



INTERNATIONAL JOURNAL OF HUMAN RIGHTS LAW REVIEW

An International Open Access Double Blind Peer Reviewed, Referred Journal

Volume 5 | Issue 1 | 2026

Art. 21

Between Pluralism and Equality: A
Constitutional Reassessment of the
Uniform Civil Code

Mridula Vats

*LLM Student,
1st Year, SRM University, Haryana*

Deepanshu Chauhan

*LLM Student,
1st Year, SRM University, Haryana*

Recommended Citation

Mridula Vats and Deepanshu Chauhan, *Between Pluralism and Equality: A Constitutional Reassessment of the Uniform Civil Code*, 5 IJHRLR 303-317 (2026).

Available at www.humanrightlawreview.in/archives/.

This Article is brought to you for free and open access by the International Journal of Human Rights Law Review by an authorized Lex Assisto & Co. administrator. For more information, please contact humanrightlawreview@gmail.com

Between Pluralism and Equality: A Constitutional Reassessment of the Uniform Civil Code

Mridula Vats

*LLM Student,
1st Year, SRM University, Haryana*

Deepanshu Chauhan

*LLM Student,
1st Year, SRM University, Haryana*

Manuscript Received
13 Feb. 2026

Manuscript Accepted
17 Feb. 2026

Manuscript Published
22 Feb. 2026

ABSTRACT

A Constitution is constantly flexible. Implicit within a Constitution is its framer's vision, which unfolds itself in the very course of its realization. In that meaning, it is a blend of ideals and reality of what should be and what exists. A constitutional text attempts to engage with reality and transform it in the shape of its objectives. Constitution, some norms are enforceable in courts of law, and some norms, though essential in the nation's governance, are not enforceable by the courts. Both groups of these constitutional norms carry messages and commands for the State, society, and individual, and those messages and commands are the responsibilities that the Constitution assigns to all branches of the State and the citizens for their progressive comprehension. In different words, our Constitution provides us a basic framework, a collection of fundamental aims, principles, and standards, a body of mandatory and prohibitory directions, a bundle of constructive and declaratory tools, and a guide of methods. All these are aligned with the objective of the priority tasks of our Constitution. In relation with the above, one of the incomplete guarantees of the Indian Constitution is the Uniform Civil Code (UCC). The Indian population resembles a bouquet of flowers in a vessel. There is diversity in religious belief, customs, festivals, cuisine, language, and culture; therefore, individuals are regulated by their religious laws, also referred to as personal laws. The UCC, if introduced, will regulate the personal laws of all religious groups relating to marriage, divorce, adoption, inheritance, succession, property, etc. The objective of enforcing UCC in India is

to create a set of laws that apply to all citizens, irrespective of their religion, community, race, sex, and caste. Enforcing UCC will encourage equality, secure national unity, and remove discrimination among religious communities. The framers of our Constitution could not carve out a consensus on the UCC despite discussing it widely. From its initial position under Fundamental Rights, the early lawmakers agreed on a compromise and allowed the UCC to be placed within the Directive Principles of State Policy. However, the clause is of significance that it is to be executed in the future. Several times, an effort has been undertaken to enforce the UCC, but all goes futile due to the lack of cooperation of all the parties and not in accordance with the ideologies of the ruling parties. In 2018, the 22nd Law Commission released a notification to invite opinions on any matters concerning UCC. The commission has obtained the responses and has yet to finalize and provide the recommendations. These steps are undertaken not only on the basis of suggestions of the commission and the political parties' ideologies but also in line with Article 44 itself and the compliance of international conventions. It has become the obligation of the parliament to accomplish constitutional assurance.

KEYWORDS

Constitution Assembly Debates, Constitutional Mandate, International obligations, Legislative Measures, Personal Laws, Uniform Civil Code.

INTRODUCTION

“India i.e. Bharat is a land of diversities, and all diverse people are residing in this nation with their uniqueness. There is variation in personal laws because of differences in religious faith, customs, ethnicity, language, and culture. In India, a large section of the people's lives are influenced by their religious convictions. However, the religious laws regulate matters related to marriage, adoption, succession, inheritance, property, partition, custody, divorce, and other family-related concerns.”¹

Hindu law regulates the adherents of that religion; likewise, Muslim law regulates Muslims, Christian law regulates

¹ Laura Dudley Jenkins, Personal Law and Reservations: Volition and Religion in Contemporary India in RELIGION AND PERSONAL LAW IN SECULAR INDIA 104. P. DIWAN, FAMILY LAW (11th ed. Allahabad Law Agency 2018).

Christians, and so on. Distinct communities have distinct laws, which are treated as their personal laws.²

The Uniform Civil Code (UCC) in India signifies a proposal to substitute the personal laws, which are presently derived from the religious scriptures and customs of various communities, with a uniform set of laws governing every citizen. These laws would include several civil matters such as marriage, divorce, inheritance, adoption, and succession, irrespective of the person's religion, community, race, sex, and caste.

Article 44 of the Indian Constitution, under the Directive Principles of State Policy, declares that the State should endeavor to implement a UCC throughout the country. However, it is significant to mention that the UCC is not enforceable by courts but operates as a guiding principle for the state.

The UCC seeks to advance equality, national unity, and gender equality by ensuring that all citizens are governed by the same civil laws. It is a matter of intense debate because of the cultural and religious diversity in India, and the difficulties it creates in terms of execution and approval among various communities.

The provisions of the Constitution stress the necessity to adopt the UCC and make India responsible for fulfilling its promise to apply the code in harmony with international commitments.

“India must implement the relevant provisions and secure gender equality under domestic laws since it has ratified the International Covenant on Civil and Political Rights, 1966 (ICCPR) and the International Convention on the Elimination of All Forms of Discrimination Against Women, 1979 (CEDAW).”³

Further, the Supreme Court has consistently ruled, referring to Article 51⁴ of the Indian Constitution that obligations undertaken at the international level, including those to which India is a party

² Ahmed, Shabbeer, and Shabeer Ahmed. UNIFORM CIVIL CODE (ARTICLE 44 OF THE CONSTITUTION) A DEAD LETTER 67 (3) THE INDIAN JOURNAL OF POLITICAL SCIENCE 545-52 (2006), <http://www.jstor.org/stable/41856241>.

³ Jyoti Ratan, Uniform Civil Code in India: A Binding Obligation Under International & Domestic Law, 46 (4) JOURNAL OF THE INDIAN LAW INSTITUTE 577.

⁴ INDIA CONST. art.51. Promotion of international peace and security- The State shall endeavour to--(a) promote international peace and security; (b) maintain just and honourable relations between nations; (c) foster respect for international law and treaty obligations in the dealings of organised peoples with one another; and (d) settlement of international disputes by arbitration.

or signatory, become part of municipal law to the extent that there is no inconsistency between them. Consequently, these treaties and conventions have rendered it essential for the Parliament to enact laws giving effect to the revised commitments.

In the above background, the UCC is not merely directions addressed to the state but also a commitment to be realized in line with the constituent assembly discussions, constitution, international obligations, and the court's perspective regarding enforcement of UCC.

OBJECTIVE OF STUDY

The aim of this paper is to assess the position as to how the government will accomplish the assurance of the Constitution. The examination will be carried out taking into account the opinions of the Constitution Assembly members, the Constitution's current provisions, and India's global obligations at various international forums. After the above assessment, the opinions expressed by the Supreme Court and High Courts will be examined to conclude that the execution of UCC is not merely a directive but is a responsibility upon the state to enforce it.

RESEARCH METHODOLOGY

The research method of this literary work is doctrinal and adopts both exploratory and analytical techniques. Both primary and secondary sources of material is utilized to provide the foundation for the preliminary evaluation of the paper, which has later been expanded to incorporate a more detailed study of the literature, the method includes an extensive review of books, articles, newspapers, and decisions of the courts.

CONCEPT AND CONSTITUTIONAL POSITION OF UCC

Decoding The Constitutional Idea of a Uniform Civil Code

The civil code is a collection of rules regulating the civil affairs of the citizens in the country concerning issues like marriage, divorce, adoption, guardianship of children, inheritance, succession to property etc.

“The expression ‘Uniform Civil Code’, therefore, signifies a very limited sphere of civil law relating to marriage, succession, maintenance and adoption.”⁵ A Civil Code, as has been indicated, extends into every branch of civil relations, to the law of contracts, to the law of property, to the law of succession, to the law of

⁵ Krishnayan Sen, Uniform Civil Code, 39 EPW, 4196 (2004).

marriage and comparable matters.⁶ Uniform Civil Code thus is comprehended to be a mechanism that, would remove distinctions of personal laws and bring in uniformity in its enforcement. As far as uniform enactment is concerned, we have nearly addressed every domain of law except matrimonial laws. There is no common civil code of law applicable to the marital relationship of all, regardless of ethnic or religious connections. Therefore, through Article 44, the modern State is urged to discharge its burdensome duty of providing uniform civil code on the said subject, applicable to all the citizens of India.

UCC is not defined anywhere in the Constitution or elsewhere. Hence, there is little guidance as to what it should exactly include. Regrettably, while our Constitution framers have laid down a high ideal in the Constitution, all we observe in our Constitutional debates is the deliberation on whether UCC ought to be incorporated into the Constitution. Even the broad spectrum of judgments of the Supreme Court touching upon the matter do not clarify what is anticipated to be included in the Uniform Civil Code. This has resulted in individuals forming conclusions on components of Uniform Civil Code according to their own interpretation and convenience.

EVOLUTIONARY TRAJECTORY OF THE UNIFORM CIVIL CODE

1835: 2nd Law Commission Report

The 2nd Law Commission Report of 1835 emphasized the necessity for uniformity in codifying Indian Laws relating to offences, evidence and contracts but advised that codification should not cover matters such as the personal laws of the Hindus and Muslims which drew their legitimacy from their respective religions.

1858: Queen Victoria's Proclamation

In 1858, Queen Victoria in her proclamation assured the people of India of complete non-interference in religious affairs. Initiatives undertaken by progressive groups of British-ruled India and Women's organizations resulted in a series of laws enacted concerning the Hindus which were advantageous to women, such as the Hindu Widow Remarriage Act of 1856, Married Women's Property Act of 1874, Hindu Inheritance (Removal of Disabilities) Act of 1928 and Hindu Women's Right to Property Act of 1937. The increasing wave of legislation on personal matters created discussion and dispute and demanded a careful and balanced

⁶ Shri Alladi Krishnaswamy Aiyer in Constituent Debates, Volume VIII, 545.

response from the government of that period.

B.N. Rau Committee Of 1941

B.N Rau Committee of 1941, formally referred to as the Hindu Law Committee was primarily assigned to examine the issue of the necessity of uniform Hindu Laws. The Hindu Law Committee suggested a codified Hindu Law which would grant equal rights to women in accordance with the contemporary trends of society. However, it must be noted that its focus was mainly on reforming the Hindu Law in line with the scriptures on this subject but were endless; therefore, the Hindu Code Bill lapsed and was reintroduced only in 1952.

Passage of Hindu Code

The provisions of the Hindu Code were enacted in separate segments, namely, Hindu Marriage Bill which was passed in May 1955, Hindu Succession Act passed in June 1956, Hindu Minority and Guardianship Bill passed in August 1956 and Adoptions and Maintenance Bill passed in December 1956. To this G.R. Rajagopal remarked that “It was considered that an effort should be made to codify the Hindu Law and if this succeeded, and any of the measures introduced thereby possessed in themselves inherent merits recommending them for universal application, the time would not be distant when other communities might wish to follow the same path and request reconsideration of their own law in the light of the altered circumstances”.

CONSTITUENT ASSEMBLY DELIBERATIONS ON THE UNIFORM CIVIL CODE

Between Reform and Requirement

The UCC is a contrasting idea to the prevailing personal law framework, according to which specific family and property matters (marriage, divorce, maintenance, guardianship, adoption, succession and inheritance) of Hindus, Muslims, Parsis and Christians as well as Jews are regulated by their respective religious laws.⁷

These laws are partly codified and partly uncoded and customary. The concept of substituting this framework with a uniform Code has assured and appears to signify different

⁷ Tanja Herklotz, *Dead Letters? The Uniform Civil Code through the Eyes of the Indian Women's Movement and the Indian Supreme Court*, 49(2) *VERFASSUNG UND RECHT IN ÜBERSEE / LAW AND POLITICS IN AFRICA, ASIA AND LATIN AMERICA* 148 - 74 (2016) (Mar.1, 2024, 10:00 PM), <http://www.jstor.org/stable/26160070>.

meanings to different bodies: Gender justice to the women's movement and national unity, secularism and modernity to the Supreme Court.⁸

The UCC continues to be a debatable issue, representing the difficulty of reconciling the uniformity of laws with the diversity of India's cultural and religious texture. The necessity for a Uniform Civil Code (UCC) in India has recently been highlighted due to various reasons.

“The UCC will concentrate on rights, keeping the rituals embodied personal law unaffected within the limits of constitutional propriety.”⁹ Ours is a country with a broad range of religions and faith systems. Hence, personal laws are repeatedly in dispute and also the primary cause of communal tension within the territory. The constitution has been regarded as a grundnorm, the Constitution is supreme and all the laws must be in conformity with the constitution.¹⁰ Although UCC being a segment of DPSP is not enforceable by any court, yet the principles therein provided are nevertheless essential in the governance of the nation and it shall be the duty of the State to apply the principles in framing laws.¹¹ While the constitution, also, grants the right to manage its own religious affairs, to any religious denomination, in religious matters.¹² Thus, bringing in what appears to be somewhat conflicting provisions as there cannot share uniform set of laws while also granting religious liberty at the same time, because in order to introduce a uniform set of laws some of the personal religious rights will have to be restricted. This shall entirely be against the overall outlook of the society as well being violative of Article 25¹³ of the fundamental rights. With several beliefs arise many ideological clashes and a responsibility upon the State to secure peaceful co-existence. To live simultaneously with such immense diversity, it is necessary to maintain uniformity and prevent conflicts. What we require is UCC incorporated in a learned, coherent framework of legal governance that assists to maintain equilibrium and effectively utilizes the contribution of personal laws to the maximum benefit achieving higher level of uniformity. The code shall function as a reflection to the minds of

⁸ Id.

⁹ B. G. Verghese, Who's Afraid of A Uniform Civil Code? (Dec. 12, 2023, 10:00 AM), <http://www.thehindu.com/2003/08/13/stories/2003081300341000.html>.

¹⁰ Doctrine of Constitutional Supremacy; See also, The Position of the Supreme Court under the Constitution of India, <http://www.yourarticlelibrary.com/indian-constitution/the-position-of-the-supreme-court-under-the-constitution-of-India/5539>.

¹¹ INDIA CONST. art. 37

¹² INDIA CONST. art. 26.

¹³ INDIA CONST. art.25 “...all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.”

the framers of the constitution of India as it shall in real essence operate to attain equity, justice and good conscience without any conflicts.¹⁴

THE INFLUENCE OF CONSTITUENT ASSEMBLY DELIBERATIONS ON ARTICLE 44

The Constituent Assembly discussions on the UCC in India were vigorous and underlined the varied viewpoints of the assembly members. The discussions occurred around Draft Article 35 and later Article 44 of the Constitution of 1950, which instructed the State to introduce a UCC throughout India.

Dr. Ambedkar, the principal architect of the Indian Constitution, had presented a strong argument in the Constituent Assembly for enacting a UCC. He highlighted the significance of a UCC in guaranteeing gender justice and removing existing social evils.¹⁵

The influence of the Constituent Assembly discussions as held during the course of drafting the Constitution played a significant part in the expansion and evolution of the idea of UCC. The Constituent Assembly debates on the Uniform Civil Code display a variety of viewpoints and concerns. While supporters stressed the necessity for gender justice, national cohesion, and modernization of the legal framework, critics emphasized the value of religious independence, minority protections, and cultural diversity.¹⁶

For the first time on November 23, 1948, the matter of UCC was introduced in the Constituent Assembly. The concept of UCC was placed before the Constituent Assembly with the following wording: The State shall endeavor to secure for the citizens Uniform Civil Code.”¹⁷

ADVOCACY FOR ARTICLE 44: PRO-UCC ARGUMENTS IN THE ASSEMBLY

Advancing Gender Equality: Enforcing UCC would remove discriminatory customs existing in personal laws and create equality between men and women. Personal laws frequently discriminate against women in matters of inheritance, marriage,

¹⁴ Kriti Rathi & Aman Tolwani, One Code, One Nation: Reality or A Speculation, *JOURNAL OF LAW AND PUBLIC POLICY UNIFORM CIVIL CODE (JLPP)* 189 (2017) (Dec. 12, 2023, 10:00 PM), <https://ceerapub.nls.ac.in/journal-of-law-public-policy-vol-4/Page189>.

¹⁵ M. Venkaiah Naidu, India needs a uniform civil code, <https://www.thehindu.com/opinion/lead/india-needs-a-uniform-civil-code/article67050330.ece>.

¹⁶ Id.

¹⁷ Article 39 of the draft Constitution

divorce, and maintenance rights. A UCC would guarantee equal rights for women in these areas.

National Unity and Integration: A UCC would encourage national unity by rising above religious and community divisions, nurturing a feeling of common citizenship. Personal laws, founded on religion or community, often continue differences and separations among citizens, weakening the nation's cohesive structure.

Secularism and Individual Rights: Implementing a UCC would preserve the principles of a secular state, where religious beliefs do not govern civil matters. It would protect individual rights and liberty of choice, enabling citizens to select a civil law framework, instead of being restricted by religious laws.

Modernising Legal System: A UCC would align India's legal framework with international standards and modern values, reflecting the demands of a contemporary society. Personal laws, grounded in traditional customs, frequently clash with changing social norms, requiring a comprehensive and inclusive legal structure.

Harmonising Diverse Traditions: A UCC would aim to harmonise diverse cultural, regional, and religious customs, promoting social unity and national integration. By establishing a common set of laws applicable to all citizens, a UCC would reduce disputes arising from variations in personal laws.

RESERVATIONS AND OBJECTIONS TO ARTICLE 44 IN THE CONSTITUENT ASSEMBLY

Protection of Religious and Cultural Autonomy: Opponents contended that introducing a UCC would encroach upon religious and cultural independence, weakening the diversity of India's society. Personal laws are firmly embedded in religious and cultural traditions, and their retention was necessary to safeguard minority communities' unique identities.

Breach of Fundamental Rights: Critics assert that implementing a UCC would infringe the fundamental right to freedom of religion, as citizens would be obligated to adhere to a common civil law. It was maintained that personal laws grant individuals the liberty to observe their religion without interference from the state.

Complexity and Feasibility: Doubters argued that drafting a single inclusive civil law that addresses the varied requirements of a large country like India is a complicated exercise. Executing and applying a UCC would demand considerable administrative,

legislative, and judicial efforts, creating concerns about its feasibility.

Possibility of Social Disturbance: Opponents apprehended that enforcing a UCC might provoke social disturbance and dissatisfaction among religious communities, resulting in societal divisions. Personal laws have long been entrenched in people's lives, and any abrupt alteration could disturb social harmony and communal relationships.

Respect for Diversity and Pluralism: Critics highlighted the significance of honoring and recognizing India's varied cultural and religious pluralism. Personal laws enable different communities to preserve their distinct identities and customs, encouraging a multicultural society.

Although the UCC possessed many advantages but it has been firmly resisted on two bases.¹⁸ First that it will breach the freedom of religion ensured under Article 25 of the Indian Constitution, and second it will amount to oppression of the people of the minority community.

The framers of our Constitution were not in agreement on the execution of UCC. Even though detailed deliberation was carried out but it was not regarded suitable to be included as a part of fundamental rights. The members of the constituent assembly agreed upon a compromise and allocated place to the UCC within the Directive Principles of State Policy.¹⁹

UNIFORMITY AND WOMEN'S RIGHTS: QUESTIONING THE ASSUMPTION

The proposition that a Uniform Civil Code (UCC) would automatically secure gender justice rests on a simplified understanding of women's lived experiences across communities.²⁰ The article argues that both supporters and opponents of the UCC have largely ignored the distinct subject positions of women, treating them as a homogenous category rather than acknowledging layered socio-cultural realities. The codification of Hindu personal law is cited as evidence that uniform legal reform, while symbolically progressive, did not entirely dismantle patriarchal structures embedded within

¹⁸ D. C. Manooja, Uniform Civil Code: A suggestion, 42 JOURNAL OF INDIAN LAW INSTITUTE 448 (2000).

¹⁹ Ramesh Sharma, what framers of our Constitution said about UCC and why they didn't implement it, INDIA TODAY, New Delhi Jul. 31, 2023.

²⁰ Shambhavi, Uniform Civil Code: The Necessity and the Absurdity, 1 ILI L. Rev. 12 (2017).

society.²¹ Although codification recognized equality as a constitutional concern, it did not necessarily ensure substantive transformation in women's status. The author therefore cautions that uniformity, by itself, cannot be equated with empowerment.²²

MAJORITARIAN SECULARISM AND MINORITY ANXIETY

The apprehension that a UCC may operate as a vehicle of majoritarian dominance finds support in the Constituent Assembly Debates. Several members expressed concern that imposing uniformity in personal laws might override minority identities under the guise of secular reform.²³ The distinction between a non-religious state that guarantees equal freedom to all faiths and an anti-religious state that seeks to exclude religious norms from the legal framework altogether further complicates the debate. It is argued that uncritical adoption of western models of secularism could result in privileging one dominant conception of progress over plural cultural traditions.⁹ Thus, uniformity risks becoming a standardization of one worldview rather than a consensual reform process.

THE GENERALIZATION OF WOMEN'S OPPRESSION

The assumption that gender injustice manifests uniformly across communities has also been critically examined. Inequalities operate differently depending on historical, social, and cultural contexts, and therefore require context-sensitive reform rather than blanket legislative solutions.²⁴ The experience of codified Hindu law, including debates surrounding monogamy and marriage validity, demonstrates that reform without social consensus may produce unintended regressive consequences. Scholarly critiques highlight that even codified reforms sometimes displaced progressive customary practices, thereby complicating the narrative that uniformity guarantees justice. Ultimately, meaningful gender equality demands internal social transformation alongside legal reform, and undue haste in enforcing uniformity may weaken rather than strengthen reform efforts.

JUDICIAL ENGAGEMENT WITH ARTICLE 44

In *ABC v. State (NCT of Delhi)*²⁵, the Supreme Court of India

²¹ Madhu Kishwar, *Codification of Hindu Law: Myth and Reality*, 29 *Econ. & Pol. Wkly.* 2141 (Aug. 13, 1994).

²² M.P. Singh, *On Uniform Civil Code, Legal Pluralism and Constitution of India*, 5 *J. Indian L. & Soc'y* 35 (2014).

²³ 7 *Constituent Assembly Debates* 541–52 (Nov. 23, 1948).

²⁴ Flavia Agnes, *Hindu Men, Monogamy and Uniform Civil Code*, 30 *Econ. & Pol. Wkly.* 3283 (Dec. 16, 1995).

²⁵ *ABC v. State (NCT of Delhi)*, (2015) 10 S.C.C. 1 (India).

examined the question of whether an unwed Christian mother could be declared the sole guardian of her minor child without notifying or obtaining the consent of the biological father. The Court upheld the mother's claim, recognizing her independent guardianship rights and affirming her constitutional autonomy.²⁶ While deciding the matter, the Court also reflected upon Article 44 of the Constitution, observing that although the Directive Principles envisage the establishment of a Uniform Civil Code, the constitutional expectation remains unrealized.²⁷

A similar constitutional reminder was articulated in *Jose Paulo Coutinho v. Maria Luiza Valentina Pereira*²⁸, where the Supreme Court, while dealing with succession under the Goan civil framework, emphasized that the framers of the Constitution had expected the State to endeavor to secure a Uniform Civil Code throughout India.²⁹ The Court remarked that despite the constitutional vision embodied in Article 44, no comprehensive legislative effort has yet been undertaken to implement such a code at the national level.

The constitutional debate surrounding the Uniform Civil Code was further highlighted by the then Chief Justice of India, Sharad Arvind Bobde, who in March 2021 invited scholars and jurists to observe the functioning of the civil law system in Goa.³⁰ Addressing the inauguration of the new building of the Bombay High Court at Goa, he stated that Goa represents a living example of what the constitutional framers had envisioned under Article 44.³¹ He emphasized that the Goan civil framework governs matters of marriage and succession uniformly across religious communities.

Notably, Goa remains the only State in India where a form of Uniform Civil Code is operational.³² Although Article 44 directs that "the State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India,"³³ the provision is contained within Part IV of the Constitution and is therefore non-justiciable.³⁴ The legal framework applicable in Goa, which traces its origins to the Portuguese Civil Code of 1867, continues to regulate marriage, divorce, succession, and family property in a

²⁶ Id. ¶¶ 15–17.

²⁷ Id. ¶¶ 19–21.

²⁸ *Jose Paulo Coutinho v. Maria Luiza Valentina Pereira*, (2019) 20 S.C.C. 273 (India).

²⁹ Id. ¶ 52.

³⁰ Speech by CJI S.A. Bobde at the Inauguration of the New Building of the Bombay High Court at Goa (Mar. 28, 2021).

³¹ Id.

³² *Jose Paulo Coutinho*, (2019) 20 S.C.C. at ¶ 54.

³³ INDIA CONST. art. 44.

³⁴ INDIA CONST. art. 37.

uniform manner irrespective of religious identity.

CONTEMPORARY DEBATES AND POLITICAL DEVELOPMENTS

The renewed momentum surrounding the Uniform Civil Code (UCC) debate must be understood against the backdrop of consistent judicial observations, an assertive women's rights movement, and a politically stable majority government at the Union level.³⁵ These converging factors arguably create a more conducive environment for legislative consideration of Article 44 than in previous decades.³⁶ The Supreme Court's repeated reminders that the constitutional vision of a common civil framework remains unrealized have contributed to keeping the issue within the realm of active constitutional discourse.³⁷

At the same time, resistance from minority institutions continues to shape the debate. The All India Muslim Personal Law Board has consistently opposed any move toward a Uniform Civil Code, framing such efforts as interference with religious autonomy.³⁸ Yet, the enactment of the Muslim Women (Protection of Rights on Marriage) Act, 2019, which invalidated instant triple talaq, demonstrates that reform in the domain of personal law is institutionally feasible.³⁹ The judicial invalidation of triple talaq in *Shayara Bano v. Union of India* further illustrates the Court's willingness to prioritize constitutional guarantees of equality and dignity over discriminatory religious practices.⁴⁰

Thus, the contemporary constitutional landscape reflects a tension between claims of group-based religious identity and the expanding recognition of individual rights. In a system committed to equality, non-discrimination, and human dignity, the argument for deliberating upon a Uniform Civil Code cannot be dismissed outright.⁴¹ Rather, its legitimacy must be assessed through a careful reconciliation of fundamental rights and Directive Principles within India's transformative constitutional framework.⁴²

³⁵ *Jose Paulo Coutinho v. Maria Luiza Valentina Pereira*, (2019) 20 S.C.C. 273, ¶¶ 52–54 (India).

³⁶ INDIA CONST. art. 44.

³⁷ *Id.*; see also *ABC v. State (NCT of Delhi)*, (2015) 10 S.C.C. 1 (India).

³⁸ Public Position of the All India Muslim Personal Law Board Opposing Uniform Civil Code Proposals.

³⁹ The Muslim Women (Protection of Rights on Marriage) Act, No. 20 of 2019, § 3 (India).

⁴⁰ *Shayara Bano v. Union of India*, (2017) 9 S.C.C. 1 (India).

⁴¹ INDIA CONST. arts. 14, 15, 21.

⁴² INDIA CONST. pts. III & IV.

CONCLUSION

The debate on the Uniform Civil Code reflects a continuing constitutional tension between the ideals of equality and the realities of pluralism. Article 44 represents an aspirational commitment toward legal uniformity, yet its placement within the Directive Principles acknowledges the need for social readiness and consensus. While judicial pronouncements and selective legislative reforms demonstrate the State's inclination toward harmonizing personal laws with constitutional values, the complexity of India's religious and cultural diversity cannot be overlooked.

Uniformity, by itself, does not automatically ensure gender justice or social reform. Experiences from codified personal laws indicate that substantive equality requires more than legislative standardization; it demands broader social transformation and sensitivity to diverse lived realities. Therefore, the realization of a Uniform Civil Code must proceed cautiously, balancing constitutional mandates of equality with the protection of cultural pluralism. Only through an inclusive and deliberative approach can the constitutional promise of Article 44 be meaningfully achieved.