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UCC Debate Gains Momentum as Uttarakhand Implements Common Civil Framework and Three States Await Presidential Assent

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Recent Developments:

- **Uttarakhand:** Became the first Indian state to implement a state-specific **Uniform Civil Code (UCC)** on **27 January 2025**; its official framework covers marriage, divorce, inheritance, adoption and succession. The state has also issued amendments to its UCC framework during 2025–26.
- **Assam:** The State Assembly passed its UCC legislation on **27 May 2026**; the Bill has been sent for **Presidential consideration**.
- **Gujarat:** The State Assembly passed its UCC Bill on **24 March 2026**, after which it was reserved and referred to the President by the Governor.
- **Madhya Pradesh:** The State Assembly passed its UCC Bill on **21 July 2026**, and it was subsequently sent for Presidential consideration.
- Thus, as of **September 2026**, Uttarakhand has an operational UCC, while Assam, Gujarat and Madhya Pradesh have enacted state legislation that is yet to become operational pending the constitutional assent process.

What is a Uniform Civil Code?

Definition and Scope:

- A **Uniform Civil Code** envisages a common framework of civil laws applicable to citizens irrespective of religion or community in areas such as **marriage, divorce, adoption, maintenance, guardianship, inheritance and succession**.
- UCC primarily concerns **personal and family law**, unlike criminal law and several areas of commercial law that already operate through substantially uniform central legislation.
- The objective is not merely legal uniformity but the creation of **common civil standards**, particularly where personal laws may produce unequal outcomes.

Constitutional Basis:

- **Article 44:** Directs that “*The State shall endeavour to secure for the citizens a Uniform Civil Code throughout the territory of India.*” It forms part of **Part IV — Directive Principles of State Policy (DPSP)**.
- **Article 37:** DPSPs are **fundamental in the governance of the country**, but their provisions are not enforceable by courts.
- UCC therefore represents a **constitutional objective rather than an immediately enforceable Fundamental Right**.
- The debate also involves balancing **Articles 14, 15 and 21** with **Articles 25–29**, particularly equality, non-discrimination, personal liberty, religious freedom and cultural rights.

Personal Laws in India:

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Community-Specific and Secular Frameworks:

- **Hindus, Buddhists, Jains and Sikhs:** Major areas of personal law are codified through the **Hind Marriage Act, 1955; Hind Succession Act, 1956; Hind Minority and Guardianship Act, 1956; and Hind Adoptions and Maintenance Act, 1956.**
- **Muslims:** Personal matters continue to be governed through a combination of statutory provisions and **uncodified Muslim personal law**, including the Muslim Personal Law (Shariat) Application Act, 1937.
- **Christians and Parsis:** Their personal matters are governed through specific enactments including the **Indian Christian Marriage Act, 1872** and the **Parsi Marriage and Divorce Act, 1936.**
- **Special Marriage Act, 1954:** Provides a secular legal framework for marriage outside religious personal-law systems.
- **Tribal and customary practices:** Constitutional safeguards under the **Fifth and Sixth Schedules** and special provisions for certain states create an additional layer of complexity for any nationwide uniform framework.

Why is UCC Significant?

Gender Justice and Equality:

- A common civil framework can establish **uniform standards for inheritance, marriage, divorce, maintenance and guardianship**, potentially strengthening substantive equality for women.
- UCC can address discriminatory provisions where unequal rights arise from different personal-law regimes.

Constitutional Secularism:

- Civil rights would be determined primarily by **citizenship and civil status rather than religious identity**, strengthening the secular character of civil law.
- The constitutional challenge is to reconcile **equal citizenship** with the protection of legitimate religious and cultural freedoms.

National Integration:

- Common civil standards can reduce legal differences between communities and create a more consistent framework for civil rights and obligations.
- However, **legal uniformity and national integration are not automatically synonymous**; social acceptance and constitutional legitimacy remain important.

International Commitments:

- India is a party to instruments including **CEDAW, 1979** and the **ICCPR, 1966**, which reinforce principles of equality and non-discrimination.
- Reform of discriminatory personal-law provisions can therefore be examined in the context of India's broader **international human-rights commitments.**

Key Concerns and Challenges:

Pluralism and Religious Freedom:

- Critics argue that a uniform framework could affect **religious practices, cultural autonomy and community-specific traditions**, particularly where family law is closely connected with religious identity.
- The constitutional question involves reconciling **Articles 25 and 26** with the State's authority to undertake social reform.

Tribal and Customary Laws:

- A nationwide framework may interact with **tribal customary practices**, particularly in the North-East and Fifth Schedule areas.
- Exemptions, consultations and state-specific safeguards may therefore be necessary to prevent unintended disruption of established customary systems.

Uniformity versus Substantive Equality:

- **Uniformity does not automatically produce equality**; a common rule can still have unequal effects on different social groups.
- An alternative approach is to identify and remove **discriminatory provisions within existing personal laws** while preserving legitimate cultural practices.

Federal and Legislative Complexity:

- Personal law intersects with subjects in the **Concurrent List**, allowing both Parliament and State Legislatures to legislate in relevant areas.
- Multiple state-specific UCCs also raise questions about **inter-state consistency**, particularly when citizens move between states or possess civil relationships across state boundaries. The emergence of different state models has therefore shifted part of the debate from merely “whether” to “how uniform” a UCC can actually be.

Landmark Supreme Court Pronouncements:

Shah Bano Case, 1985:

- In **Mohd. Ahmed Khan v. Shah Bano Begum**, the Supreme Court upheld a divorced Muslim woman's entitlement to maintenance under Section 125 of the CrPC and referred to the constitutional aspiration for a UCC.

Sarla Mudgal Case, 1995:

- In **Sarla Mudgal v. Union of India**, the Court held that conversion to Islam could not be used merely to contract a second marriage while an existing Hindumarrriage remained legally subsisting, highlighting the potential for conflict between personal-law systems.

Daniel Latifi Case, 2001:

- In **Daniel Latifi v. Union of India**, the Court upheld the Muslim Women (Protection of Rights on Divorce) Act, 1986 while interpreting it to ensure **reasonable and fair provision** for a divorced Muslim woman beyond the Iddat period.

John Vallamattom Case, 2003:

- The Court struck down Section 118 of the Indian Succession Act, 1925 as discriminatory and discussed the relationship between **equality, succession law and the constitutional objective of a common civil code**.

Shayara Bano Case, 2017:

- The Supreme Court declared **Talaq-e-Biddat (instant triple talaq)** unconstitutional, demonstrating that personal-law practices can be examined against constitutional standards.

Jose Paulo Coutinho Case, 2019:

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- In **Jose Paulo Coutinho v. Maria Luiza Valentina Pereira**, the Supreme Court described Goa as an example of a state having a civil-law framework applicable across religious communities, while recognising limited exceptions.

Way Forward:

Prioritise Gender Justice:

- Reform should focus on securing **equal civil rights for women** in marriage, divorce, maintenance, adoption, guardianship and inheritance across communities.

Build Constitutional Consensus:

- Any UCC framework should remain consistent with **Fundamental Rights, constitutional morality, religious freedom and legitimate cultural protections**.
- Broad consultation with **women's organisations, religious communities, tribal groups, legal experts and civil-society stakeholders** can improve legitimacy and implementation.

Adopt a Reform-Based Rather Than Merely Uniform Approach:

- The **21st Law Commission's 2018 Consultation Paper on Reform of Family Law** placed emphasis on eliminating discrimination within family laws rather than treating uniformity as the sole objective. The Law Commission's records continue to identify family-law reform and UCC as significant areas of legal consultation.
- The practical priority can therefore be **“equality within communities” alongside equality across communities**, particularly in areas such as inheritance, guardianship and adoption.

Protect Legitimate Customary Practices:

- Special constitutional arrangements for **Scheduled Tribes and protected customary systems** should be carefully examined before extending a uniform framework.
- Clear exemptions and safeguards can prevent conflict between civil-law reform and constitutionally protected customary institutions.

Value Addition for UPSC:

Prelims Keywords:

- **Article 44:** Uniform Civil Code.
- **Article 37:** DPSPs are non-justiciable but fundamental to governance.
- **Articles 14, 15, 21:** Equality, non-discrimination and personal liberty.
- **Articles 25–29:** Religious freedom and cultural/minority rights.
- **Special Marriage Act, 1954:** Secular marriage framework.
- **Uttarakhand:** First state to operationalise a state-specific UCC in 2025.

Mains Linkages:

- **GS-I:** Indian society, secularism, women, communal and cultural diversity.
- **GS-II:** Constitution, Fundamental Rights, DPSPs, judiciary, federalism and governance.
- **GS-IV:** Constitutional morality, equality, dignity, tolerance and social justice.
- **Essay:** “Uniformity versus pluralism”, “Equality versus identity”, “Constitutional morality and social reform”.