal laws are deeply intertwined with the cultural and religious identities of communities. While the UCC seeks to establish a common legal framework for all, it faces the challenge of respecting and preserving the diverse cultural heritage of India's pluralistic society. Ensuring that the UCC is sensitive to this diversity and does not inadvertently erode cultural practices that are not in conflict with fundamental rights is a significant challenge.

IV. **Legal and Social Acceptance:** The existing personal laws have evolved over time and are accepted by the respective communities they govern. Implementing a UCC would require widespread social and legal consensus, which is challenging given the diverse viewpoints and resistance from various quarters who view personal laws as part of their religious and cultural identity.

V. **Transition and Implementation:** Transitioning from a system of diverse personal laws to a UCC would be a complex process requiring careful planning and implementation. This includes addressing the legal ramifications for ongoing cases, ensuring that the rights and protections under the existing laws are not diluted, and managing the social impact of such a transition.

In conclusion, while the UCC aims to unify personal laws to ensure equality and justice for all citizens, its implementation must be approached with sensitivity and inclusiveness, ensuring that it respects India's diverse cultural fabric and builds upon the progressive strides made towards gender equality through existing legislation.

### 1) **Challenges Posed by the UCC to Section 125 and Shah Bano Judgment**

**Reconciliation with Personal Laws:** One of the principal challenges with the UCC is reconciling the uniform code with the diverse personal laws that currently exist. The Shah Bano judgment brought to light the tension between personal laws and secular laws like Section 125. A UCC would need to carefully integrate these personal laws, ensuring that the rights secured under judgments like Shah Bano are not diluted but rather are strengthened or at least maintained.

**Uniformity vs. Diversity:** The UCC seeks to create a uniform set of laws for all citizens, potentially challenging the specific protections or provisions afforded by rulings like Shah Bano under existing personal law frameworks. The challenge lies in crafting a UCC that respects the diversity of India's cultural and religious backgrounds while ensuring uniformity in the

protection and rights of individuals, especially divorced women.

- I. Legal Precedents and Interpretations: The Shah Bano case set a significant legal precedent for maintenance rights under Section 125. Implementing a UCC would necessitate a careful examination of such precedents to ensure that the new code does not conflict with or negate the protections established by the judiciary. This could involve a complex process of legal review and revisions to align with the objectives of the UCC.
- II. Public and Community Reactions: The reaction to the Shah Bano case highlighted the sensitive intersection of religion, law, and social practices. Implementing a UCC could similarly evoke strong reactions from various communities, especially if it is perceived to challenge or change religiously based personal laws. Balancing the legal objectives of the UCC with societal and community sentiments will be a significant challenge.
- III. Ensuring Protection and Rights: Ultimately, the UCC would need to ensure that it provides for the protection and rights of all individuals, particularly those who are vulnerable, such as divorced women. This includes maintaining or enhancing the rights currently available under Section 125 of the Criminal Procedure Code, as affirmed by the Shah Bano judgment.

In conclusion, while the UCC proposes to unify and simplify the legal framework governing personal matters in India, its implementation must be approached with careful consideration of existing legal precedents like Shah Bano, ensuring that the rights and protections afforded to individuals, especially women in vulnerable positions, are not compromised.

## 2) Section 377 of Indian Penal Code

The Navtej Singh Johar v. Union of India case marked a historic moment for India, wherein the Supreme Court decriminalized certain aspects of Section 377 of the Indian Penal Code (IPC), which had criminalized consensual homosexual acts between adults. This landmark judgment was celebrated as a significant step towards

recognizing the rights and dignity of LGBTQ+ individuals in India, affirming the constitutional rights to privacy, dignity, equality, and non-discrimination for the LGBTQ+ community.

The introduction of a Uniform Civil Code (UCC) seeks to standardize personal laws across all religions and communities, primarily focusing on matters related to marriage, divorce, inheritance, and adoption. While the aim of the UCC is to ensure equality and uniformity in the legal system, its relationship with the recognition and rights of same-sex relationships, as established by the Navtej Singh Johar verdict, presents a nuanced challenge:

- I. Legal Recognition of Same-Sex Marriages: The Navtej Singh Johar judgment was a crucial step towards equality for LGBTQ+ individuals but did not address the legal recognition of same-sex marriages. The implementation of a UCC offers an opportunity to address this gap by potentially including provisions for the recognition of same-sex marriages. However, this is contingent on how inclusively the UCC is drafted and whether it acknowledges the rights of all individuals to marry, regardless of their gender or sexual orientation.
- II. Harmonizing with Existing Judgments: The UCC would need to be harmonized with the progressive principles laid down in the Navtej Singh Johar case, ensuring that the rights to privacy, dignity, and non-discrimination are upheld in all personal laws. This harmonization is crucial to prevent any rollback of the rights and freedoms recognized for LGBTQ+ individuals.
- III. Cultural and Religious Sensitivities: The drafting and implementation of a UCC in a diverse and pluralistic society like India must consider cultural and religious sensitivities. While the Navtej Singh Johar judgment was a legal recognition of LGBTQ+ rights, the UCC would have to navigate various societal, cultural, and religious perspectives on same-sex relationships, aiming to foster acceptance and equality without infringing on personal beliefs.

IV. Comprehensive Legal Protection: Beyond the decriminalization of certain homosexual acts, LGBTQ+ individuals face numerous other legal challenges, including discrimination in employment, housing, and public services. A UCC that aims to be truly transformative and inclusive would need to address these broader issues, ensuring comprehensive legal protection for LGBTQ+ individuals in all aspects of life.

V. Public and Political Will: The successful integration of LGBTQ+ rights within the framework of a UCC would require significant public and political will. This involves not only legal reforms but also societal acceptance and the promotion of inclusivity at all levels of governance and society.

In conclusion, while the UCC has the potential to challenge the advances made by the Navtej Singh Johar verdict by either omission or lack of explicit recognition and protection of LGBTQ+ rights, it also presents an opportunity to build on this judgment. A carefully drafted UCC that explicitly recognizes and protects the rights of LGBTQ+ individuals, including the right to marry, could solidify and extend the rights and freedoms that the Navtej Singh Johar case has come to symbolize.

### 3) Article 25 of the Indian Constitution

Article 25 of the Indian Constitution guarantees the freedom of religion to all citizens, ensuring the right to profess, practice, and propagate religion. This fundamental right encompasses various aspects of religious practices and beliefs, including rituals, customs, and traditions. The Indian Young Lawyers Association vs. State of Kerala case, often referred to as the Sabarimala temple entry case, revolved around the constitutional validity of the practice of barring women of menstruating age from entering the Sabarimala temple in Kerala, based on religious beliefs.

The Supreme Court, in its landmark judgment, upheld the constitutional principles of equality and non-discrimination, ruling that the exclusion of women from the Sabarimala temple violated their fundamental rights guaranteed under Article 25 and Article 14 (right

to equality) of the Indian Constitution. The court's decision affirmed the principle that religious practices cannot be discriminatory or violative of fundamental rights.

However, the introduction of a Uniform Civil Code (UCC), aimed at unifying personal laws across all religions and communities, could potentially pose challenges and conflicts with the principles established in the Sabarimala temple entry case:

I. Religious Autonomy: The UCC seeks to standardize laws governing personal matters such as marriage, divorce, and inheritance, across all religions and communities. This may conflict with the autonomy of religious institutions and practices, as upheld in the Sabarimala case. Some religious communities may perceive the imposition of a uniform code as encroaching upon their religious freedoms and practices, including those related to temple entry and rituals.

II. Cultural Sensitivities: The Sabarimala temple entry case highlighted the intersection of religious beliefs, cultural traditions, and gender equality. Implementing a UCC that standardizes laws across diverse cultural and religious practices would need to navigate sensitivities surrounding gender roles, religious practices, and societal norms. This requires careful consideration to ensure that the UCC respects cultural diversity while upholding the principles of equality and non-discrimination.

III. Legal Precedents: The judgment in the Sabarimala case established important legal precedents regarding the interpretation of fundamental rights, particularly Article 25. Any conflicts or inconsistencies between the principles laid down in this case and the provisions of a UCC would need to be addressed to maintain the integrity of the legal system and uphold constitutional principles.

IV. Social Acceptance: The Sabarimala judgment sparked widespread debate and discussion on issues of religion, gender equality, and constitutional rights. Implementing a UCC that addresses similar contentious issues would require societal acceptance and consensus-

building. Balancing the interests of various stakeholders, including religious institutions, women's rights advocates, and cultural groups, is essential for the successful implementation of a UCC without undermining the principles established in the Sabarimala case.

In conclusion, while the introduction of a Uniform Civil Code aims to streamline and modernize personal laws in India, its implementation must be approached with sensitivity to religious beliefs, cultural traditions, and constitutional principles, including those upheld in landmark judgments such as the Sabarimala temple entry case. Ensuring that the UCC respects religious autonomy, cultural diversity, and fundamental rights is essential for fostering social harmony and upholding the rule of law.

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