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## REVIEW PAPER

## Uniform Civil Code (UCC): Challenges and Prospects

Priyanka Bhati

Assistant Professor, HIMT Group of Institutions, Greater Noida, Uttar Pradesh, India

Corresponding Author: \*Priyanka Bhati

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### ABSTRACT

The debate on the Uniform Civil Code (UCC) occupies a central place in India's constitutional and socio-legal discourse. Envisaged under Article 44 of the Directive Principles of State Policy, the UCC aims to establish a uniform set of secular civil laws applicable to all citizens without discrimination based on religion, caste, sex or community. Its primary objective is to promote equality, ensure gender justice, simplify the legal framework and strengthen the secular character of the nation, thereby harmonising the diverse personal laws that govern Indian society.

The idea of the UCC has deep historical roots. During the colonial period, the British codified criminal and commercial laws but deliberately refrained from interfering with personal laws to prevent protests from religious communities. After independence, the Constituent Assembly debated the desirability of the UCC. Still, it ultimately retained it as a Directive Principle rather than a justiciable right, thereby striking a balance between national uniformity and religious autonomy. The judiciary has further shaped this discourse through landmark cases such as Mohammed Ahmed Khan v. Shah Bano Begum (1985), Sarla Mudgal v. Union of India (1995), and Shayara Bano v. Union of India (2017), which highlighted the tension between personal laws and constitutional guarantees of equality and dignity.

Despite significant challenges such as cultural diversity, concerns of minorities, and political sensitivities, the prospects for a Uniform Civil Code (UCC) remain strong. Initiatives such as the Goa Civil Code and the Uttarakhand Uniform Civil Code Act (2024) suggest that a phased, consultative, and rights-based approach can pave a pragmatic path towards a uniform civil framework for all citizens.

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### INTRODUCTION

#### PREAMBLE

The Uniform Civil Code (UCC) refers to a common set of secular laws aimed at regulating personal matters such as

marriage, divorce, succession, adoption, and maintenance, applicable to all citizens regardless of religion, community or gender. The constitutional basis for this idea lies in Article 44 of

the Directive Principles of State Policy, which directs the state to "endeavour to secure for the citizens a uniform civil code throughout the territory of India". However, it is important to note that the UCC is not a fundamental right but an aspirational goal left to the discretion of the legislature. The proposal to introduce the UCC has given rise to sustained debate in India's socio-political and legal discourse. On the one hand, supporters argue that it will promote equality, particularly gender justice, and strengthen secularism by ensuring uniformity in personal laws. On the other hand, critics express concerns over religious freedom, cultural autonomy, and challenges posed by India's vast diversity and federal structure. Against this backdrop, the present article attempts to analyse the historical and legal status of the Uniform Civil Code in India, identify the major challenges impeding its implementation, explore its benefits and prospects, and suggest possible strategies that may help realise this constitutional vision in a phased, consultative, and rights-based manner.

## LITERATURE REVIEW

A significant body of literature has emerged around the debate on the Uniform Civil Code (UCC), offering diverse perspectives on its historical foundations, constitutional status, challenges, and potential benefits. Manju Sonkar (2023), in her work "Harmonizing Diversity: Analyzing the Prospects and Challenges of Implementing a Uniform Civil Code in India" (IJLMH), offers a detailed account of the historical evolution of personal law and the constitutional background to the UCC, highlighting both the opportunities it presents and the obstacles it faces. Similarly, Akanksha Tiwari (2023), in "Uniform Civil Code: Implementation and Challenges" (IJLMH), focuses on the legitimacy of the UCC, its role in ensuring gender equality, and the tensions it creates between majority and minority communities. Further, Dr. Shipra Gupta and her colleagues (2024) in their book "Uniform Civil Code in India: An Analysis of Challenges, Reasons and Prospects" (QUE) present a literature-based and legal-historical survey that explores the socio-legal complexities associated with the UCC. Siddharth Singh (2024), in his article "Unravelling the Uniform Civil Code (UCC): Developments, Implications and Challenges in Contemporary India" (Criminal Law Journal), presents an analytical account of the development of the UCC, discussing the political landscape as well as landmark cases such as Shah Bano and Shayara Bano. Further, empirical studies such as the Goa Civil Code and the Uttarakhand UCC Act (2024) published in The Times of India, Wikipedia entries, and IJLMH demonstrate how state-level experiments provide practical insights for future implementation of the UCC across India.

## CONSTITUTIONAL AND LEGAL EVOLUTION OF THE UNIFORM CIVIL CODE (UCC)

The debate on the Uniform Civil Code (UCC) in India has gone through various historical and legal phases. In the colonial period and the pre-independence era, attempts were made to codify some personal laws, notably through reforms such as the Hindu Code Bill, but the British largely refrained from

interfering with religiously governed family laws. In the post-independence era, the Constituent Assembly extensively debated whether to make the Uniform Civil Code (UCC) mandatory. Given India's socio-cultural diversity, the Constitution makers decided to place it under the Directive Principles of State Policy in Article 44, making it aspirational rather than enforceable. Over time, the judiciary has contributed significantly to this debate through landmark judgments. In Mohammed Ahmad Khan v. Shah Bano Begum (1985), the Supreme Court upheld Muslim women's right to maintenance under criminal procedure, sparking widespread controversy. In Sarla Mudgal vs Union of India (1995), the Court considered the issues of conversion and bigamy and emphasised the need for a uniform code. Similarly, in Shayara Bano vs Union of India (2017), the practice of triple talaq was abolished, thereby giving a boost to gender justice within personal law. Recently, legislative and state-level developments have given fresh impetus to the Uniform Civil Code (UCC). The Uttarakhand UCC Act, 2024, became the first comprehensive code enacted by a state, while Gujarat constituted a high-level committee to draft a uniform code, The Times of India reported. These developments suggest that state-level experiments could provide practical models for a gradual transition towards a nationwide Uniform Civil Code (UCC).

## CHALLENGES IN IMPLEMENTATION OF UNIFORM CIVIL CODE (UCC)

The implementation of the Uniform Civil Code (UCC) in India faces several challenges that are deeply rooted in the socio-cultural, legal, political, and administrative landscape of the country. From a socio-cultural perspective, the vast diversity of religious beliefs, customs, and traditions in India deeply links personal laws to community identity, leading to opposition from conservative and religious groups. The legal and constitutional challenges arise from the need to strike a balance between conflicting rights, such as religious freedom guaranteed under Articles 25 and 26, the right to equality under Article 14, and cultural rights under Article 29, as well as understanding the division of federal powers, as personal laws are primarily a state subject. Political challenges further complicate the matter, as the Uniform Civil Code (UCC) is often highly politicised, with parties leveraging it for electoral gain and fear of backlash from various communities, leading to a lack of consensus across the political spectrum. Implementation and administrative issues include drafting a code acceptable to diverse communities, ensuring effective enforcement in remote areas, training judiciary and administrative officials, creating public awareness, and establishing appropriate infrastructure. Gender and minority rights concerns are also important; while the UCC aims to protect women's rights, minority communities often fear the erosion of their religious or cultural autonomy, with additional conflicting considerations for tribal and adivasi practices. Finally, practical diversity presents challenges in harmonizing variations between communities, regional customary laws, cohabitation arrangements, and emerging issues such as same-sex marriage, making the design and application of a uniform

code a highly complex task. Collectively, these challenges underscore why the implementation of the UCC requires careful, phased, and consultative strategies to ensure social acceptance and constitutional compliance.

### PROSPECTS AND BENEFITS

Despite the many challenges associated with the implementation of the Uniform Civil Code (UCC), there are significant possibilities that make it desirable and potentially feasible. One of the major benefits of the UCC is that it promotes gender equality by eliminating discriminatory practices in areas such as succession, maintenance, and divorce, thereby reinforcing both constitutional and moral principles (IJLMH, 2023). Apart from gender justice, the UCC provides legal simplicity, uniformity, and clarity, reduces the complexity of various personal laws, minimizes conflicting judicial interpretations, and enhances administrative efficiency. From a socio-political perspective, the adoption of the UCC can strengthen national unity and secularism by reducing fragmentation caused by legal pluralism and promoting a sense of equal citizenship among all communities. The judiciary and social movements have already contributed to gradual reforms through landmark judgements and public support, reflecting growing social awareness and acceptance of rights-based uniformity. In addition, state-level experiments and incremental models serve as practical templates for wider implementation; for example, the Goa Civil Code, the Uttarakhand UCC Act (2024), and the Gujarat committee reports illustrate how UCC principles can be successfully piloted at the regional level before being implemented nationwide (Wikipedia, The Times of India, 2024). Finally, global and comparative experiences offer valuable lessons, as other multi-religious societies have implemented similar personal laws or similar codes with specific exceptions, highlighting approaches that can be adapted to suit India's unique diversity. Overall, these findings demonstrate that despite socio-cultural and political obstacles, a carefully phased and consultative approach can rapidly realise the UCC vision.

### CASE STUDIES/COMPARATIVE EXAMPLES

Practical examples from Indian states provide valuable insights into how a Uniform Civil Code (UCC) can be implemented at the national level. One of the most cited examples is the Goa Civil Code, which has provided uniform personal laws for all communities in the state since the Portuguese period, although it has undergone amendments since independence. The Goa model demonstrates that a uniform legal framework governing marriage, divorce, succession and adoption can coexist with cultural diversity, and serves as a reference point for evaluating feasibility and challenges. Although Goa's scale and historical context differ from the rest of India, the Code demonstrates that uniformity in personal laws can work effectively with public acceptance and administrative oversight.

Recently, the Uttarakhand Uniform Civil Code Act, 2024, has become a landmark development, covering areas such as marriage, divorce, live-in relationships, succession, and maintenance. This law is the first comprehensive attempt by a

state to implement the principles of a Uniform Civil Code in contemporary India, offering a living example of how codification can work in India's federal structure. The Uttarakhand Act also highlights the importance of careful drafting, public awareness, and judicial support to facilitate social acceptance of uniform laws (Wikipedia, 2024).

Apart from state legislation, committee reports and draft proposals have also played a significant role in shaping the discussion on the Uniform Civil Code (UCC). For instance, Gujarat constituted a high-level committee headed by retired Supreme Court judge Ranjana Desai to review the drafting of a uniform code. The committee conducted public consultations, prepared draft suggestions, and collected feedback from various stakeholders, thereby illustrating a participatory approach to legal reform (The Times of India, 2024). Such initiatives underscore how state-level experiments, with the participation of stakeholders, can serve as incremental and pragmatic steps toward achieving the constitutional vision of a nationwide Uniform Civil Code. These case studies collectively provide both empirical evidence and strategic lessons for policymakers, and underscore the importance of phased implementation, consultative processes, and context-sensitive legislation.

### POSSIBLE STRATEGIES/SUGGESTIONS FOR IMPLEMENTATION

Based on the literature and empirical case studies, several strategies can be adopted to make the Uniform Civil Code (UCC) more acceptable, feasible and sustainable in India. First, phased implementation is essential; beginning with areas where consensus is easier to achieve, such as women's inheritance rights, maintenance and guardianship, before considering more controversial issues such as marriage rituals or adoption practices, can increase public confidence and reduce resistance. Second, consultation and participation are crucial for legitimacy. Religious groups, community leaders, women's organisations and minority representatives should be actively involved in the drafting process, to ensure transparency, dialogue and widespread acceptance. Third, safeguards should be included to protect religious freedom and cultural autonomy. Optional provisions or transitional arrangements, as well as exemptions for community-based customary practices that do not violate fundamental human rights, can reduce fears of cultural erosion.

Fourth, judicial support and legal clarity play a key role in implementation. Supreme Court precedents and clear constitutional interpretations should guide the drafting of the Code, ensuring coherence with fundamental rights and minimizing legal contradictions. Fifth, public awareness and civic education are extremely important; citizens should be informed about the objectives and implications of the Uniform Civil Code through media campaigns, civil society initiatives and educational programmes to dispel myths and promote social acceptance. Sixth, state-level experiments and pilot projects can serve as laboratories for testing the provisions of the Code. Successful implementation at the state level can provide valuable feedback and practical lessons for national legislation. Finally, legislative will and political consensus are

indispensable. Political parties should view the Uniform Civil Code as a social reform rather than a vote-bank issue, avoid polarisation, and work collaboratively across party lines to achieve a lasting and inclusive legal framework.

Collectively, these strategies emphasize a gradual, participatory, and rights-based approach, increasing the likelihood that a Uniform Civil Code can be successfully implemented while respecting India's constitutional values and socio-cultural diversity.

### PROSPECTS AND FEASIBILITY

Legal, Civil Society, and State-Level (Uttarakhand, Etc.) Momentum Is Gathering Pace.

The discussion on Uniform Civil Code (UCC) in India has seen increasing momentum across legal, civil society and state-level forums, exemplified by initiatives such as the Uttarakhand UCC Act (2024). These developments indicate growing institutional interest and willingness to experiment with codified personal laws at the state level. At the same time, changing social norms—including urbanisation, higher educational attainment and growing assertion of women's rights—have made the public more receptive to reforms aimed at promoting equality and uniformity in personal laws. The widespread use of technology and media further facilitates public awareness, dialogue, and consultation, leading to more effective and inclusive adoption of the UCC concept by citizens. India's constitutional framework, which allows states to legislate within their competence, provides a viable opportunity to test Uniform Civil Code (UCC) models, generate empirical evidence, and demonstrate proof of concept before nationwide implementation.

Yet, the adoption of a full-fledged Uniform Civil Code (UCC) at the national level remains a complex and long-term task. It requires careful legislative design, broad consensus-building among diverse religious and cultural communities, and a phased, participatory approach to minimize resistance and ensure social acceptance. Judicial guidance, public education, and transparent policymaking will be critical to reconcile fundamental rights, cultural sensitivities, and gender justice. In conclusion, while challenges remain, the combination of evolving societal attitudes, supportive legal frameworks, and state-level experiments suggests that a gradually implemented, consultative, and rights-based Uniform Civil Code (UCC) could be a viable and transformative reform for India, promoting equality, legal clarity, and national integration without compromising cultural diversity.

### CONCLUSION

The Uniform Civil Code (UCC) remains a deeply contested, yet constitutionally important goal in India. While full uniformity across all personal laws may be difficult to achieve immediately, a rights-based, consultative and phased approach offers the most practical and sustainable path forward. Such a model emphasizes gradual harmonization, starting with areas of broad agreement—such as succession, maintenance and guardianship—while also allowing for dialogue with religious and cultural communities. If implemented carefully, the UCC has the potential to promote

gender equality, social justice and national integration, reduce legal complexity and reinforce the principles of secularism enshrined in the Constitution. However, the process must remain sensitive to India's immense diversity and guarantee the protection of religious freedom and cultural practices. Any attempt to impose uniformity suddenly or without adequate consultation risks social backlash, political polarization and ineffective enforcement. Therefore, the successful implementation of the Uniform Civil Code (UCC) depends not only on legislative and judicial action but also on public awareness, citizen participation and state-level gradual experiments to ensure that this reform is legally sound and socially acceptable. In short, a carefully designed, phased and participatory approach can transform the UCC from an aspirational principle to a meaningful instrument of equality and justice in contemporary India.

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