



Uniform Civil Code in India: A Constitutional Analysis of Article 44 and Minority Rights

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Abstract

At the nexus of legal uniformity, religious freedom, and minority rights, the Uniform Civil Code (UCC) continues to be one of India's most contentious constitutional concerns. The UCC aims to create a uniform set of civil rules covering private affairs including marriage, divorce, and inheritance. It is included in Article 44 of the Constitution as a Directive Principle of State Policy. However, its application presents difficult constitutional issues of how well it complies with Fundamental Rights, especially Articles 14 and 25–28.

This paper uses a doctrinal approach to assess the UCC's constitutional stance by looking at pertinent constitutional clauses and significant Supreme Court rulings. It examines the conflict between religious freedom and equality, assesses the influence of constitutional morality on modern speech, and evaluates judicial methods to personal law reform. The paper contends that rather than being an enforceable requirement, the UCC is best viewed as a constitutional goal that calls for progressive and collaborative transformation. The study comes to the conclusion that for UCC to be realized in India, a balanced strategy that balances pluralism with constitutional principles is necessary.

Keywords: Uniform Civil Code, Article 44, Constitutional Morality, Minority Rights, Personal Laws

Introduction

The presence of many personal laws that govern family problems across religious communities is a defining feature of India's legal system. Although the nation's pluralistic culture is reflected in this system, it has also sparked discussions about gender justice and legal injustice. Article 44 of the Indian Constitution envisions the idea of a Uniform Civil Code (UCC), which aims to provide consistency in personal laws that apply to all people. However, the application of UCC creates important constitutional issues, especially with regard to how it relates to fundamental rights like freedom of religion (Articles 25–28) and equality (Article 14). Minority populations' worries about cultural autonomy and identity preservation exacerbate the problem. With an emphasis on judicial interpretation and changing constitutional principles, this study conducts a doctrinal examination of the constitutional framework regulating UCC. It contends that rather than being an instant legal requirement, UCC is still a normative constitutional aim fashioned by judicial involvement and constitutional morality.

Constitutional Framework of Uniform Civil Code

The Uniform Civil Code's (UCC) constitutional structure, which reflects the larger conflict between state-led legal reform and the preservation of religious autonomy, is based on the dynamic interaction between the Directive Principles of State Policy and Fundamental Rights. The Constitution protects individual and communal liberties under Part III, including equality and religious liberty, while envisioning a consistent legal framework under Article 44. Because of this dual structure, a careful constitutional interpretation is required to balance conflicting ideals of social justice, cultural heterogeneity, and legal uniformity. As a result, any examination of the UCC must be placed within this framework, looking at both its practical constraints resulting from enforceable basic rights and its normative underpinnings in the Directive Principles.

1. Article 44 and Directive Principles

According to Article 44, the State must work to ensure that all Indian citizens are subject to the same civil code. It is essential to governance but non-justiciable as part of the Directive Principles of State Policy (Government of India, 1950) ^[6]. This clause's location in Part IV of the Constitution, which addresses the Directive Principles of State Policy (DPSPs), makes it abundantly evident that although the State is required to take action to realize the commitment, it is not legally enforceable. The phrases 'endeavor' and 'secure' are especially important since they suggest some degree of implementation flexibility. These phrases imply that in order to achieve consistency in civil laws, the State may use a phased, progressive, or even intermediate approach (Gangopadhyay 1999). The clause, which represents a balance between the necessity for legal consistency and the preservation of India's socio-cultural variety, was included following much discussion in the Constituent Assembly.

According to Article 44, the whole constitutional apparatus is in charge of working toward a Uniform Civil Code. The fundamental goal is to improve the rule of law in a democratic society by fostering national cohesion via the reduction of caste, religion, and community differences (Pillai 2003). It is important to remember, nevertheless, that Article 44 does not require the rapid adoption of a Uniform Civil Code. Directive Principles are not enforceable by courts, in contrast to Fundamental Rights. Instead of imposing a legally enforceable duty, they impose a moral and constitutional obligation. This disparity explains why no comprehensive law on UCC has been passed to date, even though it is recognized by the constitution. As a result, UCC was intended to be a long-term goal that would be implemented gradually (Austin 1999) ^[2].

2. Interface with Fundamental Rights

The link between Directive Principles of State Policy and Fundamental Rights is at the heart of the constitutional

discussion around the Uniform Civil Code (UCC). Although Article 44 calls for a unified civil code, its application must be consistent with enforceable rights like Articles 25–28, which safeguard religious freedom, and Article 14, which ensures equality before the law. This puts religious autonomy and cultural variety at odds with the objectives of social change and legal conformity.

In addition to requiring equality, Article 14 raises questions concerning the cohabitation of several personal laws that might lead to unfair treatment, especially in situations involving gender discrimination. Minority populations are concerned that UCC may violate their cultural identity since Articles 25–28 protect both individual and community religious liberty. By emphasizing that Fundamental Rights and Directive Principles must be read in a complimentary way, the Supreme Court has resolved this conflict through the theory of harmonious construction (*Minerva Mills Ltd. v. Union of India*, 1980)^[8]. Further clarification is provided by the "essential religious practices" theory, which states that only fundamental religious activities are protected whereas secular features of personal laws, like marriage and succession, are subject to change (*Derrett*, 1968)^[4].

In order to preserve constitutional principles, judicial tendencies show a preference for striking a balance between equality and religious freedom by allowing limited State action in personal legislation. Therefore, a process of constitutional balance is reflected in the intersection between UCC and Fundamental Rights, necessitating modifications that are both socially and legally justifiable.

Judicial Interpretation of Uniform Civil Code

1. Mohd. Ahmed Khan v. Shah Bano Begum

In the constitutional debate over the Uniform Civil Code (UCC) and the interplay between secular and personal laws, the ruling in *Mohd. Ahmed Khan v. Shah Bano Begum* (1985)^[9] represents a turning point. The case started when Shah Bano, a 62-year-old Muslim lady, filed for support under Section 125 of the Code of Criminal Procedure, 1973, after her husband divorced her through triple talaq. The husband argued that under Muslim personal law, his duty was restricted to the iddat period and that there was no additional obligation beyond that.

The Supreme Court dismissed this argument, ruling that Section 125 CrPC applies consistently to all citizens regardless of faith because it is a secular and welfare-oriented statute. The Court underlined that the purpose of Section 125 is to further the fundamental objective of social fairness by preventing poverty and vagrancy. It decided that if a divorced Muslim woman is unable to support herself, she is entitled to maintenance beyond the iddat period (*Agnes*, 2011)^[1]. The Court emphasized in its reasoning that secular law should take precedence over personal law in situations pertaining to basic human welfare, especially when gender justice and equality are at stake. The ruling also addressed constitutional principles, pointing out that when personal laws clash with more general constitutional ideals, they cannot be shielded from criticism.

Importantly, the Court expressed strong opinions about the need for a Uniform Civil Code. It bemoaned the persistence of many personal laws and made the case that a unified civil code would support legal consistency and national cohesion. In *Mohd. Ahmed Khan v. Shah Bano Begum* (1985)^[9], the Court noted that Article 44 had remained a 'dead letter' and asked the State to take specific actions toward its implementation.

2. Sarla Mudgal v. Union of India

The *Sarla Mudgal v. Union of India* (1995)^[11] ruling is a noteworthy court intervention that addresses the abuse of personal laws and advances the discussion of the Uniform Civil Code (UCC). The case concerned Hindu males who converted to Islam just in order to be married again without dissolving their prior marriage in accordance with Hindu law. Whether such a conversion would allow the person to get around the Hindu Marriage Act of 1955's ban on bigamy was the Court's main legal concern.

According to the Supreme Court, such conversions were unlawful if they were carried out purely for the purpose of avoiding legal requirements, especially the monogamy requirement. According to the Court, a Hindu marriage consummated under the Hindu Marriage Act cannot be dissolved simply by converting to a different faith, and any subsequent marriage that does not legally dissolve the first would be considered bigamy under Section 494 of the Indian Penal Code. In its reasoning, the Court sharply condemned the disjointed character of personal laws, noting that they frequently provide gaps that might be used to commit injustice, particularly against women. It highlighted how people might exploit religious rules for their own benefit in the lack of a consistent legal framework, undermining social fairness and legal certainty (*Parashar*, 1992)^[10].

Crucially, the Court expressed worry about the State's ongoing failure to execute Article 44 and reaffirmed the necessity of a Uniform Civil Code. It noted that a unified civil code would support national integration, gender fairness, and legal uniformity while assisting in the removal of inconsistencies between personal laws. The ruling specifically called on the government to move toward passing a UCC, emphasizing its significance in fortifying the Constitution's secular foundation.

Thus, the *Sarla Mudgal* decision upholds the idea that personal laws cannot be utilized as a means of undermining constitutional principles or legal responsibilities. In addition to addressing a particular legal matter, the Court also contributed to the larger constitutional discussion on changing personal laws through a Uniform Civil Code, marking a significant turning point in the development of judicial thinking.

3. Shayara Bano v. Union of India

In the constitutional adjudication of personal laws, the ruling in *Shayara Bano v. Union of India* (2017)^[12] represents an important turning point, especially in the advancement of gender equity and constitutional morality. The practice of talaq-e-biddat, or quick triple talaq, which allowed a Muslim husband to unilaterally and irreversibly divorce his wife by saying 'talaq' three times in one sitting, was contested in this case. Shayara Bano, the petitioner, claimed that this conduct violated fundamental rights, including Articles 14, 15, and 21 of the Constitution, and was arbitrary and discriminatory. The Union of India backed the case, portraying it as a matter of dignity and gender equality. By a vote of 3:2, the Supreme Court ruled in a divided decision that immediate triple talaq was unlawful. The Court determined that the practice violated Article 14 since it was obviously arbitrary. It also noted that Muslim women were disproportionately impacted by this unilateral and irreversible type of divorce, which undermined their fundamental rights and had no rationale.

The application of constitutional morality, in which the Court gave constitutional ideals of equality, dignity, and justice precedence over discriminatory personal law practices, was a significant component of the ruling. In contrast to previous instances, the Court concentrated on internal change within personal laws rather than explicitly requiring the implementation of a Uniform Civil Code, indicating a more nuanced and context-sensitive judicial approach (Choudhry *et al.*, 2016) [3]. In order to determine whether immediate triple talaq was a fundamental component of the Islamic religion, the Court also addressed the idea of vital religious rituals. It came to the conclusion that talaq-e-biddat did not deserve constitutional protection under Article 25 since it was not a fundamental religious practice.

Following the ruling, the Muslim Women (Protection of Rights on Marriage) Act, 2019 was passed, making immediate triple talaq illegal. More generally, the decision illustrates a developing judicial tendency that prioritizes constitutional supremacy over personal law, especially in cases involving gender justice concerns. As a result, Shayara Bano signifies a paradigm change in the UCC debate, moving away from calls for uniformity and toward gradual, rights-based changes to personal laws that are founded on the values of substantive equality and constitutional morality.

Uniform Civil Code, Minority Rights, and Constitutional Morality: A Critical Analysis

Concerns about the protection of minority rights and cultural identity are raised by the Uniform Civil Code's (UCC) introduction. Personal laws are frequently strongly linked to religious convictions and communal identity in India's multicultural culture. As a result, any attempt at legislative uniformity is often seen as a possible danger to religious autonomy and cultural variety. Particularly, minority populations express concern about the imposition of a standard legal framework because they see personal laws as protections of their unique identities. Nonetheless, religious and secular activity have always been distinguished by constitutional jurisprudence. Article 25 protects fundamental religious activities, although legitimate state control applies to secular parts of personal laws like marriage, divorce, and succession. This divide offers a constitutional foundation for change, particularly in cases when equality and justice are at odds with personal laws (Menski, 2003) [7]. Therefore, the main difficulty is striking a balance between individual rights to equality and dignity and communal cultural rights, especially when personal laws uphold gender discrimination.

In this regard, recent court rulings have made the idea of constitutional morality a vital interpretative tool. Constitutional morality demands that the fundamental principles of the Constitution—justice, liberty, equality, and dignity—be upheld above customary or religious standards. It allows courts to assess whether personal law practices are legitimate in light of constitutional principles and to step in where they infringe upon basic rights. Therefore, a normative framework for balancing personal laws with the requirements of a contemporary constitutional democracy is provided by constitutional morality (Dworkin, 1977) [5]. This strategy is increasingly reflected in judicial tendencies, which prefer gradual, rights-based changes to personal laws

over the quick implementation of a uniform civil code. This approach guarantees that constitutional ideals be upheld while acknowledging the delicate nature of religious and cultural matters.

From a critical standpoint, UCC's constitutional standing is still debatable and complicated. Despite articulating a clear vision of legal consistency, Article 44 is non-justiciable and depends on legislative intent due to its location inside the Directive Principles. The judiciary has been aggressive in drawing attention to the need for change, but because of the socio-political ramifications, it has hesitated from requiring the implementation of UCC. UCC enforcement that is strict or sudden runs the danger of weakening India's pluralistic fabric and may encounter opposition from minority groups. A methodical, deliberative, and reform-focused strategy, on the other hand, is more likely to gain acceptability and credibility. Therefore, rather than imposing uniformity in a top-down fashion, the emphasis should be on eradicating discriminatory practices within personal laws and gradually aligning them with constitutional principles.

Thus, the UCC discussion must be viewed as a larger constitutional enterprise that aims to strike a balance between equality and diversity as well as tradition and modernity, rather than only as a question of legal conformity.

Conclusion

A constitutional concept that aims to strike a balance between equality, justice, and national integration is represented by the Uniform Civil Code. However, navigating conflicting constitutional ideals is necessary for its fulfillment. The conversation has advanced thanks in large part to judicial interpretation, which emphasizes gender fairness and constitutional morality. UCC is still an aspirational objective that has to be reached by inclusive discourse and progressive development. The effective implementation of UCC in India requires a sophisticated strategy that upholds constitutional ideals while honoring diversity.

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