



FUNDAMENTAL RIGHTS IN THE UNIFORM CIVIL CODE DILEMMA

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WHAT IS A UNIFORM CIVIL CODE

The Constitution of India, implemented on January 26, 1950, embodies the nation's aspirations for justice, equality, and harmonious coexistence of its diverse population. Rooted in its rich cultural knots and historical complexities, India is a land of diverse communities, languages, religions, and customs. While a source of strength, this diversity has also presented challenges in personal laws, giving rise to discussions about implementing a Uniform Civil Code (UCC).

The Uniform Civil Code, as envisaged in Article 44 of the Directive Principles of State Policy within the Indian Constitution, aims to replace diverse personal laws based on religious practices and customs with a unified set of rules governing matters such as marriage, divorce, inheritance, and adoption. The idea behind the UCC is to promote equality, gender justice, and modernity by streamlining laws that often differ based on one's religious or community affiliation.

In India, personal laws derived from various religious traditions have coexisted for centuries, shaping the social and legal landscape. These personal laws are primarily based on different communities' religious texts, customs, and practices. As a result, family, marriage, and inheritance matters are often governed by different sets of rules for different communities. This has led to debates about the need for a standard civil code to provide citizens with a more consistent and equitable legal framework.¹ Countries like France, Turkey, and Egypt have followed standard rules and regulations.

Turkey: Post its establishment as a democratic country and years of following the Swedish code, one of the most prominent ones at that time, in November 2001, Turkey adopted its new regulation, which mainly focused on bringing about change in social and economic equality

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¹ Kumar N, 'MSN' (MSN) <www.msn.com/en-in/news/other/explained-what-is-uniform-civil-code-which-countries-follow-it-and-why-it-is-controversial/ar-AA1dd9LR> accessed 7 August 2023

amongst spouses and increasing the age of marriage. It regulates family law, customs regulations and other rights of the people.²

Egypt: The Egyptian Civil Code adopted in the 19th century mainly focuses on personal rights, obligations, contracts and torts.³ The Egyptian Civil Code primarily relies upon the French Civil and Sharia Law and is the primary remedial law for contracts.⁴

France: Post the French Revolution in the 18th Century, the laws and rules for the nation were reformed and codified into one Code Napoleon in 1804.⁵ The Code kept equality in the eyes of the law, freedom of religion, separation of church and state, etc., as its main essence, while ensuring civil liberty amongst the people.⁶ Married women, per the code, were incapable of taking succession or any donation without the consent of their husbands; women were given the freedom to enter into a contract as long as there was no interference with the husband's rights.⁷ This code was replaced by a New French Civil Code in 2007.

UNIFORM CIVIL CODE HISTORICAL BACKGROUND

In the 1950s, the Congress government, comprising Pandit Jawaharlal Nehru, the then Prime Minister of India, aimed to complete the codification of some Hindu personal laws that the British Government had started. The British government started codifying in the 19th Century when the Third Law Commission of British India interfered with personal laws and started codifying the rules and practices relating to Hindus and Muslims. Some significant laws introduced were the Indian Divorce Act, 1869; the Hindu Wills Act, 1870; Special Marriage Act, 1872; The Hindu Inheritance (Removal of Disabilities) Act, 1928; The Hindu Law of Inheritance (Amendment) Act, 1929; Child Marriage Act of 1929; Hindu Women's Right to Property 1937, etc. Four central statutes were enacted regarding Muslim law: The Muslim

² 'Turkish Civil Code' (*Turk.Estate*) <<https://turk.estate/en/about-turkey/grazhdanskij-kodeks-turtcii/>> accessed 7 August 2023

³ 'Civil Law — Egypt Justice - Expert Insight Into the Egyptian Judiciary and Exploration of Egypt's Justice System' (*Egypt Justice - Expert Insight Into the Egyptian Judiciary and Exploration of Egypt's Justice System*) <https://egyptjustice.com/civil-law> accessed 7 August 2023

⁴ BDMSEAW, 'UPDATE: An Overview of the Egyptian Legal System and Legal Research - GlobaLex' (*Index - GlobaLex*) www.nyulawglobal.org/globalex/Egypt1.html#_The_Egyptian_Legal> accessed 27 August 2023

⁵ DI, 'The French Civil Code or Code Civil, 21 March, 1804 : An Overview - napoleon.org' (*napoleon.org*) <www.napoleon.org/en/history-of-the-two-empires/articles/the-french-civil-code-or-code-civil-21-march-1804-an-overview/> accessed 27 August 2023

⁶ RB, 'Faq#8: The Code Napoleon' (*The Napoleon Series*) <www.napoleon-series.org/faq/c_code.html#:~:text=The%20Code%20Napoleon%20took%20the%20over> accessed 27 August 2023

⁷ LH, 'Women and the Code Napoléon' <www.napoleon-series.org/research/society/c_women.html> accessed 27 August 2023

Personal Law (Shariat) Application Act of 1937, The Insurance Act of 1938 and The Dissolution of Muslim Marriage Act of 1939.⁸⁹ An extract from the speech by Lt. Shri Dr. B.R. Ambedkar, when he presented the Hindu Code Bill, and there was discussion in the Parliament about it, states as follows: “This Bill, the aim of which is to codify the rules of Hindu Law which are scattered in innumerable decisions of the High Courts and of the Privy Council, which form a bewildering motley to the common person and give rise to constant litigation, seeks to codify the law relating to seven different matters. Firstly, it seeks to codify the law relating to the property rights of a deceased Hindu who has died intestate without making a will, both female and male. Secondly, it prescribes a somewhat altered order of succession among the different heirs to the property of a deceased dying intestate. The next topic it deals with is the law of maintenance, marriage, divorce, adoption, minority and guardianship.”¹⁰

Stand of Uttarakhand Government: The State of Uttarakhand will be the first state to implement the concept of the Uniform Civil Code in India. The State has set up a people panel to examine the existing personal laws in the state and on the recommendations, suggestions and views of the Citizens along with the input of the members on the analysis of the laws relating to marriage, divorce, property rights, succession/inheritance, adoption, maintenance, custody and guardianship the panel has been asked to submit a report regarding the pros and cons and the view of the citizens.¹¹ In this attempt to take the residents’ suggestions, the state government’s panel has received around 60,000 suggestions through online communication. Tribal people and those living in the hilly area knew more about the UCC and were more inclined towards gender-neutral laws than those in the plains. Practices like polygamy and polyandry have been opposed, and people have suggested banning them.¹²

UNIFORM CIVIL CODE AND PART III OF THE CONSTITUTION

Implementing a Uniform Civil Code will remove inequality among individuals by providing all the same rules and regulations. At the same time, it might violate the right to profess our

⁸ LP, ‘History of Personal Laws in India’ [2020]

⁹ Mahmood T, ‘Religion, Law, and Judiciary in Modern India’ 2006(3) BYU Law Review 6

¹⁰ <https://eparlib.nic.in/bitstream/123456789/760060/1/cald_02_09-04-1948.pdf#search=null%201948> accessed 27 August 2023

¹¹ <<https://ucc.uk.gov.in/>> accessed 27 August 2023

¹² Mishra I, ‘Uttarakhand’s Uniform Civil Code committee sifts through four lakh suggestions, plans more public outreach’ (*The Hindu*, 2 November 2022) <www.thehindu.com/news/national/other-states/uttarakhands-uniform-civil-code-committee-receives-four-lakh-suggestions-plans-more-public-outreach/article66087055.ece> accessed 27 August 2023

religion because the code might end. Personal laws and customary practices derived from the scriptures and old religious texts will be covered in the ambit of Article 25.

Article 14 of The Constitution of India states that every person has equality before the law or equal protection of the laws within the territory of India, while in contrast, Articles 25-28 are based on the right to religion. Article 25(1) states that all people are equally entitled to freedom of conscience and the right to profess, practice and propagate religion, subject to public order, morality and health and the other provisions of this Part. One article mainly provides for equality amongst the Citizens without discrimination on the grounds of religion, race or any other factor; on the other hand, one article allows every citizen to profess their religion freely. This has been a long debate between the two Articles. There has been a case popularly known as the Sabrimala Mandir case, wherein women between 10 and 50 cannot enter the Sabrimala Temple and worship the god Ayyappa since they are menstruating. A PIL was filed before the court stating that it was unjust and unfair and violated the Right to Equality. The Supreme Court held that A component of constitutional morality is equality and non-discrimination, and it is impossible to examine the idea of equality and non-discrimination in religious concerns in a space. By our constitutional framework, a balance must be struck between the values of equality and non-discrimination on the one hand and the protection of the cherished freedoms of faith, belief, and worship that are granted to people of all religions in a secular polity by Articles 25 and 26, on the other. These rights must be balanced or harmonised according to constitutional morality to ensure no one's religious convictions are disregarded or compromised. The right to Religion under Article 25 is not absolute and must be maintained in balance and coexistence with other constitutional provisions like Article 14.¹³

In another case, PILs were filed in the Supreme Court requesting the court to declare polygamy, unilateral talaq by the Muslim man without the woman's consent and to declare the discriminatory inheritance laws by not giving them equal status just on the grounds of different sex to be void. A subsequent appeal requested the court to make void some sections of the Hindu Marriage Act and some of the Guardianship and Wards Act since they were also violative of Articles 14 and 15. The Supreme Court, in this case, held that it was on the part of the legislation to make laws since all the arguments raised are in context with the state policies.¹⁴

¹³ Indian Young Lawyers Assn. v. State of Kerala, (2017) 11 SCC 577

¹⁴ Ahmedabad Women Action Group (AWAG) v. Union of India, (1997) 3 SCC 573

The Supreme Court judge in the case of “Mohd. Ahmed Khan v. Shah Bano Begum, (1985) 2 SCC 556: 1985 SCC (Cri) 245” said that it is regrettable that our Constitution's Article 44 continues to be a dead text. The State is responsible for ensuring that all citizens have access to a uniform civil code and have the power under the law to do so. We know the challenges in bringing people of all religions and ideologies together on one stage. The courts must inevitably play the role of the reformer because it is beyond the ability of sensitive minds to let injustice exist when it is so apparent. However, judges' haphazard attempts to reconcile disparate personal laws cannot take the role of a uniform Civil Code. Justice for everyone is a much more satisfying form of justice than justice in each situation.¹⁵

In the case of “*Smt. Sarla Mudgal, President, ‘Kalyani’ and others Versus Union of India* (1995) 1 MLJ (Cri) 496”, the judges requested the government to implement a uniform civil code to ensure concrete rights and practices.¹⁶

LEGAL CONTRASTS: INHERITANCE, SUCCESSION, AND DIVORCE LAWS IN HINDU, MUSLIM AND OTHER COMMUNITIES

Succession and Inheritance: It means taking possession of property through the procedure of law. When a person dies without a will, his property is taken over by his legal heirs, mainly the spouse or children. Inheritance usually means taking over the assets and liabilities of the deceased owner by his legal heirs. Like the blood and genes, the property is transferred from one generation to another. There are different laws governing inheritance by Muslims and Hindus. The Hindu Succession Act of 1955¹⁷ divides the successors into four categories, namely Class I, Class II, Agnates and Cognates. Class I has the right to have an equal share in the property. If no one from Class I is present, then the property shall be divided among the Class II people. Agnates are the people from the male/masculine line, while the Cognates are from the female/feminine side. Post the 2005 amendment, boys and girls have equal their rights, i.e., they are bound to get an equal share. Women now have the right to seek partition in their portion. A widow of a predeceased son or brother can also seek her share in the property even if they are married.

In Muslim Law, there are two types of heirs, i.e., those who are entitled to the share and those who take over the leftover property. There have been no title as legal heirs since birth, and it

¹⁵ Mohd. Ahmed Khan v. Shah Bano Begum, (1985) 2 SCC 556

¹⁶ Smt. Sarla Mudgal, President, ‘Kalyani’ and others Versus Union of India (1995) 1 MLJ (Cri) 496

¹⁷ THE HINDU MARRIAGE ACT, 1955 (India)

comes into question only when the property holder dies. There is no equal sharing of property between men and women; widows get a 1/4th share in case of no children and a 1/8th in case of women having children, and daughters get half the stake as the sons.¹⁸19202122

Divorce: Divorce means the termination of a marriage by bringing the vows of the two spouses to an end. The “Hindu Marriage Act” governs divorce in Hindus, Buddhists, Jains and Sikhs. As per the Hindu Marriage Act, it is a sacred bond between males and females. Section 13 of the Hindu Marriage Act provides for divorce, which, on the petition by either spouse on the grounds mentioned in the act, shall seek separation from one another either mutually or on the grounds of adultery, cruelty, change of religion, unsound mind, renunciation of the world or any communicable disease (HIV). The Supreme Court, in one Judgement, held that it was impossible to unite two spouses as husband and wife when they are not ready to stay together. It’s not about society but about the safety of the parties.²³ In a Muslim marriage, the marriage is seen as a contract between two parties. Muslim spouses can get separated merely through a contract, too. In Muslims, three types of divorce prevail, i.e., divorce by the husband (talaq), divorce by the wife and divorce using mutual consent (mubaraat).

In Talaq, the marriage was at the will of the husband and could be dissolved by him at any time without justifying the divorce. Talaq could be provided without the wife's consent and the court's intervention. Talaq might be unconditional or contingent, absolute or subject to one or the other. Contingency refers to a potential future occurrence. When the talaq is total, it becomes effective right away. Only when the requirement of the contingent event is met does a conditional or contingent talaq take effect. Sunni law recognises dependent and contingent talaq. Shia law does not acknowledge contingent or dependent talaq. In the case of (Iqbal Bano v. State of U.P., (2007) 6 SCC 785), Shayara Bano v. Union of India (2017) 9 SCC 1, the Supreme Court of India held Triple Talaq, a practice by Muslim men, as unconstitutional and a criminal offence. The court also stated that triple talaq is not an essential practice, is anti-

¹⁸ Darji P, ‘Inheritance Rights in India’ (*MyAdvo.in*, 24 July 2018) <www.myadvo.in/blog/inheritance-rights-in-india/> accessed 27 August 2023

¹⁹ Sharma N, ‘COMPARISON OF SUCCESSION UNDER HINDU AND MUSLIM LAW’ (2022) 8(6) JOURNAL OF LEGAL STUDIES AND RESEARCH 247

²⁰ ‘The Hindu Succession Act: A Milestone In Women’s Right To Property’ (*Law Corner*, 2 January 2021) <<https://lawcorner.in/the-hindu-succession-act-a-milestone-in-womens-right-to-property/>> accessed 27 August 2023

²¹ Parmar PS and Gupta DK, ‘Womens Right to Succession and Inheritance under Muslim, Christian, Jews and Parsi Law’ 7

²² Shireen, S. (n.d.). MUSLIM LAW OF INHERITANCE. 1-6.

²³ Ashok Kumar Bhatnagar v. Shabnam Bhatnagar, 1988 SCC OnLine Del 246

Quran and thus anti-Shariat.²⁴ The wife has the right to divorce only through an agreement made before or after the marriage. If such an agreement exists, the wife can divorce if any contingencies arise. “Khula” divorce is when the wife gives her husband something in exchange for releasing her from her marital bond. The court held that the wife could claim maintenance from the Husband after the divorce, and the maintenance is payable at marriage and not divorce.²⁵ After the completion of the iddat period, the wife may marry another man, and so shall the man in case of a consummated marriage and immediately in case of a non-consummated marriage. Parties have the right to inherit until the divorce is irrevocable. A husband can remarry after his wife’s death, but a wife cannot.²⁶²⁷²⁸ In Christian Law, divorces are dealt with by the “Divorce Act 1869”, wherein a marriage can only be dissolved by the decree/order of the court. Divorce on the grounds of an unhappy married life is not a valid reason to seek divorce.²⁹

Therefore, Muslim women do not have equal rights in the country, and it is required to change the Muslim Law governing marriage and divorce because doing so would contradict Article 14 of the Constitution. Since Muslim women are Indian citizens and have the same rights as other religious groups, it is necessary to reform Muslim law to reflect other religions' divorce laws in India.

Adoption: Under “The Hindu Adoption and Maintenance Act,” an adopted child is treated equally to a born child. This act provides for the rights and capacity to adopt. Post its amendment in 2010, the act allows married women to adopt a child. Islamic law uses a “kafala” system rather than adoption, where a child is put with a kafil (foster parent) who is legally permitted to care for them and who provides for their well-being, including financial support. The biological parent may surrender the child or children of a former spouse to the stepparent for adoption. After the necessary procedures, the adopted child of the stepparent will be given the same rights as a biological child, including the right to inherit the property of the stepparent. In Muslim law, the father is solely responsible for providing for his children and isn't impacted by their poverty as long as he can work. Even though the children are in their mother's custody,

²⁴ Shayara Bano v. Union of India (2017) 9 SCC 1

²⁵ Mohd. Ahmed Khan v. Shah Bano Begum, (1985) 2 SCC 556

²⁶ ‘DIFFERENCE BETWEEN THE DIVORCE UNDER MULSIM AND HINDU LAW | The Lawyers & Jurists’ (*The Lawyers & Jurists*) <www.lawyersnjurists.com/article/difference-between-the-divorce-under-mulsim-and-hindu-law/> accessed 27 August 2023

²⁷ ‘DIVORCE UNDER HINDU, MUSLIM AND CHRISTIAN RELIGION’ (3) 66

²⁸ Amina v. Hassn Koya, (2003) 6 SCC 93

²⁹ C. Solomon v. Josephine Alleged Lunatic, 1958 SCC OnLine Mad 221

he must keep them. A parent is responsible for paying support for his (a) minor children of either sex, (b) his unmarried daughter, (c) his married daughter, and (d) his adult son if he is in need. In “The Hindu Adoption and Maintenance Act” 1956, Section 20 deals with the maintenance of children and elderly parents. It requires both parents to support their daughters until they marry, regardless of whether they are biological or adopted. The father must also maintain his divorced daughter in case she cannot maintain herself.

TRANSGENDER PEOPLE AND THE LGBTQI+ COMMUNITY

In the 21st century, there has been a boom in recognition of the third genders and the LGBTQ community. There have been advancements in this segment, and transgender and transgender people have been recognised as a third gender to protect their Fundamental Rights.³⁰ Transgender people now have fundamental rights vested in the constitution, but still, there is no clarity on how marriage, divorce, inheritance, adoption and other rights that transgender people can claim. Although in a judgment, the Uttarakhand High Court held no law regarding transgender people. If a transgender person recognises themselves as a male or female, they must be treated accordingly.³¹ The Hindu Succession Act does not talk about transgender people and only recognises males and females; the Indian Succession Act, which is gender-neutral, also doesn't discuss transgender people. There is no recognition under the Muslim Laws either.³²³³ Before the divisional bench of the Orissa High Court, the High Court held that people have the right to choose their sexual preferences and stay with their partners as live-in partners to exercise their right of freedom of choice.³⁴ Although the Judiciary is trying to give recognition to the transgender community constantly, the legislature has taken no explicit action. A clear-cut picture of same-sex marriage, transgender marriage, the right to adopt and reproduce by medical means, succession, inheritance, divorce and intra-religious weddings is yet to be projected. A Uniform Civil Code that will be applied throughout the country to all individuals shall consider these issues.³⁵

³⁰ National Legal Services Authority v. Union of India, (2014) 5 SCC 438

³¹ *Mr. X Versus State of Uttarakhand and Others*, IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL, 29 May 2019, Writ Petition (Criminal) No. 28 of 2019 (India)

³² <<https://nyaaya.org/resource/guide-on-the-rights-of-transgender-persons-in-india/>>

³³ *Rights of Transgender in India* (2022) India Law Offices LLP. Available at: <https://www.indialawoffices.com/legal-articles/rights-of-transgenders-in-india> (Accessed: 20 August 2023).

³⁴ Chinmayee Jena v. State of Odisha, 2020 SCC OnLine Ori 602

³⁵ Upadhyay S, Tewari A and Singh V, ‘Transgender rights, the ‘Third Gender’ and transforming the workplace in India’ (<https://www.lexology.com/library/detail.aspx?g=b49d9488-c484-4d00-882c-2c386a041a07>, 12 March 2020)

SHOULD THE UNIFORM CIVIL CODE BE IMPLEMENTED?

Arguments In Favour of a Uniform Civil Code

Equality: Article 14³⁶ of the Constitution of India states that the State shall not deny any citizen of India equality before the law. Many Acts, Rules and Laws are biased towards men and thus create inequality. In today's time, when women are treated equally in every field, some significant personal laws treat men as superior. Having a standard code of gender justice is the need of the hour. Along with Article 14, present personal laws violate many other rights available to women and other genders.

Secularism and Enhanced National Integration: The Preamble of the Indian Constitution states that India is a secular country, which means that the government neither has any specific religion nor favours any particular religion. Having a uniform civil code will help take the best practices from all the personal laws and formulate one rule that is the best for the country.

Ambiguity in Justice and Reduction in Stress on the Judiciary: Different judges have different opinions and thus create a high chance of disparity in judgments, since different judges interpret the law differently. Having one code for all will reduce the burden on the side of the judiciary since all family matters will be governed under one umbrella.

Modernisation: The majority of personal laws have been drafted way too far. With time, the world has evolved, but the family and personal laws are still in accordance with the old customs. A new law shall be made in accordance with the current practices. In a secular democracy, the freedom of religion and the right to practise and spread one's religion must be fiercely protected. However, it's important to remember that many social vices disguise themselves as "religious customs," including dowry, triple talaq, child marriage, etc. It would be very naive to try to have the government defend them because of their "religion." Because these practices are neither fundamental to religion nor conform to fundamental human rights principles.³⁷

³⁶ Constitution of India, 26 January 1950 (India)

³⁷ 'Why India needs a uniform civil code' (<https://www.livemint.com/>, 3 July 2016)

<www.livemint.com/Opinion/YJFZYlzt2IN3lkOlljLjFO/Why-India-needs-a-uniform-civil-code.html>

Universal Declaration of Human Rights, 1948: India is a party to the UDHR and has to adhere to it. Article 16 gives freedom to marry and protection by society and the state.³⁸

Arguments Against Implementation of the Uniform Civil Code

Cultural Diversity: India is a country known for its rich tapestry and multi-religious culture. India caters to a large number of communities with their own religious practices, and if a uniform code is enacted, these practices will go into the dark.

India provides for religious freedom, and then enabling such a law would violate people's right to freedom. Interference in religious practices and customs will be violative of Part III of the Constitution.

There will be a high chance of social and politically rooted riots since people will be opposing the implementation of a new law in total and scrapping away their old personal laws and practices.³⁹

The Judiciary's workload will be increased since the precedents might not hold any subtle value, and the court will have to interpret the law and decide on the issues from scratch.⁴⁰

CONCLUSION

In conclusion, the discourse surrounding the implementation of a Uniform Civil Code (UCC) in India encapsulates a complex interplay of legal, societal, and cultural dimensions. The historical backdrop of diverse personal laws rooted in religious traditions has fueled debates about the need for a standardised legal framework governing critical aspects like marriage, divorce, inheritance, and adoption. As the nation evolves, the question of whether a UCC should be implemented persists, giving rise to both supportive and dissenting viewpoints.

The concept of a UCC stems from Article 44 of the Directive Principles of State Policy, which aims to streamline personal laws based on religious practices into a unified set of rules. Advocates of the UCC emphasise its potential to foster gender equality, social justice, and national integration. It is seen as a means to ensure equal rights for all citizens, irrespective of

³⁸ Dahiya R, 'Gender Justice in India: Outlook on Uniform Civil Cod' (May 2021) <https://sprf.in/wp-content/uploads/2021/05/SPRF-2021_Gender-Justice-Paper_Curated-Voices_Final.pdf>

³⁹ Agarwal Y, 'The Need for UCC: An analysis of the problems within the Personal Inheritance laws'

⁴⁰ Mathew CK, 'Uniform civil code: Why and why not' (*Governance Now*) <www.governancenow.com/views/columns/uniform-civil-code-why-and-why-not> accessed 27 August 2023

their religious affiliations, thereby aligning with the fundamental principle of equality enshrined in the Constitution. A UCC could also alleviate the burden on the judiciary by providing a consistent legal framework, reducing ambiguity and disparities in judgments.

However, the call for a UCC faces a myriad of challenges. India's diverse cultural fabric, enriched by a multitude of religions, traditions, and practices, underscores concerns about cultural assimilation and religious freedom. Critics argue that a uniform code could infringe upon the distinct identities of various religious communities, potentially leading to social unrest. Additionally, the courts would grapple with a surge in cases as precedents might not directly apply to a newly enacted code, necessitating fresh interpretations and rulings.

The standpoints on the UCC find resonance in the legal contrasts present in the inheritance, succession, and divorce laws across different communities. While some communities have evolved to embrace gender equality, others continue to uphold traditional norms that could be perceived as discriminatory.

The inclusion of transgender individuals and LGBTQI+ rights further underscores the need for a comprehensive legal framework that respects human rights and personal choices.

The case of the State of Uttarakhand stands as a unique initiative to explore the practical implications of a UCC. Engaging citizens in the process of law-making highlights the importance of understanding public perspectives and catering to diverse viewpoints. While the UCC dilemma poses a challenge, it also offers an opportunity for constructive dialogue that incorporates the wisdom of all stakeholders.

In assessing the feasibility of a UCC, it is crucial to navigate the fine balance between promoting equality and respecting religious diversity. Any potential implementation must be carefully designed to safeguard individual rights, religious practices, and cultural sensitivities. The Constitution's commitment to secularism should be upheld, acknowledging that religious freedom is a fundamental right that cannot be disregarded.

Ultimately, pursuing a UCC necessitates a holistic consideration of the Indian society's ethos and the evolving aspirations of its citizens. Striking a harmonious balance between unity and diversity is a complex task. Still, it must be addressed to ensure a just, equitable, and progressive legal landscape that respects the rights and values of all Indians. As the nation

contemplates the path forward, the UCC discussion remains a testament to the ongoing journey of shaping a resilient and inclusive democracy.

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