

SAPPHIRE MODEL UNITED NATIONS 2026



सत्यमेव जयते

THE CONSTITUTION OF INDIA

PREAMBLE

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a **¹[SOVEREIGN, SOCIALIST SECULAR DEMOCRATIC REPUBLIC]** and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all

FRATERNITY assuring the dignity of the individual and the **²[unity and integrity of the Nation]**;

IN OUR CONSTITUENT ASSEMBLY this twenty –sixth day of November, 1949 do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.**

1. Subs. by the Constitution (Forty-second Amendment) Act, 1976, Sec.2, for "Sovereign Democratic Republic" (w.e.f.3.1.1977)
2. Subs. by the Constitution (Forty-second Amendment) Act, 1976, Sec.2, for "Unity of the Nation" (w.e.f.3.1.1977)

LOKSABHA
BACKGROUND GUIDE

AGENDA

**Deliberation on the Structural Framework of
the Uniform Civil Code (UCC)
with Special Emphasis on Federal Autonomy
and Minority Rights**

Letter from the Executive Board

Greetings Members!

At the outset, on behalf of the Executive Board, we extend a warm welcome to all of you and congratulate you on being a part of the LOKSABHA being simulated at SAPPHERE MUN 2026. The committee being simulated would, unlike most other simulations you must have heard of or been a part of, focus on political intellect, logical reasoning, analytical application of thoughts, and strategic positioning in addressing the issues at hand. Kindly note, we are not looking for existing (impractical) solutions or statements that would be a copy-paste of what the person you are representing has already stated; instead, we seek an out-of-the-box solution from you, while knowing and understanding the impending limitations of the person you represent.

This study guide would be as abstract as possible and would just give you a basic perspective on what you can expect from the committee and areas wherein your research should be focused at this given point in time. Given the extremely political and volatile nature of the agendas of the committee, your presence of mind and analytical aptitude is something that we at the executive board would be looking to test. Kindly do not limit your research to the areas highlighted herein, but ensure that you logically deduce and push your research to areas associated with and in addition to the issues mentioned. The objective of this background guide is to provide you with a 'background' of the issue at hand, and therefore it might seem to some as not being comprehensive enough.

We would very much appreciate it if the leaders are able to find new realms in the agenda and bring it forth in the committee. Such research combined with good argumentation and a solid representation of facts is what makes an excellent performance. In the session, the executive board will encourage you to speak as much as possible, as fluency, diction, or oratory skills have very little importance as opposed to the content you deliver. So just research and speak, and you are bound to make a lot of sense. We are certain that we will be learning from you immensely and we also hope that you all will have an equally enriching experience.

This Background Guide is intended solely as a starting point for research and understanding of the agenda, and does not represent the exhaustive scope of the topics to be discussed, nor does it reflect the opinions or stance of the Executive Board. It should not be treated as a definitive source of information or the final direction of debate, and it is strongly encouraged to go beyond the material provided, explore diverse perspectives, verify facts from credible sources, and develop well-rounded, original arguments, as depth of research, critical analysis, and the ability to introduce fresh dimensions will be key to a substantive and engaging simulation.

Jai Hind.

CAVEAT

Please do not be intimidated by the extensive legal citations provided; they are included solely to ensure a comprehensive understanding of the subject. As this is a political committee, deep legal expertise is not required a strong grasp of constitutional principles and basic legal awareness will suffice. However, this guide should not be considered an authoritative source. You are required to independently verify all information and ensure your research extends beyond the scope of this document.

INTRODUCTION

UNDERSTANDING THE CONCEPT OF UCC AND ITS RELEVANCE IN A SECULAR DEMOCRACY LIKE INDIA:

India is one such country which is proudly characterized by its diversity, consisting of a wide variety of religions, languages, and cultures. India is a secular democracy that embraces diversity as an integral part of its social fabric. The nation is a plethora of linguistic, cultural and religious identities. The diversity in India is also reflected throughout India's political structure, whereby power is shared between the Centre and the states, and different political stakeholders represent these different identities. Religions in India not only provide the foundation upon which Indian culture is built but also largely influence politics, laws and the law-making process. During the period of India's independence, the makers of the Indian Constitution incorporated provisions for personal laws that were based on religious beliefs, which allowed different religious factions to frame personal laws that would govern the affairs of an individual belonging to the said religions, including but not limited to laws pertaining to marriage, divorce, succession, transfer of property, gifts, bequeathal of assets, heirship, adoption, parentage and guardianship.

However, the resultant framework for personal laws has elicited concerns regarding gender inequality and the stark polarity in the treatment of different individuals under different personal laws. While these personal laws have provided individuals with the freedom to practice their respective religious customs, they have also been criticized for perpetuating inequalities, particularly concerning gender rights. The concept of a UCC proposes that personal laws based on religious traditions and customs be eliminated in favour of a single body of civil law that is equally applicable to all people in India. Article 44 of the Indian Constitution purports this liberal-intellectual directive principle. It has been a subject of significant debate and controversy in India for decades.

The debate surrounding the UCC relates to issues of gender equality, religious independence and the objectives of India as a secular country. The UCC aims to address and mitigate these issues by providing a standard set of laws applicable equally to all citizens thereby upholding the principles of equity and justice. Personal laws in India have been a subject of constant criticism, mostly for providing a green signal towards discriminatory practices against women such as 'triple talaq' and 'halal' in Muslim laws and limited property rights for women in Hindu Law. Implementation of the UCC would aid in mitigating the existing gender disparities and promote gender equality by safeguarding women's fundamental rights. The implementation of the UCC would serve to strengthen the fundamental principles of India's secular democracy by promoting the concept of 'equality before the law'. The act of treating all individuals equally under the law, irrespective of their religious affiliation, would convey a powerful message.

The implementation of a legal system that is founded on constitutional principles rather than religious customs and traditions could potentially promote national unity and harmony, and a shared sense of identity among citizens. However, Article 37 of the Indian Constitution, clearly lays down that Directive Principles, including the implementation of UCC under Article 44 are mere guidelines to be followed by the government of India for the governance of the country and shall not be justiciable. That is, the implementation of the UCC is not enforceable by any court. However, over the years various directions have been issued by the Supreme Court of India for its implementation, through various verdicts. In the landmark case 'Mohammad Ahmed Khan v. Shah Bano Begum' (also known as the Shah Bano case), decided in 1985, the Hon'ble Supreme Court, for the very first time, ordered Parliament to prepare a legal framework for and establish a UCC. In this case, it was observed that a common set of civil laws will help achieve the objective of national integration by eliminating loyalties towards laws with competing ideologies.

In 1995, the verdict of the case 'Sarla Mudgal vs. Union of India' was a watershed moment in the fight for the want of a 'UCC'. The verdict established the grounds for prohibiting the practice of solemnising a second marriage through conversion to Islam without first dissolving the prior marriage

On the other hand, the concept of the UCC has been subject to various issues and criticisms. Opponents of UCC express concerns that its implementation may potentially infringe upon the religious and cultural freedoms currently available to individuals. According to their perspective, bringing uniformity in personal laws would grossly violate an individual's religious freedom to exercise their religious beliefs in accordance with their discretion. It is important to recognise and address these concerns and ensure that the UCC is executed in a manner that safeguards individual liberties and preserves cultural diversity.

Historical Context of the UCC in India

Pre-Independence Background:

The idea of a common civil code in India predates independence and is rooted in colonial legal history. The British administration, while codifying criminal law through the Indian Penal Code (1860) and procedural law through the Code of Civil Procedure (1908), deliberately left personal law governing marriage, inheritance, and family relations to the domain of religion and custom. This was a strategic choice: colonial administrators feared the social disruption that would accompany interference with religious personal laws, and the 1857 Revolt had underscored the risks of perceived attacks on community identity.

Consequently, Hindus were governed by Hindu personal law (derived from the Manusmriti and Dharmashastra traditions), Muslims by the Muslim Personal Law (Application) Act, 1937 (also known as the Shariat Act), Christians by the Indian Christian Marriage Act, 1872 and Indian Divorce Act, 1869, and Parsis by the Parsi Marriage and Divorce Act, 1936. This plurality was not neutral: women across all communities were systematically disadvantaged by patriarchal interpretations of personal law, with restricted inheritance rights, unequal divorce provisions, and practices like polygamy and triple talaq (in Muslim personal law) and coparcenary exclusions (in Hindu law).

During the Constituent Assembly debates (1946–1949), the UCC emerged as a deeply contested question. Dr B.R. Ambedkar the chief architect of the Constitution strongly advocated for the UCC as an instrument of social reform and gender justice. He argued that personal laws were antithetical to the principle of equality and that a modern democratic republic could not coexist with a legal regime that treated citizens differently based on religion. However, Muslim members of the Constituent Assembly, led by Mohammad Ismail Khan and others, opposed any compulsory UCC, arguing it would violate the right to religious freedom and was culturally incompatible with Islamic jurisprudence. As a compromise, the UCC was placed in the DPSPs rather than Fundamental Rights making it an aspiration rather than an enforceable obligation.

Post-Independence Developments: The Hindu Code Bills:

Independent India's first major engagement with personal law reform came not through a UCC but through a series of Hindu personal law reforms under Prime Minister Jawaharlal Nehru. Over fierce opposition from Hindu

traditionalists, Parliament enacted the Hindu Marriage Act (1955), Hindu Succession Act (1956), Hindu Minority and Guardianship Act (1956), and Hindu Adoptions and Maintenance Act (1956). These laws modernised and partially codified personal law for Hindus, Sikhs, Jains, and Buddhists — but left Muslim, Christian, and Parsi personal law intact. This asymmetry became a persistent source of political tension.

The decision not to reform Muslim personal law simultaneously was driven by political pragmatism: the newly independent government feared alienating the Muslim minority in the aftermath of Partition-era trauma, and there was a political judgement that secular governance required non-interference with minority religious law. Critics have long argued that this constituted a double standard — subjecting Hindu law to state-mandated reform while protecting Muslim personal law from the same process.

The Shah Bano Case and the 1986 Crisis:

The most explosive episode in the UCC debate came in 1985, when the Supreme Court of India delivered its landmark judgment in *Mohd. Ahmed Khan v. Shah Bano Begum*. Shah Bano, a 73-year-old Muslim woman divorced by her husband after 43 years of marriage, had sought maintenance under Section 125 of the Code of Criminal Procedure (CrPC). Her husband argued that under Muslim personal law, he was only obligated to pay the mehr (dower) during the iddat period (approximately three months), after which his obligation ceased. The Supreme Court, in a unanimous judgment authored by Chief Justice Y.V. Chandrachud, ruled in favour of Shah Bano, holding that Section 125 CrPC applied to all citizens regardless of religion, and sharply criticised the government's failure to enact a UCC.

The judgment provoked an intense political backlash from Muslim religious and political leaders, who framed it as judicial interference with Islamic personal law. Under significant pressure, Prime Minister Rajiv Gandhi's Congress government enacted the Muslim Women (Protection of Rights on Divorce) Act, 1986, which effectively reversed the Shah Bano judgment and exempted Muslim women from the protections of Section 125 CrPC. The move was widely criticised as capitulation to religious conservatism at the expense of Muslim women's rights. It also galvanised the BJP and Hindu nationalist forces, who seized on the episode as evidence of Congress 'minority appeasement' and intensified demands for a UCC.

The Sarla Mudgal Case and Subsequent Judicial Interventions:

In 1995, the Supreme Court in *Sarla Mudgal v. Union of India* dealt with the practice of Hindu husbands converting to Islam to contract a second marriage (which is permissible under Muslim personal law). The Court reiterated the urgent need for a UCC, holding that the absence of a common code was causing injustice to women across communities. Justice Kuldeep Singh observed that the constitutional mandate of Article 44 had been 'long ignored' and called on the government to take decisive action.

Subsequent judgments notably in *John Vallamattom v. Union of India* (2003), *Lily Thomas v. Union of India* (2000), and *Shayara Bano v. Union of India* (2017, which declared instantaneous triple talaq unconstitutional) have each in different ways moved the UCC debate forward, with the judiciary consistently signalling that the legislative vacuum on personal law reform was constitutionally anomalous.

THE POLITICAL AND SOCIAL CONTEXT OF THE UCC DEBATE IN INDIA

The ongoing debate surrounding the UCC is deeply interlinked with India's socio-political backdrop. As a country with a rich and diverse tapestry of religions, languages, and cultures, India is striving to achieve the perfect balance between secularism, individual freedoms, and overall national unity and harmony. The country's political and social conditions are often the topics that dominate the UCC debate in India. The role of political parties and their respective ideologies is an important factor that positively influences the UCC debate. The political parties have unique perspectives on the UCC, which are shaped by their core vote banks, party manifestos, and ideological inclinations.

Supporters for the UCC argue that its implementation could help establish a better, equitable and just society, while some parties representing minority communities have raised their concerns about its potential impact on their cultural identity and religious practises. The debate over UCC can be complex due to political factors, but it's important to consider all perspectives, including electoral calculations and coalition maintenance. India's social components also play a crucial role in shaping the UCC debate. The ongoing debate is an opportunity to broadly bring out and assess cultural diversity and unique personal choices among citizens.

However, it's important to acknowledge concerns about cultural homogenization and find solutions to frame the standardized personal laws in a manner that honours and respects different cultures. Supporters of the UCC often highlight the fact that its implementation would uphold equality, justice, and gender rights. While opponents express concern that implementing a UCC could potentially diminish the country's diverse cultural heritage, its supporters highlight that a UCC would promote gender justice, strengthen secularism, foster national integration, and bring India's legal framework into the modern century. Discriminatory acts like Sati, Triple Talaq, Halala, Polygamy etc would be abolished. One major judgement, which observed the possible positive impact of UCC on Indian citizens is in 'Navtej Singh Johar vs. Union of India', which recognized same-sex relationships in India.

As India undergoes social and economic transformations, there is a growing demand for progressive reforms and gender justice. The discourse on the UCC is shaped by conversations surrounding women's rights, gender equality, and the need to address discriminatory practices prevalent in personal laws. The Attukal Bhagawathy temple in Kerala prohibits the entry of married male except once a year during Kartik Poornima,¹⁶ whereas women were barred from entry in the Sabarimala Temple before the recent judgement. In Muslim culture, a woman is not allowed inside a dargah. All of this even when Article 25 of the Indian Constitution spells out that the right to worship shall not be subject to gender differences. All this social discrimination can be avoided by smoothly implementing the UCC.

CONSTITUTIONAL PROVISIONS

Article 44 is the constitutional foundation of the UCC debate. It is a Directive Principle, meaning it is non-justiciable but constitutionally binding on the State as a policy objective. The Supreme Court has repeatedly held that non-compliance with DPSPs, while not directly enforceable, undermines the constitutional spirit and may be raised in judicial review of legislation. The deliberate placement of the UCC in Part IV rather than Part III signals

the framers' awareness that its implementation required political, social, and legislative preparedness that was not achievable at the time of the Constitution's adoption.

Article 25 is central to the minority rights dimension of the UCC debate. Critics of the UCC argue that imposing a common civil code on religious communities whose personal laws derive from religious doctrine would infringe upon their right to freely practise their religion. Proponents counter that Article 25 is expressly subject to other provisions of the Constitution (including Article 14's equality guarantee) and does not protect practices that are discriminatory or contrary to public morality.

Article 26 has been invoked by religious denominations — particularly Muslim organisations and Christian churches — to argue that a UCC would interfere with the internal governance of religious communities. The Supreme Court has held that this right extends only to 'matters of religion' and does not protect practices that are secular in character, such as property succession or contract of marriage, which the State may regulate under its general legislative competence.

Article 13 is significant because it subjects existing personal laws to the test of Fundamental Rights compatibility. Several provisions of personal law particularly those discriminating against women in matters of inheritance, divorce, and maintenance — have been challenged under Articles 14 (equality), 15 (non-discrimination), and 21 (right to life with dignity) as being violative of Fundamental Rights.

The Concurrent List placement is the constitutional basis for state-level UCC legislation (as enacted by Uttarakhand, Gujarat, and Assam). However, it also raises the spectre of a fragmented legal landscape where different states have incompatible civil codes ironically defeating the objective of uniformity.

The Existing Personal Law Framework

Hindu Personal Law:

Hindu personal law, as codified in the 1950s, applies to Hindus, Sikhs, Jains, and Buddhists. The Hindu Marriage Act, 1955 governs marriage and divorce; the Hindu Succession Act, 1956 (amended 2005) governs inheritance; the Hindu Adoptions and Maintenance Act, 1956 governs adoption and maintenance; and the Hindu Minority and Guardianship Act, 1956 governs guardianship. The 2005 amendment to the Hindu Succession Act was a landmark reform, granting daughters equal coparcenary rights in joint family property — a major step toward gender equality in Hindu personal law.

Muslim Personal Law:

Muslim personal law in India is governed primarily by the Muslim Personal Law (Shariat) Application Act, 1937, which directs courts to apply Shariat in matters of marriage, divorce, maintenance, dower (mehr), guardianship, gifts, trusts, and succession for Muslims. This law does not itself codify the Shariat but directs its application as

a source of law. Key controversies include: polygamy (permissible for men under Hanafi jurisprudence, up to four wives); the practice of triple talaq (instantaneous divorce by the husband, declared unconstitutional in Shayara Bano, 2017, and subsequently criminalised by the Muslim Women Protection of Rights on Marriage Act, 2019); differential maintenance provisions following the Muslim Women Act, 1986; and the absence of a statutory adoption framework (Muslim law does not recognise full adoption, only kafala or guardianship).

Christian Personal Law:

Christians in India are governed by the Indian Christian Marriage Act, 1872 for marriage and the Indian Divorce Act, 1869 (amended 2001) for divorce. The Divorce Act historically allowed divorce only on grounds of adultery (for the husband) or adultery plus cruelty / desertion (for the wife) — a discriminatory standard that was amended in 2001 to provide equal grounds. Inheritance for Indian Christians is governed by the Indian Succession Act, 1925, which also applies to Parsis.

Parsi Personal Law:

Parsis are governed by the Parsi Marriage and Divorce Act, 1936 for marriage and divorce. The Parsi community's personal law, reflecting its Zoroastrian religious heritage, restricts marriage to members of the community and has strict provisions regarding apostasy and inheritance. The Parsi Marriage and Divorce Act excludes from its ambit marriages contracted with non-Parsis, and children of Parsi mothers married to non-Parsis have historically faced community-level exclusion — a practice that has been challenged before courts on grounds of discrimination.

Goa's Portuguese Civil Code:

Goa occupies a unique position in the UCC debate as the only state in India already governed by a common civil code — the Portuguese Civil Code of 1867, which remained in force after Goa's liberation from Portuguese rule in 1961 and was retained by Parliament. The Goa Civil Code applies uniformly to all residents regardless of religion (with some exceptions for certain Hindu communities) and governs marriage, divorce, and succession on a common basis. Proponents of the UCC frequently cite Goa as proof of concept. Critics note, however, that the Goa code has its own inequities — including provisions that allow Hindu men to contract a bigamous marriage under certain conditions — and that its persistence reflects historical accident rather than deliberate constitutional engineering.

Recent Developments: State-Level UCC Legislation

Uttarakhand — India's First UCC (2024–2025):

The enactment of the Uniform Civil Code of Uttarakhand Act, 2024 represents the most significant development in the UCC debate since independence. Passed unanimously by the Uttarakhand Legislative Assembly on 7 February 2024, and receiving Presidential assent on 11 March 2024, the Act came into force on 27 January 2025, making Uttarakhand the first state in independent India to implement a UCC.

Key provisions of the Uttarakhand UCC include: a uniform minimum marriageable age (21 for men, 18 for women); mandatory registration of all marriages and divorces within a prescribed timeframe; a ban on polygamy

and polyandry; equal rights of inheritance for all children regardless of gender; standardised maintenance provisions; mandatory registration of live-in relationships (for both residents and non-residents of Uttarakhand); and equal succession rights for daughters. Critically, the Act exempts Scheduled Tribes from its ambit, preserving their customary laws and traditional practices — a significant carve-out that has been widely noted as a political and constitutional compromise.

The mandatory registration of live-in relationships — carrying a penalty of up to six months' imprisonment for non-registration — has attracted particular controversy, with critics arguing it constitutes an unprecedented intrusion into personal autonomy and privacy, potentially violating the right to privacy established in *Justice K.S. Puttaswamy v. Union of India* (2017). Legal challenges to this provision are pending before the Supreme Court.

Gujarat — Second State to Enact a UCC (March 2026):

On 24 March 2026, the Gujarat Legislative Assembly passed the Uniform Civil Code (UCC) Bill, 2026, making Gujarat the second state to adopt UCC legislation. The bill was introduced by Chief Minister Bhupendra Patel amid extensive assembly debate. The Gujarat UCC mirrors the Uttarakhand model in many key respects — banning polygamy, mandating marriage and divorce registration, establishing equal inheritance rights, and requiring registration of live-in relationships. Like Uttarakhand, Gujarat's UCC exempts Scheduled Tribes from its application. A high-level committee under Justice Ranjana Prakash Desai (the same judge who led the Uttarakhand drafting committee) had been constituted to study and draft the Gujarat code, and public consultations were conducted with a deadline extended to April 2025 to encourage broader participation.

The Gujarat UCC's passage has intensified the debate around federalism: with two states having enacted distinct UCC frameworks, legal commentators have flagged the emerging paradox of having 'uniform' civil codes that are uniform only within each state — creating a patchwork of state-specific personal law regimes that are potentially in conflict with each other and with central legislation.

Assam — First Northeastern State to Enact UCC (May 2026):

On 27 May 2026, the Assam Legislative Assembly passed the Uniform Civil Code (UCC) Assam Bill, 2026, making Assam the first northeastern state and the third state in India (after Uttarakhand and Gujarat) to enact UCC legislation. The bill was introduced by Chief Minister Himanta Biswa Sarma and passed amid strong debate and opposition protests. The Assam UCC bans polygamy and bigamy (with violations attracting up to seven years' imprisonment under the *Bharatiya Nyaya Sanhita*, 2023), mandates registration of marriages and live-in relationships, and seeks to establish equal inheritance rights for women. Consistent with the pattern established by Uttarakhand and Gujarat, the Assam UCC explicitly exempts tribal populations, protecting their customary laws and cultural practices. The Assam bill has been described as regionally customised, acknowledging the Northeast's constitutionally protected tribal autonomy arrangements under the Sixth Schedule.

The passage of UCC legislation in three BJP-governed states in rapid succession has given rise to a broader question: whether the UCC is emerging as a state-by-state political project rather than a deliberated national reform — and whether such a piecemeal approach serves the constitutional objective of Article 44 or undermines it.

Timeline of Key Developments

1949:

Article 44, which advocates a Uniform Civil Code (UCC) as a Directive Principle of State Policy (DPSP), was adopted by the Constituent Assembly. Simultaneously, Article 25 guaranteeing freedom of religion was also enshrined in the Constitution.

1955–1956:

The Hindu Code Bills were enacted, including the Hindu Marriage Act, Hindu Succession Act, Hindu Adoptions and Maintenance Act, and Hindu Minority and Guardianship Act, reforming Hindu personal laws.

1985:

In the Shah Bano case, the Supreme Court ruled that Muslim women were entitled to maintenance under Section 125 of the Criminal Procedure Code (CrPC), irrespective of personal law.

1986:

The Muslim Women (Protection of Rights on Divorce) Act was enacted, effectively reversing the Shah Bano judgment. This decision triggered widespread political debate and intensified demands for a Uniform Civil Code.

1995:

In the Sarla Mudgal case, the Supreme Court reiterated the urgent need for a UCC and condemned the practice of conversion to another religion solely for the purpose of entering into a second marriage.

2000:

In Lily Thomas v. Union of India, the Supreme Court reaffirmed that conversion to another religion to evade obligations under personal law was unconstitutional.

2003:

In John Vallamattom v. Union of India, the Supreme Court struck down Section 118 of the Indian Succession Act as unconstitutional and once again emphasized the desirability of a Uniform Civil Code.

2017:

In Shayara Bano v. Union of India, the Supreme Court declared instantaneous triple talaq unconstitutional by a 3–2 majority. In the same year, the Puttaswamy judgment on the Right to Privacy was delivered, carrying significant implications for future UCC provisions, particularly those concerning live-in relationships.

2019:

The Muslim Women (Protection of Rights on Marriage) Act was enacted, criminalizing the practice of instantaneous triple talaq.

2023:

The 21st and 22nd Law Commissions examined the issue of a Uniform Civil Code. The 22nd Law Commission received over 7.5 million public responses and recommended reforms within existing personal law frameworks rather than the immediate implementation of a comprehensive UCC.

February 2024:

The Uttarakhand Uniform Civil Code Act, 2024, was passed unanimously, making Uttarakhand the first state in independent India to enact a UCC.

January 2025:

The Uttarakhand UCC officially came into force, becoming India's first operational post-independence state-level Uniform Civil Code.

March 2026:

The Gujarat UCC Bill, 2026, was passed, making Gujarat the second state to enact a Uniform Civil Code. The legislation largely mirrored the Uttarakhand model while retaining exemptions for Scheduled Tribes.

May 2026:

The Assam UCC Bill, 2026, was passed, making Assam the first northeastern state and the third BJP-governed state to enact a Uniform Civil Code, with exemptions retained for Scheduled Tribe communities.

The Federal Autonomy Dimension

Legislative Competence: Who Can Enact the UCC?

The constitutional competence to legislate on personal law matters rests in Entry 5 of the Concurrent List (Seventh Schedule), which covers 'marriage and divorce; infants and minors; adoption; wills, intestacy and succession; joint family and partition.' Since the Concurrent List permits both Parliament and State Legislatures to legislate, states technically have the constitutional authority to enact their own UCC frameworks. This is the basis on which Uttarakhand, Gujarat, and Assam have enacted their respective codes.

However, Article 254 provides that in the event of a repugnancy between state and central legislation on a Concurrent List subject, the central law prevails, and the state law is void to the extent of the repugnancy. This creates a legal minefield: as more states enact divergent UCC frameworks, and as central legislation (such as the Muslim Women Act, 1986, the Hindu Succession Act, 1956, and the Indian Christian Marriage Act, 1872) continues to operate, there is significant scope for legal conflict and uncertainty. A citizen of Uttarakhand who is Muslim may find their succession rights governed by the Uttarakhand UCC when in that state but by the Shariat Act when in another state — a form of legal plurality that the UCC was supposed to eliminate.

The Federalism Paradox

The emergence of state-level UCCs has created a fundamental paradox: a 'uniform' civil code that varies by state is not, by definition, uniform. India currently has at least four distinct personal law regimes operating in parallel: the traditional religion-specific personal laws (Hindu, Muslim, Christian, Parsi), the Goa Civil Code, and the new UCC frameworks in Uttarakhand, Gujarat, and Assam. Rather than moving toward legal uniformity, the state-by-

state UCC project risks creating a more complex mosaic of overlapping and potentially conflicting civil law regimes.

Regional parties — particularly from Kerala (Indian National Congress and CPI(M)), Tamil Nadu (DMK), and West Bengal (TMC) — have strongly resisted both state-level and national UCC proposals, arguing that personal law reform is a matter of individual community rights and constitutional pluralism, not administrative uniformity. These parties further argue that the selective adoption of UCC in BJP-governed states reflects a political agenda rather than a principled commitment to gender justice or constitutional harmonisation.

The Tribal Autonomy Question

The most constitutionally significant aspect of all three enacted state UCCs is their explicit exemption of Scheduled Tribes from coverage. This exemption — politically necessary given the constitutional protection of tribal customary laws under the Fifth and Sixth Schedules — creates a legally anomalous situation: a 'uniform' code that does not apply uniformly to all citizens of the state.

The Fifth Schedule (Articles 244 and 244A) provides for the administration of 'Scheduled Areas' in several states and grants Governors the power to direct that any parliamentary or state law shall not apply to Scheduled Areas, or shall apply with modifications. The Sixth Schedule (Article 244(2)) provides for autonomous District Councils in tribal areas of the northeast — covering Assam, Meghalaya, Tripura, and Mizoram — with significant legislative authority over customary law, marriage, divorce, and social customs. The UCC legislations enacted in Uttarakhand, Gujarat, and Assam have all recognised that these constitutional protections preclude the application of a uniform code to tribal communities without their consent and without constitutional amendment.

Even within the BJP's own parliamentary leadership, there has been acknowledgment that tribal communities must be kept outside the UCC's purview. Critics, however, argue that this creates a two-tier citizenship: while women from majority communities receive the protections of the UCC (equal inheritance, protection from polygamy), tribal women — often the most economically marginalised — remain subject to potentially discriminatory customary laws, without the benefit of the code's gender-justice provisions.

The Minority Rights Dimension

Muslim Community: Shariat, Reform, and the Representation Question:

The Muslim community's engagement with the UCC debate is shaped by historical trauma, theological conviction, and political calculation in roughly equal measure. For many Muslims, particularly those represented by All India Muslim Personal Law Board (AIMPLB) and the Jamiat Ulama-i-Hind, the Shariat represents not a set of state-administered rules but a divinely ordained framework of obligations and rights that the secular state has no authority to displace. The UCC is perceived — particularly in the post-2014 political context — not as a neutral legal reform but as part of a broader project to diminish Muslim identity and erase cultural distinctiveness.

At the same time, there is a significant strand of Muslim feminist and reformist opinion — articulated through organisations like the Bharatiya Muslim Mahila Andolan (BMMA) and the Muslim Women's Rights Network — that argues for reform of discriminatory personal law provisions, including polygamy, unilateral divorce, and inadequate maintenance. These voices have supported the criminalisation of triple talaq (2019) and, in many cases, favour a UCC conditional on its being genuinely gender-just rather than a majoritarian imposition.

The absence of meaningful consultation with Muslim communities — particularly women — before the enactment of the Uttarakhand and Gujarat UCCs has been a recurring criticism. Legal scholars have noted that neither the Uttarakhand nor Gujarat drafting committees conducted structured outreach to minority communities, raising questions about the democratic legitimacy of laws that significantly alter the rights of those communities.

Christian and Parsi Communities:

Christian organisations, led by the Catholic Bishops' Conference of India (CBCI) and various Protestant denominations, have historically opposed a compulsory UCC, arguing that it would infringe upon the right to manage religious affairs under Article 26 and that Christian personal laws — particularly on divorce — have their own theological rationale. Parsis, a numerically small but historically prominent community, have raised specific concerns about the impact of a UCC on community endogamy provisions and inheritance rules that are central to the preservation of a demographically declining community.

Christian communities are also concerned about adoption: the Indian Christian Marriage Act and related laws do not provide a comprehensive adoption framework, and the Juvenile Justice Act is used as a secular alternative. A UCC that mandates a uniform adoption framework could significantly alter the customary practice of these communities.

The Sub-Quota Debate: OBC and Muslim Women:

The UCC debate intersects significantly with the question of representation within the code's gender-justice framework. Critics of the Uttarakhand and Gujarat UCCs have pointed out that their provisions — while formally applying equally to all women — do not adequately address the intersectional disadvantage faced by OBC and Muslim women. These communities face compounded marginalisation: as women within patriarchal social structures, as members of backward or minority communities within an unequal socioeconomic system, and as citizens whose political representation remains limited.

Just as the Women's Reservation Act (2023) was criticised for lacking a sub-quota for OBC and minority women within the 33% reservation, the UCC faces analogous criticism: a formally equal code applied to substantively unequal communities may entrench existing power asymmetries. If the women most likely to benefit from the UCC's protection — those in the most vulnerable positions within their communities — are also those least able to navigate the formal legal system, the code's gender-justice promise may remain theoretical.

The 22nd Law Commission's Position

In a significant development, the 22nd Law Commission of India — which solicited over 7.5 million public responses on the UCC question — concluded in its interim consultations that a comprehensive, national UCC was 'neither necessary nor desirable' in the current political and social climate. The Commission, echoing the 21st

Law Commission's position, recommended instead a focus on identifying and eliminating specific discriminatory provisions within existing personal law frameworks through targeted legislative amendments, while ensuring that any reform process is preceded by extensive consultation with all affected communities.

This position — reform within the personal law framework rather than wholesale replacement — represents a more cautious approach than the comprehensive UCC advocated by the BJP and Hindu nationalist organisations, but it also reflects a sophisticated acknowledgment of the political and constitutional complexity of the UCC question in a pluralist democracy.

Key Issues for Debate in the Committee

1. National vs. State-Level Implementation:

Should the UCC be pursued as a national legislative project through Parliament, or should it continue to develop as a state-level initiative under the Concurrent List? What are the constitutional implications of continued state-level divergence? Is a 'model code' approach — where Parliament enacts a non-binding template that states may adopt or adapt — a viable middle path?

2. The Uniformity Paradox: Can a UCC With Tribal Exemptions Be Called Uniform?

Every state UCC enacted so far exempts Scheduled Tribes. Is this constitutionally necessary? Is it consistent with the objective of uniformity? How should the committee reconcile the constitutional protection of tribal customary law (Fifth and Sixth Schedules) with the mandate of Article 44? Is it possible to develop a framework that protects tribal autonomy while ensuring tribal women's rights?

3. Privacy and State Overreach:

The mandatory registration of live-in relationships in the Uttarakhand and Gujarat UCCs has been challenged as violating the right to privacy (Puttaswamy, 2017). How should the committee balance the state's interest in registering domestic relationships (for documentation, maintenance enforcement) with individuals' fundamental right to privacy and autonomy? Should criminal penalties for non-registration be retained, decriminalised, or replaced with civil remedies?

4. Minority Rights and the Consultation Deficit:

The Uttarakhand, Gujarat, and Assam UCCs were enacted without structured consultation with Muslim, Christian, and other minority communities. Does this undermine their democratic legitimacy? What consultative process should precede a national UCC? Should affected religious communities have formal veto rights, or is parliamentary majority sufficient?

5. Gender Justice Within the UCC Framework:

Is the UCC primarily a gender justice instrument or a national integration project? How can the committee ensure that the UCC's gender-equality provisions genuinely benefit the most marginalised women — including OBC, Muslim, Christian, and tribal women — rather than primarily those with access to the formal legal system? Should a UCC include specific provisions for legal aid, enforcement mechanisms, and community outreach?

6. Federalism and Parliamentary Supremacy:

Does the emergence of state-level UCCs strengthen Indian federalism by enabling state-level legal experimentation, or does it undermine the constitutional vision of a single, nationally applicable civil code? Should Parliament act to pre-empt further state-level divergence by enacting a national UCC, or should it allow the state-level experiments to generate evidence before committing to a national framework?

Judicial Jurisprudence on the UCC

Key Cases:

- Mohd. Ahmed Khan v. Shah Bano Begum (1985): Landmark judgment on Muslim women's maintenance rights; triggered the 1986 Muslim Women Act; first modern judicial call for UCC implementation.
- Sarla Mudgal v. Union of India (1995): Condemned conversion-for-bigamy; reiterated Article 44's mandate with urgency.
- Lily Thomas v. Union of India (2000): Held that conversion to avoid personal law obligations is unconstitutional.
- John Vallamattom v. Union of India (2003): UCC reaffirmed as a constitutional goal; Section 118 of Indian Succession Act struck down.
- Shayara Bano v. Union of India (2017): Triple talaq declared unconstitutional by a 3-2 majority; landmark gender-justice judgment within Muslim personal law.
- Justice K.S. Puttaswamy v. Union of India (2017): Right to Privacy recognised as a fundamental right under Article 21; significant implications for UCC provisions mandating registration of personal relationships.
- Danial Latifi v. Union of India (2001): Supreme Court upheld the Muslim Women Act, 1986, but interpreted it in a manner consistent with Section 125 CrPC, effectively restoring meaningful maintenance rights for Muslim divorcees.

A consistent thread through this judicial jurisprudence is the Supreme Court's view that India's constitutional republic cannot indefinitely maintain a legal regime of religious-community-specific personal laws while simultaneously guaranteeing equality before law under Article 14. However, the Court has also been careful not to mandate UCC implementation — recognising that the question involves political judgements about social readiness, community rights, and democratic consensus-building that are within the legislature's domain.

The Political Landscape

Positions of Major Political Parties:

- **BJP (Bharatiya Janata Party):** Strong and consistent advocate for the UCC as part of its ideological commitment to a Hindu nationalist vision of India. The UCC has been a BJP manifesto commitment since 1996. The state-level UCCs in Uttarakhand, Gujarat, and Assam have all been enacted under BJP governments.
- **Indian National Congress:** Ambivalent. Historically associated with the Shah Bano reversal (1986), which shaped its image on minority appeasement. In recent years, Congress has moved toward qualified support for progressive personal law reform but continues to oppose what it describes as a 'majoritarian UCC' that is targeted at Muslim identity.
- **Samajwadi Party (SP) and Bahujan Samaj Party (BSP):** Generally opposed to the UCC, citing the need to protect minority rights and arguing that personal law reform should be community-led. SP has specifically demanded a sub-quota for OBC women within any gender-reservation framework connected to the UCC debate.
- **AIMIM (All India Majlis-e-Ittehadul Muslimeen):** Strongly opposed to the UCC, framing it as an attack on Muslim personal law and religious identity.
- **Regional parties (DMK, TMC, AAP, JD(U), TDP):** Generally sceptical of the national UCC, with many citing federalism concerns, minority rights, and the lack of political consensus. TDP — a BJP coalition partner — has maintained a careful distance from the state-level UCC push given its southern Andhra Pradesh constituency.
- **Communist parties (CPI, CPI(M)):** Support gender-just reform of all personal laws but oppose what they characterise as the BJP's communally motivated UCC agenda; favour reform within existing personal law frameworks.

The 'Minority Appeasement' vs. 'Majoritarian Imposition' Binary:

The UCC debate has been persistently framed in Indian political discourse through two competing narratives: the BJP's characterisation of the status quo as 'minority appeasement' (privileging Muslim community autonomy at the cost of Muslim women's rights and constitutional equality), and the opposition's characterisation of the UCC push as 'majoritarian imposition' (using the language of gender justice to target Muslim identity). Both framings are politically motivated simplifications. The committee must resist these binaries and engage with the complex legal, federal, and social dimensions of the issue with the nuance it deserves.

Concerns, Challenges, and Critiques

1. Democratic Legitimacy and Community Consent:

A recurring critique of the state-level UCCs — and of any national UCC — is the absence of structured, meaningful consultation with the communities whose personal laws would be replaced. Democratic legitimacy in a pluralist society requires not merely parliamentary majority but some degree of community buy-in, particularly when legislation touches the intimate domain of family law. The 22nd Law Commission's finding that 7.5 million responses were received — overwhelmingly from organised Hindu and Muslim groups — suggests that public engagement is intense but polarised rather than deliberative.

2. Gender Justice — Promise vs. Reality:

Even the most progressive personal law reform — including the Uttarakhand and Gujarat UCCs — does not automatically translate into gender justice on the ground. Research on the implementation of reservation in panchayats (where mandatory registration has been used) and on the enforcement of maintenance orders under CrPC Section 125 shows that formal legal rights do not reach women in the most marginalised communities without sustained enforcement mechanisms, legal aid, and social support structures. A UCC that reforms the law on paper while remaining unenforceable for the most vulnerable women is a partial reform at best.

3. The Live-in Relationship Surveillance Concern:

The mandatory registration of live-in relationships — and the associated criminal penalties for non-registration in Uttarakhand and Gujarat — represents a significant and contested extension of state authority into the domain of intimate personal relationships. Critics, including feminist scholars and civil liberties organisations, argue that this provision is not about protecting women's rights (its stated objective) but about social surveillance and moral policing, targeting consensual adult relationships that transgress social norms. The provision's application to Uttarakhand residents living anywhere in India has been described as extraterritorial in effect and an overreach of state police powers.

4. Enforcement and Implementation Gaps:

Uttarakhand's UCC has been operative since January 2025, but reports from the state indicate significant challenges in implementation: low awareness of registration requirements among rural communities, inadequate digital infrastructure for online registration, insufficient training of revenue and registration officials, and limited access to the UCC registration portal in tribal and remote areas. These implementation gaps are not incidental — they reflect the systemic administrative capacity constraints that affect legal reform across India. Any serious UCC framework must be accompanied by a robust implementation strategy, including public awareness campaigns, legal aid provision, and judicial capacity building.

Way Forward: Possible Approaches

Model National Draft Legislation:

One approach is for Parliament to enact a model UCC that establishes minimum standards of gender equality (equal inheritance, prohibition of polygamy, equal divorce rights, uniform marriage age) while allowing states flexibility in implementation. This model-code approach — inspired by federal systems in Australia and Canada — would enable national uniformity in core principles while accommodating regional diversity in implementation.

Targeted Personal Law Reforms Within Existing Framework:

The 22nd Law Commission's approach — identifying and eliminating specific discriminatory provisions within each community's personal law — avoids the political volatility of a comprehensive UCC while delivering tangible gender-justice outcomes. This approach requires legislative courage (as demonstrated by the Hindu Succession Act amendment in 2005 and the triple talaq criminalisation in 2019) and sustained political will, but it operates with greater democratic legitimacy because it is reform of, rather than replacement of, existing law.

A Dedicated UCC Commission:

As recommended by legal scholars and policy experts, an independent, statutory Uniform Civil Code Commission — with representation from all major religious communities, women's organisations, tribal representatives, legal experts, and state governments — could study global models of civil codes, conduct structured community consultations, evaluate the Uttarakhand, Gujarat, Goa, and Assam experiences, and draft a universally acceptable national framework. Such a Commission would give the UCC process the deliberative legitimacy it currently lacks.

Strengthening Enforcement and Access to Justice:

Regardless of the legislative approach adopted, meaningful personal law reform requires investment in legal aid infrastructure, family courts, awareness campaigns, and protection mechanisms for vulnerable women. The best-designed UCC is of limited value if those it is meant to protect cannot access its provisions.

EXPLORING THE ARGUMENTS FOR AND AGAINST THE UCC IN INDIA:

The debate on UCC further has its origins in the colonial period in India, connected with the independence movement and the vision of a modern, secular nation. The 'Lex Loci Report' of October 1840 highlighted the significance of having a uniform set of laws governing the territories of India, particularly in regard to crimes, evidence, and contracts. However, in contrast, it also suggested that the personal laws of Hindus and Muslims should be excluded from such codification.¹⁸ This allowed the leaders of religious communities to frame personal laws governing their people and thereby leading to the fragmentation of personal laws. Muslims became obligated to follow the Sharia Law whereas Hindu code Bills became applicable to Hindus. The Indian Marriage Act, of 1864 contained the laws and procedures solely for Christian marriages.

This created chaos-like situations, as these inconsistencies could be manipulated to suppress and/or deprive the rights of individuals. However, there were clauses in Sharia Laws that undermined women's rights and lowered their social standing. Further, there was also a discriminatory Hindu tradition that denied Hindu women inheritance, remarriage, and divorce. Even while people of different faiths were allowed to frame their laws, this only served to further highlight existing inequality.

Thereon, post-independence, the framers of the Indian Constitution recognized the importance of personal laws in preserving cultural identities and allowed religious communities to follow their respective personal laws. However, they also envisioned the eventual enactment of a UCC as a means to establish a common legal framework that upholds fundamental rights and equality. To this extent, several laws have been enacted post-Independence to combat the issue of gender inequality, such as the Special Marriage Act, 1954, Hindu Marriage Act, 1955, Succession Act, 1956, Minority and Guardianship Act, 1956, Adoptions and Maintenance Act, 1956, Muslim Women (Protection Of Rights Of Divorce) Act, 1986, etc. Consequently, this dilution in personal laws became contradictory to the implementation of UCC in the Country.¹⁹

To this day, UCC in India has been a contentious and highly debated topic and has been constantly brought up in various verdicts made by the Supreme Court. The topic has divided the citizens and stakeholders of various communities in our countries as 'Supporters' and 'Opponents'.

Supporters of the UCC contend that it is a crucial step towards achieving gender equality and justice. Personal laws in India have been criticised for continuing discriminatory practices against women, especially in some religious communities. For instance, the triple talaq (quick divorce) provision in Muslim personal law has come under fire for its potentially devastating impact on the rights of Muslim women.²⁰ This changed after ‘Shayara Bano v. Union of India & Otrs’²¹ wherein the Apex Court declared the practice of triple talaq (talaq-e-bidder), unconstitutional. To this extent, the Government of India enacted the Muslim Women (Protection of Rights on Marriage) Bill, 2019, which made the practice of triple talaq illegal and unconstitutional, and a punishable offence. With the implementation of a UCC, women will be given equal rights in marriage, divorce, succession and heirship, regardless of the religious background they belong in.

Another rationale supporting the UCC is its reinforcement of the principles of a non-religious democratic system and guarantee of absolute equality among all its citizens. India, being a secular country, acknowledges and demonstrates respect towards the variety of religions and cultures that exist within its territorial boundaries.²³ It is further contended that a common set of civil laws would promote national integration, and a sense of unity among citizens, transcending religious borders.

Supporters also highlight the need for legal uniformity and simplicity in civil legal processes.²⁴ India's legal system is complex, with multiple personal laws governing different religious communities. The existence of separate legal frameworks creates confusion and inconsistencies, leading to legal disputes and lags and delays in the judicial system. Supporters of the UCC argue that implementing a UCC would streamline the legal process, enhance access to justice, and promote efficiency in the legal system.²⁵

On the other hand, critics have raised several legitimate concerns and opposing viewpoints in the UCC debate. The opponents believe that having separate personal laws sustains the idea of distinct legal systems that are predicated on religious affiliation. However, it could potentially erode the principle of equality among individuals.

A primary critique levelled against the implementation of a UCC is that it infringes upon the rights of individuals to exercise religious and cultural freedoms. The incorporation of personal laws into religious practises is widely acknowledged by opponents, contending that the implementation of a UCC would encroach upon the religious independence of diverse communities.²⁷ According to the opponents, personal laws serve as a means for religious minorities to maintain their cultural and religious identities, and any endeavour to enforce a common code would constitute a gross infringement of their rights and personal liberties.

Opponents further contend that the UCC fails to consider the wide-ranging cultural and societal customs that are prevalent in India. India is a nation characterised by significant cultural and regional diversity, and as a result, personal laws have undergone gradual development over the course of centuries to accommodate this diversity. The implementation of a UCC at this juncture could potentially erode the distinctive cultural identities and customs that are inherent to diverse religious groups.

Furthermore, critics of the UCC emphasise the possibility of social turmoil and opposition from marginalised groups. The contention posits that the implementation of a UCC in the absence of sufficient consensus and dialogue may result in social unrest, demonstrations, and disruption of communal concord. The significance of upholding cultural distinctions and achieving a harmonious coexistence between the values of secularism and the safeguarding of cultural independence is emphasised by critics.²⁸

Overall, the debate surrounding the implementation of the UCC in India is a complex matter. It is crucial to identify a compromise that acknowledges personal freedoms, confronts genderbased inequities, and maintains the principles of multiculturalism.

Conclusion

The debate over the Uniform Civil Code is, at its core, a debate about what kind of republic India is and aspires to be. It encompasses competing visions of constitutionalism — is India primarily a secular state committed to uniform citizenship, or a pluralist state committed to the right of communities to govern their internal affairs according to their own traditions? It raises fundamental questions about the relationship between democracy and minority rights — can a majoritarian legislature legitimately alter the personal laws of minority communities without their consent? And it forces a reckoning with the gap between constitutional aspiration and lived reality for millions of women for whom personal law reform — whether through a UCC or through community-specific reform — could be transformative.

The emergence of state-level UCCs in Uttarakhand (2025), Gujarat (2026), and Assam (2026) has moved the debate decisively from the realm of political aspiration into the domain of legislative and judicial fact. These experiments will generate evidence — about implementation challenges, community responses, enforcement gaps, and constitutional conflicts — that will shape the national UCC debate for years to come.

This committee convenes at precisely the moment when that evidence is beginning to emerge. The task before the delegates is not to rehearse familiar political positions but to engage with the constitutional complexity, the federal tensions, the gender-justice imperatives, and the minority rights dimensions of the UCC question — and to develop creative, constitutionally grounded, and politically feasible approaches to one of the most consequential unresolved questions in Indian constitutional democracy.

Jai Hind!