



UNIFORM CIVIL CODE: A CRITICAL APPROACH TOWARDS ITS IMPLEMENTATION IN A DIVERSE AND PLURALISTIC NATION, INDIA

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ABSTRACT

The notification, issued by the 22nd Law Commission of India on the 14th day of June 2023, "to solicit views and ideas of the public at large and recognised religious organisations about the Uniform Civil Code," and the enforcement of UCC in Uttarakhand in January 2025 have once again given rise to the debate of implementing the UCC in Indian pluralistic society.

The demand to enact UCC has been repeatedly raised to fulfil the policy directed under Article 44 of the Constitution. Unity and integrity of the nation, honourable Supreme Court's observations, and gender equality and justice are mentioned as grounds necessitating its enforcement. However, its implementation has always been a subject of controversy, even from the time when Article 44 was under discussion in the Constituent Assembly.

In this paper, the author argues that it is not suitable for multi-cultural and multi-religious Indian society since legal pluralism is the beauty and strength of our nation, where different communities follow their own constitutionally valid personal laws based on their respective religious beliefs, customs, and traditions. Hence, the 21st Law Commission of India, in its Consultation Paper on Reforms of Family Law released in 2018, has undertaken that "UCC is neither necessary nor desirable at this stage".

However, since it is mentioned under Article 44, the exact meaning and nature of this article and how its requirements could be achieved in such a diverse country are necessary to be dwelt upon in detail. As far as the above-mentioned arguments for UCC are concerned, they are so critically examined that the proposed topic may be crystal clear.

Keywords: Uniform Civil Code, Article 44 of the Constitution, Pluralism, Unity and Integrity of Nation, Gender Equality and Justice.

INTRODUCTION

India is a diverse nation, having different communities living therein with freedom to "profess, practice and propagate their respective religions"¹ and at the same time having a right to "conserve their distinct cultures."² *Multiculturalism* is the main characteristic feature of Indian society. "In fact, diversity of India is its national asset. As this diversity cannot be negated by any means, it can be called a social fact of Indian life."³ Each community follows its own personal laws in matters of *marriage, divorce, adoption, succession, maintenance* etc. These personal laws are governed by their sacred religious books, scriptures and their traditions and beliefs.

But time and again it is asked to set them aside by enacting the *UCC* enshrined under article 44 of the Indian Constitution, applicable to all citizens irrespective of their religions throughout the territory of India. *Unity* and

¹. Ind. Const. art. 25.

². Ind. Const. art. 29.

³. Maharana, Dillip Kumar "In Defence of Indian Perspective of Multiculturalism", *The Indian Journal of Political Science* 71, no. 1 (2010): 71.

integrity of nation, gender justice and Hon'ble Supreme Court's Observations are presented as the main arguments for the same. However, "they failed to explain how such a unity will be achieved by imposing a divisive code on an unwilling section of the Indian society."⁴ Further, the Law Commission earlier observed that UCC is "neither necessary nor desirable."⁵

IMPLEMENTATION OF UCC IN PLURALISTIC INDIAN SOCIETY

Uniform Civil Code (hereinafter referred to UCC) means a code /law of a civil nature in matters of *marriage, divorce, adoption, maintenance, succession, inheritance* etc., applicable to all persons in India regardless of their respective personal laws in the said matters. Currently, various personal laws such as personal law of Hindus, Muslims, Christians, Parsis etc. are being practised by different classes of citizens in India. They are constitutionally valid. Article 372, which talks about the "continuance of the existing law and their adaptation" in its clause (1) says that "all the law in force in the territory of India immediately before the commencement of this constitution shall continue in force therein until altered or repealed or amended by a competent legislature or other competent authority."⁶ As to the Inclusion of personal laws in this article Prof. Tahir Mahmood observed that "the phrase "all the law in force" in this article includes statutory, customary and, it seems also, personal laws."⁷ Further "it is notable that all the three lists in Schedule Seven of the Constitution include even those subjects to which traditionally the personal law should apply."⁸

The observance of personal laws in Indian subcontinent has a long history. It can be traced back to time immemorial. Prof. Shakeel Ahmed observed that "to India goes the distinction of being a home for all the major religions of the world. It is for this reason that it is often described as "Land of Religious Tolerance". Its historic past dating back over 4000 years gives ample testimony to this claim."⁹

In ancient India Hindu sages were the leaders of society. They "stood at the pinnacle of society."¹⁰ They were also the law maker. "The rule laid down by them formed the basis on which society was organised. The king did not have the significant authority to interfere with the personal laws of the people. Both the king and his subjects were equally subject to the rule of law formulated and enunciated by the sages."¹¹

In the mediaeval period as well, the personal laws were given specific treatment. "The purely Islamic Civil Code governing the laws of inheritance, marriage, and other analogous matters of the Muslim did not at all apply to the Hindus. The Hindus were allowed to be governed by their own laws on these topics of civil law."¹²

Thus, with regard to the mediaeval approach towards personal laws it may be concluded that the "effect of the judicial policy of the Muslim rulers was the creation of two parallel systems of civil law – one governed exclusively by the Hindu religion and the other by the Muslim."¹³

Even in the Colonial period, the Britishers did not interfere in the personal laws and allowed the citizens to be governed by their respective laws in matters related to *marriage, divorce, maintenance, inheritance* etc. "In 1772 Warren Hastings laid down that in all suits regarding marriage, inheritance, caste and other religious usages the law of the Quran with respect to Muslims and those of Shastras with respect to Hindus should invariably be followed."¹⁴

The post independent India till date is also moving on the same line. The Constitution recognizes them as valid. Moreover, it has provided certain special privileges to the inhabitants of certain regions such as Sikkim, Nagaland, Mizoram etc. under Article 371. It implies *legal pluralism* and shows the "unity in diversity" character of our nation, which is the beauty of India. It is rightly expressed by a writer: "Being born as Indians, we find ourselves in a culture that had thousands of years of flourishing diversity in a community that is proud of its many major languages and literatures, in a polity that tolerates dissent and substantial heterogeneity of political ideas and in a country that has persistently to make room for different religious and divers non-religious beliefs."¹⁵

Thus, the said legacy of the past, showing Constitutional diversity and plurality of Indian society, should be continued uninterruptedly as it is the strength of our society which even kept the colonial powers and mediaeval Indian rulers away from interfering in the personal laws of Indians. Naziruddin Ahmed, concluding his speech in the

⁴. Shakeel Samdani, " Uniform Civil Code: Myth and Reality," *Aligarh Law Journal* 23, (2015-16): 101.

⁵. Krishnadas Rajgopal, "Uniform Civil Code neither necessary nor desirable at this stage, says Law Commission," *The Hindu*, Aug. 31, 2018.

⁶. Ind. Const. art. 372.

⁷. Cited by Saleem Akhtar: Tahir Mahmood, *Muslim Personal Law: Role of the State in the Subcontinent*, (1977): 97.

⁸. Saleem Akhtar, *Personal Law and Uniform Civil Code*, 43.

⁹. Mohd Shakeel Ahmad, *Uniform Civil Code: Problems and Prospects* (2001) (unpublished Ph. D Thesis, Aligarh Muslim University).

¹⁰. Akhtar, *Personal Law*, 2.

¹¹. Akhtar, *Personal Law*, 3.

¹². Cited by D. K. Shrivastava: Sarkar, *Epoch*, 209.

¹³. Shrivastava, D. K. "Personal Laws and Religious Freedom", *Journal of the Indian Law Institute* 18, no. 4 (1976): 555.

¹⁴. Cited by D. K. Shrivastava: M. P. Jain, *Outlines of Indian Legal History* (1966): 90.

¹⁵ Sen Amartya " Indian Pluralism" *India International Centre Quarterly* 20, (1993): 37.

Constituent Assembly on UCC debate, said “what the British in 175 years failed to do or were afraid to do; what the Muslims in the course of 500 years refrained from doing; we should not give power to the state to do all at once.”¹⁶

But many a time these personal laws are challenged and governments make efforts to set them aside in the name of bringing uniformity in civil laws by implementing the UCC throughout the territory of India. The basis of their claim is essentially Article 44 of the Constitution. Firstly, therefore, it is necessary to see what exactly Article 44 is and how the words used in Article 44 are interpreted? What do scholars, jurists and writers say about it?

ARTICLE 44 OF THE CONSTITUTION

Article 44 of the Constitution reads “the state shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.”¹⁷

Article 44, a directive containing the UCC, has been mentioned in part IV of the Indian Constitution under the heading "Directive Principles of State Policy". The provisions of this part are, unlike part III dealing with fundamental rights, not enforceable by the Court rather they are “fundamental in the governance of the country.”¹⁸ Thus, Article 44 is only a guiding principle. It “does not direct any law-making body to enact a uniform civil code straight away.”¹⁹ It merely requires "possible efforts" by the Parliament to secure the same. Hence, reasonable conclusion is reachable without any controversy if selected wording of Article 44 be carefully analysed.

The word "**endeavour**" used in Article 44 (as opposed to "shall make provision or effective provision" used in other directives such as Articles 41 and 42²⁰) does not signify the obligation on the State to implement UCC but it clearly implies that possible efforts should be taken towards its enactment keeping in mind the condition and circumstances of Indian pluralistic society. Here the possible efforts include “talking to all stakeholders”²¹ as well which unfortunately could never happen " especially in last 9 years of the ruling party–BJP”²²– which particularly insists on UCC and specifically had mentioned in its *2019 election manifesto*.²³ Accordingly, the said efforts may result in the enactment of UCC and may not as what the Constitution definitely demands is *endeavour* not straight away enactment and the endeavour may be futile as it may be successful.

Thus, the enactment of UCC is not a compulsory requirement rather it may be unfavourable to the diversity and plurality of India. M.S. Golwalkar went a step ahead and said “uniformity is a pointer to the downfall of nations.”²⁴

The word "**uniform**" in article 44 has nowhere been defined as "common". There is a distinction between the two as discussed by a writer.

The word *uniform* here (in Article 44) has so far been thoughtlessly regarded as a synonym for the word *common* and perhaps nobody has ever considered why the father of the Constitution preferred the former to the latter expression. I think there is a difference between *common* and *uniform*, the former meaning one and the same in all circumstances whatsoever and latter meaning the same in the similar circumstances.²⁵

Therefore, if somehow it is implemented in such a diverse and pluralistic nation, the different codes may be enacted making them applicable for the people in similar circumstances. In such a way, Article 44’s requisition may be fulfilled and the legal plurality of this country may be preserved.

As far as the words "**civil code**" are concerned, *civil* is related to personal matters as opposed to criminal and *code* means enactment/law that may be more than one as it is only the constitution which must be one in a country whereas the former maybe more than one as there is IPC which relates to criminal matters, in India but there are other criminal laws such as UAPA etc.

Here in Article 44 what the words *civil code* may imply is rightly discussed by Prof. Tahir Mahmood:

This is true indeed. There are numerous countries in the world which has no civil code at all. In many other countries there is in force a civil code which contains all sorts of civil laws (as opposed to criminal laws) except family and succession laws. In very few countries there is a civil code which covers also laws of family relations and succession. In most countries family and succession laws are contained in special statutes standing separate from the local civil code.²⁶

¹⁶ Constituent Assembly Debates, 7th Vol. (1949): 543.

¹⁷ Ind. Const. art. 44.

¹⁸ Ind. Const. art. 37.

¹⁹ Samdani, “Uniform Civil Code”, 93.

²⁰ Ind. Const. arts. 41 & 42.

²¹ Kapil Sibal (Senior Advocate of Supreme Court of India), interviewed by Navika Kumar, *Times Now*, July 2, 2023.

²² Sibal, interview.

²³ Bharatiya Janata Party, “Election Manifesto, 2019”, last visited on July 17, 2025, <http://library.bjp.or/jspui/handle/123456789/2988>.

²⁴ Sudheendra Kulkarni, " Once upon a time, RSS & Golwalkar opposed Uniform Civil Code: Here's the Proof ", *The Quint*, July 2, 2023.

²⁵ Cited by Shakeel Samdani: Tahir Mahmood, *Personal Laws in Crisis* (1986): 31.

²⁶ Cited by Samdani: Tahir Mahmood, *Uniform Civil Code: Fiction and Facts* (1995): 127.

Now, “in view of these various modes available outside India, how do we determine the meaning and scope of the expression civil code as used in Article 44 of the Constitution?”²⁷

Since the words *uniform*, instead of *common*, and *code* are used in Article 44, they may be taken to mean that there may be more than one civil code for different classes of persons in similar circumstances, not necessarily one code for all citizens in all circumstances. Thus, there may be a civil code uniform for each particular community, protecting their *distinct cultures*, a fundamental right according to provisions of the Constitution.²⁸ Prof. Faizan Mustafa, in an interview, said that *there is a possibility to have a UCC for a particular community*.²⁹ It, then, would also be compatible with the constitutional idea of equality, i.e., “likes should be treated alike.”³⁰ However, a single UCC for all citizens if implemented throughout the territory of India may disturb the peace and harmony (as would be discussed under the heading: *National Unity and Integrity*), however, it is essential for the unity of our nation. M. S. Golwalkar said “there have always been limitless diversities in India. In spite of this, our nation has remained strong and well organised since ancient times. For unity we need harmony not uniformity.”³¹

Moreover, if UCC is enacted in any form, its application would depend on voluntary submission to it. Dr BR Ambedkar, concluding the debate on UCC in the Constituent Assembly, said “nothing would prevent a future Parliament from enacting a civil code and making it applicable only to those who voluntarily submit to its provisions.”³²

CRITICAL APPRAISAL OF ARGUMENTS FOR UCC

Apart from Article 44 of the Constitution of India, the advocates of UCC base their claim to implement it on the *Hon’ble Supreme Court’s observations* in various cases such as *Shah Bano*,³³ *Sarla Mudgal*,³⁴ *John Vallamattom*,³⁵ etc. *Unity and integrity of the nation, gender equality* etc. are also mentioned as grounds requiring the enactment of UCC. “UCC is regarded by many scholars as test for secularism, national integration and gender equality.”³⁶ These arguments are critically analysed.

NATIONAL UNITY AND INTEGRITY

The pleaders of UCC contend that it will promote *unity and integrity of the nation* by causing uniformity in civil laws, applicable to all persons equally irrespective of their caste, creed and religion. However, in fact, it may lead to a serious adverse effect on harmony and diversity of the nation because during the debate on UCC a question: what could be the possible draft of UCC is answered by the ruling party -BJP- that the “UCC would be framed by taking the best practices of various religions.”³⁷

Accordingly, several Muslim practices would be applied to Hindus and vice versa. However, it may have resulted in the conflict between the two communities as they consider their respective personal laws a part of their religion and, therefore, may not be consented to renounce their customs and traditions and abide by others’ practices and, therefore, the communal harmony may be in jeopardy. In this regard the observation made by M.S. Golwalkar is worth mentioning. He said “there have always been limitless diversity in India. In spite of this our nation has remained strong and well organised since ancient times. For unity we need harmony not uniformity.”³⁸ However, harmony will be at risk if uniformity is achieved without the consensual submission of concerned stakeholders. In the words of Golwalkar, “uniformity is a pointer to the downfall of nations”.

²⁷. Akhtar, *Personal Law*, 88.

²⁸ Ind. Const. art. 29.

²⁹ Faizan Mustafa (prof. in AMU, Aligarh), interviewed by Alok Joshi, *IALOKJOSHI*, July 1,2023.

³⁰ Ind. Const. art. 14.

³¹ Kulkarni, “Once upon a time”.

³² Constituent Assembly Debates, 7th Vol. (1949), 551.

³³ *Mohd Ahmad Khan v. Shah Bano Begum* (1985) 2 SCC 556.

³⁴ *Sarla Mudgal v. Union of India* (1995) 3 SCC 635.

³⁵ *John Vallamattom v. Union of India* (2003) 6 SCC 611.

³⁶ Cited by Aditi Banerjee and Rishabh Gupta: Tanju V. Thomas and Vinita Jones, “Uniform Civil Code – A Voluntary Transportation”, *GNLU JLDP* 2, (2010): 152.

³⁷. Diksha Munjal “The Uniform Civil Code”, *The Hindu*, Nov. 6, 2022.

³⁸. Kulkarni, “Once upon a time”.

SUPREME COURT OBSERVATIONS

It is also argued that the Hon'ble Supreme Court has insisted to have a UCC in various cases such as *Shah Bano*,³⁹ *Sarla Mudgal*,⁴⁰ and particularly *Jose Paulo Continho*⁴¹ case where the apex court regarded Goa, only Indian State where UCC is being exercised, a "shining example" for rest of the country and held: "Goa is a shining example of an Indian State which has a Uniform Civil Code applicable to all, regardless of religion except while protecting certain limited rights."⁴²

It is agreed that the Apex Court has expressed its observations regarding UCC but it is a policy matter which the parliament has to decide by taking the circumstances and conditions of Indian society into consideration. Further, here the question is whether the Apex Court has expressed its views only about UCC. Why is the double standard adopted in relation to the Supreme Court's observations? As the Hon'ble Court in *Tehseen S Poonawalla*⁴³ had issued *certain guidelines and directions to the Union of India and State governments and had directed the Parliament to implement a law regarding lynching and mob violence in India*.⁴⁴

Why could have no law been enacted in this regard till now? Whereas such violence is increasing in India day by day. Why are the Supreme Court observations not given much importance in this case as given in the case of UCC?

As far as Goa, where UCC is in force, is concerned, which is cited by the advocates of UCC and which was also regarded as "shining example"⁴⁵ by the Apex Court, it can be said that it has UCC, no doubt, but it discriminately provides certain privileges to Hindus and Catholics such as *bigamy in certain cases is allowed only for Hindus*.⁴⁶ Similarly, Catholics "need not to register their marriages."⁴⁷ Consequently, it made the situation complex. A writer observed:

while the Supreme Court in 2019 hailed Goa as shining example of Indian state, which has a functioning UCC, expert point out the ground reality in Goa is more Complex and that the code has legal pluralities. The Goa Civil Code was given by the Portuguese in 1867; it permits a certain form of polygamy for Hindus while the Shariat Act for Muslims has not been extended to Goa with Muslims of the State being governed by Portuguese laws as well as Shastric Hindu law. The code gives certain concessions to Catholics as well. Catholics need not to register their marriages and Catholic priests can dissolve marriages performed in Church.⁴⁸

GENDER EQUALITY

To implement UCC, gender equality is also presented as a ground requiring the same. It is seen connecting especially to Muslim women and Muslim personal law is targeted considering the codified Hindu laws as gender just. "In the BJP's majoritarian Hindu rendering of the UCC, only minority women need saving, because "we" (Hindus) have already given "our" women equal rights⁴⁹". Thus, "the party believes that since Hindu laws have been reformed and a uniformity within the community has been achieved, it is Muslim personal law that needs a change."⁵⁰

It is, however, a false claim about Hindu laws. They are only codified. Such codification could be seen in Muslim personal law as well e.g. *Muslim Personal Law (Shariat) Application Act, 1937*, *The Waqf Act, 1995*, *Muslim Woman (Protection of Rights on Divorce) Act, 1986* etc. In spite of reforms, *Hindu law is not uniform as neither tax exemption of HUF nor sacramental status of Hindu marriage come under UCC*.⁵¹ Similarly, Hindu women are not given properties whereas it is their legal right. *In spite of the 2005 Amendment in Hindu Succession Act, 1956, no one is giving property rights to women. How many women are properly getting properties?*⁵² Thus, "In this high pitch

³⁹. *Mohd Ahmad Khan v. Shah Bano Begum* (1985) 2 SCC 556.

⁴⁰. *Sarla Mudgal v. Union of India* (1995) 3 SCC 635.

⁴¹. *Jose Paulo Continho v. Maria Luiza Valentina Pereira*, (2019) 20 SCC 85.

⁴². *Jose Paulo Continho v. Maria Luiza Valentina Pereira*, (2019) 20 SCC 95.

⁴³. *Tehseen S Poonawalla v. Union of India*, (2019) 15 SCC 649.

⁴⁴. Ankita Ramgopal and Swati Singh, "Two years since SC judgment, the spectre of mob violence continues to loom large", *The Wire*, Aug. 19, 2019.

⁴⁵. *Jose Paulo Continho v. Maria Luiza Valentina Pereira*, (2019) 20 SCC 95.

⁴⁶. Faizan Mustafa, "Are We Ready for the Uniform Civil Code", Video filmed on July 11, 2021, <https://youtu.be/2bvFtH0AItg> (last visited on July 17, 2025).

⁴⁷. Munjal "The Uniform Civil Code".

⁴⁸. Munjal "The Uniform Civil Code".

⁴⁹. Nivedita Menon, "A Uniform Civil Code in India: The State of the Debate in 2014", *Feminist Studies* 40, no. 2 (2014): 481.

⁵⁰. Tanvir Aeijaz, "Uniform Civil Code in India: Uniformity or Conformity?" *Outlook*, May 23, 2023.

⁵¹. Faizan Mustafa, "Are We Ready for the Uniform Civil Code", Video filmed on July 11, 2021, <https://youtu.be/2bvFtH0AItg> (last visited on July 17, 2025).

⁵². Dushyant Dave (senior advocate of Supreme Court), interviewed by Siddhant Mohan, *The Lallantop*, Jul. 16, 2023.

and cacophony for the UCC, the unequal laws in matters pertaining to marriage, inheritance, guardianship, adoption are completely ignored in Hindu personal law.”⁵³

Further, there is no provision to prevent a Hindu from making a will of complete property in favour of his/her sons. In this way, daughters and female heirs are discriminated against. On the contrary, Muslim personal law, however, placed two conditions for a valid will: *no will can be made in favour of an heir*⁵⁴ and *it should not exceed one third of property*.⁵⁵ Accordingly, no legal heir can be deprived of his/her respective share. Further, for women empowerment, Muslim personal law makes a provision to pay *Meher* at the time of contract for marriage. Thus, Muslim personal law is not against gender justice/equality. In fact, its primary sources, the Holy Quran and the Traditions (*Sunnah of Prophet*), have already given women all the rights, which other laws failed to provide for a long time and even such failure continues till now, and maintained gender equality while *recognising the basic biological gender differences* between men and women.⁵⁶ In Muslim law, for example in marriage, equality between husband and wife has been maintained in certain ways as in *wealth, education, and occupation* etc.⁵⁷ Similarly, it shall not be valid unless consented to by the wife as well. *She cannot be compelled to give consent thereto*.⁵⁸ Further, she has been given property rights as well. In this regard, it is notable that the Holy Quran has mentioned twelve Quranic heirs. Interestingly, out of them, eight are women and only four are men. As to the share, men are given double of what a female gets. The Holy Quran says: “For a male there is a share equal to that of two females.”⁵⁹

As far as the rationality of giving a female heir half of man's share, it is worth mentioning that man is biologically strong, therefore, he shall be liable to maintain her and children and provide all necessities of life. Hence, he has been given double share. The Holy Quran says: “Men are caretakers of women, since Allah has made some of them excel the others, and because of the wealth they have spent.”⁶⁰

However, in certain circumstances the share of women is equal to her counter male partner. The Holy Quran itself provides: “As for his (deceased's) parents, for each of them, there is one-sixth of what he leaves in case he has a child.”⁶¹ Even in some cases women's share is higher than that of the man. For example, if the deceased leaves behind a daughter, father and mother, then the daughter will get one-half of the property as the Holy Quran mentions: “If she is one, she gets one-half.”⁶² *The mother will take one-sixth and the remaining one-third will go to the father; one-sixth as sharer and one-sixth as residuary*.⁶³

Thus, there is no discrimination on the basis of gender in Muslim law rather it gives due rights to all members of society. The Holy Prophet of Islam says: *Indeed, Allah (God) has given every rightful person his due right*.⁶⁴

CONCLUSION

The UCC, which has always been in discussion since the Constituent Assembly framed the Constitution, is a directive mentioned in part IV of the Constitution. It is not justiciable by the Court.⁶⁵ The affidavit “filed by the Union Law Ministry to petition filed by advocate Ashwini Kumar Upadhyay, seeking directions from the Apex Court to the government to frame UCC, expressed that the power to make laws is exclusively that of the legislature. The Court cannot give mandamus to Parliament to make certain laws.”⁶⁶ When the government itself has undertaken that “no direction in this regard can be issued by the court”⁶⁷ why, then, are the Court's observations submitted to corroborate the UCC application?

There are other directives in the Constitution as well. Why only Articles 44 and 48 are so emphasised whereas the Allahabad High Court, regarding an Act enacted under the directive of Article 48, held that “the Uttar Pradesh Prevention of Cow Slaughter Act, 1955 is being misused against innocent persons. They continue to remain in jail for

⁵³. Tanvir Aejjaz, “Uniform Civil Code in India”.

⁵⁴. Abu Dawud al-Sijistani, *Sunan Abī Dāwūd*, (in Arabic), hadīth no. 2870.

⁵⁵. Muḥammad ibn Ismā‘īl al-Bukhārī, *Al-Jāmi‘ al-Ṣaḥīḥ* (Arabic), hadīth no. 2742.

⁵⁶. Zeenath Kausar, *Islamic Guidance on Justice in the context of Gender*, 18.

⁵⁷ Burhan al-Din al-Marghinani, *Al-Hidayah fi Sharh Bidayat al-Mubtadi* (Arabic), (Al bushra ISajāwandīslamic store, Karachi, Pakistan, 2011): 42 to 48.

⁵⁸. Burhan al-Din al-Marghinani, *Al-Hidayah*: 28.

⁵⁹. Qur’an, 4: 11.

⁶⁰. Qur’an, 4: 34.

⁶¹. Qur’an, 4: 11.

⁶². Qur’an, 4: 11.

⁶³. Sirāj al-Dīn Muḥammad ibn Abdul Rasheed Sajāwandī, *Al Sirajiyah*, (Arabic), (Maktaba-Tul-Madinah, Karachi, Pakistan, 2017): 18 & 26.

⁶⁴. Muhammad ibn ‘Isa at-Tirmidhi, *Jami‘ at-Tirmidhi* (Arabic), hadīth no. 2120.

⁶⁵. Ind. Const. art. 37.

⁶⁶. Krishnadas Rajgopal, “Centre files affidavit on Uniform Civil Code in SC, says different religions following different laws affronting national unity”, *The Hindu*, Oct. 18, 2022.

⁶⁷. Krishnadas Rajgopal, “Centre files affidavit on Uniform Civil Code in SC”.

an offence that had not been committed at all.”⁶⁸ Now the question is what is the reason to ignore other directives such as “free Legal Aid”⁶⁹ and “Prohibition of Concentration of Wealth”⁷⁰ etc?

Further, to relate the UCC with *unity and integrity of nation* is actually baseless as there are examples contrary to it such as *USA is united and integrated too in spite of availability of a different Constitution for each State.*⁷¹ Moving ahead the question is how unity and integrity could be brought in by implementing the UCC whereas the Constitution itself maintained the pluralism as it provides certain special privileges to certain States, e. g. Sikkim, Nagaland, Mizoram etc. under article 371. Hence, “in a pluri-national and multi-religious nation like India, it may not be the best available option.”⁷² Therefore, the conclusion can be drawn that UCC is against pluralism, the most essential feature of Indian society. At the end, it is worth mentioning that when in arbitration parties to dispute have a right to choose the law e. g. Singapore Arbitration law, English Arbitration law and Indian Arbitration law etc. why, then, in other civil matters like *marriage, divorce, inheritance* etc., different personal laws should not be applied? What is the reason to differentiate between two civil transactions?

Anyway, if somehow UCC be enacted in spite of opposition by various sections of citizens of India such as *STs*⁷³ and *Minorities*,⁷⁴ how would it be entitled to be called uniform whereas *Chairman of Parliamentary Panel*⁷⁵ and even *Home Minister*⁷⁶ has given assurance to exempt the STs, N.E. and Christian from the purview of USC? Finally, the question of uniformity got strengthened as the State of Uttarakhand, led by the party leading the Union of India, has exempted the Scheduled Tribes from applicability of the UCC implemented on January 27, 2025.



⁶⁸. The Wire Staff, "UP's Anti-Cow Slaughter Law Is Being Misused: Allahabad High Court", *The Wire*, Oct. 26, 2020.

⁶⁹. Ind. Const. art. 39A.

⁷⁰. Ind. Const. art. 39(c).

⁷¹. Faizan Mustafa, "Are We Ready for the Uniform Civil Code", Video filmed on July 11, 2021, <https://youtu.be/2bvFtH0AItg> (last visited on July 17, 2025).

⁷². Tanvir Aeijaz, "Uniform Civil Code in India".

⁷³. Animesh Bisoe, "Fifth and Sixth Schedule of Constitution will be diluted: Jharkhand tribals on UCC", *The Telegraph Online*, July 2, 2023.

⁷⁴. Livemint, "Implementation of UCC is not in interests of the minorities, says Shiromani Akali Dal", *Mint*, June 29, 2023. Also see: Pervez Siddiqui, "Uniform Civil Code unconstitutional, against minorities, says AIMPLB", *The Times of India*, Apr. 27, 2022.

⁷⁵. Utkarsh Anand, "Parliamentary panel discusses keeping tribals, NE out of UCC's ambit", *Hindustan Times*, July 4, 2023.

⁷⁶. Devesh Kumar, "Christians, tribals likely to be exempted from UCC": Centre assures Nagaland", *Mint*, July 7, 2023.