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Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

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AN OVERVIEW OF THE UNIFORM CIVIL CODE'S CONSTITUTIONAL, SOCIAL, AND LEGAL ASPECTS

AUTHORED BY - MEGHNA CHAUDHARY

(Research Scholar, LLM Student in Gautam Buddha University)

CO-AUTHOR – DR. POONAM VERMA

(Assistant Professor in School of Law, Justice and Governance, Gautam Buddha University)

ABSTRACT

This study considers the legal, social and constitutional facets of India's Code of Uniform Civil (UCC). For every citizen, regardless of religion, UCC proposes a single body of personal laws covering marriage, divorce, support, and inheritance. It seeks to guarantee national unity, equality, and secularism. The UCC encounters opposition due to worries about religious freedom, minority rights, and cultural identity, despite support for advancing gender justice and streamlining legal processes. The Uttarakhand UCC Act, 2024, which was just passed and is a step toward codified personal law reform, is discussed in the paper together with significant Supreme Court rulings and constitutional requirements. The study reflects that inclusive discourse, public awareness, and a well-rounded strategy that honours India's diversity while preserving constitutional values are necessary for successful implementation.

Key Words: : Uttarakhand UCC Act, Shah Bano and Sarla Mudgal, Mary Roy, Constitution of India, Articles 44, 25, and 26, religious freedom, gender justice.

INTRODUCTION

The UCC or Uniform Civil Code concept¹ produced great deal of debate and discussion within the Indian socio-legal community. Giving everyone a consistent collection of rules primary goal of a UCC is to regulate private affairs like as property, inheritance, divorce, and marriage, regardless of their religious beliefs convictions or social connections. It promotes consolidating personal laws that are now different within Christian, Muslim, Hindu, and other religious communities in India. Because of India's unique Diversity in religion and culture UCC is

¹ Unraveling UCC <https://www.criminallaw.journal.org> (last visited on 2.06.2025)

applicable there. Regardless of their background or religion, India follows a secular structure it ensures fairness and equality for all of its citizens. However the nation's diversity has given rise to distinct individual regulations for different religious communities that can lead to variations in legal rights especially in relation to family law.

Ever since gaining independence, India's constitutional framework now incorporates the concept of a UCC as a DPSP. The UCC discussion touches on sensitive subjects like religious freedom, minority rights, and finding a balance between the varied cultures of India traditions & single civil code. UCC derives its basis from Indian Constitution's Article 44 which forms part of DPSP. It directs state to strive toward making certain that every Indian citizens are controlled by a common collection of civil laws. However its implementation has encountered strong various communities of religions as they believe it infringes upon their religion and cultural customs. Despite these challenges UCC remains significant and ongoing subject of discussion in the political and judicial system of India.

The Indian Constitution and the UCC

In 1947, the Assembly of Constituents discussed the possibility of a UCC. The Uniform Civil Code was listed as one of the DPSP by the Subcommittee on Fundamental Rights. The Draft DPSP Clause 39 states:

“The state shall endeavour to secure for the citizens a Uniform Civil Code.²”

To defend the rights of every citizen of the nation, in spite their distinctions in religion, caste, creed, race, sex and place of birth our Constitution's Part III contains certain robust protections. This prevents the state from enacting legislation that would allow for discrimination of any kind based on any of the previously listed grounds. In India, the fundamental aspect of secularism is state's equal respect for all religions. Additionally it has been given each religion the freedom to create its own laws without interference from the legal system. However, at first, it appeared that the inclusion of fundamental liberties & our Constitution's rights was sound and sensible particularly in the area of religion. But now that things have changed so significantly, women are becoming more conscious in every sector and not just demanding but also holding the most tough and respectful positions. In addition to the fact that women's status has altered, the inflexibility of personal laws has begun to threaten the nation's integrity and togetherness.

² Towards the Uniform Civil code; Vasudha Dhagamwar

Part IV, A provision named "Uniform Civil code" as DPSP found in Indian Constitution's Article 44 requires the Government to endeavor to guarantee that every Indian A consistent UCC is accessible to all citizens throughout the nation. Because the state has the power to establish UCC laws the court cannot enforce it³.

Article 25: Religious Freedom

The Indian Constitution's Article 25 protects both the freedom of conscience and the right to declare, practice and spread one's faith. However, regulations governing ethics and public order, health and further essential rights place restrictions on this freedom.

Article 26: The Right to Control Religious Matters

All religious communities is given the freedom to run its own concerns including the establishment of organizations for philanthropic and religious purposes in accordance with Indian Constitution Article 26.

What justifies support for the Uniform Civil Code?

Strengthening Unity, Celebrating Diversity: Secularism and national integration can be enhanced by eliminating inconsistencies and inequalities arising from religious personal laws and establishing a uniform identity for all citizens. This approach would encourage harmony and cooperation among the varied communities of India. For instance, the UCC would make interfaith marriages and relationships legally recognized and free from unnecessary restrictions.

Empowerment of Women via Uniform Laws: By doing away with customs like polygamy and unequal rights in inheritance that exist in several personal laws the UCC would guarantee gender equality and protect women from discriminatory customs.

Making the Legal System Simpler: India's current system, made up of numerous overlapping personal laws, often creates confusion and disputes. The introduction of a UCC would merge these varied provisions into a single comprehensive code, ensuring uniformity. This would promote legal clarity, accessibility, and lessen the workload of the judiciary, ultimately leading to a more efficient justice system.

³ Arihant Publication,2019

What are the objections against the UCC?

Risk to the Rights of Minorities: The cultural and theological liberty of minority populations may be compromised by enforcing a single code, according to critics, which could result in sentiments of marginalization and alienation.

Judicial Backlog: The implementation of a UCC may make India's already huge backlog of cases worse. Additional challenges that question the UCC's constitutionality may arise during this transitional time, adding to the judicial system's workload.

Complexities in Goa's UCC: In 2019, the Supreme Court commended Goa for implementing a UCC. But the reality on the ground shows that the state's UCC is complicated and has multiple legal systems. In Goa the UCC allows Hindus to engage in a particular form of polygamy, but it does not extend the Shariat Act to Muslims. Catholic priests have the power to terminate marriages, and Catholics are free from marriage registration, among other privileges. Illustrates how complicated Indian personal rules are, especially in states known for their strict enforcement UCCs⁴.

Presents Challenges Implementing Uniform Civil Code.

The customs of different communities differ greatly. Uniformity of any kind is extremely difficult to attain due to the great range of personal laws and the fervour with which they are adhered to. Finding common ground amongst many communities is quite difficult. The fundamental rights of freedom of conscience, freedom of profession, freedom of practice, and freedom of religion propagation (Article 25) and freedom to pursue religious matters (Article 26) are feared to be in conflict with the unified civil code. One of the simplest and most evident obstacles to bringing up UCC is this. Persistent sense of extremism in many Indian religions, even in the twenty-first century. For the nation to improve, the government must convince the people to accept justice and change, even though it might not be prepared to handle the consequences of abolishing the personal laws of the major religions.

They fear that implementing a single code will require them to give up their traditions and enforce regulations that are mostly set by and influenced by the majority religious sects⁵.

⁴ <https://www.drishtias.com> (last viewed on 2.06.2025)

⁵ <https://www.tseld.com> (last viewed on 2.06.2025)

What are India's efforts to achieve UCC?

Statutory Provision:

Special Marriage Act 1954: Any citizen, regardless of faith, may marry under the statute, enabling any Indian to wed outside of their religious tradition.

Supreme Court Decisions Supporting the Need for UCC:

Shah Bano Case⁶:

The Shah Bano case is among the seminal cases pertaining to individual laws and the concept of a UCC. After their divorce, Shah Bano, a Muslim woman, requested assistance from her husband. Her entitlement to alimony under Section 125 of the Criminal Procedure Code was upheld by the Supreme Court, which decided in her favour regardless of her religious beliefs. This case made clear how urgently Muslim personal law reform is needed.

Sarla Mudgal Case⁷:

A Hindu man converted to Islam solely remarry while keeping his first marriage intact. The Supreme Court held this act to be invalid, stressing that such exploitation of personal laws underscores necessity a UCC.

Mary Roy Case⁸:

In this instance Mary Roy is a Keralan Christian, contested the Travancore Christian Succession Act's discriminatory clauses that gave preference to male heirs when it came to inheritance. She won her case in the Supreme Court, concluding that the equality foundations of the Constitution were breached by gender discrimination in inheritance rules.

The 2024 Uttarakhand Uniform Civil Code Act

The goal of UCC of Uttarakhand Act, 2024, is to give every citizens of Uttarakhand, regardless of their sex, gender, caste, or religion, a consistent set of personal rules addressing problems including adoption, inheritance, divorce, marriage, and maintenance.

Provisions

All residents of Uttarakhand, except those who belong to Scheduled Tribes, are bound by UCC,

⁶ Mohd. Ahmed khan Vs. Shah Bano Begum and Ors AIR 1985 SC 945

⁷ Sarla Mudgal v. Union of India,(1995) 3 SCC 635.

⁸ Mary Roy Vs. State of Kerala & Ors, AIR 1986 SC 1011

2024. Below is synopsis of its key clauses:

Divorce and Marriage: Minimum Age to Get Married: In accordance with current national law it creates a standard minimum age to be married of 18 for women & 21 for males.

This provision is uniformly reaffirmed across all castes, sects, and religions by the UCC Uttarakhand Act, 2024, guaranteeing that no personal law supersedes it. By rendering underage weddings illegal, this seeks to prevent child marriages. Those who assist or solemnize such marriages are likewise subject to severe fines.

Registration of Marriages: mandates that all marriages be registered with the appropriate authorities in order to guarantee legal legitimacy and openness.

According to the Act, marriage registration must be completed within 60 days following solemnization; else, penalties will be applied. The Act ensures accountability and openness by denying unregistered marriages legal rights such as inheritance, property rights, and maintenance payments.

Grounds for Divorce: Explains uniform grounds for divorce that are relevant to all communities and covers issues including cruelty, adultery, desertion, and mental illness. The UCC Uttarakhand Act provides gender-neutral grounds for divorce, allowing both the husband and the wife to equally seek relief.

Alimony & Maintenance: Includes clauses that guarantee financial assistance and advance the welfare of dependents, such as spousal and child maintenance following a divorce.

To avoid causing unfairness to either spouse, the Act makes sure that maintenance is decided by taking into account both of their assets and income. In order to ensure that children's welfare always comes first, it also ensures child maintenance regardless of the child's religion or legitimacy. It is also required to provide for interim maintenance during the divorce process.

Inheritance and Succession:

Equal Rights: Eliminates the difference between ancestral and self-acquired property and gives sons and daughters equal inheritance rights. This encourages equitable distribution of inherited assets and guarantees gender equality.

Religious or customary practices that discriminated against women in inheritance disputes are outlawed under the UCC Uttarakhand Act, 2024. Daughters are no longer excluded by personal

or customary law and have equal rights to ancestral property. In order to safeguard their financial stability, widows are also granted explicit rights to the departed spouse's belongings.

Regardless of a person's religious affiliation, the Succession Rules: With several fallback categories for distant relatives, the Act creates a consistent order of succession that gives priority to parents, spouses, and children. This gives judges clarity and eliminates the ambiguity brought forth by religion succession rules. There are restrictions on testamentary succession (by will) in order to protect dependent family members from being disinherited.

Live-in Relationships:

Registration: Requires live-in partnerships to be registered in order to provide them legal status and safeguard the interests of the parties involved.

According to the Act, this registration must be completed within a month after starting a live-in arrangement; otherwise, the relationship would not be accepted by the law. This clause guarantees that partners are aware of their legal rights and obligations and attempts to stop the abuse of such partnerships. In order to resolve conflicts, it also offers a court record.

Children's Rights: According to the UCC, these children are legitimate and has the same rights as married children. They are entitled to inherit the assets of both parents. By providing legal certainty and protection, this clause aims to eliminate societal shame and preserve these children's future.

Maintenance for Deserted Partners: Includes clauses that guarantee the financial stability of abandoned partners in cohabitation and counter possible exploitation by providing maintenance.

In order to prevent destituteness following abandonment, the Act allows deserted partners to receive maintenance payments comparable to those of separated couples. The clause is based on financial dependency rather than just gender or length of time, and it is gender-neutral. Courts have the authority to determine appropriate maintenance based on need and lifestyle.

Issues and Responses to the 2024 UCC in Uttarakhand

Despite its goal of guaranteeing equity and uniformity among tribes, the Uttarakhand UCC 2024 has generated conflicting responses. Concerns about privacy and autonomy have been raised by the requirement that marriages and live-in partnerships be registered, particularly by

liberal and progressive groups. Critics also point out that imposing uniform succession rules may disregard certain religious sentiments and disrupt longstanding personal customs.

The ban on polygamy and strict enforcement against child marriages has been largely welcomed for promoting gender justice. However, certain religious groups feel targeted, viewing it as interference with personal laws. Legal experts have raised concerns over practical implementation challenges, such as access to registration facilities in remote areas and awareness among marginalized communities.

Supporters hail the Act for promoting gender-neutral laws in divorce, maintenance, and inheritance. Women's rights activists have praised the equal inheritance provision and legal acceptance of children born to cohabitating couples.

CONCLUSION:

India's Uniform Civil Code (UCC) combines social justice with legal reform. The nation's varied religious and cultural landscape makes its implementation contentious even if its objectives include gender equality, unification of personal laws, and secularism. The Uttarakhand UCC, 2024, which was just passed, is a big step toward standardization in civil cases including marriage, divorce, inheritance & cohabitation. But barriers including religious sensitivity, political reluctance, and a lack of public understanding still stand in the way of broad acceptance. In order to ensure successful implementation, the government must conduct awareness campaigns, have inclusive talks, and adopt a methodical, thoughtful strategy that balances individual rights, cultural diversity, and constitutional ideals.