



IOIT MUN'25
AISSMS IOIT, Pune



STUDY GUIDE



ALL INDIA POLITICAL PARTIES MEET

Agenda

Deliberating on the Implementation of the Uniform Civil
Code in India



IOIT MUN'25

AISSMS IOIT, Pune



Background Guide

Agenda:

Deliberating on the Implementation of the Uniform Civil Code in India

Letter from the Executive Board

Greetings Members!

It gives us immense pleasure to welcome you to this simulation of the All India Political Party Meet (AIPPM) at IOIT MUN. We look forward to an enriching and rewarding experience. Our agenda for the session is quite significant: "Deliberating on the Implementation of the Uniform Civil Code in India".

This study guide is a stepping stone; we encourage our leaders to venture beyond their boundaries, discovering new perspectives to bring forth in our discussions. Your research, coupled with compelling arguments and a robust presentation of facts, holds immense value. Here, it's essential to note that the crux lies in the substance of your contributions: fluency, diction, or oratory skills, while good to have, take a backseat to the content you bring to the table. So, dive into your research, express your thoughts, and you're sure to make a lot of sense.

We're genuinely looking forward to learning a great deal from each one of you and hope this committee brings you an equally rewarding experience. If you have any queries or need clarification, please feel free to reach out. We'll do our best to respond to your questions. The upcoming committee sessions promise excitement and interest, fueled by the all-encompassing nature of the issue at hand. As members of the Executive Board, we're not just here to guide; we genuinely hope to gain insights from being part of this vibrant committee.

Don't hesitate to get in touch with us for any doubts you may have.

Warm regards
Aayaan Manhas,
Co-Chair, AIPPM

Gauravi Dubey,
Co-Chair, AIPPM



IOIT MUN'25

AISSMS IOIT, Pune



VALID SOURCES:

1. Government Reports (Each ministry publishes its own reports including The External Affairs Ministry)
2. PTI, PIB
3. Government Websites
4. Government-run News channels i.e. RSTV, LSTV, DYD News
5. RTI
6. SUPREME COURT AND HIGH COURT JUDGEMENTS
7. CONSTITUTION OF INDIA
8. ANY STATUTORY LAW OF INDIA
9. Questions and Answers of the Parliament
10. Government Reports
11. Parliamentary Standing Committee reports

INTRODUCTION TO AIPPM:

The All India Political Parties Meet (AIPPM) is a non-technical but powerful committee in the Model United Nations (MUN) setting. It is a meeting between all the political parties of the nation, typically called before the session of the Parliament or before the introduction of a bill. The purpose of the AIPPM committee is to arrive at a consensus before the sessions begin. It is a supplementary body to the Parliament without any legislative provisions. The AIPPM committee in MUN aims to mimic this reality by reproducing the stages of policies and jurisdiction, with delegates representing personalities from the divergent groups of Indian political parties. Delegates are expected to be well-versed with their political party's ideology, manifesto, and beliefs. This helps them grasp the multi-layered processes that go behind policy-making and governance in India. The AIPPM committee is unlike other conventional MUN committees, as it is characterised by heated debates, cross talks, high levels of negotiations, and political democracy. It echoes hopes of change and evolution. The AIPPM committee is a great opportunity for delegates to learn about the Indian political system and to develop their skills in negotiation, public speaking, and critical thinking. It is also a chance to make new friends and to network with other MUNers from India and around the world. Here are some of the skills that delegates can develop in the AIPPM committee:

1. **Negotiation skills:** The AIPPM committee is all about negotiation. Delegates will need to be able to build relationships, compromise, and reach consensus with delegates from other political parties.
2. **Public speaking skills:** Delegates will have many opportunities to speak in front of the committee. They will need to be able to articulate their points clearly and persuasively.
3. **Critical thinking skills:** Delegates will need to be able to analyse complex issues and develop creative solutions.



IOIT MUN'25

AISSMS IOIT, Pune



4. **Teamwork skills:** The AIPPM committee is a team effort. Delegates will need to be able to work together effectively with their fellow delegates to achieve their goals.

Divide your debate and prepare according to these three parts:

1. **General debate** – wherein you communicate your stance on the issue, keeping in mind not to reiterate the aforementioned points made by your fellow delegates.
2. **Thematic debate** - wherein you draw attention to specific topics. Furthermore, this allows us to address each subtopic/theme/issue separately as in Discussion Sessions.
3. **Action on draft documents** like working papers and/or draft resolutions that cover the end goal of this committee.

Introduction to the Agenda:

India is proclaimed to be a "Sovereign, Socialist, Secular, Democratic Republic" in the Preamble of the Constitution. Secularism: What Is It? Why is secularism necessary? First of all, how did secularism come into being? Do there exist diverse definitions of secularism? Which idea does India adhere to? To what extent is it accurate to categorise India as a secular nation? Secularism is the view that religion should not influence or be engaged in how a society, government, or educational system is run, according to the Oxford Dictionary. It is the idea that religious organisations and religious dignitaries should be kept apart from government institutions and those tasked with representing the state. In his 1963 study *India as a Secular State*, Donald E. Smith expanded the definition of a secular state to include "a state which guarantees individual and corporate freedom of religion, is not constitutionally connected to a particular religion nor does it seek either to promote or interfere with religion." Three facets of secularism are shown in the definition provided by Smith as interrelated relationships: - Individual and State - Individual and Religion - Religion and State. This triangle can provide a thorough elaboration of these relations. These three perspectives, first and foremost, show how people relate to religion. Positive freedom of religion, which denotes "reasonable unrestrained liberty of believing & practising one's religion," is contained in this relationship. To put it another way, everyone should be allowed to practice any religion they choose, to reject all others, and to act on their religious beliefs without interference from the government. The Preamble of the Indian Constitution enshrines religious freedom as a fundamental liberty value. The relationship between the state and the individual is reflected in the second angular relation. There is "negative freedom of religion" in it. The phrase "absence of restraints, discrimination, liabilities and disabilities which a citizen might have been subject to" refers to "negative freedom of religion." The interaction between the state and its religion gives rise to the third angular relation. "Neutral freedom of religion" is contained in it. It suggests that the state has no official religion and that it is apathetic about all religions.

India is a secular country and the principle of secularism falls in line with the Preamble of the Constitution along with Article 25, Article 26, Article 27, Article 28, Article 29 and Article 30 of the Indian Constitution. The Constitution of India grants freedom of religion. The Indian Penal Code



IOIT MUN'25

AISSMS IOIT, Pune



discusses the provisions for offences relating to religion. In the case of *Kutti Chanami Moothan v. Ranapattar*, it was held that 'It is the main principle of good government that everyone should be offered to proclaim his own religion and that no man should suffer to insult the religion of another.'

Chapter XV (Of Offences Relating to Religion) of the Indian Penal Code contains five Sections - Section 295, Section 295A, Section 296, Section 297 and Section 298. The offences relating to religion can be broadly classified into three categories:

1. Defilement of places of worship or objects of great respect (Section 295 and 297).
2. Outraging or wounding the religious feelings of persons (Section 295A and 298).
3. Disturbing religious assemblies (Section 296).

Western Secularism:

Philosophers from antiquity like Epicurus and Marcus Aurelius, Enlightenment thinkers such as John Locke, Voltaire, and Thomas Paine, and recent figures like Bertrand Russell and Christopher Hitchens are key to secularism. Understanding their political philosophy is crucial to grasping secularism. The term "secularism" comes from the Latin "saeculum," meaning "century" or "the spirit of an age."

Epicurus introduced consequentialism, an early form of secular ethics advocating selflessness. He believed living in a community for the common good was ideal. Marcus Aurelius promoted a tolerant, pluralistic society for all religions, excluding those influencing politics. Aristotle also supported secularism as progress toward civilization.

Locke supported toleration, synonymous with secularism, during the Catholic takeover of Great Britain. Thomas Paine opposed religion and communicated his ideas in accessible language, emphasising republicanism, liberty, democracy, and human rights. Critics, however, noted he did not distinguish between atheism and secularism. Secularism means the state treats all religions equally or remains separate from them. In the mid-19th century, George Holyoake coined "secularism" to unite atheists and theists. He promoted a secularism tolerant of religion, emphasising diversity and coexistence. Holyoake believed enlightenment would bring rational religious knowledge without past divisions. In the 1850s, Bradlaugh, a contemporary of Holyoake, advocated for a secularism that rejected religion and embraced science.

Indian Secularism:

One may wonder if there is an Indian definition of secularism and, if so, how it differs from the definition found in the West. Rajiv Bhargava, a political thinker and academic, makes an affirmative case. He elaborates on the distinctions between Indian and Western conceptions of secularism, stating that Indian secularism advocated a "principled distance" rather than the construction of a rigid wall separating



IOIT MUN'25

AISSMS IOIT, Pune



religion and state. Furthermore, it was never meant to be a brutal privatisation of religion; rather, it balanced the claims of both individuals and religious communities.

When we compare the opinions of Western scholars with those of Gandhi and Nehru, we discover that Gandhi's concept of secularism, known as *sarva dharma sambhava*, bears a striking resemblance to Homer's. Similar to this, Bradlaugh's definition of secularism resonates with Nehruvian, the secularist view that religion and the state should be kept apart. Because of these parallels, Nandy observed in *The Politics of Secularism and the Recovery of Religious Tolerance* that although the majority of non-modern Indians unintentionally chose the accommodative and pluralist meaning, westernised Indians have consciously chosen to remove religion from public life. The state may still interfere in matters of religion as long as it stays within the parameters set forth by the Constitution, according to Rajeev Bhargava's interpretation of the "principled distance" between the state and religion.

Secularism and Indian Constitution:

During the discussions in the Constituent Assembly, which drafted the Indian Constitution, secularism was a hot topic. Prof. KT Shah suggested that "Secular, Federal, and Socialist" be included in Article 1, but Dr. Ambedkar disagreed, claiming that the word "secular" could compromise democracy. He thought India's secularism was inherent and would only get stronger. Some contend that rather than rejecting secularism, the Assembly accepted it as a given and an essential component of fundamental rights. In 1976, the 42nd Amendment Act inserted the term "secular" to the Preamble.

India's secular orientation is reflected in a number of its Constitutional clauses. While Article 15 forbids discrimination based on religion, Article 14 guarantees equality before the law. Regardless of faith, equal job opportunities are guaranteed by Article 16. Freedom of conscience and religion is guaranteed by Article 25. In addition, the Constitution guarantees that the state will not discriminate against people based on their religion. The freedom to govern religion matters is guaranteed by Article 26, while mandatory taxes for religious benefits are forbidden by Article 27. Religious instruction is prohibited in state-funded educational institutions by Article 28. Minority populations are guaranteed cultural preservation under Article 29, and they are permitted to create and oversee educational institutions without facing funding discrimination from the state under Article 30.

Parliament uses legislation, like personal laws, to define collective rights. It is difficult to acknowledge different religious practices and make institutional accommodations, which could exclude smaller religious systems. The Constitution permits financial support to religious educational institutions but forbids the establishment of a state religion and equitable treatment of all religions. For the sake of cultural advancement and harmonious coexistence, the state may sometimes interfere with religious practices.

Article 44 requires the state to enact a unified civil code, whereas Article 25 preserves the freedom of religion. The directive's guiding principles also recommend against killing cows. The 7th Schedule



IOIT MUN'25

AISSMS IOIT, Pune



permits the federal and state governments to enact laws by placing trusts, charities, and religious institutions on the Concurrent List. In conflicts, central laws take precedence. Constitutional modifications served to further acknowledge the connection between religion and state, with the addition of the word "secular" to the Preamble in 1975.

Secularism and Indian Judiciary:

The idea of secularism has occasionally been addressed by the Indian Supreme Court through a number of rulings. In the case of *Sardar Tahiruddin Syedna Saheb v. State of Bombay*, the Supreme Court first discussed its opinions on the secular nature of the Constitution. Justice Ayyangar explained that Articles 25 and 26 embodied the principle of religious toleration, which has been a defining characteristic of Indian civilization since the beginning of time. It is best to regard the times and situations when this functionality was missing as only transient aberrations. Additionally, they highlight the secular character of Indian democracy, which secularism's founding fathers believed to be the foundation of the Constitution. Another name for this case is The Ex-Communication case.

Similar to this, the court believes that secularism is a component of the Constitution's Basic Structure in *Kesavananda Bharti v. The State of Kerala*. Justice Sikri listed the "Secular Character of the Constitution" as one of the fundamental characteristics of the document. According to Grover and Justice Shelat, one of the key components of the fundamental framework listed in the Constitution is the "secular and federal character of the document." Since "liberty of thought, expression, belief, faith, and worship" is a fundamental component of the Indian Constitution, Jaganmohan Reddy made it very clear that it could not be altered under any circumstances.

The Court said unequivocally in *Kesavananda* that secularism is a fundamental component of the Constitution, but in *Ahmedabad St. Xavier's College Society v. The State of Gujarat*, it made it clear that it had mixed feelings on the matter. According to Justice Matthew and Chandrachud, the Constitution only impliedly called for a secular state. "The Constitution has not erected a rigid wall of separation between the Church and the State," they said, adding a new dimension to the idea within the framework of the Constitution. India can only be considered a secular state under certain conditions.

The Constitution has some clauses that make it difficult to categorise our state as secular. According to our Constitution, secularism simply refers to an attitude that is alive and animate that eventually becomes a living attitude. This viewpoint seemed to imply a conflict between the idea of secularism as judicially constituted and the ideas that are clear in the Constitution. The ruling also established a contemporary definition of secularism in India.

In *Ziyauddin Burhanuddin Bukhari v. Brijmohan Ram Das Mehra*, the Supreme Court proceeded to provide a philosophical and utilitarian definition of secularism. The Court imposed obligations on the State to ensure that its laws do not impose disabilities on the basis of a person's practice or professing of a particular religion, as well as to be neutral or impartial in providing benefits to individuals of all castes



IOIT MUN'25

AISSMS IOIT, Pune



and creeds. Nonetheless, it appears that some Supreme Court justices applied similar reasoning in the *Indra Sawhney* case. This is demonstrated by Kuldip Singh's opinion. He claims that a caste-free, harmonious society is what secularism envisions.

Furthermore, "caste poses a serious threat to secularism and a consequence to the integrity of the country". This perspective appears to go beyond simple religious distinction in the definition of secularism. This seems to suggest that the Court is still unsure about the precise meaning of the phrase.

Secularism is a fundamental component of the system, the Court unequivocally stated in the seminal ruling in *S.R. Bommai v. Union of India*. But coming up with a definition proved to be difficult. Secularism is predicated on the "principles of accommodation and tolerance," according to Ahmadi, Justice. Stated differently, an endorsement of a "soft secularism".

He tended to concur with the Court's expanded interpretation in the *Indra Sawhney* case. In the *Bommai* case, the court decided that religion and temporal activities are incompatible. Only to the extent that it permits the pursuit of a spiritual life apart from the secular life is religion free and tolerant. The latter is under the purview of state affairs. "The encroachment of religion into secular activities is strictly prohibited," the Court added. In a separate ruling, Ramaswamy, Justice stated that it is the responsibility of the State to uphold secularism by legislation or executive order.

He clarified that policies or ideologies developed by political parties on the basis of religion amounted to acknowledging religion as a component of political government, which is specifically forbidden by the Constitution. He contends that if a political party violates secular norms such as casteism or religious intolerance, the court has an obligation to correct it. His ruling presents the court's inflexible position and restates the belief that secularism encompasses anti-casteism. In general, Ramaswamy, Justice was concurred with by Jeevan Reddy and Agrawal.

The Judges even went so far as to state that the First Amendment of the United States Constitution and the Indian Constitution have a similar understanding of secularism. They further stated that they believed the State had the authority to enact laws pertaining to religion, including personal legislation under Article 44 and the secular operations of mosques, temples, and other places of worship. They continued by saying that a political party is acting unconstitutionally even if it subtly supports a religious goal.

You may refer to the following Cases:

- M. Siddiq (D) Thr Lrs v. Mahant Suresh Das & Ors
- Guru Hanuman Mandir & Anr v. Delhi Development Authority & Anr
- Shafin Jahan v. Asokan K.M.
- Mohammed Ahmed Khan v. Shah Bano Begum
- Sardar Syedna Taher Saifuddin Saheb v. State of Bombay



IOIT MUN'25

AISSMS IOIT, Pune



Hindutva and Secularism:

Contrasting secularism in India, Hindu nationalist ideology, first codified by V. D. Savarkar in the 1920s in *Hindutva: Who Is a Hindu?*, defines India as a Hindu nation and aims to transform it into a Hindu rashtra (nation-state). Hindu nationalists view India as a Hindu nation-state because Hindus make up about 80% of the population and consider themselves the true sons of the soil, seeing Muslims and Christians as products of foreign invasions.

The RSS, a Hindu nationalist organisation, was formed in 1925 in reaction to the Khilafat Movement, a pan-Islamist mobilisation of Indian Muslims. The Hindu Mahasabha, initially the right wing of the Congress Party, became a separate party under Savarkar in 1937, engaging in electoral politics. The RSS, however, focused on building a network of local branches and creating front organisations like a student union and a labour union. In 1951, the RSS established the Bharatiya Jana Sangh (BJS) to participate in electoral politics, forming the Sangh Parivar (the family of the Sangh), a group of pro-Hindu cultural nationalist organisations.

Hindu nationalists accused the Congress Party of playing vote bank politics with Muslims while the RSS did the same with Hindu voters. The RSS aimed to unite Hindus to influence politicians to respect Hindu sentiments. The Ayodhya movement, launched in the 1980s, mobilised Hindus around the symbol of Lord Ram, leading to the demand to rebuild a temple at Ram's supposed birthplace, replacing the Babri Masjid mosque. This campaign polarised voters along religious lines, helping the BJP win the 1991 state elections in Uttar Pradesh, where activists demolished the Babri Masjid in 1992 to make way for a Ram temple. The demolition reflected the Sangh Parivar's anti-secular agenda. The RSS's goal of a Hindu rashtra involves eradicating foreign influences, exemplified by renaming cities with Islamic names and targeting Islam and its proponents. Actions have included converting Muslims to Hinduism and preventing interreligious marriages.

After the Ayodhya movement, the BJP rose to power in 1998 and again in 1999 as part of the National Democratic Alliance (NDA). To maintain the coalition, the BJP put three key issues on hold: building a temple in Ayodhya, creating a uniform civil code, and abolishing Jammu and Kashmir's autonomous status. However, the BJP's anti-Muslim stance, highlighted by the 2002 Gujarat riots, led to the party's defeat in the 2004 general elections. The Congress-led United Progressive Alliance (UPA) returned to a secular approach, as shown by the Sachar Committee's report on the poor socioeconomic conditions of Muslims.

In 2014, the BJP won an absolute majority in the Lok Sabha. Although the party did not immediately revive its controversial issues, it marginalised Muslims through unofficial channels. Hindu vigilante groups, with state backing, targeted minorities, practicing cultural policing. This vigilantism was prevalent in BJP-ruled states like Gujarat and Uttar Pradesh, where Yogi Adityanath became Chief minister in 2017. These groups targeted Muslims accused of love jihad, led ghar wapsi (homecoming) campaigns to convert Muslims and Christians to Hinduism, and formed the Gau Raksha Dal to protect



IOIT MUN'25

AISSMS IOIT, Pune



cows, often violently intercepting Muslim cattle transporters. The rise of Hindu vigilantism, supported by the BJP, shows India's shift towards a de facto Hindu rashtra. The Sangh Parivar's grassroots influence grows with the BJP's tacit support, legitimising majoritarian rule and illegal actions by Hindutva forces.

Political Scenario:

Since the 2014 election, rising Hindu nationalism has put the Congress Party and secularism on the defensive. Many scholars now consider the BJP the new hegemon of Indian politics, with Hindu nationalism gaining traction at the expense of secularism. This trend suggests that Hindu nationalism is increasingly seen as the only viable stance for a nationwide political party aiming for electoral success. The Congress Party's actions support this interpretation, as it has sometimes downplayed its secular roots and embraced pro-Hindu sentiments. Recently, the Congress Party has engaged in what some call "soft Hindutva," emulating the religiosity typically associated with the BJP. During recent state election campaigns, Rahul Gandhi visited numerous temples and emphasised his Hindu credentials in response to BJP attacks on his heritage.

Beyond optics, Congress has begun adopting some of the BJP's campaign themes. For instance, the party manifesto in Madhya Pradesh promised to build gaushalas (cow shelters), promote the use of gaumutra (cow urine) and cow dung, and develop the Ram Van Gaman Path. Rajendra Singh, a Congress leader, admitted this platform was adopted in response to BJP pressures, aiming to shed the "Muslim party" tag.

Congress's state manifestos have also shifted. Five years ago, the party focused on promises for the minority community, mainly Muslims. Recently, it has promised pro-Hindu measures instead. This pro-Hindu trend is also evident in its ticket distribution strategy. In two-party states, Congress nominates fewer Muslim candidates, reasoning that Muslims have no choice but to vote for Congress to defeat the BJP. The underrepresentation of Muslims in Congress needs context. Historically, Congress has nominated few Muslim candidates due to the influence of Hindu traditionalists within the party, yet it maintained a secular image. The real test of Congress's commitment to secularism lies in its policies. To date, the party has not decisively implemented the Sachar Committee report, partly due to Sangh Parivar pressure. The well-being of Muslim citizens is another benchmark. In many BJP-ruled states, minorities feel threatened due to violence against Muslims accused of mistreating cows and harassment of Christian clergy. Whether Congress-run states provide security to minorities and restore trust in state institutions will measure the party's secular credentials. One example of Congress succumbing to majoritarian pressures is Madhya Pradesh. After winning the 2018 state elections, Congress responded to BJP accusations by expanding "Vande Mataram" events and arresting Muslims accused of cow slaughter under pressure from Hindu nationalists. However, not all Congress figures agree. Sachin Pilot in Rajasthan argued for prioritising human dignity over the cow issue. The Congress Party's stance on secularism varies by state. The contrast between the secular attitude of its top leadership and the Hindu traditionalism of local bosses has been evident since the 1950s. This was illustrated by divergent views within Congress on the Sabarimala controversy, with Rahul Gandhi initially supporting equality but later expressing ambivalence. The Congress Party's commitment to secularism will depend on the popularity



IOIT MUN'25

AISSMS IOIT, Pune



of Hindu nationalism and the leadership's ability to maintain a coherent line. Regional parties, representing about half of Indian voters, follow varying trajectories. Some oscillate between secular and non-secular practices, while others defend minority rights, though their records are not always clear-cut.

Uniform Civil Code:

What is Uniform Civil Code:

Uniform civil code of India is a term referring to the concept of an overarching civil law code in India. The uniform civil code administers the same set of secular civil laws to govern all people irrespective of their religion, caste, or tribe. This supersedes the right of citizens to be governed under different personal laws based on their religion or caste or tribe - such codes are in place in most Modern nations. The common areas covered by a civil code include laws related to the acquisition and administration of property, marriage, divorce, and adoption. The constitution of India attempts to set a uniform civil code for its citizens as a directive principle, or a goal to be achieved. The demand for a uniform civil code essentially means unifying all the personal laws to have one set of secular laws dealing with these aspects that will apply to all citizens of India irrespective of the community they belong to. Although the exact contours of such a uniform code have not been spelt out, it should presumably incorporate the most modern and progressive aspects of all existing personal laws while discarding those that are retrograde.

Historic Aspect:

The Hastings Plan was created in 1772 by the East India Company. In order to apply "native norms," as defined by Maulanas and Pandits, it established civil and criminal tribunals. This avoided interfering with personal law in an attempt to regulate the population with the least amount of expense and effort. The policies changed over time. The Charter Act, commonly referred to as the Government of India Act of 1833, created the All-India Legislature. In 1840, the "Lex Loci Report" of the First Law Commission recommended that English law be followed, with the exception of rural Hindus and Muslims.

The Indian Penal Code was enacted in 1860, and the Evidence and Contract Acts in 1872, based on English Common Law. However, personal rules governing inheritance, succession, marriage, and religious ceremonies were not addressed consistently. Whatever their religion, all residents were subject to the same public rules on evidence, contracts, land, and crime. Disagreements between religious texts and customs caused confusion. In contravention of Hindu scripture, Shudras permitted widows to remarry. As a result of public demand, recognition of customary law grew. Women were frequently discriminated against by religious personal rules, which prevented them from inheriting, getting married again, or divorcing. Laws to secularise Hindu customs were first introduced by the British and social reformers. British authority saw the enactment of legislation pertaining to inheritance and marriage, such as the Indian Majority Act of 1875.



IOIT MUN'25

AISSMS IOIT, Pune



British interference in Muslim personal law was less due to fears of upsetting fundamentalists. Acts like the Mussalman Waqf Validating Act 1913 and the Muslim Personal Law (Shariat) Application Act 1937 aimed to restore orthodox doctrines. Overall, there was little interference in personal law during British rule. Hindu law changes aimed to reduce injustice, while Muslim law changes reinforced Islamic scriptures. Despite consolidating power, the British allowed religious personal laws to exist with greater codification.

Constitutional Arguments:

The creation of a Uniform Civil Code was hotly debated at the Constituent Assembly's inaugural session. It was suggested for the Draft Constitution's Article 35. Muslim leaders expressed their opposition the loudest and strongest. An amendment stating that "any group, section or community of people shall not be obliged to give up its own personal law in case it has such a law" was advocated for by Indian Union Muslim League member Mohammad Ismail. According to Nazir Ahmed, the idea of a Uniform Civil Code was incompatible with the freedom of religion and culture that each and every citizen is entitled to.

A number of Hindu members of parliament expressed their opinions to the contrary. KM Munshi argued that "Religion must be restricted to spheres which legitimately appertain to religion, and the rest of life must be regulated, unified and modified in such a manner that we may evolve, as early as possible into a strong and consolidated nation." He also added that a Uniform Civil Code could be enacted by the state even in the absence of Article 35, as Article 25 of the Constitution (guaranteeing religious freedom) also gave the state the power to secularise practices. The Assembly, however, finally passed Article 44 in the Directive Principles of the Constitution. The Directive Principles are not conventional laws in the sense that they are not enforceable by any court but are seen as fundamental in the governance of the country, making it the duty of the state to apply these principles while making laws to ensure a just society. Article 44 reads, "The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India." Muslim leaders were particularly worried about this, seeing it as dangerous to their freedoms in the future as a minority. B.R. Ambedkar, addressing their concerns, said that this created a "power" and not an "obligation." He added that "Sovereignty is always limited, no matter even if you assert that it is unlimited, because sovereignty in the exercise of power must reconcile itself to the sentiments of different communities."

Prominent women leaders criticised the move, seeing it as insufficient. By making it a Directive Principle rather than a law in itself, it seemed to them that the state was leaving the state with an option not to enforce it at all. Academic Paula Banerjee declared that the drafters of the Constitution had made sure the issue would "never be addressed," while Aparna Mehta wrote in retrospect that the "failure of the Indian state to provide a uniform civil code, consistent with its democratic secular and socialist declarations, further illustrates the modern state's accommodation of the traditional interests of a patriarchal society."

Meanwhile, Articles 25-28 of the Indian Constitution, meanwhile, guarantee religious freedom to Indian citizens and permit religious organisations to conduct their own affairs. Article 44 of the Constitution



IOIT MUN'25

AISSMS IOIT, Pune



requires the Indian state to apply directive principles and common law for all Indian citizens while establishing a nation's policies. Due to the fact that Uniform Civil Code in India does not make distinctions based on gender or sexual orientation, this drought also inspires hope for the LGBTQIA+ population in India. No applicable law in India up to this point has acknowledged same-sex marriages as legal. Differences between civil laws and criminal laws Civil laws are impacted by faith, although criminal laws in India are uniform and apply to all people equally, regardless of their religious views. The personal laws which govern in civil disputes have always been applied in accordance with constitutional standards, despite being swayed by religious scriptures.

Constitutional, Penal and Legislative Provisions:

The Concurrent List structure has allowed religion and state to overlap, granting many religions in India legal protection for personal laws and official funding for religious schools. Even while this government action is in line with religious teachings, it is both unfair and contradictory. A 1951 Religious and Charitable Endowment, for instance According to Indian law, state governments are permitted to take control of Hindu temples by force, to own and run them, to collect donations, and to use the proceeds for any purpose other than supporting Hindu temples, such as the upkeep of rival religious institutions. Additionally, Indian law permits Islamic religious institutions to provide religious indoctrination and get partial financial support from the state and central governments of India, if the school acknowledges that it will not discriminate against any student on the basis of race, religion, or any other factor, and that the student has the right to choose not to participate in religious indoctrination if he or she so requests. Government-owned and managed educational institutions are prohibited from teaching religion; however, religious endowments and sects are permitted to start their own schools, teach religion, and receive some public funding. However, when it comes to legal problems, modern India has an uneven legal system, and individual religious beliefs influence personal legal rules in areas like marriage, divorce, inheritance, and alimony. Muslim personal law is based on Sharia, according to judicial pronouncements on secularism, particularly those made after *Bommai*, whilst Hindu, Christian, and Sikh Indians are subject to common law. If a religious group so mandates, Indian law allows them to enforce their own religious law; otherwise, state laws take precedence.

The various personal laws are:

1. The Converts' Marriage Dissolution Act, 1866
2. The Indian Divorce Act, 1869
3. The Indian Christian Marriage Act, 1872
4. The Kazis Act, 1880
5. The Anand Marriage Act, 1909
6. The Indian Succession Act, 1925
7. The Child Marriage Restraint Act, 1929
8. The Parsi Marriage and Divorce Act, 1936
9. The Dissolution of Muslim Marriage Act, 1939



IOIT MUN'25

AISSMS IOIT, Pune



10. The Special Marriage Act, 1954
11. The Hindu Marriage Act, 1955
12. The Foreign Marriage Act, 1969
13. The Muslim Women (Protection of Rights on Divorce) Act, 1986
14. The Muslim Women (Protection of Rights on Marriage) Act, 2017

Constitutional Aspect:

Article 44 of the Constitution of India requires the State to strive to secure for its citizens a Common Civil Code throughout India. Secular activities, such as inheritance covered by personal laws, should be separated from religion. A uniform law thus prepared and made applicable to all would promote national unity. It was pointed out at the time that, firstly, as Common Civil Code would infringe the fundamental right of freedom of religion as mentioned in Article 25, and secondly, it would amount to tyranny to the minority. The first objection is misconceived because secular activity associated with religious practice is exempted from this guarantee and since personal laws (as argued from this point of view) pertain to secular activities, they fall within the regulatory power of the state. Regarding the second point, nowhere in advanced Muslim countries has the personal law of each minority been recognized as sacrosanct as to prevent the enactment of a civil code. In Turkey and Egypt no minority is permitted to have such rights.

The term civil code is used to cover the entire body of laws governing rights relating to property and otherwise in personal matters like marriage, divorce, maintenance, adoption and inheritance. As things stand, there are different laws governing these aspects for different communities in India. Thus, the laws governing inheritance or divorce among Hindus would be different from those pertaining to Muslims or Christians and so on. (1950-1985): The framers of the constitution were convinced that a certain amount of modernization was required before a uniform civil code could be imposed on citizens belonging to different religions. It was also feared that any attempt to ignore personal laws of various religions might lead to civil war, rioting and social unrest. India's leaders at the time wanted a secular constitution on the model of a western democracy. However, what resulted was not secularism in the western sense of the word, but rather a 'secular' state with religious laws for its religious groups. Thus, the forefathers of the constitution who imposed several reforms upon the Hindu law were cowed down by the threats of Islamists and kept the sharia strictly unaltered. Hence, the Muslims and the Christians had to be governed by their own set of laws.

The Hindu Marriage Act of 1955 extended to whole of India except the state of Jammu and Kashmir. The effect of the Hindu marriage act was to prohibit polygamy amongst Hindus and to increase the right of a divorced wife to maintenance or alimony. The act applied to everyone in India except Muslims, Christians, Parsees and Jews.

Since Jews and Parsees are a small minority, Islam remained de facto the only large community with a distinct religious law that had not been reformed to reflect modern concepts. The legal practice of excluding Muslims continued with the passage of the dowry prohibition act of 1961 which specifically



IOIT MUN'25

AISSMS IOIT, Pune



excluded, “Dowry” or “Mehr” in the case of persons to whom the Muslim personal law (Shariat) applies”. In 1973 in a debate over the revision of the criminal procedure code, it was pointed out in regard to the maintenance of divorced wives that in cases involving Muslims, the court should take note as to whether the woman had received maintenance under the personal law. For Muslims, this is the period of iddat or 3 months after the divorce.

While the period of 1950-1985 can be summed up as one where Muslim personal laws were exempted from legislation and they remained un-reformed, it can also be seen as a period where there were secular avenues opened to Muslims, the biggest of which was the passage of the special marriage act, 1954. The idea behind this act was to give everyone in India the ability to marry outside the personal law, in what we would call a civil marriage. As usual the law applied to all of India, except Jammu and Kashmir. In many respects, the act was almost identical to the Hindu marriage act of 1955, which gives some idea as to how secularised the law regarding Hindus had become. The special marriage act allowed Muslims to marry under it and thereby retain their protections, generally beneficial to Muslim women that could not be found in the personal law. Under the act polygamy was illegal and inheritance and succession would be governed by the Indian succession rather than the respective Muslim personal law. Divorce also would be governed by the secular law and maintenance of a divorced wife would be along the lines set down in the civil law.

Personal Laws under Assault (1985-2005):

The Shah Bano case led the Supreme Court on 23 April 1985 to judge that the divorcee Shah Bano was entitled to maintenance under Section 125 of criminal procedure code (CrPC). The government of Rajeev Gandhi acted quickly, passing the Muslim women act of 1986, a law that essentially provided for maintenance for Muslim women outside the criminal code, thus ensuring that Muslim women were not protected under the constitutional right to equality, and that they could no longer have recourse to section 125 of the CrPC. The act was an improvement on the former divorce rights under the Shariat Act, or Muslim personal laws that Shah Bano had found wanting. Those wishing to reform the Muslim personal laws have often cited Muslim countries as examples that such reform is possible. Terence Farais, in his chapter, the development of Islamic law, points out that the 1961 Muslim family law ordinance of Pakistan “makes it obligatory for a man who desires to take a second wife to obtain a written permission from a government appointed arbitration council”. The interesting point regarding Pakistan is that until 1947 India and Pakistan had governed Muslims under the Shariat act of 1937. However, by 1961 Pakistan, a Muslim country, had actually reformed its Muslim law more than India had, and this remains true today.

If you look at the countries in Europe which have a civil code, everyone who goes there from any part of the world and every minority has to adhere to the Civil Code. It is not felt to be tyrannical to the minority. Our first problem and the most important problem is to produce national unity in this country. We think we have national unity, but there are many factors - and important factors - which still offer serious dangers to our national consolidation.



IOIT MUN'25

AISSMS IOIT, Pune



Communalism breeds discrimination at two levels: one, between people of different religions and two, between the two sexes. This dangerous and ruinous effect should be done away with, possibly by introducing a Uniform Civil Code. For women who constitute almost half the population of India, the Uniform Civil Code would provide them with equality and justice in courts of law - irrespective of their religion in matters pertaining to marriage, divorce, maintenance, custody of children, inheritance rights, adoption etc. The only step taken forward in this direction was the codification of the Hindu law in spite of great protest; but the codification of Muslim law or enacting a Common Civil Code is a sensitive issue owing to its politicisation. Enlightened Muslim opinion however, is in favour of codification.

Notable Cases:

In the 1985 case of *Muhammad Ahmed Khan v. Shah Bano Begum*, also referred to as the Shah Bano case, the Supreme Court for the first time ordered the Parliament to draft a Uniform Civil Code. After receiving triple talaq from her husband, a penurious Muslim woman filed for maintenance under Section 125 of the Code of Criminal Procedure. The Supreme Court ruled that under Section 125, a Muslim woman has the right to receive maintenance from her husband. The Court further declared that the Constitution's Article 44 is still unenforceable. Y. V. Chandrachud, the country's Chief Justice at the time, said that ""A common civil code will help the cause of national integration by removing disparate loyalties to law which have conflicting ideologies".

Following this ruling, there were protests, gatherings, and talks all around the country. The Shah Bano case ruling was overturned by the government led by Rajiv Gandhi at the time through the Muslim Women (Right to Protection on Divorce) Act, 1986, which restricted a Muslim woman's ability to get maintenance under Section 125 of the Criminal Procedure Code. The Supreme Court's comment that the UCC should not be implemented unless there is a demand from inside the government or Parliament was the justification offered for the Act's implementation. This was stated to be non-binding on both parties.

In *Mary Roy v. State of Kerala*, the question argued before the Supreme Court was that certain provisions of the Travancore Christian Succession Act, 1916, were unconstitutional under Article 14. Under these provisions, on the death of an intestate, his widow was entitled to have only a life interest terminable at her death or remarriage and his daughter. It was also argued that the Travancore Act had been superseded by the Indian Succession Act, 1925. The Supreme Court avoided examining the question whether gender inequality in matters of succession and inheritance violated Art.14, but, nevertheless, ruled that the Travancore Act had been superseded by the Indian Succession Act. Mary Roy has been characterised as a "momentous" decision in the direction of ensuring gender equality in the matter of succession.

Finally, the Supreme Court has issued a directive to the Union of India in *Sarla Mudgal v. Union of India* to "endeavour" framing a Uniform Civil Code and report to it by August, 1996 the steps taken. The Supreme Court opined that: "Those who preferred to remain in India after the partition fully knew that the Indian leaders did not believe in two-nation or three "nation theory and that in the Indian Republic there



IOIT MUN'25

AISSMS IOIT, Pune



was to be only one nation - and no community could claim to remain a separate entity on the basis of religion"

The SC's comments on the *Lily Thompson* case are worth noting. The Court said that the directives as detailed in Part IV of the Constitution are not enforceable in courts as they do not create any justifiable rights in favour of any person. The Supreme Court has no power to give directions for enforcement of the Directive Principles. Therefore, to allay all apprehensions, it is reiterated that the Supreme Court had not issued any directions for the codification of a Common Civil Code.

Hindu Personal Laws:

The Supreme Court in the *Sarla Mudgal* case of 1995 took on the government for not having initiated any steps in the direction of introduction of a Uniform Civil Code. Justice Kuldip Singh and Justice R.M. Sahai in their judgement observed,

"The utmost that has been done is to codify the Hindu law in the form of the Hindu Marriage Act, 1955. The Hindu Succession Act, 1956, the Hindu Minority and Guardianship Act, 1956 and the Hindu Adoptions and Maintenance Act, 1956 which have replaced the traditional Hindu law based on different schools of thought and scriptural laws into one unified code. When more than 80% of the citizens have already been brought under the codified personal law there is no justification whatsoever to keep in abeyance, any more, the introduction of "uniform civil code" for all citizens in the territory of India."

The main issue in this case was bigamy by Hindu men. However, this got sidetracked, and the uniform civil code became a political plank in the elections that followed. Up till date, the various presumptions made by the judgement have remained unaddressed, some of which are listed below:

- a) Hindu marriages are monogamous in nature;
- b) The judiciary has consistently and systematically upheld the principle of monogamy among Hindus by penalising the errant husbands;
- c) The only breach of monogamy among Hindus is by conversion to Islam. To quote from the judgement, "there is an open inducement to a Hindu husband, who wants to enter into a second marriage to become a Muslim"
- d) A uniform civil code will plug this loophole and ameliorate the sufferings of Hindu women;
- e) All the four petitions which the judgement dealt with were filed by women whose husbands had converted to Islam and remarried; and
- f) Both the judges who heard the matter advocated enforcement of a uniform civil code on a priority basis as the only remedy to conversion and bigamy by Hindu men.

Until 1955, Hindu marriages were polygamous and hence Hindu men did not attract the penal provision of Section 494 of the Indian Penal Code. The Hindu Marriage Act of 1955 for the first time laid down the principle of monogamy. Additionally, even in spite of the Hindu Code Bill, the inheritance rights of women according to Hindu personal law shows that equal rights are not given to women on the ground that it would disturb family peace, lead to fight between brothers and sisters, result in fragmentation of



IOIT MUN'25

AISSMS IOIT, Pune



land and so on. So, patriarchal order of family is promoted. When a woman is denied the ownership, inheritance and matrimonial rights, it indicates male dominance and dismissal of women's labour at home. Custody and adoption laws also enforce the notion of father as the natural guardian. A married Hindu woman is not allowed to adopt a child in her own name. Thus, there is legitimisation of male dominance in a family system. Similarly, the Hindu succession law protects son's rights by keeping the provision of making a will. The Sikh, Jain, and Buddhist communities in India are governed by the same civil laws as the Hindus.

Muslim Personal Laws:

As far as the Muslim perspective is concerned, some part of the Community not to be opposed to the idea of a common code as such since they can very well accept any law, provided it does not prohibit them from doing what is *fard* (compulsory) or forces them to do what is *haram* (prohibited) in the religion. Now it should be realised that though Islam gives permission for polygamy it does not hold it to be *fard*. So even if a Muslim is made to live under a law that established monogamy, he could abide by the law as polygamy is not *fard*. However, when given an option they would certainly prefer Shariyat Law over other laws.

As per Shariyat law, legal adoption is prohibited in Islam as is explicitly stated in the Quran (33:4), "... neither has He made your adopted sons as your own sons".

In relation to marriage, Muslims are allowed to marry more than one wife but there is an upper limit of four as promulgated by the Quran (4:3), "Marry a woman of your choice in two, three or four but if you can't do justice, marry only one."

The consent of both the spouses in the marriage contract is essential for the validation of a marriage under Muslim personal laws.

Divorce is another aspect of personal laws and the Prophet conceded that of all the things, divorce is most tasteful to God, however it was allowed with certain restrictions, The Quran says in Chapter 4, verse 35, "If you fear a breach among them, then appoint two arbitrators, one from his family and one from hers. If they seek to set things alright, Allah will call their reconciliation." This conception of divorce however does not seem consistent with the triple talaq that is being practised by the Muslims with immunity in this part of the subcontinent.

Regarding guardianship, there are specific rules, both in Hindu law as well as in Muslim law. The details may differ but the substantive principle that the "interests of the child" should be a supreme consideration has been accepted by all systems.

A brief reference to the problem of maintenance is necessary. Under the Muslim law, it is a duty of the faithful husband to maintain his wife with the same standard of living which he has. The Quran ordains the same in the following verses, chapter 2, verses 240 and 241, "Those of who you die and leave widows



IOIT MUN'25

AISSMS IOIT, Pune



should bequeath for their widows a year's maintenance without expulsion. For divorced women also, there shall be provision to what is fair." It was on ground of these verses that Mr. Daniel Latif argued in the Supreme Court in the Shah Bano's case.

Christian Personal Laws:

The Christians in India have expressed varied opinions with regard to different aspects of the personal laws. A part of the Christian community believes that Section 10 of the Divorce Act is discriminatory against women, since much is expected by way of proof from them as against men. Most Christians (both Catholics and Protestants) support the introduction of a uniform civil code though with some reservations. For example, the Catholics prefer annulment of marriage over divorce. On the point of adoption, the Christians want full adoption to be legalised. Now there is a prohibition in Christian law; they cannot adopt and hence Christians are sent abroad for adoption. All of them are of the uniform view that all aspects of Christian personal law are negotiable. On the point of succession, they believe that though the Indian Succession Act is quite satisfactory, in case of intestacy, the Christian customary laws, that are discriminatory must go. According to them, the widow must get full rights in a husband's property to be divided between the children, as and when she likes. In the *John Vallamattom & Anr vs Union of India* case 2003, the Supreme Court declared Section 118 of the Indian Succession Act to be void as it found the provision to be discriminatory and violative of articles 14, 15, 25 and 26 of Constitution. The Section stated that "No man having a nephew or niece or any nearer relative shall have power to bequeath any property to religious or charitable uses, except by a Will executed not less than twelve months before his death, and deposited within six months from its execution in some place provided by law for the safe custody of the Wills of living persons". The Christians found this to be an infringement upon their religious right to practice charities to attain spiritual salvation.

Parsis and the UCC:

Parsis do not believe in conversion as conversion to Zoroastrianism is prohibited by religion. In case of adoption, Parsis do not like to adopt a non-Parsi child because it is only a Parsi who is entitled to visit the fire temple and to get the benefits from the private Parsi trust. They would want full adoption but, in that case, the adopted child must necessarily be a Parsi, and adoption must be by Parsi parents. Parsis are supportive of a uniform civil code on the condition that their rituals in marriage are preserved. Polygamy was and is non-existent in Parsis, in fact, it is a ground for divorce under the Parsi law.

Special Marriages Act and Indian Succession Act:

It can be argued that a uniform civil code is not a necessity since we already have non-religion-specific legislation, such as the Special Marriage Act, 1954. However, the first Special Marriage Act was enacted not in 1954 but in 1872. It required the parties marrying under it to renounce their religions. It is only when the Special Marriage Act was re-enacted in 1954 that it permitted interreligious marriages without the couple having to renounce their religion. Parties marrying under this Act were governed by the Indian



IOIT MUN'25

AISSMS IOIT, Pune



Succession Act, 1926 for purposes of inheritance. Subsequently in 1976, Hindu couples marrying under the Special Marriage Act of 1954 were taken out of its ambit, and could inherit under the Hindu Succession Act, 1956. This was a retrograde step, because for a Hindu wife her inheritance was depleted due to the coparcenary system.

“Merits” of Uniform Civil Code:

If a Uniform Civil Code is enacted and enforced:

- It would help and accelerate national integration;
- Overlapping provisions of law could be avoided;
- Litigation due to personal law would decrease;
- Sense of oneness and the national spirit would be roused, and
- The country would emerge with new force and power to face any odds finally defeating the communal and the divisions force.

Israel, Japan, France and Russia are strong today because of their sense of oneness which we have yet to develop and propagate. India has set before itself the ideal of a secular society and in that context achievement of a uniform civil code becomes all the more desirable such a code will do away with diversity in matrimonial laws, simplify the Indian legal system and make Indian society more homogeneous. It will de-link law from religion which is a very desirable objective to achieve in a secular and socialist pattern of society. It will create a national identity and will help in containing fissiparous tendencies in the country. The uniform civil code will contain uniform provisions applicable to everyone and based on social justice and gender equality in family matters. According to the Committee on the Status of Women in India: "The continuance of various personal laws which accept discrimination between men and women violate the fundamental rights and the Preamble to the Constitution which promises to secure to all citizens "equality of status, and is against the spirit of natural integration". The Committee recommended expeditious implementation of the constitutional directive in Article 44 by adopting a Uniform Civil Code.

“Demerits” of UCC:

- **No urgent requirement:** The code is neither a matter of priority nor a sine qua non for national integration the code is considered to be distant social objective some intellectuals feel that implementation of the code should logically pass through three stages: The first stage is the codification of the personal laws of various communities so that over a period of time there is adequate basis in terms of comparative jurisprudence to serve as the foundation for the principles of the uniform civil code. There also needs to be a transitional phase of optionality. If the code comes into conflict with the personal laws of any community then the particular community must be granted exemption.



IOIT MUN'25

AISSMS IOIT, Pune



- **Operational Problems:** Ram Jethmalani talked about a serious practical difficulty in adopting a uniform code of marriage - since most people do not take the recourse to Special Marriage Act, 1954 and prefer religiously formalized marriages, it is difficult to think of a common code borrowing from all religions and customs. He thinks that the proponents of the code haven't given serious thought to what it would look like and how different religious customs associated with the solemnization of marriages would be accommodated.
- **Wouldn't significantly improve on the democratic ideal of India:** In Nepal, the establishment of a uniform civil code did not improve upon national integration. Hence, to consider the UCC as a go-to solution for all problems would be incorrect. A democracy, it can be argued, can survive even by respecting the separate personal laws of different communities. It depends on the specific historical experience of the nation and the texture of society. Indeed, many democratic nations of the world thrive today without the existence of a UCC.
- **Threat to minorities:** The code is viewed by some as the threat to their religious identity since code will seek to merge all personal laws into one. Historical abuse of power by majority communities makes the minorities naturally wary of further reforms. Thus, convincing all to be comfortable and accepting of a Uniform civil code will turn out to be a long and arduous process, one that will perhaps end in failure.
- **Civil Riots:** Given the unfavourable response in the idea of the code it is very likely that protest would occur if the code is shoved down the throats of the Indian public given the strained ethnic and religious fabric of this country. It is better to leave things that may cause tension.

Goa Civil Code:

Goa is one of the only states in India which continues to be governed by Portuguese Laws with respect to Family Laws relating to marriage and Succession Laws. The corresponding laws of India are not extended to the state of Goa. Portuguese law is however applicable only to a Goan. A Goan citizenship under Article 18 of the Portuguese Civil Code, is acquired by;

1. birth in Goa, or whose father is born in Goa or whose grandfather is born in Goa, or
2. a woman by virtue of marriage, or
3. by naturalisation.

By default, every Goan marries under a system called Communion of Assets, whereby, from the time of his marriage, his spouse acquires half undivided right in the assets of the other, unless a contract called the Ante Nuptial Contract is executed to avoid such system of law. In the matter of gratuitous disposition of properties i.e., by will or gift, there is a prohibition by which no disposition can exceed half right of a person. This is called disposable quota and the remaining part is called non-disposable quota.



IOIT MUN'25

AISSMS IOIT, Pune



Uttarakhand Civil Code:

On February 4, 2024, the Uttarakhand Cabinet approved the final draft of the Uniform Civil Code (UCC), and on February 6, 2024, Chief Minister Pushkar Singh Dhami introduced the UCC bill in the State Assembly. A committee formed in 2022, led by retired Supreme Court judge Ranjana Prakash Desai, drafted the UCC. The committee included retired judge Pramod Kohli, social activist Manu Gaur, former Uttarakhand Chief Secretary Shatrughan Singh, and Doon University Vice Chancellor Surekha Dangwal, who compiled a 740-page draft report (Hindustan Times, 2024).

The bill includes provisions banning polygamy and child marriage, granting equal property rights to sons and daughters, and ensuring equal rights for adoptive and biological children. It requires live-in couples to register their partnership within a month and mandates parental approval. The UCC sets the marriage age at 18 for women and 21 for men, imposes a one-year waiting period before divorce, and recognizes marriage ceremonies according to religious traditions. This legislation fulfills a BJP election promise from 2022. Critics argue that implementing a UCC faces challenges due to India's religious and cultural diversity, political sensitivity, and legal complexity. Minority religious groups fear it might infringe on their freedoms, and political parties are wary of alienating voters. Legal experts must craft a fair code that respects individual rights. The success of such reform depends on social awareness and acceptance, along with political will and consensus. The debate involves balancing equality and individual liberty with cultural and religious traditions. K.M. Munshi (1948) argued for a UCC to unify personal laws for national consolidation. Since the adoption of the Indian Constitution, there has been a tension between maintaining diversity and promoting federalization and decentralization of power. Bhikhu Parekh (2008) emphasized that identity is shaped by societal interactions and self-understanding. Peter D'Souza (2015) highlighted the conflict between individual and group rights.

State intervention in personal laws, as seen with the ban on triple Talaq, is seen as necessary for promoting social justice. B.R. Ambedkar supported state intervention in religious matters to advance social reforms. The Indian situation with the UCC is complex, with concerns about minority assimilation into the dominant culture. However, a rational and inclusive approach to framing a national UCC, informed by the Uttarakhand experience, could promote secularism, unity, and non-discrimination from a constitutional and human rights perspective.

**This guide is not meant to be exhaustive or authoritative. You are encouraged to go beyond the contents of this guide and even question the content mentioned here.*