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UCC AND THE CITIZEN: REFORM, RIGHTS AND THE DANGER OF POLITICISING PERSONAL LAW

A constitutional case for reform without political compulsion

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India's Uniform Civil Code debate has entered a new and politically important phase. On 13 September 2026, Union Home Minister Amit Shah announced that BJP-led NDA governments in 21 States and Union Territories would introduce the UCC before the 2029 Lok Sabha election. The announcement gives the debate a clear political deadline. It also makes a constitutional question unavoidable: can a reform as intimate as personal law be allowed to become primarily an electoral instrument? The answer should be no—not because UCC is unconstitutional in principle, but because constitutional reform must be judged by constitutional purpose, legislative process and its effect on citizens, not by party ownership. The UCC is not, by itself, an anti-Muslim or anti-Christian idea. Nor is every Muslim or Christian who questions it opposed to equality. India can simultaneously recognise the legitimacy of reform and the legitimacy of apprehension about the form, timing and consequences of that reform. A citizen may support equality while asking whether the proposed law is necessary, proportionate, sufficiently consulted upon and consistent with the Constitution.

Article 44 places a clear constitutional aspiration before the State: it shall endeavour to secure a Uniform Civil Code for citizens throughout India. But Article 44 is part of the Directive Principles and is not, by itself, a fundamental right enforceable in court. It must therefore operate within the larger constitutional structure, including Articles 14, 15, 19, 21, 25 and 26, federalism, secularism, dignity and the basic structure of the Constitution. A UCC cannot be treated as a constitutional shortcut around these guarantees.

The distinction between a constitutional objective and an immediate legislative command is important. The Supreme Court has discussed the desirability of a common civil code in cases such as *Mohd. Ahmed Khan v. Shah Bano Begum*, *Sarla Mudgal v. Union of India* and *John Vallamattom v. Union of India*. In *Sarla Mudgal*, the Court dealt with the misuse of conversion

to Islam to contract a second marriage while the first marriage subsisted and urged the Union Government to reconsider Article 44. In *John Vallamattom*, the Court struck down Section 118 of the Indian Succession Act, 1925 as discriminatory against Christians and again observed the constitutional significance of Article 44. These decisions demonstrate that the Court has recognised the problem of discriminatory or conflicting personal-law rules; they do not mean that every possible model of UCC is automatically constitutionally valid.

That distinction matters today. The Supreme Court's decision in *Shayara Bano v. Union of India* is a particularly useful constitutional lesson. The Court invalidated *talaq-e-biddat*, with the majority finding the practice constitutionally impermissible. The judgment shows that constitutional protection of religion is not a licence for every practice associated with a religious tradition. At the same time, the constitutional route to reform is to examine the actual practice, its legal source, its effect on equality and dignity, and its compatibility with fundamental rights. The lesson is not that religion must disappear from civil law; it is that no personal-law practice is beyond constitutional scrutiny.

The same principle must apply to every community. If a rule disadvantages a woman, a child, a spouse or another vulnerable person, the State should be prepared to reform it irrespective of whether the rule is associated with Hindu, Muslim, Christian, tribal or any other tradition. Equality cannot be selectively invoked. A genuinely constitutional UCC must therefore begin with the citizen who suffers discrimination—not with the political identity of the community whose law is being changed.

The present political framing nevertheless deserves careful examination. The UCC has long been a stated ideological commitment of the BJP, and the latest promise to implement it in all 21 NDA-ruled States before 2029 connects the reform directly with the electoral calendar. There is nothing unconstitutional about a political party pursuing a manifesto commitment. But the closer a legal reform comes to a fixed electoral deadline, the greater the need for transparency about its draft, evidence, consultation and constitutional safeguards. A law governing marriage, divorce, inheritance, adoption and related family matters should not be rushed merely because an election is approaching.

Uttarakhand provides a useful real-world test. It became the first State to bring a UCC into force, on 27 January 2025. Its official framework addresses marriage, divorce, inheritance,

adoption, succession and live-in relationships, with detailed rules and administrative procedures. The State's experience should now be evaluated empirically rather than treated either as a political trophy or as proof of failure. What has improved for women? What administrative burdens have emerged? How have courts interpreted difficult provisions? How have tribal and customary interests been protected? What lessons can be drawn before other States proceed?

There is another constitutional complication. Personal-law subjects such as marriage and divorce, adoption and succession fall within the Concurrent Legislative List. State-level experimentation is therefore legally possible, but the relationship between State legislation and parliamentary legislation, including Article 254, cannot be ignored. If different States adopt materially different UCC models, India could temporarily experience not one uniform civil code but several state-level civil codes. That is not necessarily unconstitutional, but it shows why the word 'uniform' should not be allowed to conceal the federal and legislative complexity involved.

The citizen's position also needs to be stated correctly. In a representative democracy, an individual citizen does not possess a legal veto over legislation merely because he or she does not consent to it. Parliament and State Legislatures routinely enact laws that some citizens oppose. Therefore, it would be legally inaccurate to argue that a UCC cannot be enacted unless every citizen or every religious community agrees to it. The stronger constitutional argument is different: citizens have a right to participate in democratic deliberation, to challenge unconstitutional legislation, to seek judicial review, and to demand that the State justify restrictions on rights through lawful and proportionate means.

In other words, consent is politically valuable, but constitutional validity does not depend upon unanimous consent. A minority cannot veto every reform; equally, a majority cannot convert electoral strength into a licence to disregard minority rights. This is precisely where constitutional morality becomes important. The Constitution protects both democratic decision-making and individual dignity. The majority governs, but it governs within constitutional limits.

For that reason, the correct question is not simply whether India needs 'one law for all'. The better question is: which areas of personal law genuinely require uniformity, which discriminatory practices require reform, and where should legitimate cultural or customary

diversity continue to receive protection? Uniformity of procedure may be desirable in some areas; absolute uniformity of every family practice may not be necessary to achieve equality.

A rights-based UCC should therefore satisfy at least five tests. First, equality: it must not reproduce discrimination under the label of uniformity. Second, dignity and autonomy: adult citizens must retain meaningful freedom in personal and family decisions consistent with law. Third, religious freedom: Article 25 must be respected while recognising that religious freedom is subject to public order, morality, health and the other constitutional limitations. Fourth, proportionality: restrictions on personal choices must have a legitimate purpose and must not be excessive. Fifth, procedural fairness: citizens must be given a genuine opportunity to examine and respond to the proposed law before it is enacted.

There should also be special care for women. A UCC should not be advertised as women's empowerment merely because it abolishes a practice associated with one community. Its actual test should be whether women receive equal rights in property, inheritance, maintenance, marital decision-making, divorce, guardianship and family security. A law that is formally identical but practically disadvantages women would defeat the constitutional promise of substantive equality.

The same caution applies to tribal communities and customary practices. India's constitutional architecture already recognises that social and customary diversity cannot simply be erased by administrative convenience. Any national reform must carefully examine Scheduled Tribe exemptions and other constitutionally protected arrangements. A genuinely Indian UCC may therefore require a carefully designed balance between common civil rights and legitimate diversity rather than a mechanical demand for identical rules in every circumstance.

The political class should consequently resist turning UCC into a test of patriotism. Supporting the UCC does not make a citizen more nationalist; opposing a particular draft does not make a citizen less Indian. The Constitution does not ask citizens to prove their loyalty by agreeing with the government. It gives them rights precisely so that they can question government action peacefully and lawfully.

Nor should minority apprehension be dismissed as political opportunism. Muslim and Christian citizens are entitled to ask what precisely will change, why it is necessary, whether comparable

reforms will be made across communities, and what safeguards will protect legitimate religious and customary freedom. At the same time, political parties representing minorities should not treat every personal-law reform as an attack on religion. Women's equality and individual dignity cannot be postponed indefinitely in the name of community identity.

The way forward is therefore neither unconditional acceptance nor permanent resistance. Before nationwide implementation, the government should publish a clear draft, disclose the evidence supporting each major provision, conduct meaningful consultations across States and communities, invite written objections, place a detailed impact assessment before legislatures, and explain how the proposed code interacts with existing central and State laws. A parliamentary committee process should be substantive rather than ceremonial. The Uttarakhand experience should be independently assessed, including litigation, administrative implementation and its effect on citizens.

Most importantly, the government must separate constitutional reform from electoral mobilisation. If UCC is genuinely intended as a long-term national reform, its legitimacy should not depend upon whether it is completed before the 2029 election. A constitutional law should be able to survive an election cycle, a change of government and a change of political narrative.

India's Constitution does not demand that diversity be celebrated at the cost of equality, nor does it demand that equality be achieved by erasing diversity. Its deeper promise is more difficult: to secure individual dignity and equal citizenship while accommodating a deeply plural society. The UCC debate should be conducted within that promise.

A government can legislate. Parliament can decide. Courts can review. Citizens can disagree. That is democracy. But when the law enters the most private corners of a person's life, legitimacy matters almost as much as legality. India should therefore pursue civil-law reform, if it does so, not as a victory of one political camp over another, but as a constitutional project in which every citizen—majority or minority, believer or non-believer, woman or man—is treated first as a citizen.

The ultimate test of the UCC should be simple: not whether it wins an election, not whether it defeats a community's political resistance, and not whether it can be presented as an ideological

achievement—but whether an ordinary Indian citizen can look at the law and say that it protects my equality, my dignity and my freedom under the Constitution.

Selected legal authorities and current sources

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- Smt. Sarla Mudgal, President, Kalyani v. Union of India, (1995) 3 SCC 635; AIR 1995 SC 1531.
- John Vallamattom v. Union of India, (2003) 6 SCC 611; AIR 2003 SC 2902.
- Shayara Bano v. Union of India, (2017) 9 SCC 1; AIR 2017 SC 4609.
- Uniform Civil Code, Uttarakhand: official UCC portal and Uniform Civil Code Rules, 2025; UCC came into force in Uttarakhand on 27 January 2025.
- Current political development: reports dated 13–14 September 2026 concerning the Union Home Minister's announcement that UCC would be introduced in 21 BJP/NDA-ruled States before 2029.

Editorial note: This article is written as an independent constitutional commentary. It does not argue that individual consent is legally required for legislation; rather, it argues for democratic participation, constitutional safeguards, evidence-based drafting and meaningful consultation.

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