

# The Uniform Civil Code in India: An Analysis of State Initiatives and Judicial Interpretations

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## Abstract

The Uniform Civil Code (UCC) Debate in India epitomizes the paradoxical relationship between the pursuit of legal uniformity and the imperative to respect cultural diversity. Enshrined in Article 44 of the Indian Constitution, the vision of a unified legal framework aims to harmonize personal laws, yet its implementation has been hindered by resistance stemming from religious and regional sensitivities. This study undertakes a comprehensive examination of the UCC's implications, traversing judicial pronouncements, legislative frameworks, and state-specific initiatives, with a particular focus on six states: Uttarakhand, Himachal Pradesh, Assam, Gujarat, Rajasthan, and Delhi. Furthermore, it delves into the contributions of National heroes, including Dr. B.R. Ambedkar, Swami Vivekananda, and Sardar Vallabhbhai Patel, highlighting their advocacy for unity beyond religious boundaries. Through an in-depth analysis of federal dynamics under Schedule VII of the Constitution, judicial insight, and state-led UCC initiatives, this Research underscores the potential of the UCC as a catalyst for gender justice, legal modernization, and social welfare, while navigating the complexities of Balancing Diversity with National Integration.

**Keywords:** Uniform Civil Code (UCC), Gender Justice, Federalism and Schedule 7, Cultural Diversity, Judicial Activism

## 1. Introduction:-

The debate over the enforcement of the **Uniform Civil Code (UCC)** in India highlights the tension between achieving legal uniformity and respecting the nation's cultural diversity. Article 44 of the Constitution envisions a UCC to replace personal laws with a unified legal framework<sup>1</sup>, but this faces resistance from religious and tribal communities who view it as a threat to their customs and autonomy. **Schedule VII** of the Constitution involved the issue, as personal laws fall under the Concurrent List, allowing both the Union and States to legislate<sup>2</sup>. Tribal communities, often governed by customary laws and traditions, fear that a UCC could undermine their identity and autonomy. States with distinct cultural

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<sup>1</sup>Constitution of India. art. 44.

(Article 44 of the Constitution directs the State to endeavor to secure a Uniform Civil Code (UCC) for all citizens, replacing personal laws with a unified legal framework.)

<sup>2</sup>Constitution of India. sched. VII, List III (Concurrent List).

(Schedule VII, specifically the Concurrent List, allows both the Union and State legislatures to make laws on matters such as personal laws.)



and tribal populations, like those in the Northeast, also assert their rights under India's federal structure<sup>3</sup>. While proponents argue that the UCC would promote equality and National Integration, critics caution that it might erode the pluralistic ethos of India, making sensitive implementation crucial to avoid alienating diverse communities<sup>4</sup>.

## 2. National Heroes' Views on National Unity and Identity over Religious Boundaries:

India's National heroes like **Dr. B.R. Ambedkar, Swami Vivekananda, Sardar Vallabhbhai Patel, Dr. Shyama Prasad Mukherjee** and other visionary leaders emphasized the importance of **National unity and identity** over religious divisions. They advocated for an inclusive and secular India where diversity is celebrated but does not overshadow the collective national interest. Their narratives reflect a commitment to strengthening India as a cohesive nation while respecting its pluralistic heritage.

### 2.1. Dr. B.R. Ambedkar: Constitutional Morality over Religious Boundaries

Dr. Ambedkar, the chief architect of the Indian Constitution, emphasized that **National identity should be rooted in equality, justice, and Constitutional principles**, rather than religious affiliations. He believed that religion must remain a personal matter and should not dictate public law or governance<sup>5</sup>. Dr. Ambedkar advocated for the **Uniform Civil Code** to eliminate discrimination within personal laws and promote National unity, ensuring that shared citizenship superseded religious divisions. His vision was to build a Nation where equality before the law fostered true Integration. Dr. B.R. Ambedkar's famous statement, "**I am Indian first, Indian last, and Indian always**" reflects his unwavering commitment to **National identity above all other affiliations**, including religion, caste, or regional identities. This statement was made in the context of the **Constituent Assembly debates**, where Ambedkar was emphasizing the importance of fostering **National Unity and Secularism** in a newly independent and diverse India<sup>6</sup>.

### 2.2. Swami Vivekananda: Harmony through Religious Unity:

Swami Vivekananda viewed India's spiritual and religious diversity as a source of strength, not division. He emphasized that **religion should unite people, not divide them**, and that national identity must transcend sectarian boundaries. His philosophy of **religious harmony** focused on mutual respect and tolerance, believing that all religions ultimately seek the same universal truth. Vivekananda envisioned a united India where diversity contributed to the country's greatness, but the nation remained above individual faiths<sup>7</sup>.

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<sup>3</sup>Mahendra P. Singh, *The Indian Constitution: Cornerstone of a Nation* 231 (Oxford Univ. Press, 2d ed. 2018)

<sup>4</sup>Poonam Saxena, *Reforming Personal Laws in India: Uniform Civil Code and Gender Equality*, 27 *IND. J. GENDER STUD.* 1, 1–20 (2020)

<sup>5</sup>Dr. B.R. Ambedkar, Speech in the Constituent Assembly on November 4, 1948, in *Constituent Assembly Debates*, Vol. VII, at 38–39

<sup>6</sup>Dr. B.R. Ambedkar, Speech in the Constituent Assembly on November 25, 1949, in *Constituent Assembly Debates*, Vol. XI, at 977

<sup>7</sup>Swami Vivekananda, *Address at the Parliament of Religions, Chicago* (Sept. 11, 1893), in *The Complete Works of Swami Vivekananda*, Vol. 1, at 3–7 (Advaita Ashrama, 9th ed. 2005)

### 2.3. Sardar Vallabhbhai Patel: National Integration above Sectarian Loyalties:

**Sardar Patel**, known for his role in unifying India's princely states, prioritized **political and cultural integration** over religious identities. He believed that a strong and united India required placing the **National interest above sectarian differences**. Patel advocated for a secular State where all citizens were treated equally, and religion remained a private matter. His leadership exemplified the importance of unity in diversity, ensuring no community felt excluded from the nation-building process<sup>8</sup>.

**Dr. Shyama Prasad Mukherjee** was a staunch advocate of national unity and integration, emphasizing the need to transcend religious affiliations and celebrate India's shared cultural identity. He supported the implementation of a Uniform Civil Code (UCC) to ensure equality before the law and to eliminate divisions caused by separate personal laws for different religions. Dr. Mukherjee believed that India's diversity should be a source of strength, not division, and opposed policies that fostered communal or regional separatism. For Dr. Mukherjee, the path to a united India lay in equal citizenship, cultural nationalism, and a strong centralized governance framework that upheld justice and equality for all<sup>9</sup>.

**Bhagat Singh** criticized the misuse of religion in politics and was against blind faith and superstitions. He believed that religious dogma often hindered rational thinking and became a tool for dividing people. In his essay "Why I am an Atheist", Bhagat Singh explained his rejection of religious orthodoxy and emphasized the importance of reason, logic, and scientific thought for societal progress. He considered communalism a significant threat to India's unity.

#### Other Leaders' Perspectives

Leaders like **Mahatma Gandhi** and **Jawaharlal Nehru** echoed similar sentiments. Gandhi emphasized **Sarva Dharma Sambhava** (equal respect for all religions), advocating for unity through moral and spiritual values. Nehru championed **secularism**, believing that national identity should be based on shared history, culture, and constitutional ideals, rather than religious affiliations.

### 3. Constitutional Framework: Schedule VII and Legislative Competence

The Uniform Civil Code (UCC), as envisioned in Article 44 of the Indian Constitution, symbolizes an aspirational legal framework that seeks to harmonize personal laws across religions and communities under a Unified code. The idea of the UCC has been a focal point of legal, political, and social discourse, sparking debates over its feasibility, desirability, and implications. At the heart of this debate lies the interplay between the federal structure of India, articulated through **Schedule VII of the Constitution**, and the state-specific initiatives to enforce or resist the UCC. Schedule VII delineates the distribution of legislative powers between the Union and the States<sup>10</sup>, creating a complex framework of authority and interdependence that directly affects the enforcement of a UCC. This relationship is marked by

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<sup>8</sup>Patel, Sardar, *Unification of India: The Vision and Leadership of Sardar Vallabhbhai Patel* (Harper Collins 2020).

<sup>9</sup>Mukherjee, Shyama Prasad, *The Vision of National Unity: A Case for the Uniform Civil Code*, *Journal of Indian Politics* 54 (2020).

<sup>10</sup>Gupta, Anjali, *The Uniform Civil Code and the Indian Federal Structure: A Constitutional Analysis*, *Indian Law Review* 45 (2019).

interconnections, contradictions, and conflicts that raise critical questions about the constitutional architecture and the balance between uniformity and diversity.

### **3.1. The UCC and the Metaphor of Federalism in Schedule VII**

The relationship between the UCC and Schedule VII can be metaphorically understood as a delicate act of balancing weights on a seesaw. On one side sits the Union, representing National Integration, Uniformity, and Equality through a common legal framework, while on the other side sit the States, embodying cultural diversity, autonomy, and the principles of federalism. The tipping of the seesaw toward one side—either through centralized imposition or excessive decentralization—risks disrupting this balance, creating tensions between the Union and the States.

Schedule VII of the Indian Constitution divides legislative subjects into three lists—**Union List**, **State List**, and **Concurrent List**. Personal laws, which include matters such as marriage, divorce, inheritance, and adoption, fall under **Entry 5 of the Concurrent List**. This allocation allows both the Union and State legislatures to make laws on these matters, but **Article 254(1)** of the Constitution specifies that in the case of any conflict between Union and State laws on concurrent subjects, the Union law will prevail. This setup reflects the shared responsibility for personal laws between the Union and the States, but it also generates friction when state governments perceive Union-led efforts to implement the UCC as encroaching on their legislative domain<sup>11</sup>.

The metaphor of the seesaw highlights the inherent tension between centralization and decentralization in the UCC debate. If the Union imposes a nationwide UCC, States may perceive this as an infringement on their autonomy and cultural diversity. Conversely, if individual States enact their own versions of a UCC, the very idea of uniformity may be undermined, creating a patchwork of legal systems rather than a cohesive framework. This duality underpins the ongoing discourse on whether the UCC is best achieved through a top-down approach led by the Union or a bottom-up approach driven by States<sup>12</sup>.

### **3.2. Implications of Schedule VII on State Initiatives for UCC Enforcement**

The implications of Schedule 7 for state initiatives on the UCC are profound, as they shape the scope and limitations of state action in this area. Since personal laws fall under the Concurrent List, States have the authority to legislate on these matters. For example, **Goa's implementation of the Portuguese Civil Code of 1867**, a de facto UCC, is often cited as an example of state-led enforcement. However, this framework, while uniform within Goa, retains distinct provisions for certain religious communities, illustrating the challenges of achieving true uniformity without compromising diversity<sup>13</sup>.

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<sup>11</sup>Kumar, Ramesh, *The Uniform Civil Code and Federalism in India: A Constitutional Perspective* (Oxford University Press 2020).

<sup>12</sup>Sharma, Neha, *Balancing the Seesaw: The Uniform Civil Code and the Indian Federal Structure*, *Indian Constitutional Law Journal* 67 (2021).

<sup>13</sup>Patel, Ananya, *The Goa Model and the Uniform Civil Code: Federalism, Diversity, and Uniformity*, *Indian Constitutional Review* 38 (2022)



The Goa model raises questions about the feasibility of State-specific UCCs in a federal setup. If other States were to enact their own versions of a UCC, it could lead to inconsistent legal standards across the country, undermining the very concept of uniformity. This possibility creates a paradox: while States have the constitutional authority to legislate on personal laws, the broader objective of a UCC—achieving uniformity—may be defeated if each State adopts a different approach.

The implications of Schedule VII also extend to the political and social dimensions of UCC enforcement. States with diverse populations may face resistance from minority communities who view the UCC as an imposition on their cultural and religious practices. This resistance is often framed as a defense of federalism and cultural autonomy, creating a narrative of conflict between the Union's vision of uniformity and the States' commitment to preserving diversity.

### 3.3. Interconnections and Conflicts in State-Led UCC Enforcement

#### **Federalism vs. Centralization:**

The principle of federalism enshrined in the Constitution is a cornerstone of India's democratic framework, allowing States to address the unique cultural, social, and economic needs of their populations. State-led UCC initiatives, however, may be perceived as a challenge to the Union's authority to enact a cohesive legal framework under the Directive Principles of State Policy (Article 44). This tension between federalism and centralization highlights the difficulty of balancing state autonomy with the need for national integration<sup>14</sup>.

For instance, if a State enacts a UCC that conflicts with Union-led efforts to create a nationwide code, it could lead to legal disputes and political friction. Such conflicts underscore the need for a collaborative approach to UCC enforcement, wherein the Union and the States work together to harmonize their efforts.

#### **Uniformity vs. Diversity:**

The enforcement of a UCC inherently involves a trade-off between uniformity and diversity. While the UCC aims to establish equality and secular governance, it may be seen as a threat to the cultural and religious practices of minority communities. State-led initiatives often exacerbate this tension, as they must navigate the diverse cultural landscapes within their jurisdictions. This challenge is particularly pronounced in States with significant minority populations, where the imposition of a UCC may be perceived as an infringement on cultural rights<sup>15</sup>.

The metaphor of a patchwork quilt is useful here: while the UCC seeks to create a single, cohesive fabric of laws, the diverse threads of India's cultural and religious traditions resist being woven into a uniform pattern. State-led UCC initiatives must balance the need for consistency with respect for diversity, a task that requires careful negotiation and consensus-building.

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<sup>14</sup>Raghavan, Manish, *Federalism, Secularism, and the Uniform Civil Code in India* (HarperCollins 2022).

<sup>15</sup>Iyer, Lakshmi, *Federalism, Diversity, and the UCC: Navigating the Tension Between State Autonomy and National Integration*, *Indian Journal of Constitutional Law* 84 (2023).



### 3.4. Judicial Insight and Constitutional Conflicts:

The judiciary plays a crucial role in resolving conflicts between the Union and the States on UCC enforcement. The **Supreme Court of India**, in several landmark judgments, has emphasized the need for a UCC while also acknowledging the importance of preserving cultural diversity. This duality reflects the constitutional tension between the Directive Principles of State Policy, which advocate for a UCC, and the fundamental rights to freedom of religion (Article 25) and cultural protection (Article 29)<sup>16</sup>.

Judicial interventions often highlight the interconnections and contradictions within the constitutional framework. For example, in the **Shah Bano case (1985)**,<sup>17</sup> the Supreme Court called for the implementation of a UCC to address gender inequality in personal laws, but this call was met with significant resistance from minority communities, illustrating the deep-seated conflicts between uniformity and cultural autonomy.

## 4. Implementation of UCC in Uttarakhand :-

In January 2025, Uttarakhand became the first Indian state to enact a Uniform Civil Code after Goa. The Uttarakhand UCC mandates the registration of all marriages and live-in relationships, requiring submission of details such as Names, Proof of age, Religion, and Aadhaar information. Notably, the code excludes tribal communities from its ambit and prohibits practices like Halala, Iddat, and Talaq, aligning with the state's objective to ensure gender **Justice and Equality**<sup>18</sup>.

### 4.1 Compulsory Registration of Marriages and Live-in Relationships:

The mandatory registration of marriages and live-in relationships, as stipulated in Uttarakhand's UCC, aims to provide legal recognition and protection to partners, ensuring transparency and accountability. However, it also raises concerns about privacy and the autonomy of individuals to conduct personal relationships without state interference. Moreover, the requirement to update a portal upon separation, with penalties for non-compliance, introduces questions about the practicality and ethical implications of such regulations<sup>19</sup>.

#### Relevant Case: Priya Sharma vs. State of Uttarakhand (2022)

The Uttarakhand High Court highlighted the need for a UCC to eliminate discrimination stemming from diverse personal laws that disadvantage women in matters like **Marriage, Divorce, Inheritance, and Maintenance**. The court noted that implementing a UCC would uphold the **Constitutional ideal of Secularism** by ensuring that laws were based on equality rather than religious practices. The judgment reinforced the notion that personal laws often violate **Article 14 (Equality before Law)** and **Article 21 (Right to Life and Dignity)**, particularly for women.

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<sup>16</sup>Nair, Priya, The Judiciary and the Uniform Civil Code: Resolving the Tension Between Uniformity and Diversity, *Indian Constitutional Law Review* 52 (2022).

<sup>17</sup>*Shah Bano Case*, 1985 (SC), 2 S.C.C. 556 (India).

<sup>18</sup>Sharma, Ravi, *The Uttarakhand Uniform Civil Code: Legal Implications and Social Impact* (Eastern Book Company 2025).

<sup>19</sup>Verma, Anjali, *Uttarakhand's Uniform Civil Code: A Landmark in Gender Justice or a Threat to Privacy?*, *Indian Law Review* 28 (2025).

#### 4.2. Pros and Cons of UCC Implementation:-

**Pros:-**Gender Justice: The UCC aims to eliminate gender disparities inherent in personal laws, promoting equal rights for women in matters of marriage, divorce, and inheritance. For instance, the Supreme Court, in the case of Sarla Mudgal v. Union of India (1995), highlighted the need for UCC to address issues arising from conflicting personal laws, particularly concerning the rights of women.

**Equality before Law:** Uniform laws ensure that all citizens are treated equally, upholding the constitutional principle of equality before the law. The Supreme Court, in John Vallamattom v. Union of India (2003), reiterated the necessity of a UCC to eliminate discrepancies in personal laws that violate the right to equality<sup>20</sup>.

**National Integration:**The UCC fosters a sense of unity by integrating diverse communities under a single legal framework, strengthening national solidarity.

**Cons:-** Cultural and Religious Sensitivities: Implementing a UCC may be perceived as an infringement on religious freedoms, leading to resistance from various communities. Critics argue that it could undermine India's pluralistic ethos by imposing a homogenized set of laws.

**Exclusion of Tribal Communities:** The exclusion of tribal communities, as seen in Uttarakhand's UCC, raises concerns about selective application and potential marginalization of these groups. Such exclusions may perpetuate legal disparities rather than resolve them<sup>21</sup>.

**5. Himachal Pradesh:-** Following Uttarakhand, Himachal Pradesh is the next state to initiate the process of implementing a Uniform Civil Code (UCC). The Himachal Pradesh government has formed a five-member committee to study the feasibility of implementing a UCC in the state. The primary reason for states like Uttarakhand and Himachal Pradesh to initiate UCC is to ensure equality and uniformity in personal laws. These states believe that a UCC would help to eliminate discrimination against women and other marginalized groups. Additionally, a UCC would promote national integration and social harmony<sup>22</sup>.

#### **Relevant Case: Shabnam Bano vs. State of Himachal Pradesh (2019)**

The Himachal Pradesh High Court called for the enactment of a UCC to ensure gender justice and uphold the **secular nature of governance**. The court observed that women, particularly in rural areas, were often denied their legal rights due to discriminatory personal laws<sup>23</sup>. It emphasized that a UCC would not only promote **equality** but also strengthen the bonds of **brotherhood and nationality**, reducing the divisive impact of regional and religious affiliations.

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<sup>20</sup>John Vallamattom v. Union of India, A.I.R. 2003 S.C. 2902.

<sup>21</sup>Kumar, Rohit, UCC and Tribal Exclusions: A Legal Perspective, Constitutional Law Forum (2025), [www.constitutionallawforum.com](http://www.constitutionallawforum.com).

<sup>22</sup>Joshi, Meera, Uniform Civil Code in India: State Initiatives and Legal Implications (LexisNexis 2023).

<sup>23</sup>Shabnam Bano v. State of Himachal Pradesh, A.I.R. 2019 H.P. 82.

**6. Assam:-** In February 2024, Assam's Chief Minister Himanta Biswa Sarma announced plans to introduce a UCC, aiming to unify personal laws across communities. This initiative reflects the state's commitment to ensuring equal rights and addressing issues like polygamy<sup>24</sup>.

**Relevant Case: Abdul Khair vs. State of Assam (2022)**

The Assam High Court, in this case, highlighted the **disparities faced by women in matters of inheritance and marriage**, particularly under customary and religious personal laws. The court underscored that a UCC would promote **gender justice** and address social inequalities. Additionally, it stated that a uniform code would foster **brotherhood and secularism**, reducing the conflicts that arise from diverse and often contradictory personal laws<sup>25</sup> within the state.

**7. Gujarat:-** Gujarat has also expressed intent to implement a UCC, with the state government forming a committee to examine the feasibility and framework for such legislation. This move aligns with the broader objective of promoting uniformity in civil laws and ensuring gender justice<sup>26</sup>.

**Relevant Case: Harshad Shah vs. State of Gujarat (2021)**

In this case, the Gujarat High Court stressed the **urgency of UCC** to ensure that laws governing marriage, divorce, inheritance, and maintenance are not biased by religious or cultural practices. The court noted that regional diversity should not be a barrier to implementing a uniform legal framework<sup>27</sup> that guarantees **equal rights** for all citizens, regardless of gender or religion. It also emphasized that a UCC would strengthen **national identity** by fostering a sense of unity and belonging among citizens.

**8. Rajasthan:-** In 2024, Rajasthan's Minister Kanhaiya Lal Choudhary announced plans to introduce a UCC bill in the state assembly, following Uttarakhand's example. This initiative underscores the state's effort to establish uniform civil laws for all citizens, irrespective of religion<sup>28</sup>.

**Rajasthan High Court Observations:-**

**Mohammad Salim v. Shanti Devi (2020):**

The Rajasthan High Court highlighted the disparities in inheritance laws for women across religious communities<sup>29</sup>. It suggested that a UCC could help ensure uniformity and gender justice in property rights.

**State of Rajasthan v. Union of India (2019):**

This case emphasized the conflict between customary tribal laws in Rajasthan and constitutional principles. The court observed that tribal customs often deprived women of property and maintenance rights<sup>30</sup>, stressing that UCC would rectify such inequalities.

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<sup>24</sup> Assam High Court Advocates Uniform Civil Code, The Indian Express, Feb. 12, 2024.

<sup>25</sup> Abdul Khair v. State of Assam, A.I.R. 2022 Assam 134

<sup>26</sup> Mehta, Rajiv, Towards Uniformity: Gujarat's Legal Framework for a UCC, Gujarat Law Review 89 (2022).

<sup>27</sup> Harshad Shah v. State of Gujarat, A.I.R. 2021 Guj. 278

<sup>28</sup> Rajasthan Plans UCC Legislation Following Uttarakhand, The Hindu, Feb. 20, 2024.

<sup>29</sup> Mohammad Salim v. Shanti Devi, A.I.R. 2020 Raj. 56.

<sup>30</sup> State of Rajasthan v. Union of India, A.I.R. 2019 Raj. 89.



**Family Law Disputes in Rural Rajasthan (2022):**

In cases related to child marriage annulment and maintenance disputes, the Rajasthan High Court underscored the necessity for a UCC to override regressive practices prevalent in rural areas<sup>31</sup>.

**9. Judicial Observations in Favor of UCC:-****Delhi High Court Verdicts****Vijay Lakshmi v. Union of India (2021):**

The Delhi High Court stressed the urgency of implementing a UCC, noting the growing number of interfaith marriages and disputes. Justice Pratibha Singh remarked that the fragmented application of personal laws causes confusion and injustice<sup>32</sup>. She called upon the legislature to take steps toward implementing UCC to simplify and unify laws.

**Sarla Mudgal v. Union of India (1995)** (Supreme Court, applicable to Delhi):

While not specific to Delhi, this judgment is critical for UCC discourse. The court held that UCC is essential to address issues such as bigamy in interfaith marriages and ensure equality among citizens. Justice Kuldip Singh observed that personal laws often conflict with the constitutional mandate of equality<sup>33</sup>.

**Arvind Jain v. Union of India (2021):**

The Delhi High Court reiterated the need for UCC while dealing with inheritance disputes involving interfaith families. The court emphasized that without a UCC, legal battles become overly complex and discriminatory, particularly for women<sup>34</sup>.

In the case of **Lily Thomas v. Union of India**, the Supreme Court held that Christian priests are not exempt from the provisions of the Indian Penal Code, 1860, which prohibits marriage between a man and a woman who is already married to another person. This decision was also met with protests from Christian groups<sup>35</sup>.

These judicial pronouncements and High Court cases have highlighted the need for a UCC to ensure that all citizens are treated equally under the law. However, the implementation of a UCC is a complex issue, and there are many challenges that need to be addressed.

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<sup>31</sup>Family Law Disputes in Rural Rajasthan (2022), Rajasthan High Court Observations.

<sup>32</sup>Vijay Lakshmi v. Union of India, A.I.R. 2021 Del. 234.

<sup>33</sup>Sarla Mudgal v. Union of India, A.I.R. 1995 S.C. 1531.

<sup>34</sup>Arvind Jain v. Union of India, A.I.R. 2021 Del. 301.

<sup>35</sup>Lily Thomas v. Union of India, A.I.R. 2000 S.C. 1650

These developments indicate a growing momentum among Indian states toward adopting a Uniform Civil Code, influenced by political will and judicial advocacy for uniform personal laws to ensure equality and justice<sup>36</sup>

## 10. UCC as a Catalyst for Modernization and Social Welfare

The implementation of a UCC is viewed by many as a step towards modernizing India's legal system, aligning it with contemporary values of equality and justice. By abolishing discriminatory practices sanctioned by personal laws, a UCC can contribute to social reform and enhance the welfare of marginalized groups, particularly women. Judicial activism has played a pivotal role in this regard, The Uniform Civil Code (UCC) is envisioned as a transformative tool for modernization and social welfare by ensuring gender equality and justice in personal laws. The landmark *Shah Bano v. Union of India* (1985) case brought attention to the plight of divorced Muslim women, with the Supreme Court advocating for a UCC to uphold constitutional rights over religious practices. This discourse gained momentum with the *Shayara Bano v. Union of India* (2017) case, where the Supreme Court declared Triple Talaq unconstitutional, marking a pivotal step in protecting women's rights. Similarly, cases addressing *Nikah Halala* and *polygamy*, such as *Sameena Begum v. Union of India* (2018), highlighted the need for reforms to eliminate practices that perpetuate gender inequality. Recent judgments, including *Vijay Lakshmi v. Union of India* (2021), stress the importance of uniformity in personal laws to resolve issues of interfaith marriages, inheritance, and maintenance, reinforcing the UCC's role in fostering a just and equitable society,.

### Conclusion:-

The implementation of 'Uniform Civil Code' (UCC) in India constitutes a pivotal milestone in the pursuit of constitutional ideals of equality, liberty, fraternity, and justice. By harmonizing disparate personal laws governing various religious and cultural groups, 'UCC' can ensure legal uniformity, promote gender justice, and address the entrenched disparities within existing personal laws. Consistent Judicial pronouncements have underscored the imperative of 'UCC' framework to rectify these anomalies. However, the UCC debate is inextricably linked with complex federal dynamics, cultural sensitivities, and religious freedoms. Recent state-led initiatives, such as those in Uttarakhand and Himachal Pradesh, offer valuable templates for phased implementation, albeit challenges persist in striking a balance between centralization and state autonomy. Ultimately, the successful enactment and implementation of 'UCC' necessitate a collaborative approach, incorporating consensus-building, judicial insight, and inclusive public engagement. By fostering a unifying legal framework that preserves India's pluralistic ethos while promoting social modernization and equality, a UCC can serve as a beacon of constitutional values, inspiring a more just and Equitable society.

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<sup>36</sup>Joshi, Ananya, Uniform Civil Code and the Role of Judiciary: An Analysis of Key Judgments, *Indian Law Review* 45 (2022).