

UNIFORM CIVIL CODE: A BOON OR A BANE?

Garvit Sharma*

WHAT IS UCC?

The Uniform Civil Code is based on the principle of “one country, one law” and applies to all religious communities. The term “Uniform Civil Code” is specifically mentioned in Article 44¹ of Part IV of the Constitution of India. Article 44 states, “The State shall endeavour to secure a uniform civil law for the people throughout India.”²

Simply put, this means that citizens of other religions are not allowed to follow personal laws, most often inspired by their respective religion's scriptures. India already has uniform criminal codes such as the Indian Penal Code, Criminal Procedure Code, Juvenile Justice Act, and POCSO to name a few. Uniform laws also exist for certain civil matters, such as contract law, property transfer law, and civil procedure law. Therefore, the debate regarding the implementation of the Uniform Civil Code revolves around the implementation of the Uniform Family Code, sometimes known as personal law.³

India's Uniform Civil Code has been a hotly debated topic of late, supporters and opponents have different views on its implementation, ever since the first petition was filed in 2019 for the implementation of the UCC to promote national integration and gender justice, equality and women's dignity. The Uniform Civil Code is designed as a set of laws that regulate personal matters such as marriage, divorce, adoption, inheritance, and succession for all citizens, regardless of religion. The purpose of the UCC is to replace the existing variety of personal laws that vary based on the religion or beliefs of a community.⁴

Despite the controversy, several states in India have shown support for the UCC, with Uttarakhand becoming the first state to pass a UCC law in early 2024. Other states such as

*BBA LLB, FOURTH YEAR, IFIM LAW SCHOOL.

¹ Constitution of India, 1950, Article 44

² ‘Uniform Civil Code - Challenges, Suggestions & Debate On UCC’ (*Byjus*) <<https://byjus.com/free-ias-prep/need-for-a-uniform-civil-code-in-a-secular-india/>> accessed 20 January 2024

³ Aastha Tiwari, ‘Uniform Civil Code is about women's rights’ (*LawBeat*) <<https://lawbeat.in/columns/uniform-civil-code-about-womens-rights>> accessed 20 January 2024

⁴ Manjiri Chitre, ‘What is Uttarakhand's Uniform Civil Code Bill? Explained’ (*Hindustan Times*) <<https://www.hindustantimes.com/india-news/what-is-uttarakhands-uniform-civil-code-bill-explained-101707187356123.html>> accessed 21 January 2024

Assam, Madhya Pradesh, Maharashtra and Haryana have also expressed their intention to introduce UCC. Apart from Uttarakhand, only Goa had UCC which was implemented by the Portuguese in 1867. The BJP, which has been promoting the UCC since the late 1980s, considers it a central part of its political platform.⁵

However, Article 37⁶ of the Constitution itself makes clear that the DPSP “may not be enforced by any court.” Nevertheless, they are the “foundation of national governance.” This shows that although our Constitution itself presupposes that the Uniform Civil Code should be implemented in some form, this implementation is not mandatory.⁷

HISTORICAL VIEW ON UCC

The debate for a uniform civil code dates back to the colonial period in India. The Lex Loci Report of October 1840 emphasized the importance and need for uniformity in the codification of Indian law regarding crimes, evidence, and treaties. However, it was also recommended that Hindu and Muslim personal law be kept away from such codification. Queen's Proclamation of 1859 promised absolute non-interference in religious matters. Therefore, while criminal law is codified and uniform throughout the country, personal law continues to be administered by separate codes for each community.⁸

In the Post-Colonial Era i.e., 1947-1985, during the drafting of the Constitution, prominent leaders like Dr. Jawaharlal Nehru and Dr. B.R Ambedkar advocated for the implementation of the Uniform Civil Code.

However, mainly due to the opposition of religious fundamentalists and the lack of public awareness at the time, they included the UCC in the Directive Principles of State Policy (DPSP) under Article 44 of the Indian Constitution. Some of the reforms during this period were the Hindu Code Bill which was drafted by Dr. B.R Ambedkar and consisted of several laws that were aimed at codifying and reforming Hindu personal law in India and abolishing religious law in favour of customary law codes. The Indian National Congress government led by Prime Minister Jawaharlal Nehru successfully implemented reforms in the 1950s. Despite strong

⁵ Shyma Rauf, ‘Uniform Civil Code: States that spoke about its implementation’ (*Deccan Herald*, 8 Feb 2024) <<https://www.deccanherald.com/india/uniform-civil-code-states-that-spoke-about-its-implementation-2885852>> accessed 21 January 2024.

⁶ Constitution of India, 1950 Article 37.

⁷ ‘Uniform Civil Code - Challenges, Suggestions & Debate On UCC’ (*Byjus*) <<https://byjus.com/free-ias-prep/need-for-a-uniform-civil-code-in-a-secular-india/>> accessed 20 January 2024

⁸ *ibid.*

opposition to this norm, a watered-down version was passed with the help of four different laws. The Hindu Succession Act, 1956 initially did not grant the daughters any inheritance rights to their ancestral property. They could only demand maintenance rights from Hindu joint families. However, this inequity was eliminated with the amendment of the law on September 9, 2005. Hindu Marriage Act, Minority and Guardianship Act, Adoption and Maintenance Act, and Special Marriage Act enacted in 1954, provide for civil marriages outside religious personal law.⁹ These are the reforms brought forward during the drafting of the Constitution.

During the deliberations of the Indian Constituent Assembly, the discussion on the Uniform Civil Code (UCC) centred around Article 35¹⁰, which mentioned the possibility of a UCC without explicitly mandating one. Muhammad Ismail of Madras proposed amending Article 33¹¹ to establish observance of personal law as a fundamental right. He emphasized that personal law forms an essential aspect of people's lifestyle and culture, and any interference with it might disrupt the religious and cultural ethos of Indians. However, Mahboob Ali Beg countered that the civil law referred to in Article 35 primarily covers matters such as the transfer of property and contracts, excluding family law and inheritance.¹²

Mr Ayyangar, a member of the Constituent Assembly, supported the idea of maintaining personal laws, citing the principle of Indian secularism, which treats all religions equally. Both Hindu and Muslim organisations voiced concerns about the Constituent Assembly's authority to intervene in religious law, finding Article 35 to conflict with religious freedom. Members of the Hindu community held differing opinions compared to the Muslim members. KM Munshi asserted that Parliament could enact the UCC even if Article 35 didn't exist, pointing out that articles granting freedom of religion also gave the state the power to regulate secular aspects related to religion. A.K. Iyer, a member of the Constituent Assembly, supported K.M. Munshi and urged the Assembly to approve the article related to the Uniform Civil Code.¹³

⁹ Vishal Kumar, 'UCC : a rational choice of historical significance' (*Ipleaders*, 4 November 2021) <<https://blog.ipleaders.in/ucc-a-rational-choice-of-historical-significance/>> accessed 21 January 2024

¹⁰ The Constitution Of India, 1950 Art. 35

¹¹ The Constitution Of India, 1950 Art. 33

¹² 'Constituent Assembly's Discussions on the Uniform Civil Code' (*testbook.com*, 31 July 2023) <<https://testbook.com/ias-preparation/constituent-assembly-debate-on-uniform-civil-code#:~:text=The%20Constituent%20Assembly%20discussed%20the,law%20if%20it%20has%20one'.>> accessed 20 January 2024

¹³ 'Constituent Assembly's Discussions on the Uniform Civil Code' (*testbook.com*, 31 July 2023) <<https://testbook.com/ias-preparation/constituent-assembly-debate-on-uniform-civil-code#:~:text=The%20Constituent%20Assembly%20discussed%20the,law%20if%20it%20has%20one'.>> accessed 20 January 2024

European countries, such as France, Germany, and Switzerland, provided examples of nations with uniform laws applying to minorities. Some Muslim communities, like the Khoja and Memon, did not wish to follow Sharia but were compelled to do so by the Shariat Law of 1937. The Hindu Code Bill deviated from ancient texts like Manu and Yajnavalkya, which led to criticism that it discriminated against individuals based on gender, contrary to the principles laid down by the Constitution.¹⁴

WHY DO WE NEED UCC?

"Any attempt to have a uniform civil code must ensure that it is women-centric while not being disadvantageous to other genders."

- Justice Nagarathna, Judge Supreme Court of India

In one of its recent judgments, the Karnataka High Court quashed a POCSO case against a Muslim man over his underage wife's pregnancy. The matter was resolved based on an agreement between the defendant and the victim, who was married under Islamic law. The order came two days before another bench of the Supreme Court ruled that the minimum age for engaging in sexual activity is 18 as the POCSO Act overrides individual rights. The question of whether POCSO, as a secular law, has comprehensive implications for individual rights is unclear. In this battle between secular and personal law, it is Muslim women who suffer the most. In such a situation where a minor girl is pregnant, the pain she is suffering is unimaginable. She is burdened with the responsibility of having a child at such an early and immature stage in her life while being mentally harassed because the child's legitimacy is questioned. There are countless cases where Muslim women suffer due to outdated personal laws. In the case of *Mohd Ahmad Khan v. Shah Bano Begum*¹⁵, in 1985, Shah Bano, a 62-year-old Muslim woman, filed a petition for maintenance from her estranged husband Mohammad Ahmad Khan, pursuant to irrevocable talaq. When she was denied maintenance under Islamic private law, Section 125¹⁶ of the CrPC (secular law) came to her rescue.

Even though the practice of triple talaq was declared unconstitutional in the 2017 *Shayra Bano v. U.O.I*¹⁷ (triple talaq case), the ordeal for Muslim women did not end. These archaic practices,

¹⁴ *ibid.*

¹⁵ *Mohd Ahmad Khan v. Shah Bano Begum*, [1985 (1) SCALE 767, 1985 (3) SCR 844, 1985 (2) SCC 556, AIR 1985 SC 945]

¹⁶ Criminal Procedure Code of India, 1973, s 125

¹⁷ *Shayra Bano v. Union of India*, [[2017\) 9 SCC 1](#)]

which are an inseparable part of Sharia law, have been around since the days of Nehru, and their influence can be felt today as we stand in court advocating for justice for the women of our country where instead of closing millions of pending cases, the judiciary is busy interpreting these archaic laws. It must be made clear that the Uniform Civil Code is not a want of Hindus, Muslims, Christians and Parsis. Rather, it is about giving human rights to all women.¹⁸ The problem is that there are aspects of all personal laws that ultimately have an unfair impact on women. For example inheritance, there are clear differences in India's religious personal laws regarding women's inheritance rights that justify the UCC. This argument becomes even more convincing when we consider the situation of women in different religious communities. There is a significant gender imbalance in Sunni and Shia Islamic law, with women only entitled to half of the inheritance that men receive.¹⁹

Similarly, according to Indian inheritance law, Christian women inherit only one-third of the property, even though sons and daughters share equally in their parents' property. Parsi law continues to exhibit discriminatory practices despite her 1991 amendments that guaranteed equal inheritance to sons and daughters. Both Parsi women who marry outside the community and non-Parsi women who marry into the Parsi community are subject to strict inheritance restrictions.²⁰

A look at Hindu inheritance law shows that even progressive legal reforms, such as the 2005 amendment that gave daughters an equal share of communal family property, are not enough. If a Hindu woman dies without a will, without children, without a spouse, her assets go primarily to her husband's heirs, then to her father's heirs, and finally it will be passed on to her mother's heir. These deep contradictions between religious laws highlight the need for the UCC and the provision of a single secular legal framework that ensures equality and eliminates gender bias in inheritance rights.²¹

¹⁸ Aastha Tiwari, 'Uniform Civil Code is about women's rights' (*LawBeat*)

<<https://lawbeat.in/columns/uniform-civil-code-about-womens-rights>> accessed 20 January 2024.

¹⁹ Bibek Debroy, Aditya Sinha, 'Why India Needs A Uniform Civil Code' (*NDTV*, 29 June 2023)

<<https://www.ndtv.com/opinion/why-india-needs-a-uniform-civil-code-4161333>> accessed 22 January 2024

²⁰ *ibid.*

²¹ *ibid.*

UCC IN GOA AND UTTARAKHAND

In 1867, Portugal enacted the Portuguese Civil Code, which was applied to Portugal's overseas provinces (including Goa) in 1869. The Portuguese Civil Code of Goa existed in India by virtue of Section 5(1)²² of the Goa-Daman-Diu Administrative Act, 1962, which provided that the new Government of India decide that “all laws enacted immediately before the appointed date that (Goa Liberation Day, December 19, 1961) in Goa, Daman, Diu or any part thereof shall continue to be in force therein until modified or repealed by the competent Legislature or other competent authority.”

On 22 December 2016, a major reform took place in which parts of the Portuguese Civil Code were replaced by the Goa Inheritance, Special Notaries and Inventory Procedures Act 2012, which mainly focuses on family property issues. Goa's marital property laws mandate equal ownership of assets acquired before or after marriage, so in case of divorce, each spouse is entitled to half. Prenuptial agreements are also allowed to be entered into. Half of the estate must be legally passed onto the heirs. This also applies to self-acquired property and is similar to the concept of "coparcenary" in Hindu law. The UCC also prohibits polygamy for Muslim men in marriages registered in Goa. This serves as an example for other states and Union Territories.

Goa's civil law, which derives from the Portuguese Civil Procedure Code of 1939, can be a useful starting point for the national debate. The coastal state continued its practice of treating all communities equally even after joining the Indian Union. The government would also do well to complement the long-overdue move towards a Uniform Civil Code with a comprehensive review of several other laws in the context of gender justice. This is also important in our time.

Recently, the draft report of the Uniform Civil Code (UCC) was approved by the Uttarakhand Cabinet and will be tabled as a bill in the State Assembly for enactment on February 6, 2024. The UCC Drafting Committee was chaired by former Supreme Court Justice Ranjana Prakash Desai. UCC proposes a set of common laws to cover all residents of Uttarakhand irrespective of religion, caste or gender. The purpose of the UCC is to replace the different personal laws of each religion, focusing on marriage, divorce, adoption, and inheritance, based on Article 44 of the Constitution. Article 44 of the Indian Constitution is Directive Principles of State Policy

²² Goa-Daman-Diu Administrative Act, 1962, s 5(1)

(DPSP). The Act states that the state should endeavor to introduce a uniform civil code for all citizens across India. This code is a single personal law that applies to all citizens, regardless of religion. The committee's main proposals include polygamy, *nikah halala*, *idat* (a compulsory waiting period that women must observe after the dissolution of a Muslim marriage), triple talaq and child marriage, and This includes unifying and mandating the age of marriage for girls and compulsory registration of live-in partners. The draft of UCC aims to focus on gender equality by treating men and women equally in matters such as inheritance and marriage. The law is also likely to extend an equal share of ownership to Muslim women, as opposed to the existing 25 percent ownership granted under Muslim private law. The minimum age of marriage for men and women should remain the same: 18 years for women and 21 years for men. Scheduled Tribes (STs) are excluded from the ambit of the Bill. About 3% of the state's tribal population had expressed opposition to the UCC after it was given special status.²³

CONCERNS

Critics argue that while the UCC aims to unify laws across communities, it does not address important issues such as women's rights to marital property, civil unions, and inheritance. Women's organizations and group critics have spoken out against the creation of the Uniform Civil Code (UCC). They stressed that uniform law alone cannot guarantee equal rights for women or eliminate the discrimination inherent in patriarchal and discriminatory personal laws, they also stated that uniformity alone does not guarantee equality and cannot be equated with progressive legislation and justice for women.

The advocacy in support of UCC led to three premises being formed:

- a) Denigrating Muslim family law and, by extension, the Muslim community as regressive, conservative, orthodox, patriarchal and resistant to change.
- b) Projection of Hindu family law as progressive, inclusive and gender-responsive, emulated and extended to all communities in India.
- c) the UCC has a mission for national integration and equal rights of women in family law.

²³ 'Uttarakhand UCC Draft Report' (*DrishtiIAS*, 5 February 2024) <<https://www.drishtiiias.com/daily-updates/daily-news-analysis/uttarakhand-ucc-draft-report>> accessed 8 February 2024

The Law Commission refuted all three of these premises in its 2018 consultation paper it stated that this law emphasizes the positive aspects of Islamic law, such as the concept of "mehr" and the one-third limit on the transfer of property, and ensures that part of the property through inheritance goes to the statutory family, it also emphasized making sure that it was passed on to the heirs, including daughters and other women in the family. The Law Commission also discussed in detail the discriminatory aspects that continue to undermine Hindu family law, and even the abolition of Hindu Undivided families and the Hindu coparcenary with birthright to ancestral property. The Law Commission held that secularism must not be inconsistent with pluralism and that if "cultural differences inform the identity of people and their preservation guarantees the territorial integrity of the state", then with the help of UCC national integration could not be achieved. Because the root of inequality is discrimination, not difference, the focus was on gender equality within each religious community rather than between communities.²⁴

Also, Uttarakhand's proposed UCC deliberately excludes the ST community, which constitutes 3% of Uttarakhand's population. This Bill demonstrates insensitivity to both the progressive elements of Muslim personal law and the discriminatory aspects of Hindu personal law. Certain provisions added to this bill are regressive, discriminatory, and unconstitutional. Additionally, while the bill ostensibly allows for civil unions between consenting heterosexual adults, it violates constitutional rights to privacy and the right to choose a partner. The law imposes unrealistic conditions on these relationships by requiring registration and subjecting them to public "surveillance" based on vague criteria of "public order and morality."²⁵

Some of the main concerns raised are:

Gender Neutrality and Marriage diversification

All family laws are defined by binary genders, such as male, female, husband, wife, groom, and bride. People who identify beyond these binaries, within the realm of transgender and queer identities, are excluded from current family law. If they choose to abide by such laws, they will be stripped of legal recognition of marriage and protection of conjugal rights. In a landmark judgment in 2019, the Madurai Bench of the Madras High Court directed the Registrar to

²⁴ Saumya Uma, 'What a Gender-Just Uniform Civil Code Could Look Like' (*The Wire*, 2 July 2023) <<https://thewire.in/law/what-a-gender-just-uniform-civil-code-could-look-like>> accessed 23 January 2024

²⁵ Kirti Singh, 'Why the Uniform Civil Code Falls Short in Advancing Gender Justice' (*The wire*, 13 February 2024) <<https://thewire.in/rights/why-the-uniform-civil-code-falls-short-in-advancing-gender-justice>> accessed 23 January 2024

register marriages between cisgender men and transgender women, under the Hindu Marriage Act. They concluded that the term "bride" does not refer only to cisgender women. Not just women, but trans women too. Judgments such as the *Naz Foundation case*²⁶ and the *Navtej Singh Johar case*²⁷ have highlighted the importance of self-determination of gender identity.²⁸

A Wider Definition of Family

According to Indian Family Law, a "family" consists of a husband and wife and any minor or dependent children for whom they are responsible. In the case of a married woman, her husband's parents are also recognized as family members. However, the heteronormative monogamous family is a colonial concept that is very much in line with the diverse forms of family and kinship that traditionally and currently exist in India. 'Maitri Kalar' in Gujarat, 'Nata' in Rajasthan, 'Sambandham' in Kerala, 'Kareva' or 'Chaddar Andazi' in Haryana, 'Duku' in Jharkhand, 'Hijra Gharanas', civil unions, close family, and polyamory are included in these traditions. Therefore, 'family' needs to expand in parallel with the reality on the ground.²⁹

Status of Children

There should be no difference in the rights accorded to children born out of marriage or long-term cohabitation (considered legitimate), children born out of a temporary relationship (considered illegitimate), and adopted or surrogate children. Children born in caste, religious or class marriages should not be discriminated against, either in law or in practice. As proposed by the Law Commission in 2018, all children should be considered legitimate and entitled to inherit property from their parents.³⁰

²⁶ *Naz Foundation v. Govt. of NCT of Delhi*, 160 Delhi Law Times 277

²⁷ *Navtej Singh Johar v. Union of India*, 2018 INSC 790

²⁸ *ibid.*

²⁹ Saumya Uma, 'What a Gender-Just Uniform Civil Code Could Look Like' (*TheWire*, 2 July 2023) <<https://thewire.in/law/what-a-gender-just-uniform-civil-code-could-look-like>> accessed 23 January 2024

³⁰ *ibid.*

Adoption and Guardianship

Unlike the Hindu Minority and Guardianship Act, 1956, which recognizes the father as the natural guardian and then the mother as the secondary guardian, if the parents are alive, both parents should be given equal status as natural guardians. All the major citizens of India must have the same right to adopt. The right of single people and people in same-sex relationships to adopt should be recognized, along with taking the Delhi Commission on Child Rights to the Supreme Court. Because parenting depends on the skill and quality of caregiving, not on the gender or sexual orientation of the caregiver.³¹

Grounds for Divorce

Grounds for divorce based on fault, such as cruelty, abandonment, and adultery, as well as amicable divorce, should be equally available to all spouses. In May 2023, the Supreme Court said that under Article 142(1)³² of the Constitution of India, it has the discretion to terminate a marriage that has broken down irretrievably in order to do "full justice" to the parties. However, such reasons must be used with caution when brought up after the issue of the marital property regime has been clarified and the wife's financial interests have been secured.³³

Maintenance

Women must be encouraged to become financially independent during marriage and after divorce, but alimony and support must be provided to economically vulnerable partners in marriage or its dissolution. Women's unpaid domestic work and care work should be assigned a monetary value and taken into account in determining the amount of maintenance and support payments.³⁴

Restitution of Conjugal Rights

Restitution of Conjugal Rights is a matrimonial remedy that recognizes the conjugal rights of the aggrieved parties and forces spouses to live together. This remedy of colonial origin was incorporated into Hindu marriage law and into the family laws of various communities but was abolished in the UK in 1970. Although ostensibly applied equally to all spouses, it appears

³¹ *ibid.*

³² *ibid.*

³³ *ibid.*

³⁴ Saumya Uma, 'What a Gender-Just Uniform Civil Code Could Look Like' (*TheWire*, 2 July 2023) <<https://thewire.in/law/what-a-gender-just-uniform-civil-code-could-look-like>> accessed 23 January 2024

disproportionate and has harmful consequences for women, who may become victims of violence, rape, and unwanted pregnancies. As the Andhra Pradesh High Court observed in the *T. Sareetha case*³⁵, a woman was deprived of her bodily control and autonomy by virtue of the restitution of conjugal rights, ordered by the court. Although a petition questioning the constitutional validity of this remedy is still pending in the Supreme Court, the government's wisdom is that this provision is inconsistent with the fundamental right to live with dignity guaranteed by the Constitution and should be excluded from any UCC proposal.³⁶

CONCLUSION

In conclusion, the debate over a uniform civil code in India reflects the complex interplay between the need for equality, gender justice, social harmony, legal clarity, and respect for diversity. While supporters see it as a blessing leading to a more equal society and more efficient legal processes, opponents have raised concerns about the potential for fundamental rights and cultural diversity to be violated. Weighing these aspects is crucial in determining whether the UCC will be a beneficial or detrimental step for Indian society.³⁷

The Supreme Court has, in several instances, directed the government to implement the Directive Principles enshrined in the Constitution, and this illustrates the urgency of doing so. Seventy years after the Constituent Assembly, the questions raised in the debate have not disappeared. The framers of the Constitution left some doubts about the wisdom of future consensus. They must be convinced that they have in fact reached an agreement that justifies a common civil code that will be welcomed by all. Any violent enforcement tends to exacerbate the fissures that the framers of the Constitution so skillfully stitched together. Making what was previously just a duty a duty seems to be the path of virtue, but is often the source of much division.³⁸

Therefore, the proposed UCC in Uttarakhand does not promote gender equality or the substantive equality of women, nor does it advance the demand for fair and equal family law for all communities. The 21st Law Committee stated that the UCC is neither necessary nor

³⁵ *T. Sareetha vs T. Venkata Subbaiah*, AIR 1983 ANDHRA PRADESH 356.

³⁶ *ibid.*

³⁷ Samriddhi Sharma, 'The Uniform Civil Code (UCC) in India: A Boon or Bane?' (*legalserviceIndia*) <<https://www.legalserviceindia.com/legal/article-12620-the-uniform-civil-code-ucc-in-india-a-boon-or-bane-.html>> accessed 23 January 2024

³⁸ Vishal Kumar, 'UCC : a rational choice of historical significance' (*Ipleaders*, 4 November 2021) <<https://blog.ipleaders.in/ucc-a-rational-choice-of-historical-significance/>> accessed 21 January 2024

desirable and that the personal laws of each community could easily be reformed individually in consultation with affected members of that community, "Most countries are now moving towards recognizing differences, and the mere existence of differences does not imply discrimination but is a sign of strong democracy."³⁹ This is because the Uniform Civil Code is not about the homogenization of different cultures or the violation of individual religious freedom. Instead, the theme is the exploration of gender equality, equal rights, and a shared sense of citizenship, regardless of religion. Although not without flaws, the Goa model provides a workable template for widespread implementation of the UCC in India and provides a glimpse of what a balanced secular legal framework might look like. Discussions about the UCC should move beyond dualisms between tradition and modernity, or religious freedom and state intervention. We must see it as a necessity for equality, a means of social justice, and a constitutional promise to fulfill. This could be a step forward in ensuring that the law becomes the living voice of what is now, rather than remaining a frozen script of what was once fair.⁴⁰ It is time to depoliticize the UCC issue. The time has come to integrate all personal laws into the constitutional principle of equality,⁴¹ because how can a country be secular if the law is not secular?



³⁹ Kirti Singh, 'Why the Uniform Civil Code Falls Short in Advancing Gender Justice' (*The wire*, 13 February 2024) <<https://thewire.in/rights/why-the-uniform-civil-code-falls-short-in-advancing-gender-justice>> accessed 23 January 2024

⁴⁰ Bibek Debroy, Aditya Sinha, 'Why India Needs A Uniform Civil Code' (*NDTV*, 29 June 2023) <<https://www.ndtv.com/opinion/why-india-needs-a-uniform-civil-code-4161333>> accessed 22 January 2024

⁴¹ Aastha Tiwari, 'Uniform Civil Code is about women's rights' (*LawBeat*) <<https://lawbeat.in/columns/uniform-civil-code-about-womens-rights>> accessed 20 January 2024.