

A CRITICAL ANALYSIS ON THE EXISTING LAW – ISSUES & CHALLENGES IN RECONCILING PERSONAL LAWS WITH THE IDEAL OF UNIFORM CIVIL CODE IN INDIA

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ABSTRACT

The UCC stands for Uniform Civil Code, and has some of the most controversial and sensitive legal debate in India. India has a pluralistic constitutional system in which each religious community is regulated by its own laws concerning marriage, divorce, inheritance, adoption, and succession. This is a harmonious system to preserve the nation's culture and religious difference, but also it leads to divergences in the legal rights and equality of persons between people, notably for gender equality. This paper analyzes the relationship of India's current personal laws with the constitutional intent of a Uniform Civil Code. The Constitution provides for the State to endeavor towards a UCC in Article 44, by balancing against the rights of equality, human dignity and non-discrimination under Articles 14, 15 and 21 and the protection of religious freedom under Article 25. Balancing such principles has become a key concern in reforming personal laws. The research examines top laws in India for communities such as Hindu, Muslim, Christian and Parsi personal laws and secular laws like the and the Special Marriage Act, 1954 wherein religion laws are not the only law. Further analyses are performed on the Law Commission of India recommendations and examples such as the Goa Civil Code, and the recent Uttarakhand Uniform Civil Code Act, 2024 to illustrate how a uniform legal framework can operate. At the same time, there are a number of challenges, such that the implementation of a UCC is found to be challenging. For example, conflicts between equal opportunities versus religious liberty, differences in cultural norms, political sensibilities, gender disparities in some personal laws, little general understanding, and challenges in writing and enacting a codified law. While the research concludes that there could be some potential benefit from imposing a Uniform Civil Code to advance equality for women, gender justice and national unity, and therefore national unity based on uniform civil laws, they can only be effectively realized if their realization is gradual, inclusive and mindful of India's diverse human society. A holistic approach towards uniformity of the law would be a more responsible move not to seek uniformity right away since it must go hand in hand with constitutional values to provide a path that meets the ultimate ideal of having a Uniform Civil Code in my country.

INTRODUCTION:-

India is a country where cultural, religious and societal diversity goes far beyond borders and law is moulded to a large extent, and within Indian family law, diversity in law can be recognised where the laws in India relate to marriage, divorce, inheritance, adoption, succession etc. No single civil law exists in India; instead, various religious communities have their own personal laws. It preserves cultural and religious traditions but often gives rise to incongruity in citizens' rights and responsibilities. Article 44 of the Indian Constitution specifically states that the State shall strive to establish a Uniform Civil Code, and every citizen shall have rights protected, including the basic rights of equality in Articles 14 and 15 of the Constitution, dignity in Article 21 and religious freedom in Article 25. The UCC has generated furious anger, in both the legal and political arenas. Supporters say such a common civil code would advance equality and gender justice; opponents say it would be at odds with religious beliefs. Uniform civil frameworks can be found in statutes such as the Special Marriage Act, 1954 and examples of uniform civil frameworks including the Goa Civil Code and the Uttarakhand Uniform Civil Code Act, 2024. But India's socio-political sensitivities, along with its very close-knit religious community, have made even implementing a nationwide UCC still quite challenging. In line with this, the present paper explores existing personal law, the constitutional envisaging for UCC system and the challenges encountered in achieving a balanced and inclusive legal system for all citizens.

ANALYSIS OF THE EXISTING LAW:

(i) OVERVIEW OF THE CENTRAL LEGISLATION, CONSTITUTIONAL PROVISIONS, RULES AND REGULATIONS FOR THIS RESEARCH TOPIC:

The idea of a Uniform Civil Code in India cannot be understood without looking at the **existing legal structure** that regulates personal matters such as marriage, divorce, adoption, inheritance, and succession. India uses a *pluralistic legal system*, where different communities are governed by different personal laws. At the same time, the Constitution sets goals and boundaries that guide how far these laws can go.

The debate on India's Uniform Civil Code (UCC) is constituted, in part, of constitutional principles, central personal laws, and judicial judgment. Coupled they create the legal landscape on which the demand for harmonization rests.

Constitutional Provisions.

- Article 44: Instructs The State To Pursue a Ucc.
- Articles 14, 15, 21: Guarantee Equality, Dignity And Non-Discrimination—Most Commonly Violated Via Unequal Personal Laws.
- Article 25: Religious Freedom Is Protected But Non-Essential Practices May Be Reformed.
- Article 13 & 372: Old Personal Laws May Be Repealed Or Annulled If They Infringe On Fundamental Rights.
- And These Provisions Demonstrate That Reform Is Constitutional, That Uniformity Is a Longer Term Aspiration.

CENTRAL LAW REGULATING PERSONAL LAWS:

India has varied personal law systems by community:

- **Hindu Laws (1955-56):** Marriage, divorce, adoption, succession.

- **Muslim laws:** These are governed primarily by Shariat Act, 1937 & other acts.
- **Christian:** Marriage Act, Divorce Act, Succession Act.
- **Parsi Law:** Parsi Marriage & Divorce Act.
- **Special Marriage Act, 1954:** A secular option for inter-faith or civil marriages.
- **The Juvenile Justice Act 2015:** Enacts a secular option for all religions.

All of them have rules that vary the quality and level of injustice.

Judicial Contribution (Case Law).

Major judgments have forced courts to demand equality and reform:

- Shah Bano (1985).
- Sarla Mudgal (1995).
- John Vallamattom (2003).
- Triple Talaq Case (2017).

Such contradictions in personal laws are often brought to the attention of the judiciary, which prescribes uniform principles.

(i) Government and Commission Initiatives.

- Law Commission Reports: Recommend reform, not immediate UCC.
- Goa Civil Code: Only state having the civil code system uniform.
- State Level UCC Initiatives: e.g., Uttarakhand.

There is no one civil law for everyone in India. It has several religious guided personal laws but a set of constitutional values that require equality and gender justice. This existing legal structure reflects both potential and challenges in reconciling personal law with the vision of a UCC.

PRIMARY AND SECONDARY SOURCES OF LAW:

Reconciling Individual Laws with the Ambition of Uniform Civil Code (UCC) of

India To grasp the debate over personal laws in relation with the UCC, one must examine the legal sources underpinning India's civil law system.

Such legal texts are:

Statutes (Acts), Civil Law Provisions (laws), Administrative Procedures (laws), and Technical Works. The materials are comprised of primary and secondary sources.

(i) PRIMARY SOURCES OF LAW:

Primary sources are laws applicable to direct living, marriage, divorce, inheritance and adoption among other areas. They are the basic legal basis of the UCC debate. Constitution of India- Article 44 (Directive Principle), Articles 14, 15, 21 (equality & dignity), Article 25 (i.e. religious freedom) and Articles 13 & 372 (with power to reform personal laws).

➤ The Central Personal Law Statutes

Hindu Marriage Act, 1955, Hindu Succession Act, 1956, Muslim Personal Law (Shariat) Act, 1937, Dissolution of Muslim Marriages Act, 1939, Indian Christian Marriage Act, 1872, Indian Divorce Act, 1869, Parsi Marriage and Divorce Act, 1936, Indian Succession Act, 1925, Special Marriage Act, 1954 and Juvenile Justice Act, 2015 (secular adoption). Those show how different communities may have different legal laws.

Judicial Decisions (Case Law).

Key Supreme Court cases shaping the subject: Shah Bano (1985). Sarla Mudgal (1995). John Vallamattom (2003). Shayara Bano / Triple Talaq (2017). Case law is binding and serves to support the reform processes of personal laws.

State Laws Examples .

Goa Civil Code. Uttarakhand UCC (2024) model. These are clear examples for uniform laws in the Indian subcontinent.

(ii) SECONDARY SOURCES OF LAW:

Secondary sources assist to interpret, analyse and explain the primary sources of law materials. Not law themselves, but guides legal understanding and reformation. Law Commission Reports, 21st Law Commission (2018) - advocated personal law reform rather than immediate UCC. Previous reports on marriage, divorce, inheritance, gender justice. Debates in the Constituent Assembly- On Articles 44, religious freedom and personal law reform by the framers. Scholarly Books and Articles of the Year.

Works from constitutional scholars, feminist scholars, sociologists and legal theorists that explain personal laws and gender inequality under the law. pluralism and uniformity. comparative law insights. Government Committee Reports. Reports on women's rights, family law reform, minority rights, legal uniformity. Commentaries on Statutes. Authoritative legal commentaries that clarify the meaning, purpose and interpretation of Hindu code bills. Muslim personal law, secular family laws, Journals, Theses and Academic Research. These review trends, deficiencies, constitutional interpretations and other global constructs of the code of civil behaviour.

The primary sources are the actual laws or constitutional rules that govern personal matters, and secondary sources are explanations, interpretations, and research that inform how these laws operate and where reform is necessary. Collectively, they provide an entire legal framework in which to research how India could

reconcile different personal laws with the vision of a Uniform Civil Code.

ISSUES OF CHALLENGES IN RECONCILING PERSONAL LAWS WITH THE IDEAL OF UNIFORM CIVIL CODE IN INDIA:

The quest to reconcile the individual laws with the aspiration of a Uniform Civil Code (UCC) is perhaps the most challenging legal reform undertaking in the Indian context. It involves constitutional values, social diversity, political sensitivities, and religious pluralism.

CONSTITUTIONAL TENSION BETWEEN EQUALITY AND RELIGIOUS FREEDOM:

The Constitution protects equality (Articles 14-15), for all women and men equally, and also freedom of religion (Article 25). Many personal laws that are bad for gender equality and most egregious against women would be inheritance, maintenance, divorce and guardianship but they're justified as religious practices.

The reasons why reconciliation is hard :

- Courts prioritize equality,
- Communities put religious autonomy at the centre of their existence

Consequently, the implementing UCC is essentially a struggle between the rights of individuals and those of a group, requiring thoughtful balancing.

VARIETY OF PERSONAL LAWS, AND DEEP CULTURAL PLURALISM

India includes Hindus, Muslims, Christians, Parsis, Sikhs, Jains, Buddhists, tribal people and hundreds of sub-groups, but here is the thing. Each has its own marriage customs, divorce laws, customs and cultural traditions and inheritance practice and inherited inheritance laws. This level of cultural

diversity makes it tough to form a single civil law that:

- suits all communities
- respects customs
- avoids cultural homogenisation

Uniformity cannot substitute for India's historically diverse identity.

FEAR OF IMPOSITION AND LOSS OF RELIGIOUS IDENTITY

Minority communities often worry a UCC might match mainstream Hindu values. Even neutral reforms, or other reforms will be misconstrued as cultural or religious superiority.

This fear arises from:

- historical mistrust
- political polarization
- emotional attachment to religious legislation

Any reform must therefore be transparent, inclusive, and involve communities.

GENDER INEQUALITY IMPLICATED IN PERSONAL LAWS:

Although there are differences of faith, nearly all personal laws discriminate against women. Examples:

- a lack of equal inheritance for daughters in certain systems
- privileges of unilateral divorce
- limited guardianship rights
- unequal divorce grounds

These inequalities would be offensive to constitutional morality however are usually justified as religious practices which remain social and religious in character, so reform is socially sensitive.

INCONSISTENCY BETWEEN CODIFIED AND UNCODIFIED LAWS

Hindu personal laws are primarily codified (1955–56), meaning that they are expressed in statutes. Muslim personal laws are mostly uncodified, as a rule:

- Shariat
- customs
- judicial interpretation

The asymmetry complicates reform because:

- Legislation is easier to amend than uncodified law.
- Uncodified law has various interpretations. Having uniformity legally becomes difficult.

JUDICIAL ACTIVISM VS LEGISLATIVE INACTION

The courts have pointed to discriminatory personal laws time and again and to the need for universal principles. Parliament, however, has been slow on such matters out of social and political issues. So, reform led by the courts raises the pressure, but legislation is cautious.

POLITICAL SENSITIVITY AND ELECTORAL CALCULATIONS

The reformation of personal law is often politicized. Political parties are concerned that supporting the UCC could:

- Alienate Minority Voters
- Provoke Backlash
- Cause Communal Tension

So the matter becomes a question of election issues rather than just a matter of social reform. This politicization is impeding progress.

SOCIAL RESISTANCE AND LACK OF PUBLIC AWARENESS

A lot of the people don't really understand what a UCC is. Common misconceptions include:

- UCC will cause people to give up their religion.
- UCC will prohibit personal rituals.
- UCC is anti-minority.

Lack of open discussion leads to emotional resistance. Without extensive consciousness and social readiness, uniformity seems menacing.

REGIONAL VARIATIONS AND CUSTOMARY LAWS

India's more specific customs are also greatly regional. Examples:

- matrilineal orders in Meghalaya and Kerala
- tribal customary laws in the northeast
- different practices in Goa

A national UCC should be amenable to such variation otherwise Article 371 provisions, which protect regional customs, may be violated.

PRACTICAL PROBLEMS OF DRAFTING A TRULY NEUTRAL UCC

Drafting a UCC that is:

- religiously neutral
- gender-just
- constitutionally valid
- culturally acceptable

is extremely challenging. If the code is similar to one religion's norms but different from those of other religions, it will be resisted.

LACK OF CONSENSUS ON THE SCOPE OF THE UCC

Experts disagree over what the UCC should include:

- Only marriage and divorce?
- Inheritance and succession too?
- Adoption and guardianship?

Drafting becomes not easy but more so when we do not agree on scope.

CONFLICTS BETWEEN STATUTORY LAWS AND RELIGIOUS DOCTRINES

Certain religious doctrines are patriarchal in nature or based on old social customs. Religious factions resist change when statutory reform threatens these doctrines. Such doctrinal clashing has also resulted in legal and emotional obstacles to reform.

RESISTANCE FROM RELIGIOUS INSTITUTIONS AND LEADERSHIP:

Reform is often resisted by religious authorities because:

- they are afraid of losing their social authority
- they see reforms as interference with religious freedom
- they wield sway over community voice

Without the backing of religious leaders, any religious community-level reform encounters resistance.

ABSENCE OF A PHASED OR GRADUAL REFORM STRATEGY:

India does not have a clear, gradual and systematic approach to overhaul personal laws. Reforms have been:

- ad-hoc
- case-specific
- politically driven
- reactive to judgments from courts

We need a systematic and phased approach (like in Goa) – but there is none.

CHALLENGES FROM FEDERAL STRUCTURE AND STATE AUTONOMY:

Family law sits on the Concurrent List centre and states can legislate. There are some challenges that states may face on balancing central uniformity, including:

- cultural differences
- political disagreements
- administrative burdens

It creates federal complications in the effort to roll a nationwide code out.

MISUSE OF PERSONAL LAWS AND LEGAL LOOPHOLES:

Examples:

- converting to Islam just to avoid monogamy
- making use of religious laws to escape maintenance
- using multiple marriages based on disparate laws

Such abuse sheds light on inconsistencies that make harmonization essential but also shows how complicated reconciliation is.

SOCIO-ECONOMIC DIFFERENCES ACROSS COMMUNITIES:

Communities have different:

- literacy levels
- economic status
- social customs
- levels of gender empowerment

A uniform law could benefit some but burden others. Uniformity has also to take into account socio-economic diversity.

UNCERTAINTY ABOUT COEXISTENCE WITH SPECIAL MARRIAGE ACT (SMA)

The SMA provides a secular option for marriage already. Key questions:

- Should the UCC replace SMA?
- Should SMA be made the model for the UCC?
- Should they run parallel?
- This uncertainty complicates the reform approach.

NEED FOR HARMONISATION, NOT FORCED UNIFORMITY

The big conceptual challenge is that there's a common misunderstanding that UCC is one law for everyone, and no diversity. A modern approach requires:

- flexible uniformity
- gender justice
- acceptance of cultural identity
- religious freedom and tolerance

It is tough to design this balanced approach, but it has to be done for India.

THE FAILURE OF STATUTES, CASE LAWS, AND POLICIES TO RECONCILE THE PERSONAL LAWS WITH THE UCC.

Reconciling India's individual laws with the concept of a Uniform Civil Code is more than a legal question it's about identity, religion, equality and politics. When we examine closely our laws, court judgments and even government policies, each one seeks to move the country in the direction of fairness, but each one has its own shortcomings. It is this mix of progress as well as obstacles that sees UCC becoming one of the most debated problems in India.

Laws passed by Parliament either help or create problems:

India doesn't have one family law for everyone. Rather, the various religious factions follow separate laws regarding marriage, divorce, succession, and adoption.

- Separate Family Laws = Separate Rules.
- Hindus follow Hindu Marriage Act and Hindu Succession Act respectively.
- Muslims follow the Shariat Act.
- Christians follow the Christian Marriage Act.
- The Parsis have their own Parsi Marriage and Divorce Act.

It becomes a problem because two people in the same country may have completely different rights simply because they belong to different religions. This imbalance makes it hard to bring everyone under a common, equal law. These laws produce varying legal outcomes for different people. Legitimate under one religion it is invalid under the other. This makes it extremely difficult to conceptualize a single uniform system.

Reforms Are Uneven.

Hindu law is a reformer; Muslim law and Christian law change much more slowly. This results in an unfair system where some communities have relatively more up-to-date, equal laws than others.

Special Marriage Act (SMA):

Not A Smooth Ride but an Over lookable Model. By the Special Marriage Act, anyone can wed outside religious or personal laws. It is closest India gets to a UCC. It helps to Demonstrate that a typical civil marriage is possible

Issues with the procedure of SMA:

30-day notice rule places couples in danger. Families and communities frequently intervene. Very few people choose SMA for this reason. So, while statutes do help a bit, they also perpetuate divisions.

(ii) How Far Court Judgments Help and Where They Fall Short?

Courts frequently have intervened on the basis of the need to disclose unfairness in personal laws and to fight for equality rights. But courts can only push it so far.

(iii) Rulings That supports a UCC.

Shah Bano (1985): Supreme Court upheld maintenance for a Muslim woman, and found UCC necessary for gender justice. Parliament reversed the decision, highlighting the delicate nature of judicial development.

Sarla Mudgal (1995): Prevented men from converting to Islam simply to marry again. Different personal laws promote misuse.

John Vallamattom (2003): Struck down unfair Christian inheritance provision. They illustrate how individual laws can produce discriminatory results.

But Courts Have Limits.

Courts cannot rewrite all individual laws. They can only adjudicate one issue at a time. Courts must also recognize religious freedom granted by Article 25.

Decisions That Safeguard Religious Privacy

- Puttaswamy (2017) maintained that personal decisions are a part of privacy.
- Shayara Bano (2017) abolished triple talaq but failed to address many other subjects.

This suggests that courts should try to strike a balance between equality and faith and that balance slows uniformity.

Law Commission Reports Fall Short:

The Law Commission (2018) expressed in no uncertain terms: "A UCC is neither necessary nor desirable at this time and place." It proposed reforming every individual law from the inside rather than imposing a single code. This method is conducive to slow transition but hinders uniform standardization.

Government

The government's support for reform is apparent through its policies such as banning triple talaq, fostering gender equality and lauding Goa's Civil Code. But a National UCC has no clear blueprint. Politically sensitive UCC fosters fear and misunderstanding among the communities. All three pillars of the legal system government, courts, and statutes – are trying to make family laws fairer and more equal. Nevertheless, each has its own trouble of its own:

- **Statutes help keep religious differences alive.**
- **Case laws can address wrongs, but nothing else.**
- **Policy may say to the extent that it shows intent but do not point in the right direction of a single national message.**

Though collectively, they slowly improve the system, but do not breed the conditions for a single uniform civil law. This is why reconciling between personal laws and the ideal of a UCC remains one of the biggest and most sensitive legal challenges for India.

- **Mohd. Ahmed Khan v. Shah Bano Begum (1985).**

Exposed contradictions between personal law and constitutional guarantees. It has been credited by many as the case that lit the fuse of debate on UCC nationwide. The Court ruled that a Muslim woman holds the right to maintenance by virtue of Section 125 CrPC, a secular clause, regardless of her religion. How this builds the case for UCC, Emphasized tensions between secular law and religious personal law. Showcased how women are victims of personal law rigidities. Justice Y.V. Chandrachud was directly referencing Article 44; he explained that a UCC would promote national integration. Demonstrated Parliament's hesitancy about reformation of personal laws (which was

reforms.

seen in the Muslim Women's Act, 1986), thus bolstering the argument for comprehensive statutory uniformity over piecemeal reform.

IV.3. PRACTICAL PROBLEMS IN ENFORCING A UCC WHILE RECONCILING INDIA'S PERSONAL LAWS**The Challenge of Many Personal Laws**

India has numerous religious and cultural norms of various personal laws—Hindu, Muslim, Christian, Parsi, tribal and regional traditions. It is incredibly difficult to impose all of them under one umbrella model, because every one of these systems has its own history, values and rules. What works for one group can feel utterly intolerable to another. This complicates the concept of a universal civil code both emotionally and practically.

Balancing Religious Freedom Under Article 25

Personal laws are not merely laws for some communities, they are statements of one's faith. So when the State tries to amend these rules, people worry their religious freedom is being violated. This creates a natural tension: How do we preserve individual rights while respecting religious practices? This conflict renders enforcement of a UCC sensitive and often controversial.

Political Sensitivity and Electoral Pressure

Personal laws are woven in and out of identity and community pride. Political leaders are often hesitant to push reform because they fear upsetting many religious groups, especially during elections. So governments prefer small safe piecemeal reforms over big, permanent UCCs. This weakens meaningful progress.

No Clear Public Consensus on What the UCC Should Be

Although many acknowledge the importance of gender justice, nearly no one agrees on what a UCC should include. Marriage, divorce, inheritance, polygamy and adoption are different for each

community. Without such shared ground, it becomes nearly impossible to develop and enforce one single law and acceptance by all.

Concerns and Anxiety Among Minority Communities

Minority groups are often alarmed that a UCC will water down their cultural identity or impose the majority's values. Reforms with a good purpose are met with skepticism, even the most well-meaning reforms. The fear-based resistance becomes a useful barrier because real discussion is impossible.

Diversity Within the Same Religion

What is also practiced differs widely within one religion. For example, the law of Hinduism varies considerably from one region to another (Mitakshara or Dayabhaga for Hindu states) and the practices of Muslims differ greatly depending on whether the society is Sunni or Shia. Tribal sects follow different customs. So the issue is not simply between faiths, but within all religions. Uniformity becomes even harder.

Mixed Signals from the Judiciary

Indian courts have occasionally supported the concept of a UCC (see for instance *Sarla Mudgal v. Union of India*), but have on the other hand safeguarded the autonomy of personal laws. This alternating back and forth generates uncertainty. Policymakers are left to wonder, then, just how far they are able to go without the threat of being barred by the law.

Administrative and Practical Difficulties

Ensuring a uniform code imposes a uniform system for the registration of marriages, divorces, guardianship and inheritance needs effective services governing marriage, divorce, guardianship, and inheritance system in each jurisdiction in the country to apply a common code. It is a lot more difficult than an individualized and technical one. But India continues to

contend with antiquated paperwork, patchy digitization and the presence and absence of trained officials. Enforcement could be sporadic and muddled without infrastructure.

Complexities of Drafting a Truly “Uniform” Law

Writing a truly “Uniform” Law to cover every community, every practice and every family situation is a staggering legislative exercise. If the code is too broad, it would be unfair. It becomes ineffective if it is too narrow. Balancing equality, cultural sensitivity and legal clarity is much easier said than done for drafting. It just creates a problem.

Gender Justice vs. Cultural Autonomy

Most personal laws contain gender-biased rules. Women's rights require reform to protect them. But the State, when intervening, creates a feeling among communities that their culture is at risk. It is one of the most difficult practical obstacles to UCC implementation since it balances the need to guarantee equality against protecting cultural identity.

Lack of Data and Ground-Level Studies

There is very little empirical research on how people experience personal laws. Without good data, no matter where the policymakers stand they cannot draw up a code that is representative of the needs of many disparate communities. This divide undermines the core of solid, evidence-based reforms.

Special Protection for Tribal Groups

Tribal peoples are constitutionally guaranteed protection within the scope of the Fifth and Sixth Schedules. Customs become part of who they are, and it is a part of their existence. There exist federal obligations to meet the privacy and rights standards and protections of all people in particular the privacy, due process and dignity. The same protection could be

violated by imposing a UCC without serious consultation. That would require, henceforth, that any UCC require nuanced exceptions or different structures.

The Goa Example Cannot Be Simply Copied

Goa is frequently lauded for its uniform civil code, but it developed specifically from the Portuguese Civil Code and special historical factors. India's sociocultural diversity is even more complicated so that nothing can take the Goa model and replicate it by being followed across the country without significant changes.

Possibility of Massive Litigation

A new UCC will certainly be challenged in courts. Communities could file petitions alleging violations of religious freedom or equality. Enforcement could be held up for years by lengthy legal battles, and the lack of stability and certainty could cause confusion.

RECOMMENDATIONS FOR IMPLEMENTING THE UNIFORM CIVIL CODE (UCC)

- Understand that India's personal laws are diverse and shaped by constitutional values, cultural practices, and minority sensitivities.
- Reform all personal laws to ensure gender equality through rights-based and inclusive reforms.
- Ensure that any move toward the UCC protects religious freedom and respects India's cultural diversity.
- Implement a system of incremental, consultative, and phased changes to avoid social resistance and ensure a smooth transition.
- Initiate reform by revising each individual law internally to promote equality without imposing immediate uniformity.
- Reinforce the Special Marriage Act as a widely accessible, voluntary secular alternative for all individuals.

➤ Engage in nationwide consultations with religious leaders, women's organizations, tribal communities, legal experts, and civil society to build trust.

➤ Publish a Model Draft UCC for transparent public discussion and incorporate public feedback before finalization.

➤ Include culturally adaptable, inclusive, and region-sensitive provisions in the Model UCC to protect pluralism.

➤ Improve legal and administrative systems—especially digital registration and awareness programs—to support effective implementation.

➤ Create a Permanent Family Law Reform Commission to continuously review, harmonize, and update family laws and UCC-related policies.

➤ Implement these reforms collectively so that the UCC promotes equality while safeguarding India's diverse social and cultural fabric.

CONCLUSION:

The debate over Uniform Civil Code (UCC) is a reflection of the complex relationship between constitutional values, religious plurality and social realities in India. There is this followed by a precedent laid down by already existing personal laws that give control to different religious families to decide on family matters (like matrimony, divorce, inheritance and adoption) according to their tradition. While honourable, however, this arrangement is at odds with India's pluralist culture and is reflected in discrepancies in legal privileges, including in gender justice. As a response, The Indian Constitution offers both the vision and challenge to India in both a way. Article 44 encourages the State to embrace a Uniform Civil Code, and rights under a civil law will also aim the same fundamental rights like equality, dignity and religious freedom. Here, this Court has ruled on Mohd.

Ahmed Khan v. Shah Bano Begum, Sarla Mudgal v. Union of India and Shayara Bano v. Union of India all indicate the need to provide a balance between individual law while abiding by constitutional norms of equality and justice. Simultaneously, the study demonstrates that the UCC is not only a legal reform but, ultimately, a sensitive social and political process for national adoption. The process is different for complex cultural diversity; minority communities' apprehensions, politics and administrative complexity. While it is probable that uniform civil frameworks would be feasible, they need to take into consideration the wider social landscape in the Indian context, as our former experience e.g. Goa Civil Code and current instance e.g. Uttarakhand Uniform Civil Code Act, 2024 show. The journey to a Uniform Civil Code should therefore be less paved with forced uniformity and more paved with reform, dialogue, and consensus. Achieving gender justice, changing discriminatory practices under personal laws to ensure public awareness of diversity contribute to the development of community trust. Balanced and inclusive approach, taking into account not only constitutionalism but also respecting cultural diversity may be the best way for India to arrive at the long-range goal of Uniform Civil Code.

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