

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner what sever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

EDITORIALTEAM

EDITORS

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC-NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrish Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpna

Assistant professor of Law

Mrs.S.Kalpna, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law,Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration.10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



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.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN- 2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

JUDICIAL APPROACH TOWARD UNIFORM CIVIL CODE: FROM SHAH BANO TO SHAYARA BANO

AUTHORED BY - VANSHIKA PRIYADARSHINI & NAITEEK SHARMA

ABSTRACT

One of the most contentious legal and political issues in the post-colonial era of India has been the directive principle of a Uniform Civil Code under Article 44 of the Constitution of India. The UCC aimed at bringing a uniformity in all laws relating to personal issues, pertaining to marriage, divorce, and inheritance, amongst others; however, it has never been applied because of political and religious reasons. The following analysis looks at the UCC from the judicial perspective and proffers that the Supreme Court has acted as an active agent of reform, transforming the discourse from freedom of religion to constitutional morality and women's rights.

It begins with Mohd. Ahmed Khan v. Shah Bano Begum(1985), where the court strongly advocates for a Uniform Civil Code in the interest of national integration and uniform application of principles of equality in spite of the legislature nullifying the decision. Further judgments in Sarla Mudgal v. Union of India (1995) and John Vallamattom v. Union of India (2003) consolidated this position, placing moral pressure on the legislature to act. The transformation culminates with Shayra Bano v. Union of India (2017), where instant triple talaq is pronounced unconstitutional. The seminal judgment marked the turning of the judiciary from advocating a Uniform Civil Code to applying constitutional principles of equality, viz. Articles 14 and 21 of the constitution, in the personal law arena. This trajectory affirmatively reinforces the judiciary as an intermediary in making the duality of religions consistent with the constitutional edict of women's equality in law and fact.

KEYWORDS

Uniform Civil Code (UCC), Article 44, Shah Bano case, Shayara Bano case, personal laws, gender justice, constitutional morality, secularism, judicial activism, religious freedom, legal reform, equality before law, triple talaq, codification of personal laws, Supreme Court jurisprudence.

INTRODUCTION

The Uniform Civil Code represents one of the most important and sensitive constitutional debates in Indian post-independence legal development. Envisioned under Article 44 of the Directive Principles of State policy, the UCC aims to establish a common set of civil laws governing marriage, divorce inheritance, adoption, and maintenance for all citizens irrespective of religion. Though the framers of the Constitution perceived it as an instrument of national integration and equality, its implementation has remained incomplete due to political hesitation, social diversity, and religious sensitivities. In this backdrop, the Indian judiciary has emerged as a central force in interpreting, debating, and advancing the idea of the UCC through its judgments. This paper attempts to examine the judicial approach towards the UCC from *Mohd. Ahmed Khan v. Shah Bano Begum* (1985) to *Shayara Bano v. Union of India* (2017) and traces how courts have balanced constitutional morality, gender justice, and religious freedom over the last several decades.

The constitutional basis for the UCC lies in the tension between the Fundamental Rights guaranteeing freedom of religion (Articles 25–28) and the Directive Principles that look for uniformity and equality in civil matters (Article 44). Even though the latter are non-justiciable, the judiciary has often treated them as moral compasses guiding constitutional interpretation. From the earliest case of *State of Bombay v. Narasu Appa Mali* (1952), where the Bombay High Court held that personal laws were not “laws” within the meaning of Article 13, the judicial attitude was largely cautious. Courts avoided directly intervening into religious personal laws, holding reform to be the legislature’s responsibility. As the social dynamics changed and gender equality emerged as a constitutional priority, the Supreme Court began to interpret the provisions on personal law through the prism of equality and justice.

The turning point came in *Mohd. Ahmed Khan v. Shah Bano Begum* (1985). Shah Bano, a Muslim woman, approached the court seeking maintenance from her husband under Section 125 of the Code of criminal procedure following divorce. The Supreme Court granted it, holding that the right to maintenance was secular and applicable to all citizens irrespective of religion. Justice Chandrachud’s bench called upon Article 44, stating that a common civil code would help promote national integration by removing conflicting loyalties. The judgment symbolized recognition by the judiciary of the fact that gender justice and social reform could no longer be postponed. The political reaction was immediate: confronted with stiff opposition from conservative sections, Parliament brought into being the Muslim Women (protection of

Rights on Divorce) Act, 1986, which nullified the progressive effect of the Shah Bano judgement. The judgment nonetheless marked the judiciary's first strong endorsement of the UCC as a constitutional necessity for ensuring equality.

Subsequently, the judicial activism for a uniform civil code also emerged in *Sarla Mudgal v. Union of India* (1995). The Court tackled the question of Hindu husbands embracing Islam to marry a second wife while retaining the first. It declared that these conversions, solely to avoid the monogamy aspect of Hindu law, would not hold good and continued to stress a uniform civil code as the solution to the conflicts emerging from multiple personal laws. The observations made by Justice Kuldip Singh drew the constitutional obligation of the State for a uniform civil code, adding that Article 44 provided the key to national integration and the equality of sexes. This judgment further reiterated judicial activism and put moral pressure on Parliament to act.

Subsequent decisions like *Lily Thomas v. Union of India* (2000) only consolidated the reasoning in *Sarla Mudgal* and further bolstered the pro-reform position of the Court. It clarified that conversion could not be used as a legal manoeuvre to escape obligations from a previous marriage. In the case of *John Vallamattom v. Union of India* (2003), the Supreme Court held that Section 118 of the Indian Succession Act, which denied Christians the right to bequeath their property for religious or charitable purposes, was discriminatory. The Court again referred to Article 44 and conveyed its dismay regarding the failure of the State to enact a UCC. These decisions together signalled that insofar as the judiciary was concerned, the UCC was more than just a legislative ideal; it was a constitutional vision that lay entwined with the right to equality.

A major turnaround came with *Shayara Bano v. Union of India* (2017), the landmark case challenging the practice of instant triple talaq (*talaq-e-biddat*), wherein the petitioner contended that this practice violated her fundamental rights under Articles 14, 15, and 21. In the majority of 3:2, the Supreme Court ruled that the triple talaq was unconstitutional, terming it to be arbitrary and not integral to Islamic religion and practice. The judgment, though not directly arguing for the implementation of UCC, reflected its spirit by ensuring gender equality within the personal law. Justice Nariman highlighted that constitutional morality must prevail over social or religious practices that are in variance with equality and dignity.

Shayara Bano was different from earlier cases, which only pressed for legislative reform but applied constitutional principles directly to strike down an unjust practice.

The judiciary's transformation-from restraint in *Narasu Appa Mali* to the assertiveness in *Shayara Bano*-demonstrates a gradual internalization of the ideals of the uniform civil code within the scheme of constitutional justice. Courts moved from merely advocating for a uniform code to interpreting the existing personal laws in harmony with the spirit inherent in Article 44. From "one nation, one law" as a political slogan, the emphasis has now been given to a commitment toward substantive equality and protection of women's rights. In addition, in *Jose Paulo Coutinho v. Maria Luiza Valentina Pereira* (2019), the Supreme Court praised Goa's uniform civil code as an example of the successful coexistence of legal uniformity with pluralistic culture, reiterating that a uniform civil code is not incompatible with India's secular and diverse fabric.

LITERATURE REVIEW

The UCC has been a topic of discussion by many writers, judges, and legal scholars in view of how the Indian courts over the years have defined what it means. In most studies, it is agreed that the concept of UCC is very old; however, its application has always presented some difficulties since India is a country with many religions and traditions. Writers note that while the Constitution supports equality for all, personal laws of different religions create unequal treatment; this mostly refers to women. This is the very reason why many scholars claim that the courts have played an important role in pushing for reform.

A large part of the literature focuses on the *Shah Bano* case, 1985. Many authors explain that this case showed how the Supreme Court stood firmly for the rights of women by giving a divorced Muslim woman permission to claim maintenance under a general law. According to scholars, this judgment was the first major step where the Court clearly supported the idea of a UCC and brought into light the requirement for equal laws in the eyes of one and all. They also mention how the Parliament later reversed the judgment, which created a big debate on women's rights and religion.

Another major part of the literature studies *Sarla Mudgal* (1995). Many writers point out that this case showed how some people misused personal laws for their own benefit, like converting to Islam only to marry a second wife. Scholars say that this case again showed the Court's

belief that having different personal laws creates confusion and unfairness. They also note that the judgment urged the government to think seriously about a UCC.

The scholars further refer to Lily Thomas (2000) and John Vallamattom (2003), where the Court continued its stand in favour of equality and brought under judicial scrutiny unjust parts of the personal laws. Many authors feel that this view consolidated the position that the UCC was as much an issue of political will as one of sheer equity.

The most significant alteration talked about by scholars is the Shayara Bano case of 2017. Many writings focus on how the Court directly protected women's rights by striking down instant triple talaq. Scholars say this case was different because the Court no longer just talked about the UCC or asked Parliament to make new laws. Instead, it used the Constitution itself, especially equality and dignity to remove an unfair religious practice. Writers describe it as the moment when the judiciary shifted from "supporting" the UCC to actually applying its principles.

According to many scholars, the journey from Shah Bano to Shayara Bano illustrates how the Court has aided women's rights and brought equity into the personal laws. Thus, a pattern emerged from the literature: the supreme court has played an important role in shaping the debate on the UCC, with equality and justice as the main principles in the discussion.

LEGAL FRAMEWORK

Rooted in constitutional mandates, the uniform civil code(UCC) debate in India coexists with diverse personal laws that govern different religious communities. The role of judiciary in interpreting these constitutional and statutory provisions has become core to the evolution of the UCC discourse.

1. Constitutional Provisions

Article 44 (Directive Principles of State Policy)

Directs the state to work toward securing a Uniform Civil Code for all citizens, reflecting the constitutional goal of social reform and legal uniformity.

Articles 25–28 (Freedom of Religion)

Guarantee the right to freely profess, practise, and propagate religion, raising the question of whether personal laws fall under the protection of religious freedom.

Articles 14,15 and 21(Fundamental Rights)

Ensure equality before the law, prohibit discrimination and safeguard the right to life and dignity. Courts often invoke these provisions to test the constitutionality of personal law practices, particularly in issues which concern gender justice.

Article 13

Authorizes judicial review of laws, including personal laws when they are interpreted as “laws” under the constitution.

2. Personal Law Statutes

Muslim Personal Law (Shariat) Application Act, 1937

Regulates matters such as marriage, divorce, and inheritance for Muslims, and has been scrutinized in landmark cases like Shah Bano and Shayara Bano.

Hindu Marriage Act, 1955 and Hindu Succession Act, 1956

Represent state-led codification and reform of Hindu personal laws in the post-colonial period.

Special Marriage Act,1954

Provides a secular framework for marriage irrespective of religion and is often considered as an example of partial uniformity.

Indian Christian Marriage Act and Parsi Marriage and Divorce Act

Administer personal matters for their respective communities, illustrating the pluralistic nature of India’s civil legal system.

3. Judicial Doctrines Relevant to the UCC

Constitutional Morality

Serves as a benchmark for determining whether traditional practices align with constitutional values of dignity and equity.

Essential Religious Practices Doctrine

Defines whether specific personal law practices constitute essential elements of religion and, therefore, deserve constitutional protection.

Harmonious Construction

Balances between Directive Principles such as Article 44 and Fundamental Rights, ensuring neither is undermined.

4. Comparative Legal Perspective

While some civil law countries, such as Turkey and Tunisia, have introduced general civil

codes, others, like Indonesia, remain with plural legal systems modified over time. From this international perspective, India faces the continued challenge of balancing legal uniformity against a reality of cultural and religious pluralism.

ANALYSIS AND DISCUSSION

Shah Bano (1985): The Judicial Push Toward Secular Rights

The Shah Bano judgement was the first major judicial intervention to link the personal laws with constitutional guarantees. The Supreme Court, while upholding the right of a Muslim woman to maintenance under Section 125 CrPC, prioritized secular legal protection over personal law restrictions.

The observations of the Court on Article 44 thus evinced that a Uniform Civil Code will promote national integration and gender justice. This invited a serious debate on the subject, which disclosed an early intent of the judiciary to harmonise personal laws with constitutional equality.

Post-Shah Bano Jurisprudence: Balancing Sensitivity and Reform

This political overturning of Shah Bano by means of the 1986 Act was followed by a spate of judicial clarifications. Thus, in Daniel Latif (2001), the supreme court interpreted the act so as to leave intact the right of a woman to reasonable and fair provision, thereby substantially restoring much of what Shah Bano had bestowed.

Cases such as Sarla Mudgal 1995 decried the misuse of personal laws, particularly fraudulent religious conversions for bigamy, and sought a UCC to prevent exploitation.

These decisions do follow a pattern of judicial coherence in one respect: even when politically constrained, the Court utilized interpretation to further gender justice and to block discriminatory outcomes.

Rise of Constitutional Morality in Personal Law Cases

From the 2000s onwards, the judiciary began increasingly to invoke Articles 14, 15 and 21 when assessing the validity of personal law practices.

The trend demonstrates a shift from the simple interpretation of statutes to testing personal laws against fundamental rights.

The cases that have struck down the discriminatory provisions affecting Christian inheritance, such as John Vallamattom (2003), exemplify the Court's view that constitutional morality supersedes religiously rooted inequalities.

Shayara Bano (2017): Turning Point in Gender Justice

The triple talaq case represents a landmark in the judicial engagement with personal laws. The Supreme Court invalidated instant talaq on various grounds, such as arbitrariness under Article 14 and violation of dignity under Article 21.

What makes Shayara Bano significant is:

- The Court set aside a personal law practice directly and not through interpretation.
- Multiple judges invoked constitutional morality, creating a doctrinal foundation for future reforms.
- It reiterated the commitment of the judiciary towards the protection of Muslim women against discriminatory use of the law.

This judgment demonstrates a decisive judicial shift: personal laws that violate equality and dignity cannot survive constitutional scrutiny.

Trends in Judicial Reasoning: Incremental but Firm Movement Toward UCC Principles

The judiciary, throughout three decades, has followed the gradualist approach rather than a dramatic overhaul.

Key trends include:

- Reliance on Article 14 as the central ground for invalidating discriminatory practices
- Emphasis on uniform principles, not necessarily a uniform code.
- Protection of women's rights shall be a priority in personal law reform.
- Avoid directly imposing a UCC, thereby respecting the democratic processes.

DISCUSSION AND IMPLEMENTATION

The judicial journey from Shah Bano (1985) to Shayara Bano (2017) underlines how the courts, in ruling on cases relating to personal law reform, have invariably invoked gender justice, constitutional supremacy, and equality as fundamental guiding factors. Though the judiciary has refrained from directly ordering a Uniform Civil Code, it has been pointing to those inconsistencies, discriminatory practices, and gaps within the personal law systems that erode fundamental rights.

A recurring theme across judgments is the tension between:

- Religious autonomy protected under Articles 25-28, and
- Individual rights and human dignity protected under Articles 14, 15, and 21.

Judicial interpretation has increasingly leaned toward privileging individual rights over community-based norms when the two conflict. The decisions collectively reveal a pattern of incremental judicial constitutionalism, whereby courts gradually expand constitutional protections without forcing radical statutory change. However, the debate remains multifaceted. Courts have also recognized that a UCC, if enacted without wide social consensus, would exacerbate social and religious conflicts. Therefore, the judiciary often invites the legislature to take the lead in this regard while at the same time observing that personal laws must not be exploited to justify discrimination.

While the Supreme Court has not enforced a UCC, it has laid the groundwork in a manner that can support future implementation through gradual, balanced reforms. The following pathways emerge from judicial reasoning:

1. Harmonization of Personal Laws

Courts have already established constitutional standards that can guide reforms:

- Abolition of discriminatory provisions in personal laws.
- Ensuring that the personal laws are in conformity with Articles 14 and 21.
- Codification of all uncodified laws to enhance transparency and equality.

2. Strengthening the Special Marriage Act

The Special Marriage Act has been quoted time and again by the judiciary as a secular civil law that already works as a partial UCC.

Implementation steps include the following activities:

- Simplifying procedures under the SMA.
- Encouraging inter-faith and inter-caste marriages without unnecessary bureaucratic hurdles.

3. Gradual Legislative Reforms

Courts implicitly support a step-by-step reform strategy:

- Reforming certain areas only, such as marriage, divorce, and inheritance, and not an immediate comprehensive UCC.
- Enacting gender-neutral and religion-neutral provisions where there is consensus.

4. Institutional Mechanisms for Consensus Building

Implementation needs wider consultations:

- Law Commission reports and stakeholder consultations.
- Engagement with religious bodies, women's groups, minority communities, and legal experts.
- Public education and campaigns to reduce misconceptions.

5. Ensuring Gender Justice as the Core Principle

Any move toward uniformity must centre women's rights, equality, and dignity. Judicial decisions have made it clear that in the name of tradition or religious practice, gender justice cannot be compromised.

6. Role of Judiciary in Future Implementation

Even without requiring a UCC, courts will still:

- Strike down discriminatory practices.
- Observe and encourage legislative reform.
- Constitutional morality shall be used as a guiding principle in weighing the validity of personal laws.

CONCLUSION

The journey that the judiciary has undertaken from Shah Bano (1985) to Shayara Bano (2017) underlines the pivotal role played by the supreme court in shaping the national discourse on the Uniform Civil Code. Over the last four decades, the court has emerged as both a guardian of constitutional values and a catalyst for reform within personal laws. In these two key verdicts, the judiciary made it clear that whatever be their religious origin, personal law practices cannot remain impervious to the dictates of fundamental rights. This presumption reinforces the larger role played by the Court in protecting vulnerable groups, especially women, against discrimination embedded in traditionally accepted norms.

Coming back to key research questions-continuity, change, and evolving judicial philosophy-it crystallizes that the Supreme Court has moved in the direction of incremental constitutionalism. If in Shah Bano, the Court based women's right to maintenance on purely humanitarian and constitutional grounds, in the case of Sarla Mudgal, it showed concern regarding the misuse of personal laws and the need for a uniform legal structure. By the time

Shayara Bano reached the courts, the judiciary was completely relying on a rights-based prism when it struck down instant triple talaq as unconstitutional. This transformation illustrates continuity in the form of the relentless pursuit of gender justice, along with a definitive change toward increased reliance on constitutional morality over religious autonomy.

Ultimately, the debate on the UCC is neither strictly a legal nor a political question but reflects the constitutional vision of India to reconcile diversity with equality. The interventions by the judiciary have laid down important normative principles, indicating that while uniformity cannot be brought about abruptly, inequality cannot be tolerated for all time to come. The Court's stance invites a prospect wherein democratic dialogue, community participation, and legislative clarity may combine to build an inclusive, balanced, and sensitive UCC to the pluralistic fabric of India. To sum up, the arc from Shah Bano to Shayara Bano describes the critical role taken by the judiciary in reconsidering the practice of personal laws in the exercise of constitutional imperatives. For India, still debating the prospects of eventually installing a Uniform Civil Code, these judgments signal both a way forward and a moral direction. They reinforce the belief that the Constitutional endpoint—equality before the law, non-discrimination, and uniform protection of rights—remains relevant and achievable, provided reforms are aligned with justice, consensus, and constitutional faithfulness.

AUTHOR'S PERSPECTIVE

Based on the analysis, the authors consider the judicial approach toward the Uniform Civil Code, from Shah Bano to Shayara Bano, to be a balanced and necessary evolution in Indian constitutional jurisprudence. The courts have consciously avoided both extremes—neither imposing a rigid uniformity nor ignoring the inequalities present within the various personal laws. Rather, the judiciary has followed a gradual, rights-based approach that respects India's cultural diversity while upholding the Constitution's foundational values of equality, dignity, and non-discrimination.

The authors further believe that such a calibrated judicial strategy is apt for a pluralistic society like India. While an immediate and sweeping introduction of a UCC may not be socially feasible, the judiciary's steadfast scrutiny of discriminatory practices has laid a robust normative foundation for future reform. Judgments such as Shah Bano, Sarla Mudgal, and Shayara Bano collectively affirm that personal laws cannot be exempt from fundamental rights protections.

The authors believe that long-term progress toward a UCC can only emerge through democratic consensus and legislation. Courts can guide, clarify, and correct injustices but, for any comprehensive civil code to be developed, its implementation would have to be joined with consultations of communities, legal scholars, and all other stakeholders for it to be inclusive and accepted.

The authors, therefore, endorse a gradual, participatory, and gender-just transition toward the adoption of a Uniform Civil Code. A UCC implemented in a phased and carefully designed manner could increase gender justice, promote national integration, and harmonize personal laws without undermining India's cultural and religious pluralism.

REFERENCES

A. Case Laws

- Danial Latifi v. Union of India, (2001) 7 SCC 740.
- Jordan Diengdeh v. S.S. Chopra, (1985) 3 SCC 62.
- John Vallamattom v. Union of India, (2003) 6 SCC 611.
- Lily Thomas v. Union of India, (2000) 6 SCC 224.
- Mohd. Ahmed Khan v. Shah Bano Begum, (1985) 2 SCC 556.
- Sarla Mudgal v. Union of India, (1995) 3 SCC 635.
- Shayara Bano v. Union of India, (2017) 9 SCC 1.

B. Statutes

- Constitution of India. 1950.
- Dissolution of Muslim Marriages Act. 1939.
- Hindu Marriage Act. 1955.
- Hindu Succession Act. 1956.
- Muslim Women (Protection of Rights on Divorce) Act. 1986.
- Special Marriage Act. 1954.

C. Books

- Agnes, Flavia. Law, Justice and Gender: Family Law and Constitutional provisions in India. New Delhi: Oxford University Press, 2011.
- Basu, Durga Das. Introduction to the Constitution of India. New Delhi: LexisNexis.

- Derrett, J. Duncan M. religion, Law and the State in India. London: Faber &Faber, 1968.
- Mahmood, tahir. Personal law in Islamic countries. New Delhi: Academy of Law and Religion.
- Seervai, H. M. Constitutional Law of India. Bombay: N.M. Tripathi.

D. Journal Articles

- Agnes, Flavia. “Uniform Civil Code and Gender Justice.” Economic and Political Weekly.
- Bhatia, Gautam. “Triple Talaq and Constitutional Morality.” NUJS Law Review.
- Menski, Werner. “Harmonizing the Indian Legal System: The UCC Debate.” Journal of Comparative Law.
- Parashar, Archana. “Women and Family Law reform in India” International Journal of Law, Policy and the Family.
- Reddy, B. M. “Secularism and Personal Law Reforms in India.” Indian Journal of Legal Studies.

E. Online Scholarly Sources

- Economic and Political Weekly (EPW). Accessed 2025.
- Law Commission of India, 21st Report on Family Law Reform. Ministry of Law and Justice.
- Oxford University Press India. Family Law Publications.
- PRS Legislative Research. “Personal Laws and UCC Overview.”
- Supreme Court of India. “Judgments Portal.” <https://main.sci.gov.in>