



# Heritage **AIPPM**

## All India Political Parties Meet

### **Agenda:**

**Deliberation on the  
Implementation of a  
Uniform Civil Code in India with  
Special Emphasis on Preserving  
Cultural Heritage and  
Traditions.**





## **Heritage AIPPM**

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### 1. Letter from the Executive Board:

Greetings delegates! First of all, we would like to offer you the heartiest welcome to The Daly College Model United Nations 2026 'Nexus Temporis'. It is definitely an honour to serve as your Executive Board for this committee.

This time, the All-India Political Parties Meet will focus on the important and historical discussion about the Uniform Civil Code (UCC) in India. This session stands out because it brings together voices from different eras. The committee includes influential figures from Indian politics who are no longer with us, yet their ideas continue to shape our Republic. Your job is to bring these historical views to life, infusing the wisdom and passion of the past into a debate that remains crucial today.

The agenda, "Deliberation on the Implementation of a Uniform Civil Code in India with Special Emphasis on Preserving Cultural Heritage and Traditions," addresses one of the most challenging issues in our constitutional framework. While Article 44 of the Directive Principles of State Policy envisions a common set of laws for personal matters for all citizens, applying this idea requires careful consideration of India's diverse identity. We face a moment where the push for legal uniformity must balance against the respect for various religious practices, tribal customs, and the rich heritage that characterizes our nation.

As representatives of different political parties, both current leaders and historical giants, it is vital for you, esteemed delegates, to understand the complexities of this issue. This is not just a legal challenge, but a deep-seated ethnic, political, and humanitarian concern. It is essential to discuss the risks of eroding minority identities and the independence of indigenous traditions. We encourage you to think about ways to foster inclusive political dialogue and governance, ensuring that the "Uniformity" of law does not lead to the "Unification" of culture.

We also want to stress that while this background guide offers initial insights into the agenda and starts your research, it should not limit your inquiries. True understanding of this agenda comes from your individual effort and critical thinking. We expect thorough research and a solid grasp of all aspects of our topic, from the important discussions of the Constituent Assembly to the specific protections outlined in the Sixth Schedule of the Constitution. Your knowledge should go beyond just this guide.

We look forward to seeing all of you at the conference, ready to engage in passionate and productive debates, fueled by enthusiasm and a commitment to uphold the legacy of Indian law.

If you have any questions, please email us at: [dcmunaipm@gmail.com](mailto:dcmunaipm@gmail.com)

Regards,

The Executive Board

Sameer Sharma  
Co-chairperson

Sanghmitra Bhargav  
Co-chairperson

Shoorveer Rai  
Vice-chairperson

Atharv Bagadiya  
Rapporteur



## **2. About the Committee (Heritage AIPPM)**

The **All India Political Parties Meet (AIPPM)** is a forum that captures the raw, unfiltered essence of Indian democracy. Unlike formal legislative bodies, the AIPPM operates as a consultative powerhouse where the nation's political leaders gather to tackle issues that are too complex or sensitive for standard parliamentary procedure. It is a space where the "Rules of Procedure" take a backseat to political strategy, oratory, and the high-stakes art of the deal.

This specific iteration—the **Heritage AIPPM**—carries a unique mandate. It is designed to look at modern governance through the lens of our civilizational legacy. Here, we do not just discuss laws in a vacuum; we deliberate on how national policies interact with the ancient customs, diverse languages, and social fabrics that have defined India for millennia.

### **The Mandate of Identity**

In this committee, the distinction between the individual and the office is erased. To participate effectively, you must understand one core principle:

You are not merely a 'delegate' representing a viewpoint; you must fully inhabit the history, the struggle, and the political conviction of your portfolio.

You are expected to speak with the authority of the millions your portfolio represents. Every gesture, every argument, and every alliance must be an authentic extension of your political DNA. In this room, you are not acting—you are the manifestation of a political force.

### **The Purpose and Power of the Heritage**

#### **AIPPM Why does this committee exist?**

The AIPPM is the bridge between policy and people. In a nation defined by its vast diversity, formal law-making often misses the nuance of local sentiment. The Heritage AIPPM exists to provide a "common ground" where the ruling power and the opposition can strip away the formalities to discuss the real-world impact of national decisions on the country's cultural identity.

#### **What does it do?**

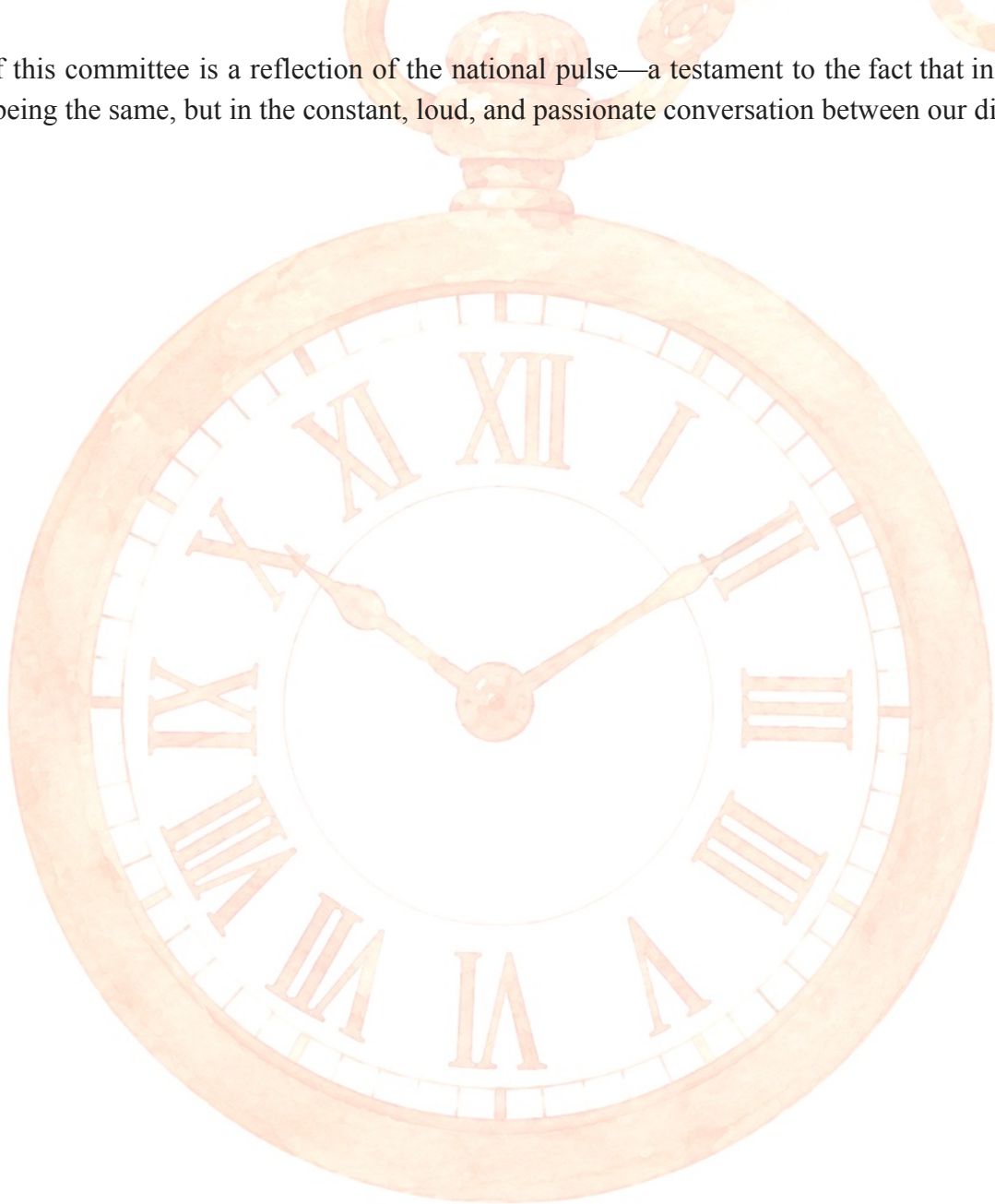
The committee functions as a political crucible. It takes massive, often controversial national agendas and subjects them to the heat of multi-party scrutiny. Within the Heritage AIPPM, the focus is shifted toward the preservation of heritage—ensuring that progress does not come at the cost of the traditions that provide India its soul. It is here that parties challenge the government's narrative, protect regional interests, and fight for the cultural survival of their constituents.

## The Effect

The Heritage AIPPM creates an atmosphere of **relentless negotiation**. The effect is a deep, systemic understanding of how power and culture intersect in India. It demonstrates that:

1. **Consensus is hard;won:** In a room of 1.4 billion representative voices, agreement is a rare and valuable currency.
2. **Heritage is Identity:** Decisions are never just about "facts"—they are about the values, customs, and ancestral legacies that people hold dear.
3. **Dialogue is the survival of democracy:** The very existence of this meet proves that as long as India's leaders are talking, the democratic and cultural fabric of the nation remains intact.

The outcome of this committee is a reflection of the national pulse—a testament to the fact that in India, unity is not found in being the same, but in the constant, loud, and passionate conversation between our differences.





### 3. The Committee Mandate

The **All India Political Parties Meet (AIPPM)** at **Nexus Temporis** is more than a simulation; it is a modern-day **Sabha**—a gathering of leaders destined to protect the civilizational soul of Bharat. Operating beyond the rigid bureaucracy of formal sessions, this forum provides a high-stakes arena to deliberate on issues that strike at the very heart of our national identity. The mandate of this committee is to confront the friction between our ancient **Sanskriti** (culture) and the contemporary legal imperatives of a modern Republic.

#### The Objective: Seeking the Madhyam Marg

The primary goal is to evaluate the political and cultural survival of the Uniform Civil Code (UCC) within India's pluralistic mosaic. This is not a cold academic exercise; it is a quest for the **Madhyam Marg** (the middle path). The committee must decide if a unified legal framework can be woven into the nation's fabric without unraveling the heritage threads that have bound our diverse communities for millennia.

#### The Scope: The Confluence of Law and Tradition

Deliberations must transcend binary politics. The scope specifically demands an inquiry into:

1. **The Constitutional Paradox:** Reconciling the modernization of Article 44 with the sacred heritage protections of the 6th Schedule and Article 371.
2. **Civilizational Continuity:** Assessing how standardized laws impact the "Living Heritage" of our tribal hamlets, forest-dwelling communities, and traditional households.
3. **The Heritage Filter:** Ensuring that "Uniformity" does not become a tool for cultural erasure, but a bridge to gender justice.

#### The Heritage Guidelines (Authority)

1. **The Communiqué (Lok Sammat):** The final output will be a **Joint Communiqué**—a political testament reflecting the *Sense of the House*. This document is your party's legacy; it is the voice of the people you represent, preserved for posterity.
2. **Political Agility (Gati):** The Executive Board (EB) reserves the right to shift the political landscape through "Presidential Statements." In a land of constant flux, leaders must show the agility to protect their heritage while navigating real-time national shifts.
3. **Strategic Diplomacy (Chanakya Neeti):** Formal speeches are merely the public face. The true mandate is fulfilled through **Chanakya Neeti**—the strategic lobbying in unmoderated caucuses, tactical walkouts, and the forging of alliances that represent the many "Indias" within our borders.



## 4. OVERVIEW OF THE AGENDA THE CONCEPT OF “ONE NATION, ONE LAW” A Dream, A Demand, or A Danger?

### Defining the Debate

The Uniform Civil Code (UCC) refers to the idea of having one common, secular, codified law for all Indian citizens in matters of personal law, particularly marriage, divorce, inheritance, adoption, and maintenance. Article 44 of the Indian Constitution places this idea under the Directive Principles of State Policy and states that *“the State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.”* The wording matters. It was framed as an aspiration, not an obligation. The Constitution’s framers understood that while a common civil code could support national unity and equality, it also touched deeply sensitive social and cultural questions.

### The Emotional and Cultural Stakes

Three words. Eight syllables. One Nation, One Law. To a young woman involved in a talaq dispute in Lucknow, struggling with legal costs and facing outcomes shaped by different personal laws, these words may sound like fairness and protection. To a Khasi elder in Meghalaya, whose community has organised inheritance, identity, and ancestral land through a matrilineal tradition that predates the Indian state itself, those same words may feel like loss. A fear that local customs could be replaced by rules created far from the communities they affect. These perspectives are not impossible to reconcile. Yet India has never fully resolved the tension between individual equality and cultural autonomy. That tension sits at the centre of the UCC debate.

### Historical Context

The debate over the UCC cannot be separated from India’s early years as an independent nation. When the government introduced the Hindu Code Bill in the late 1940s, it proposed major reforms including women’s rights to divorce, restrictions on polygamy, and stronger inheritance rights for daughters. The proposals faced strong resistance, including from within the ruling Congress Party. As Law Minister, B. R. Ambedkar argued that a democracy unwilling to reform personal laws risked falling short of its own constitutional values. When the original bill was weakened and eventually divided into separate pieces of legislation passed gradually during the 1950s, Ambedkar resigned from the Cabinet. Over time, Hindu personal laws underwent substantial reform, while Muslim, Christian, and Parsi personal laws largely continued separately. That difference shaped the debate that continues today.

### Case Study: Shah Bano

One of the defining moments in the UCC debate came through the Supreme Court’s 1985 judgment in the Shah Bano case. Shah Bano Begum was 73 years old when her husband divorced her after 43 years of marriage through triple talaq and declined to provide maintenance beyond the iddat period under Muslim personal law. The Supreme Court ruled in her favour and held that Section 125 of the Criminal Procedure Code applied to all citizens irrespective of religion. However, in 1986 Parliament passed the Muslim Women (Protection of Rights on Divorce) Act, which effectively limited the impact of that judgment and returned such matters to personal law. Under public and community pressure, Shah Bano

later withdrew her claim. The case remains one of India's most discussed examples of the difficult relationship between judicial protection of rights and legislative politics.

### **The Arguments**

Supporters of the UCC argue that India's communities currently function under multiple personal law systems that create unequal outcomes. They believe a common civil code, especially in areas such as divorce, inheritance, and maintenance, would strengthen equality before law and improve protection of individual rights, particularly for women. Opponents focus on constitutional pluralism. Articles 25 to 28 protect religious freedom, while Articles 29 and 30 safeguard the rights of minorities to preserve their culture. The Fifth and Sixth Schedules also provide protections for tribal customs and governance. Critics argue that uniformity alone does not guarantee justice and that a civil code introduced without broad consultation may unintentionally weaken cultural and constitutional protections. Both arguments draw legitimacy from the Constitution. The conflict between them is real and cannot be dismissed easily.

### **Contemporary Developments**

The Uttarakhand Uniform Civil Code Act, 2024 provides the clearest recent example of how a UCC may operate in practice. The law prohibits polygamy and polyandry, establishes marriage regulations, and requires registration of live-in relationships with local authorities. At the same time, tribal communities are exempt from its provisions, recognising that customary laws involve constitutional and cultural complexities. The Uttarakhand model remains recent and continues to generate debate. It is neither a complete solution nor a final answer. However, it currently offers the most practical case study available for evaluating both the possibilities and limitations of implementing a Uniform Civil Code in India.



## **5. EXPECTED DISCUSSIONS CONFLICT BETWEEN UNIFORMITY AND DIVERSITY When the Nation Must Choose What It Values More**

### **The Case of Mawlynnong**

In the Khasi village of Mawlynnong in East Meghalaya, family inheritance follows a different path from most of India. The youngest daughter inherits family property, carries forward the clan name, and becomes the custodian of ancestral land. Wealth, education, or birth order among sons does not alter that structure. For generations, this system has shaped social stability, land ownership, and family identity. It has also given Khasi women a degree of economic security and authority that many women elsewhere in India have historically lacked. If a Uniform Civil Code introduced a single inheritance framework based on equal distribution irrespective of customary practice, communities like this could experience not reform, but disruption. A system preserved through centuries of social evolution would be altered by legislation rather than community choice. This captures one of the deepest questions in the UCC debate: can legal equality always be achieved through legal uniformity, or can preserving difference sometimes protect justice better?

### **The Argument for Uniformity: Shayara Bano**

The strongest argument in favour of uniformity comes not from theory but from situations where unequal legal protections create unequal outcomes. Shayara Bano spent years in a marriage marked by abuse and coercion before her husband ended the marriage through instant triple talaq. In 2016, she challenged the practice before the Supreme Court. In August 2017, a constitutional bench struck down instant triple talaq by a 3–2 majority, holding that the practice violated constitutional principles of equality. Her case became larger than one individual dispute. It raised a difficult question: should access to legal protection depend on which personal law governs a person's family life? Supporters of the UCC argue that no citizen should have to reach the Supreme Court simply to receive protections that others already enjoy.

### **Legal Evasion: Sarla Mudgal**

The Sarla Mudgal judgment in 1995 highlighted another challenge created by separate personal law systems. In this case, a Hindu man converted to Islam and entered into a second marriage while his first marriage remained valid under Hindu law. The Supreme Court held that the conversion could not be used to bypass legal obligations and declared the second marriage invalid. The judgment argued that personal law should not become a mechanism for avoiding accountability. For supporters of reform, the case demonstrated that legal fragmentation can create loopholes that affect rights across communities, not only within them.

### **The Tribal Question**

The argument for diversity is not simply about preserving tradition for its own sake. India's 705 Scheduled Tribes, representing over 100 million people, maintain varied systems of social organisation developed over long periods of time. The Dongria Kondh of Odisha follow collective approaches to land ownership. The Garo community in Meghalaya continues matrilineal inheritance traditions. The Todas of the Nilgiris historically developed family structures shaped by economic and geographic realities. The Constitution recognises this complexity. Through provisions such as the Fifth Schedule, Sixth Schedule, and Article 371(A), certain customary and social practices receive specific protection. For critics of a universal code, the concern is not

whether reform should happen, but whether reform imposed without accommodation could weaken constitutional commitments to diversity.

### **The Problem with Opt-In Models**

One proposed middle path is an optional Uniform Civil Code that citizens may choose voluntarily while retaining access to personal laws. At first glance, this appears flexible and non-confrontational. However, critics argue that voluntary systems often help those who already possess social and economic freedom. Individuals facing family pressure, community expectations, or financial dependence may not realistically be able to choose differently. As a result, an opt-in model could benefit those who already have options while leaving the most vulnerable groups unchanged.

### **The Data**

National discussions on family law often return to one recurring concern: access to justice should not vary because of identity alone. Research on women's access to legal remedies has shown differences across regions and communities that cannot always be explained by differences in lived circumstances. This raises the central question for this committee: Should India move toward one common civil framework to strengthen equality, or should it preserve multiple systems to protect diversity and constitutional pluralism? The answer is not straightforward. That complexity is what makes this debate one of the most important constitutional discussions in modern India.



## **6. INTRODUCTION TO PERSONAL LAWS — THE EVOLUTION OF INDIAN JURISPRUDENCE From Ancient Traditions to Colonial Rules to Constitutional Debate**

### **A Layered History**

India's system of personal laws did not emerge from one clear decision or one moment in history. It developed gradually over centuries through religious traditions, local customs, colonial administration, political compromise, and constitutional choices. To understand the debate around personal laws today, it is important to understand how this legal structure evolved and how different groups influenced it over time. Ancient Hindu Law: Diversity Was the Norm Ancient Hindu personal law was never one single, uniform legal system. Different schools of interpretation reached different conclusions on matters such as inheritance and family rights. The Mitakshara and Dayabhaga traditions, for example, developed separate approaches. Regional customs and community practices created even more variation. The idea that there was once one unified Hindu legal code is largely a modern interpretation. Historically, diversity within Hindu law was common and accepted.

### **Islamic Law and Local Practice**

Islamic personal law entered the Indian subcontinent during the Delhi Sultanate and later continued under Mughal administration, where Qazis often applied Hanafi legal principles. But everyday life was more complex than formal legal texts. Across different regions, many Muslim communities continued following local customs that did not always match classical legal doctrine. Like Hindu law, Islamic personal law in India developed through interaction between religious principles and local social realities.

### **The Colonial Transformation**

A major turning point came during British rule. In 1772, Governor General Warren Hastings introduced a system under which courts would apply Quranic law to Muslims and Shastric law to Hindus in matters such as marriage and inheritance. The intention was administrative simplicity. The result, however, was more complicated. British administrators relied heavily on written religious texts and consulted elite interpreters, often overlooking the local customs that many communities actually followed. In doing so, they transformed flexible and diverse traditions into more rigid legal categories. Rather than preserving existing practices, colonial administration reshaped them.

### **Reform in the 19th Century**

Personal law reform did not begin after independence. Social reform movements had already begun challenging customs and demanding change. Campaigns led by reformers contributed to major legal developments. The abolition of sati in 1829, support for widow remarriage through legislation in 1856, and the Child Marriage Restraint Act of 1929 all reflected growing efforts to align social practices with changing ideas of justice. Importantly, reform did not always come from outside communities. The Muslim Personal Law (Shariat) Application Act of 1937 was also supported by groups seeking to replace local customs they considered more restrictive than religious law. This history shows that legal reform in India has often emerged from internal debate as much as state intervention.



## **The Post Independence Divide**

One of independent India's most important legal choices was not what it changed, but what it postponed. As Law Minister, B. R. Ambedkar argued that personal laws shaped social inequality and that constitutional equality required legal reform. During the 1950s, Hindu personal laws underwent major changes. Polygamy was prohibited, divorce rights expanded, and inheritance laws became more inclusive. At the same time, Muslim, Christian, and Parsi personal laws remained largely separate and saw fewer structural reforms. This uneven approach became one of the defining features of India's personal law debate. Many scholars argue that the decision reflected political caution as much as legal principle. Ambedkar later resigned from the Cabinet, with dissatisfaction over the pace and scope of reform being one of several contributing factors.

## **The Role of the Judiciary**

As legislative reform slowed, courts increasingly became the place where questions of personal law were challenged. The Shah Bano judgment examined whether secular maintenance provisions should override personal law protections. Shayara Bano led to the striking down of instant triple talaq. Vineeta Sharma strengthened daughters' rights under Hindu succession law. NALSA expanded legal recognition for transgender persons. Together, these judgments illustrate how courts have often stepped in to address issues that legislation had left unresolved. At the same time, they reveal another reality: individuals frequently had to pursue long and difficult legal battles before broader rights were recognised.

## **The Ideological Divide**

At its core, the debate over personal laws reflects two competing ideas of secularism. One perspective argues that a democratic state cannot allow legal rights to differ based on religion. From this view, equality before law requires common civil standards for all citizens. The other perspective argues that respecting different communities and legal traditions is itself part of secularism. According to this view, fairness sometimes requires recognising social and cultural differences rather than treating everyone identically. Both positions draw support from constitutional values. The debate over personal laws and the Uniform Civil Code is ultimately not only about legal reform. It is also about deciding what kind of secular democracy India wishes to become.



## **7. THE LAW COMMISSION OF INDIA — INSIGHTS FROM THE 21ST AND 22ND REPORTS**

### **What India's Official Legal Reviews Tell Us About the UCC Debate**

#### **The Role of the Law Commission**

The Law Commission of India is an advisory body that studies existing laws, identifies gaps, and suggests reforms. Since its earliest form in 1834, it has produced hundreds of reports across different areas of Indian law. On the question of the Uniform Civil Code, two recent exercises stand out: the consultations conducted in 2018 and again in 2023. Together, they provide the most detailed official examination of personal laws and reform options available today. What matters is not only what these reports recommended, but also what happened afterward.

#### **The 21st Law Commission (2018)**

The 21st Law Commission, chaired by Justice Balbir Singh Chauhan, was asked in 2016 to examine whether a Uniform Civil Code was practical and desirable. The Commission carried out one of the broadest public consultations in its history. It invited views from religious institutions, tribal groups, women's organisations, academics, legal experts, and civil society across India. More than 75,000 responses were received. Its final consultation paper became one of the most detailed official studies ever produced on Indian family law. The most quoted line from the report was that a Uniform Civil Code was "neither necessary nor desirable at this stage." But that sentence alone does not reflect the full position of the Commission. Rather than supporting complete legal uniformity, the report proposed targeted reforms across communities.

#### **Major Reform Proposals**

##### **Marriage:**

The Commission recommended a common minimum marriage age of 18 for women across all communities to create greater legal consistency.

##### **Polygamy:**

It proposed prohibiting polygamy and polyandry for all communities so that marriage laws would apply equally.

##### **Divorce**

The report suggested recognising irretrievable breakdown of marriage as a valid ground for divorce across personal law systems.

##### **Succession**

It recommended equal inheritance rights irrespective of gender, reducing disparities that continue to exist in some personal law frameworks.

## Adoption

One of the most significant proposals was universal access to legal adoption.

The Commission noted that under India's existing legal framework, full legal adoption is more straightforward under Hindu law, while many non Hindu families often rely on guardianship arrangements that historically did not create identical legal consequences. Given the large number of children without parental care in India, the Commission considered this an important area for reform. Many of these recommendations remain unimplemented. The 22nd Law Commission (2023) The debate returned in a very different political environment. By 2023, the Uniform Civil Code had become a major national political issue and states had begun exploring their own models. The 22nd Law

Commission reopened public consultation and received an unprecedented number of responses, showing both strong public interest and deep disagreement. Its early observations emphasised two points. First, any future UCC would need meaningful protections for tribal customary systems. Second, legal reform should not become a mechanism for imposing one community's norms on another. The Commission also revisited inheritance and family law questions through the lens of constitutional equality, asking whether differences based solely on religion could continue indefinitely under a Constitution committed to equal citizenship.

### Case Study: The Uttarakhand UCC Act (2024)

**The Uttarakhand Uniform Civil Code Act became India's first major state level attempt to implement aspects of a common civil framework.**

Its provisions included:

- Common marriage standards
- Restrictions on polygamy
- Equal inheritance treatment for sons and daughters
- Recognition of irretrievable breakdown as a divorce ground
- Registration requirements for live in relationships

Several aspects of the law are especially important.

First, tribal communities were excluded from the Act, recognising that customary protections remain constitutionally significant.

Second, some provisions, particularly those involving registration of private relationships, sparked legal debate over privacy and state involvement in personal life.

Third, constitutional challenges were raised around questions of religious freedom and minority protections.

The Uttarakhand model therefore serves less as a final answer and more as a live experiment showing both the possibilities and limits of UCC implementation.



## **The Question of Political Will**

Reading both Law Commission exercises together reveals an important pattern. The challenge to personal law reform in India has not always been constitutional impossibility. In many areas, proposals already exist. Marriage age, adoption reform, inheritance equality, and restrictions on polygamy were all discussed in concrete legislative terms.

Yet recommendations do not automatically become law.

That raises a broader question for delegates: has the UCC debate primarily been a pathway for reform, or has it often remained a recurring political issue without corresponding legislative action?

## **Ideological Positions in AIPPM Format**

### **Progressive Universalist Position**

Equal citizenship should not depend on religion. Supporters argue that constitutional equality requires common civil protections and that delayed reform disproportionately affects women and vulnerable groups. From this perspective, a carefully designed UCC is both legally justified and socially necessary.

### **Cultural Pluralist Position**

Supporters of this view argue that Indian secularism has traditionally meant respecting diversity rather than creating identical rules. They believe reform should emerge through dialogue and community participation rather than broad legislative replacement.

### **Reformist Incrementalist Position**

This approach rejects the idea that India must choose only between a full UCC and the current system. It supports focused reforms in areas such as adoption, marriage, and inheritance while allowing communities to retain wider personal law traditions.

This middle path is often presented as more practical, less disruptive, and easier to implement over time.



## **8. NEED TO REPLACE EXISTING PERSONAL LAWS? — IDENTIFYING LEGAL GAPS AND POLICY QUESTIONS** Uniformity, Reform, and the Search for Equal Citizenship

### **Understanding India's Personal Law Framework**

In India, many family matters such as marriage, divorce, inheritance, adoption, and maintenance are not governed by one common civil law. Instead, different communities are governed through different personal law frameworks shaped by religion, legislation, custom, and judicial interpretation. As a result, rights and procedures in family matters may vary depending on the legal system applicable to a person. Some of the major frameworks currently in operation include:

#### **The Hindu Marriage Act, 1955:**

Applicable to Hindus, Buddhists, Jains, and Sikhs, this legislation introduced major reforms, including legal recognition of monogamy and codified grounds for divorce.

#### **The Muslim Personal Law (Shariat) Application Act, 1937:**

This framework governs areas of family law for Muslims. Unlike Hindu personal laws, much of Muslim personal law continues to operate through a combination of legislation, judicial interpretation, and recognized legal principles.

#### **The Indian Christian Marriage Act, 1872:**

Originally enacted during the colonial period, this law regulates marriage procedures and legal recognition for Christian marriages.

#### **The Parsi Marriage and Divorce Act, 1936:**

This legislation applies specifically to the Parsi community and includes distinctive institutional arrangements, including community participation in matrimonial proceedings.

Together, these frameworks reflect India's broader constitutional attempt to balance legal governance with religious and cultural diversity.

### **What Does a Uniform Civil Code Seek to Do?**

The Uniform Civil Code (UCC) proposes a common civil framework for all citizens in matters currently governed by personal laws. Supporters argue that a shared legal structure could strengthen equality before law, reduce legal inconsistencies, and ensure that rights in family matters do not differ based on religion. Critics argue that personal laws are also tied to identity, autonomy, and constitutional protections for cultural and religious diversity. They caution that uniformity does not automatically guarantee fairness and that reform should emerge through consultation rather than replacement. The debate, therefore, is not simply whether reform is needed, but how reform should occur.

### **Areas Where Legal Gaps and Tensions Continue to Exist**

India's current framework has produced areas where different legal systems interact in complex ways. These are often described as legal lacunae or policy gaps.



## **Inheritance and Property Rights**

Inheritance rules continue to differ across legal systems. The Hindu Succession (Amendment) Act, 2005 expanded daughters' rights under Hindu succession law and moved toward greater equality in coparcenary inheritance. At the same time, inheritance structures in other personal law systems continue to follow different legal principles and historical traditions. Supporters of reform argue that inheritance rights should not depend on religion or gender. Supporters of pluralism argue that inheritance systems must also be understood in their broader social and religious context. This remains one of the most debated areas of personal law reform.

## **Maintenance and Financial Support After Divorce**

Questions of maintenance and financial support have often highlighted tensions between personal law and general legal protections. The Shah Bano judgment became one of the most prominent examples of this issue by raising questions about whether secular maintenance provisions should apply uniformly regardless of religion. Supporters of reform view such cases as evidence that citizens should receive consistent legal protections. Others argue that solutions should emerge through careful reform within communities rather than replacing personal law frameworks altogether.

## **Polygamy and Questions of Legal Consistency**

Marriage rules are not identical across personal law systems. Polygamy has historically been prohibited under several codified personal law frameworks, while different rules have existed in other systems. This difference has occasionally created legal disputes involving conversion and remarriage. The Supreme Court addressed one such issue in the Sarla Mudgal judgment, where it examined whether conversion could be used to bypass legal obligations. For some, this illustrates the need for greater consistency. For others, it highlights the need for clearer legal safeguards without necessarily moving toward a fully uniform code.

## **Age of Marriage and Conflicting Standards**

Questions around marriage age continue to generate legal and constitutional discussion. India's secular legislation establishes minimum age requirements for marriage. At the same time, questions occasionally arise regarding the interaction between statutory law, personal law traditions, and social practice. Supporters of a common framework argue that uniform age standards strengthen child protection and legal clarity. Others argue that reform should remain sensitive to social realities and avoid reducing complex community practices into purely legal questions.

## **The Larger Policy Question**

The discussion around replacing or reforming personal laws is not simply about choosing between tradition and modernity. It is about balancing three constitutional goals:

1. **Equality before law**  
Ensuring that citizens receive comparable legal protection.
2. **Freedom of religion and cultural autonomy**  
Protecting the ability of communities to preserve their traditions.

### 3. Practical access to justice

Creating legal systems that are understandable, enforceable, and accessible.

For this committee, the central question is not whether India should reform personal laws. The question is whether reform is best achieved through one common civil framework, gradual community-led change, or a middle path that combines uniform protections with constitutional pluralism.





## 9. Significance and Features of the Proposed UCC

To understand the significance of the proposed UCC and why it is important, we must go back to where it all started and look at the history behind this highly debated bill.

### The Deep History: Why it "Stalled"

While the **1840 Lex Loci Report** laid the groundwork, the real "tug of war" happened during the drafting of the Constitution (1947–1949).

(1). **The Ambedkar Nehru Push:** B.R. Ambedkar was a fierce proponent, arguing that personal laws were often discriminatory against women. He initially tried to include the UCC as a **fundamental right** (enforceable by law).

(2). **The Compromise:** Fundamentalist leaders from various religions argued that a UCC would annihilate their cultural identity. To maintain peace in a newly partitioned nation, the UCC was "downgraded" to **Article 44** under the **Directive Principles of State Policy**. This made it a "moral obligation" for the government rather than a legal mandate.

(3). **The Hindu Code Bills (1950s):** Instead of a full UCC, Nehru's government reformed only Hindu laws. This led to accusations of "selective secularism" that fuel the political debate even today.

Now let's look at the features. If a federal UCC were enacted today, it would likely contain these specific, extensive legal shifts:

### A. Marriage and "Restitution of Conjugal Rights"

(1). **Compulsory Registration:** Marriage would be legally invalid without state registration, regardless of religious ceremonies.

(2). **Consent:** It would strictly codify that "free consent" is the primary requirement, overriding any customary practices that allow guardians to marry off minors.

### B. Succession and Testamentary Rights

(1). **Abolition of "Right by Birth":** In the Hindu Undivided Family (HUF) system, rights are acquired by birth. A UCC would likely move toward a system where property is divided equally among all children.

(2). **Wills and Legacies:** Some personal laws restrict a person from willing away more than a certain percentage of their property (to protect heirs). A UCC would likely grant absolute freedom to dispose of self-acquired property as the owner sees fit.



### C. Custody and Guardianship

(1). **Best Interest of the Child:** Currently, many personal laws favor the father as the "natural guardian." A UCC would shift the legal default to "gender-neutral guardianship," where both parents have equal standing, and the court decides based solely on the child's welfare.

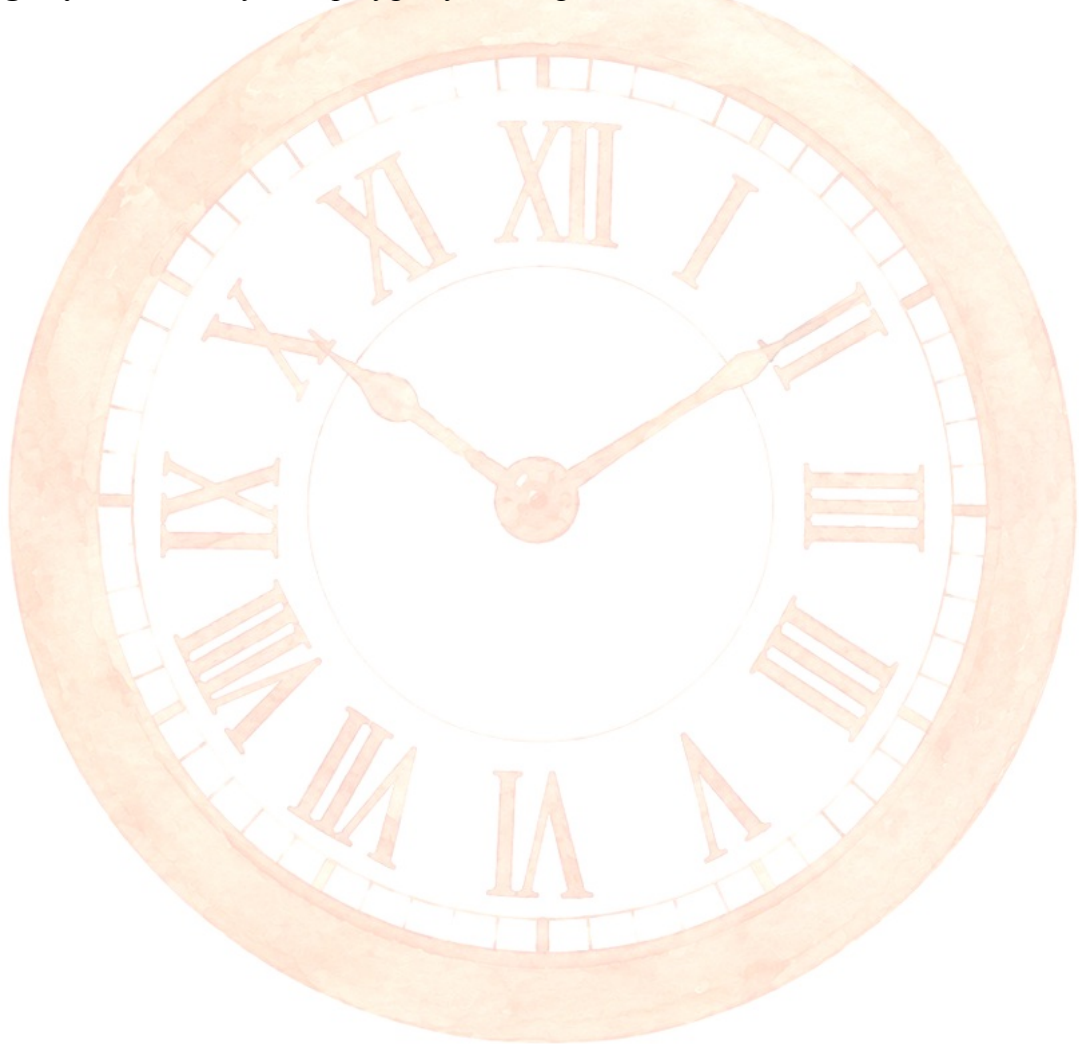
The UCC bill has been passed in one state (Uttarakhand). From its example, we can get the most extensive "real-world" examples of what a national code might look like.

#### Features of the UCC in Uttarakhand:

(1). **Exemption for Tribes:** Crucially, it exempts Scheduled Tribes, acknowledging that indigenous customs require separate protection—a major point of contention in the national debate.

(2). **Live-in Relationships:** It mandates that partners in a live-in relationship must register with the Registrar. Failure to do so can lead to imprisonment. This is intended to protect women in such unions regarding maintenance and the legitimacy of children.

(3). **Banning Bigamy:** It absolutely bans polygamy, making it a criminal offense for all citizens in the state.





## 10. Key Issues Addressed By The UCC

### Structural Breakdown: How a UCC Resolves Legal Contradictions

India's legal framework currently handles family matters through a patchwork of faith-based rules. When these rules clash with foundational human rights, significant legal vulnerabilities emerge.

#### I. Estate Distribution and Lineage Rights

Traditional systems have a lot of disparities based on gender/lineage, such as in a lot of Indian states and abroad, where only the male child can inherit the property, which tends to be a lot unfair towards the women of the household as they aren't able to get the share they deserve.

1. **The Structural Deficit:** Property division rules are heavily tethered to religious interpretations. Because many of these traditional frameworks were drafted centuries ago, they structurally favor male descendants over female family members.
2. **The Vulnerability:** Under classical interpretations of Shariat law, a female heir's rightful inheritance is capped at 50% of what a male sibling receives. Similarly, women within the Parsi community have historically faced legal challenges regarding their property rights if they chose to marry someone outside of their faith.
3. **Proposed Remedy:** A UCC strips religious identity from the rules of inheritance, enforcing absolute gender neutrality for both mandated (intestate) and willed (testamentary) asset distribution. It establishes sons and daughters as entirely equal joint legal heirs.

#### II. Marital Plurality and Jurisdictional Shifting

1. **The Structural Deficit:** Because different religious codes handle marriage independently, bigamy is treated as a serious criminal offense for certain citizens while polygamy remains legally protected for others.
2. **The Vulnerability:** This jurisdictional divide creates a strategic loophole. In the landmark *Sarla Mudgal* case, a Hindu husband converted to Islam for the sole purpose of taking a second wife without legally dissolving his first marriage. Under the fractured system, both marriages existed in isolated, conflicting legal silos.
3. **Proposed Remedy:** The code institutes strict monogamy as an unalterable civil baseline for every citizen. A secondary marriage entered into while a prior marriage is active is automatically voided and treated as a punishable criminal offense.



### III. Post-Divorce Financial Security

1. **The Structural Deficit:** A distinct friction point exists between India's secular criminal statutes—which require individuals to prevent a former spouse from falling into destitution—and various religious codes that restrict financial liability to brief, fixed timelines.
2. **The Vulnerability:** This friction was exposed in the *Shah Bano case (1985)*. A 62-year-old woman was denied long-term financial support because her community's personal law recognized maintenance obligations only during the *Iddat* period (roughly three months following the divorce), leaving her with no sustainable means of survival.
3. **Proposed Remedy:** The UCC replaces custom-based alimony with a standardized, secular framework. Financial support is calculated entirely on economic vulnerability, individual need, and the historical standard of living established during the marriage.

### IV. Parentage, Adoption, and Child Welfare

Right now, India's legal system treats the deep human desire to parent through a fragmented, unequal lens. Depending entirely on the religion you are born into, your path to welcoming a child into your home looks completely different.

Here is how the current system splits families apart, and how a unified approach would change everything.

#### The Current Fragmented Framework

Instead of a single, compassionate law for all children and parents, the legal landscape is divided into two starkly different realities:

##### 1. Full Parental Rights (HAMA, 1956)

For citizens who are **Hindu, Jain, Sikh, or Buddhist**, the *Hindu Adoptions and Maintenance Act (HAMA)* grants the right to **full legal adoption**.

##### 2. Temporary Custody Only (The Kafala System / GWA)

- 1) For **Muslims, Christians, Parsis, and Jews**, full legal adoption does not exist under their personal laws. Instead, they must rely on the *Guardians and Wards Act (GWA)* or the Islamic *Kafala* system.
- 2) **The Structural Deficit:** Full legal adoption is not universally recognized across all religious codes. This leaves many families reliant on temporary foster arrangements rather than permanently binding parental status.
- 3) **The Vulnerability:** While the Hindu Adoptions and Maintenance Act (HAMA, 1956) allows for comprehensive adoption, Muslim personal law relies on *Kafala* (contractual guardianship). Under *Kafala*, a child does not gain the formal legal status or automatic inheritance rights of a biological descendant.



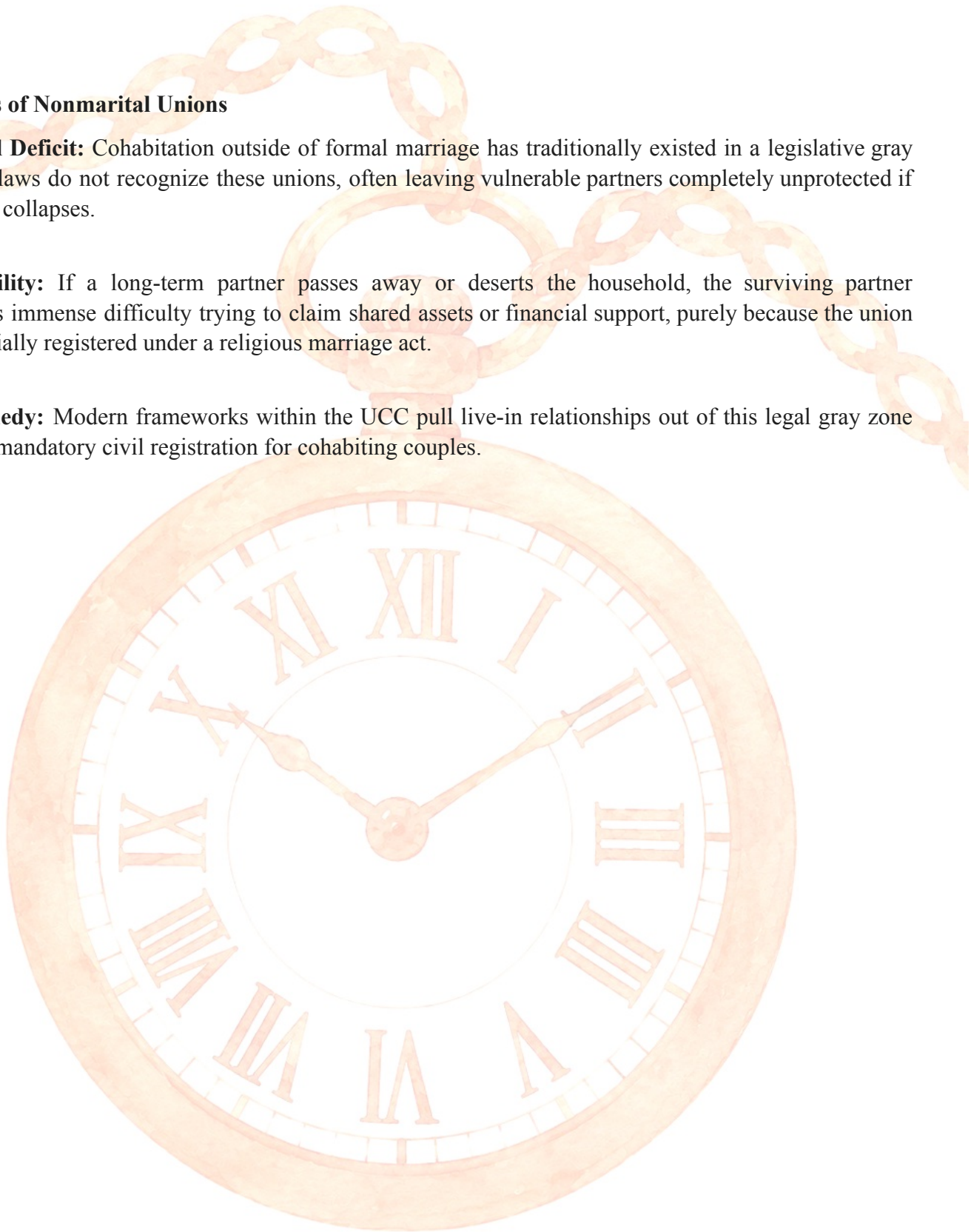
**Proposed Remedy:** The code introduces a singular, secular law governing adoption. It grants every citizen the explicit right to adopt a child, while guaranteeing every adopted child the exact same legal status as a biological heir.

## V. Legal Status of Nonmarital Unions

**The Structural Deficit:** Cohabitation outside of formal marriage has traditionally existed in a legislative gray zone. Personal laws do not recognize these unions, often leaving vulnerable partners completely unprotected if the relationship collapses.

**The Vulnerability:** If a long-term partner passes away or deserts the household, the surviving partner frequently faces immense difficulty trying to claim shared assets or financial support, purely because the union was never officially registered under a religious marriage act.

**Proposed Remedy:** Modern frameworks within the UCC pull live-in relationships out of this legal gray zone by introducing mandatory civil registration for cohabiting couples.





## 11. BROADENED SCOPE OF HERITAGE PRESERVATION: TRIBAL AND REGIONAL TRADITIONS

### The Multi Group Reality of the Constitution

Talk about a Uniform Civil Code in India goes well beyond just marriage, divorce, inheritance, or how children join families. What often stirs strong reactions is how such rules might touch tribal ways of life and local cultural habits. India's Constitution sees the nation not as one single mold but as many different groups living together each with its own speech, rituals, and everyday practices. Because of this reality, some voices warn that pushing identical legal standards across every community could risk erasing unique heritages. Any move toward shared personal laws, they stress, needs deep respect for roots that have existed long before modern statutes arrived.

### Constitutional Safeguards for Difference

Nowhere else does law bend quite like it does for India's tribal groups. Deep in Nagaland, **Article 371A** shields old ways from outside reach. Over in Mizoram, another clause (**371G**) does much the same thing. Far beyond those hills, the **Sixth Schedule** hands self-rule tools to councils across certain lands: parts of Assam, nearly all of Meghalaya, corners of Tripura, and again, Mizoram. Built right into the nation's founding document is this idea that difference can coexist with belonging. Not despite unity, but inside it.

### The Conflict of Matrilineal and Patrilineal Systems

One worry brought up about the UCC is how full legal sameness might weaken long standing customs tribal groups have used for ages. Not every tribe runs things the same way as national personal law ; some pass down rights through family lines guided by elders.

1. **The Meghalaya Context:** In places like Meghalaya, Khasi and Garo people trace descent through mothers instead of fathers. The youngest girl usually gets land or home in a Khasi household when parents pass away.
2. **The Clash:** These ways clash quietly with male led property rules seen across much of the country. Keeping old ways alive matters deeply because it shapes who people are and how they run their lives. Not just tradition, yet something tied closely to belonging and independence.

### The Tension: Group Heritage vs. Personal Liberties

Even as supporters back the UCC, they stress that some traditions must face legal questions when clashing with fairness, self worth, or personal freedoms. Weighing group heritage against personal liberties often gets messy. When core rights are at risk, India's top court reminds us such acts can still be challenged in law no matter how deeply rooted in faith or custom.

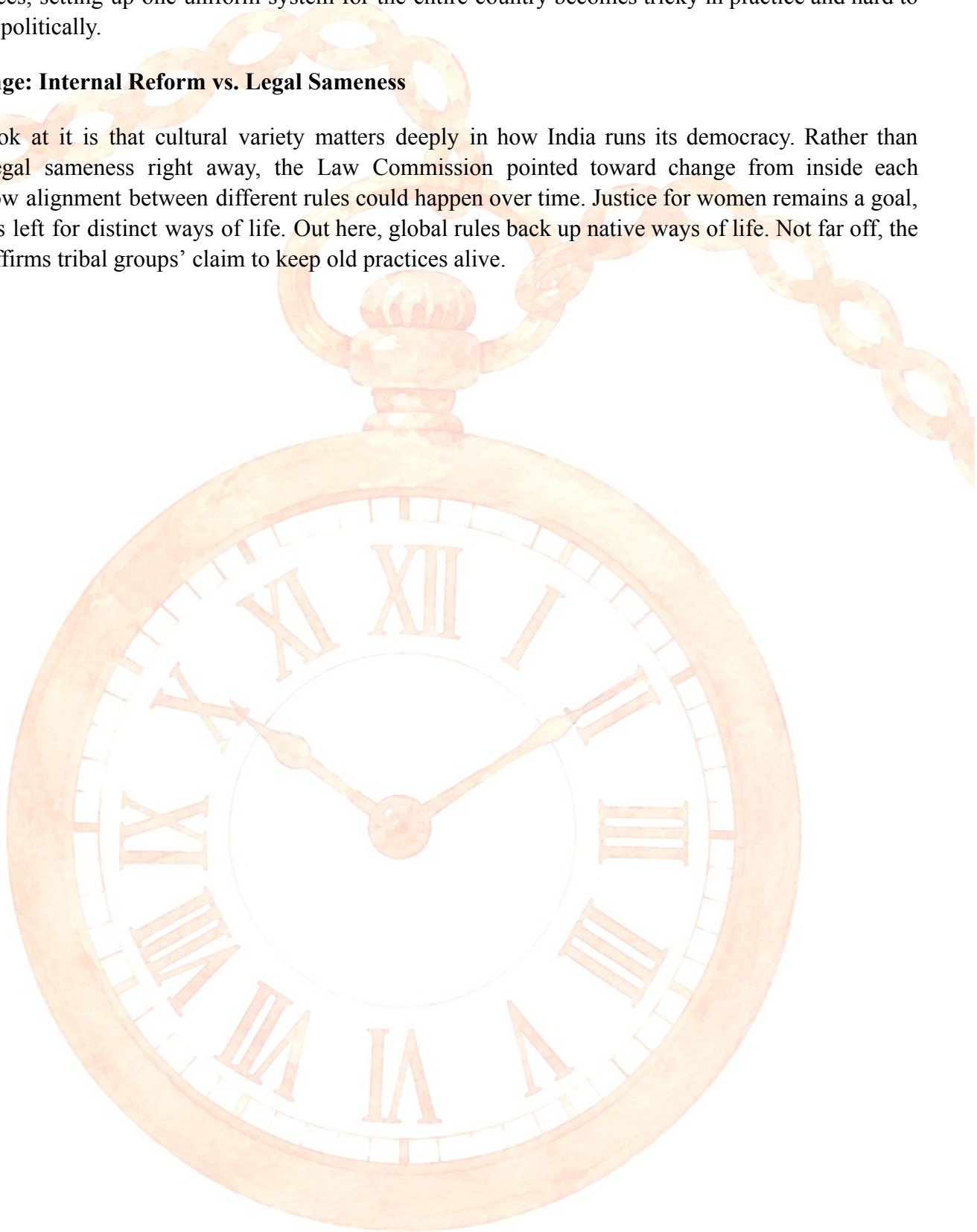
### Regional Exceptionalism: The Case of Goa and the Northeast

One key point involves how varied regions are within India. Each state handles things like marriage records, passing down property, who looks after children, or what happens when someone dies in its own way.

1. **Goa:** It uses rules shaped by old Portuguese systems instead of common national ones.
2. **The Northeast:** Several areas stick closely to long-standing local practices. Because of these differences, setting up one uniform system for the entire country becomes tricky in practice and hard to manage politically.

### **Strategic Change: Internal Reform vs. Legal Sameness**

One way to look at it is that cultural variety matters deeply in how India runs its democracy. Rather than pushing full legal sameness right away, the Law Commission pointed toward change from inside each community. Slow alignment between different rules could happen over time. Justice for women remains a goal, even as space is left for distinct ways of life. Out here, global rules back up native ways of life. Not far off, the U.N.'s stance affirms tribal groups' claim to keep old practices alive.





## 12. The Federal Question: Center-State Dynamics and the Concurrent List

In the architecture of Indian federalism, the Uniform Civil Code (UCC) is not merely a socio-religious issue; it is a fundamental test of legislative jurisdiction. This section explores the tension between a centralized legal identity and the autonomous legislative traditions of the states.

### The Constitutional Conflict: List III (Concurrent List)

Authority over marriage, divorce, succession, and inheritance is not the exclusive preserve of Parliament. Under **Entry 5 of the Concurrent List (List III)** of the Seventh Schedule, both the union and state governments possess the power to legislate.

1. **The Case for Centralization:** Proponents argue that a national UCC is a moral and constitutional imperative under **Article 44**. They contend that fragmented personal laws undermine national integration and that the Union must intervene to ensure a "standard of citizenship" that remains consistent regardless of geography.
2. **The Case for Pluralism:** Opponents argue that the Concurrent List exists specifically to accommodate local socio-cultural nuances. They maintain that a "one-size-fits-all" law from the Center ignores the specific customary realities of diverse states, effectively diluting the federal spirit and the principle of cooperative federalism.

### The "Patchwork" Precedent: A Divided Legal Landscape

India currently operates under a geographic legal patchwork. While the **Goa Civil Code** remains a historical exception, the recent enactment of the **Uttarakhand UCC (2024)** has created a new precedent for state-led codification.

1. **Legislative Friction:** If states continue to pass localized "uniform" codes, the nation risks trading religious plurality for geographic plurality. This raises a critical legal dilemma: whether a citizen's fundamental civil rights should change the moment they cross a state border and if such a variation defeats the very purpose of a "uniform" code.

### Strategic Leverage for Regional Portfolios

For regional parties, the "Federal Question" is the strongest line of defense against central overreach. Their arguments rest on the principle that India is a **"Union of States"** rather than a unitary body.

1. **The Doctrine of Repugnancy (Article 254):** While Central law generally prevails in conflicts on concurrent subjects, a State law can stand if it receives presidential assent. This creates a high-stakes "Constitutional Chessboard" for political negotiation between regional satraps and the Union government.
2. **Cultural Autonomy:** Regional portfolios must argue whether state-specific customs—such as matrilineal inheritance in the South or unique tribal rites in the Northeast—are "Heritage Assets" that the Center lacks the moral authority to override. The debate here is whether uniformity is a tool for equality or a threat to regional identity.



### 13. Constitutional Safeguards: Analyzing the 6th Schedule and Article 371

In the pursuit of a Uniform Civil Code, the most formidable legal barriers are not found in religious texts, but within the Constitution of India itself. This section examines the specific "Sovereign Shields" granted to various regions and tribes, which complicate the application of a singular national law.

#### The Sixth Schedule: Tribal Autonomy and Customary Law

The Sixth Schedule provides for the administration of tribal areas in the states of **Assam, Meghalaya, Tripura, and Mizoram**. It creates **Autonomous District Councils (ADCs)** with significant legislative and judicial powers.

1. **Legislative Prerogative:** ADCs have the authority to make laws regarding inheritance, marriage, divorce, and social customs. Any central law—including a national UCC—that attempts to override these powers would directly challenge the constitutional autonomy guaranteed to these indigenous communities.
2. **The "Heritage" Conflict:** For these regions, personal law is synonymous with community survival. A mandatory UCC could be interpreted as a breach of the historic "Constitutional Promise" made to tribal leaders during the integration of these states into the Union.

#### Article 371: Special Provisions for Regional Identity

While Article 44 pushes for uniformity, various clauses under **Article 371** provide explicit "Non-Interference" guarantees to specific states.

1. **Article 371A (Nagaland) & 371G (Mizoram):** These articles state that no Act of Parliament shall apply to these states in matters of **religious or social practices, customary laws, and procedures**, unless the State Legislative Assembly passes a resolution to do so.
2. **Legal Shielding:** These provisions effectively grant these states a "Constitutional Veto" over a central UCC. Any attempt to implement a national code without state-level consent would likely trigger a constitutional crisis and be challenged as *ultra vires* (beyond legal authority).

#### Balancing Uniformity with Exception

The presence of these safeguards suggests that the framers of the Constitution envisioned an India where uniformity and diversity were not mutually exclusive.

1. **Asymmetric Federalism:** India does not follow a "symmetric" federal model where every state has identical powers. The existence of the 6th Schedule and Article 371 creates a specialized legal tier.
2. **The Precedent of Exclusion:** Recent legislative attempts, such as the **Uttarakhand UCC (2024)**, have bypassed this conflict by explicitly excluding Scheduled Tribes from the Act's purview. This raises a fundamental debate: *If large sections of the population are exempted to protect their heritage, can the code truly be called "uniform"?*

#### The Heritage Imperative

For the Heritage AIPPM, these safeguards represent the legal high ground. The debate shifts from moral desirability to **constitutional mandate**. Delegates must determine if the quest for "One Nation, One Law" is a pursuit of equality or a violation of the sacred covenants established to preserve the frontiers of Indian identity. The question remains: can the Republic enforce uniformity without dismantling the very protections that keep its diverse heritage intact



## 14. The Economic Dimension: Fiscal Impact and Structural Shifts

Beyond social and religious identity, the Uniform Civil Code (UCC) serves as a catalyst for a systemic restructuring of India's private economy. This section evaluates the financial consequences of standardizing laws that currently define the economic identity of the Indian household and its ancestral wealth.

### The HUF and Joint Family Structures: A Fiscal Breakdown

The **Hindu Undivided Family (HUF)** is a distinct legal entity under the Income Tax Act, utilized for collective wealth management. It operates on the principle of a "Joint Family" structure, allowing for the pooling of assets and income.

1. **The Legislative Conflict:** Achieving a "Uniform" civil identity necessitates a re-evaluation of the legal definitions that sustain the HUF. If personal laws are repealed, the statutory foundation for the HUF as a separate tax unit may collapse.
2. **Fiscal Consequences:** Dissolving these structures would eliminate a primary tax-planning vehicle, leading to an immediate upward shift in tax slabs for millions of family-run enterprises. This represents a substantial transfer of capital from private family units to the national exchequer.

### Advantages: Institutional Efficiency and Market Modernization

1. **Optimization of Capital:** Consolidates disparate inheritance laws into a singular framework, drastically reducing the "**Litigation Lag**" that currently freezes billions in ancestral property and unproductive capital.
2. **Economic Gender Parity:** By ensuring equal inheritance rights, the UCC provides women with direct access to collateral and ancestral wealth. This "unlocks" dormant capital, theoretically boosting female-led entrepreneurship and national GDP.
3. **Ease of Doing Business:** A singular code simplifies legal "due diligence" for investors. Standardizing property and contract-related family laws reduces the friction currently involved in the acquisition or transfer of family-owned assets.

### Disadvantages: Structural Disruption and Financial Shock

1. **The "Tax Shock" on SMEs:** The immediate dissolution of HUF and joint-family tax benefits poses an existential threat to the liquidity of Small and Medium Enterprises (SMEs). These businesses often rely on pooled family savings as a low-cost alternative to formal credit.
2. **Erosion of Communal Capital:** In many tribal and regional "Family-Based Structures," land is held as communal heritage. A UCC emphasizing individual property titles could lead to the fragmentation of these holdings, making them vulnerable to corporate acquisition and displacing indigenous economic systems.
3. **Administrative Sunk Costs:** The transition requires massive public expenditure to create a nationalized digital registry. The overhead of standardizing millions of disparate records on marriage, divorce, and succession will place an unprecedented multi-billion rupee burden on the state budget.



## **15. KEY ISSUES WITH THE ACT: POLITICAL AND RELIGIOUS RESISTANCE**

### **The Landscape of Opposition**

Among post independence concerns in India, few have stirred discussion like the idea of a Uniform Civil Code. Equality seekers see it as progress uniting citizens under shared legal principles regardless of faith. Yet others warn such unity might come at the cost of long standing traditions and belief systems. Recently, action followed when Uttarakhand passed its 2024 law on uniform civil rules. What once lived mostly in courtrooms and textbooks now takes shape in policy and practice.

Opposition rooted in politics and faith surfaces when debates arise about the Uniform Civil Code, mainly due to unease over how minorities are treated. Discussions often shift toward how much power states should hold versus national authority. Cultural independence becomes a key point of reference during such moments. Legal safeguards written into the Constitution gain emphasis under these circumstances. Widespread worry appears regarding possible rule by numerical majority, shaping reactions strongly. Such themes consistently appear each time personal legal systems face review across India.

### **Religious Opposition Against Uniform Civil**

#### **Law 1. Fear of Interference in Religious**

##### **Freedom**

Among criticisms aimed at the UCC, a key concern involves ties between personal laws and religious customs. Because faith shapes individual identity, some communities see legal standardization as intrusive. When distinct traditions face replacement by one overarching system, resistance often follows.

1. Article 25 and the Muslim Community: Constitutional protection under Article 25 becomes central then this clause upholds religious liberty. Thus, altering long;standing rules risks being viewed not just as legal reform, but as cultural interference. Worries linger among some minority groups, especially within segments of the Muslim population, about how a uniform legal framework might affect their distinct customs.
2. The AIMPLB Stance: The All India Muslim Personal Law Board has often stated that managing family matters through faith based rules ties directly to religious liberty. Though framed as neutrality, such reforms could unsettle long held practices. Their stance remains that belief systems deserve space, without oversight shaping private life.

#### **2. Worries About Losing Unique Cultures**

One concern raised about the UCC is that standardizing laws might slowly erode distinct cultural practices. Across India, diverse norms shape how people approach marriage, passing down property, caring for children, and organizing family life. When legal systems merge into one model, some worry it could elevate dominant customs at the expense of smaller groups. A shared set of rules risks overlooking long;standing ways of living held by various communities. Take, for instance, how tribal populations often push back when traditions face risk. Because of such pressure, lawmakers left Scheduled Tribes out of the Uttarakhand UCC.



### **3. Distrust Among Minority Communities**

Questions about why the UCC discussion arises come from past events and power dynamics. When votes are near, certain observers say, attention shifts to this topic not for lawmaking clarity but for advantage. Timing makes some doubt its true purpose. Political gain seems, at times, more central than justice updates. Because of this, some parts of minority groups see the UCC less as a change in law and more as a move driven by political goals to alter ways of life.

### **Political Opposition to the Uniform Civil Code**

#### **1. Stance of Political Parties**

Though some political groups in India back the UCC, they claim it ensures equal treatment under legal systems while reinforcing state neutrality in religion. Yet others resist, warning that pushing such reform now could unsettle communal balance. Change within personal laws, some regional and secular groups argue, must grow slowly from discussions among communities instead of being ordered by the government. These parties believe public involvement shapes better outcomes than top down mandates.

#### **2. Federal Concerns Over State Independence**

Across India, governance splits power between national and regional authorities, while personal legal systems overlap with topics shared by both levels. Yet worries surface among certain state leaders that a uniform code shaped in New Delhi might edge them out of decisions on local customs and societal rules. So far, the Uttarakhand approach has drawn attention as a way for regions to test changes in personal laws on their own, instead of rushing toward one uniform system across the country.

#### **3. Electoral Polarization**

Occasionally, conversations about the UCC shift toward questions of cultural belonging and voting behavior. When faith and private legal systems enter political discourse, calm analysis tends to give way to intense public reactions. Handling the matter without care could heighten community friction, making thoughtful policy harder to shape.

### **Constitutional Issues and Legal Questions**

#### **Balancing Rights: Article 14 and Article 25**

Among key issues tied to the UCC, how power splits between levels of government stands out:

1. Article 14: Equality before law
2. Article 25: Freedom of religion



Those who back reform say unequal treatment under personal laws clashes with constitutional rights. On the contrary, critics fear too much government control could erode freedom of religion. Upcoming UCC laws may undergo close court review focusing on balance and alignment with the Constitution.

### **Privacy Concerns and Article 21**

Some parts of the Uttarakhand UCC, especially those requiring couples in live-in relationships to register have sparked debate about whether such rules interfere with personal freedom protected by Article 21.

### **The Need for Consensus-Based Reform**

Change meets friction when laws shift in varied societies. Lasting shifts grow where trust and inclusion take root instead of mere votes. Stability often comes not from speed but from shared understanding built over time through:

1. Public consultation
2. Community participation
3. Judicial safeguards
4. Protection of minority rights
5. Awareness and legal literacy



## 16. CONSTITUTIONAL LAW PERSPECTIVE: BALANCING ARTICLES 14 & 25

### The Jurisprudential Intersection

The primary legal challenge of the Uniform Civil Code lies in reconciling two distinct constitutional mandates that frequently operate in opposition. The debate centers on how power is shared and how individual rights are weighed against communal identity.

1. Article 14 (The Right to Equality): Establishes that the State shall not deny to any person equality before the law or the equal protection of laws within the territory of India.
2. Article 25 (The Freedom of Religion): Guarantees that all persons are entitled to freedom of conscience and the right to profess, practice, and propagate religion.

### The Doctrine of Social Welfare and Reform

The resolution to this constitutional tug-of-war is often found in Article 25(2), which provides the State with a specific legal mandate to intervene in religious matters for the sake of public progress.

1. Regulating Secular Activity: Under Article 25(2), the State has the power to regulate "secular activities" (economic, financial, or political) that may be associated with religious practice.
2. The Core vs. Peripheral Test: Courts generally hold that while the "essential" core of a religion is protected, civil matters like inheritance and marriage registration are secular in nature and subject to state led reform.
3. Constitutional Morality: While the Supreme Court emphasizes "Constitutional Morality" (universal fairness), it remains sensitive to India's cultural fabric. Therefore, any new UCC legislation will face strict judicial review to ensure it respects both the Constitution and India's diversity.

### Privacy, Liberty, and Article 21

A modern layer of this debate involves the Right to Privacy, as established by the landmark Puttaswamy judgment. This adds a third constitutional dimension to the UCC discussion.

1. The Uttarakhand Precedent: Provisions like the mandatory registration of live-in relationships have sparked debate regarding interference with personal freedom.
2. Self Determination: Legal experts argue that state overreach into private relationships undermines the right to make independent life choices, a core component of the liberty protected under Article 21.
3. Boundaries of State Control: The debate necessitates a clear definition of where the government's power to regulate society ends and an individual's private autonomy begins.

### The Methodology of Consensus-Based Reform

For a Uniform Civil Code to succeed in a pluralistic society, the methodology of its implementation is as important as the law itself.



1. Beyond the Majoritarian Vote: Mere majority agreement does not guarantee social acceptance. Lasting change requires a foundation of trust and the inclusion of all affected groups.
2. Judicial Safeguards: Stability is achieved through shared understanding and legal protections that prevent the "tyranny of the majority" and safeguard minority rights.
3. The Goal of Nationhood: The ultimate challenge is to build national unity without erasing individual differences. Equality and unity must be balanced so that India's cultural diversity serves as the foundation for an inclusive national identity.





## 17. LANDMARK JUDGEMENTS: FROM SARLA MUDGAL TO SHAYARA BANO

The evolution of the Uniform Civil Code in India is not merely a history of political manifestos; it is a history of judicial prodding. In the persistent absence of legislative action, the Supreme Court of India has acted as the "Constitutional Conscience," using specific cases to highlight the human cost of legal fragmentation. These judgments have shifted the narrative from viewing personal law as a "sacred untouchable" to a "secular activity" subject to the Basic Structure of the Constitution.

### 1. Sarla Mudgal v. Union of India (1995): The AntiBigamy Directive

This case remains the definitive precedent for the necessity of a UCC to prevent the "fraudulent" manipulation of personal laws.

1. **The Legal Conflict:** The case involved a Hindu husband who converted to Islam solely to contract a second marriage, believing that a change in faith provided a legal "escape hatch" from the monogamy requirements of the Hindu Marriage Act.
2. **The Judicial Stance:** The Court held that a Hindu marriage continues to exist even after conversion. A second marriage remains void and constitutes Bigamy under the IPC unless the first marriage is dissolved legally.
3. **The Directing Voice:** Justice Kuldip Singh explicitly requested the Government to retrieve Article 44 from the "cold storage" of the Directive Principles. The Court noted that in a secular republic, there can be no "differentiation between the civil rights of citizens based on religion." It established that freedom of religion (Article 25) does not include the freedom to evade civil obligations.

### 2. John Vallamattom v. Union of India (2003): The Testamentary Freedom

A significant but often overlooked case involving the Indian Succession Act, specifically Section 118, which prevented Christians from bequeathing property to charity if they died within twelve months of making the will.

1. **The Challenge:** A priest challenged this as a violation of Articles 14 and 15, arguing it was a discriminatory restriction not faced by other religions.
2. **The Judicial Stance:** The Court struck down the restrictive clause. Chief Justice V.N. Khare reiterated that a common civil code would cause national integration by removing disparate loyalties to laws which have conflicting ideologies.
3. **The Shift:** This case was pivotal because it shifted the UCC debate from "religious freedom" to "the right to property and charity." It established that succession and inheritance are secular activities that the State is fully empowered to regulate under Article 25(2)(a).

### 3. Shayara Bano v. Union of India (2017): The Gender Justice Watershed

Popularly known as the Triple Talaq Case, this judgment dismantled the long-held argument that personal laws are a "private domain" immune from constitutional scrutiny.

**The Verdict:** The Court declared the practice of Talaq-e-Biddat (instant divorce) as unconstitutional, citing it as "manifestly arbitrary."



**The ERP Test:** This case refined the "Essential Religious Practices" (ERP) Test. It clarified that for a practice to be protected under Article 25, it must be fundamental to the faith. If a practice is found to be patriarchal, arbitrary, or violates the dignity of the individual, it is not "essential" and must yield to the Constitution. This effectively cleared the "legal debris" preventing a UCC by narrowing the definition of what constitutes "interfering in religion."





## 18. CASE STUDIES

### 18.1 The Sarla Mudgal Precedent: The "Conversion for Convenience" Crisis

The case of *Sarla Mudgal v. Union of India (1995)* is the definitive legal study on the fraudulent use of personal law. It exposes a systemic vulnerability where the absence of a Uniform Civil Code creates "legal portals" that individuals can step through to escape previous commitments.

**The Narrative of Evasion** The case involved Jitender Mathur, married under the Hindu Marriage Act (HMA), which strictly enforces monogamy. Seeking to marry a second woman without the legal complication of a divorce, Mathur converted to Islam and took the name Mehmood Ahmed. He argued that as a Muslim, he was now governed by Shariat Law, which permits polygamy, and therefore his second marriage was legally "safe" from a charge of bigamy.

**The Judicial Breakthrough** The Supreme Court ruled that a Hindu marriage continues to exist even after conversion. A second marriage remains void and constitutes Bigamy under Section 494 of the Indian Penal Code unless the first marriage is dissolved through a court of law. Justice Kuldeep Singh famously noted that Article 44 is a "milestone yet to be reached," arguing that as long as different communities are governed by different laws, "conversion for convenience" would continue to be used as a tool to evade the spirit of the law.

### 18.2 The Matrilineal Legacy and the Naga Customary Law: The Tribal Frontier

The Tribal Frontier presents a profound constitutional deadlock that transcends religious divides. Nagaland and parts of the Northeast represent a "no-fly zone" for the Indian Parliament, protected by specific historical and constitutional guarantees that create an asymmetric federalism challenge.

**The Constitutional Fortress: Article 371A** Under Article 371A, no Act of Parliament concerning Naga social or religious practices or their customary law and procedure applies to the state unless the Nagaland Legislative Assembly specifically votes to accept it. This creates a "Constitutional Island" where national laws regarding family and society simply do not land.

**The Conflict: Gender Equality vs. Tribal Survival** In most Naga tribes, land is communal or clan-owned, and inheritance is strictly patriarchal.

1. **The 2017 Crisis:** When the government attempted to implement a 33% reservation for women in urban local bodies (mandated by the 74th Amendment), it led to violent riots.
2. **The Resistance:** Tribal leaders argued that "gender equality" was a "mainstream" concept being forced upon them. They viewed the reservation as the "thin end of the wedge" that would eventually lead to a UCC, destroying their land rights and tribal identity.

### 18.3 The Special Marriage Act (SMA):



The Special Marriage Act (SMA), 1954 provides a special form of marriage which unlike traditional religious or community marriage laws, which are governed by personal religious codes (such as the Hindu Marriage Act, 1955 or Muslim Personal Law), the SMA is a **civil, secular law**. It allows any two individuals to marry irrespective of their faith, caste, or community, making it the primary legal avenue for interfaith and inter-caste couples in India.

### **Key Provisions and Mechanisms**

The SMA operates independently of religious rituals. A marriage under this Act is solemnized before a government-appointed Marriage Officer.

**Eligibility:** The groom must be at least 21 years old, and the bride must be at least 18 years old. Neither party must have a living spouse at the time of marriage, and they must be capable of giving valid consent.

**The 30-Day Notice Period:** Section 5 of the Act requires couples to give a written notice to the Marriage Officer of the district where at least one of the parties has resided for at least 30 days. This notice is then published publicly in the registry office for 30 days to invite any objections (e.g., if the marriage violates age limits or involves a prohibited relationship). If no valid objections are raised, the marriage is solemnized.

**Succession Laws:** Originally, marrying under the SMA cut individuals off from their traditional undivided family property rights under religious laws. However, amendments have softened this; today, succession for individuals married under the SMA is generally governed by the Indian Succession Act, 1925, rather than personal religious laws.



## 19. QUESTIONS A BILL MUST ANSWER: STRATEGIC GUIDING QUESTIONS

For this AIPPM to be successful, any proposed draft or resolution regarding the Uniform Civil Code must move beyond political slogans. The Executive Board expects delegates to provide concrete, mechanical answers to the following systemic challenges. A Bill that ignores these questions is a Bill that will fail a Supreme Court challenge.

### 1. The Question of Scope: Uniformity vs. Diversity

a)The Tribal Threshold: How will the Bill reconcile the mandate of "Uniformity" with the absolute protections granted to tribal communities under Article 371A and the Sixth Schedule? If the UCC excludes 100 million tribal citizens, is it still "Uniform"? If it includes them, how will the State manage the resulting social unrest?

b)The Definition of 'Family': In the 21st century, will the UCC acknowledge the rights of live-in partners, same-sex unions, or nontraditional domestic partnerships? Or will it remain a "Traditionalist Code" that merely standardizes the classical family structure?

### 2. The Question of "Essentiality": The Secular;Sacred Divide

a)Ritual vs. Result: Where does the Bill draw the line? While the State cannot tell a citizen *how* to conduct a wedding ceremony (religious), it must dictate the *legal consequences* of that wedding (civil). Does the Bill clearly separate "Theology" from "Civil Contract"?

b)Religious Endowments: Will the Bill move into the territory of religious trusts, Waqf properties, and Temple endowments? If a UCC is meant to be a "Civil Code," can it justify ignoring the massive economic structures tied to religious institutions?

### 3. The Question of Administrative Feasibility

a)The Retroactive Dilemma: Will the UCC apply to marriages and property disputes that began *before* the law was passed? If so, how do we handle the "Chaos of Transition"? If it is purely prospective, are we comfortable with having two different legal systems running in India for the next 50 years?

b)The Digital Mandate: Is the proposed framework equipped for the age of Aadhaar and Big Data? Does it provide for a centralized, digital registry for births, marriages, and successions to prevent local administrative corruption (the "Patwari" problem)?

### 4. The Question of Federalism and Sovereignty

a)The Concurrent List Conflict: Since "Marriage and Divorce" sit on the Concurrent List, how will a Central Bill handle states like Goa or Uttarakhand that already have their own codes? Will the Union override the State, or will the State be the "Laboratory" for the Union?



b)The 'Majoritarian' Safeguard: How does the Bill ensure it is not just the "Hindu Code" scaled up for the whole country? What "neutral" elements are being introduced that are borrowed from Christian, Parsi, or Muslim jurisprudence to create a truly Synthetic Indian Code?

## 5. The Question of Socio;Political Equilibrium

- a) The Guardians of Custom: How does the Bill address the role of traditional community leaders and local institutions (such as Khap Panchayats, Tribal Councils, or Religious Boards)? If the Bill renders these traditional arbiters legally obsolete, what mechanism will the State provide to fill the vacuum of local dispute resolution?
- b) The Protection of Vulnerable Minorities within Minorities: While the UCC aims to protect women across all communities, how will it safeguard the rights of dissenters within a religious group? If an individual chooses to follow their religious custom in a matter of inheritance despite the UCC, will the State intervene to override "voluntary" religious adherence in the name of standardized rights?
- c) The Secularization of the Judiciary: Does the Indian judiciary possess the specialized training to interpret a common code without inadvertently relying on the "subconscious bias" of existing Hindu, Islamic, or Christian legal traditions? How will the Bill ensure that the *application* of the law is as uniform as the *text* of the law?
- d) The Transitional Safety Net: Family laws often dictate financial security (e.g., the concept of *Meher* or the *Hindu Undivided Family*). If these structures are abolished or standardized overnight, what interim financial protections will the Bill offer to those whose current livelihood or future inheritance is tied to the old personal law systems?
- e) The Global Indian Perspective: How will the UCC handle the Private International Law challenges of the Indian diaspora? If an NRI (Non;Resident Indian) is married under the UCC but resides in a country that recognizes religious personal laws, how will the Bill ensure the cross;border enforcement of maintenance and child custody?
- f) The Safeguard Against Majoritarianism: To build trust, can the Bill incorporate "Best Practices" from various minority laws? For instance, will the UCC adopt the superior "Communion of Assets" from the Goa Code or the "Matrilineal Protection" found in specific tribal customs to ensure the code is a synthesis of the *best* of India, rather than a mere extension of the *majority's* law?

## 6. The Question of Enforcement and Compliance

a)The Penalty of Non;Compliance: If the Bill mandates the registration of marriages and live;in relationships (as seen in the Uttarakhand model), what are the specific legal consequences for non;compliance? Will the State



criminalize the failure to register, and does that penalty disproportionately affect those in rural or marginalized areas?

b)The Burden of Proof: In cases of inheritance disputes under a new UCC, how will the Bill manage "Oral Traditions" and "Unwritten Wills" that have been the norm in many Indian communities for centuries? Does the Bill favor the Documented State over the Oral Custom, and what is the cost of that transition?





## 20.. GUIDE TO FURTHER RESEARCH AND SOURCES

### The Mandate for Independent Inquiry

Delegates, please be advised that while this study guide offers a high;density, in;depth understanding of the agenda and its constitutional nuances, it is strictly intended as the starting point of your journey. To represent a political party in the All India Political Parties Meet requires an intimate knowledge of evolving legal landscapes and the "ground reality" of public opinion.

No delegate should confine their knowledge to these pages. The Executive Board expects you to challenge the perspectives presented here and to substantiate your arguments with fresh, self;acquired data.

### Primary Research Pathways

To maintain the standard of a premier conference, delegates are encouraged to navigate the following pillars of research:

#### 1. Constitutional and Legislative Repositories

1. The Constitution of India: Specifically, the interplay between Part III (Fundamental Rights) and Part IV (Directive Principles).
2. Parliamentary Standing & Sitting Committee Reports: These provide the most candid technical critiques of proposed bills and the underlying socio;economic challenges.
3. Digital Sansad & Question Hour: Access the *Digital Sansad* portal to track how your party leaders have historically voted and spoken on the floor regarding personal law reforms.
4. Gazette of India: For the official text of existing Acts (HMA, SMA, Shariat Act, etc.) and any newly proposed state;level bills like the Uttarakhand UCC.

#### 2. Judicial Authority

1. Supreme Court & High Court Judgments: Use portals like *Indian Kanoon* or official court websites to read full judgments (not just summaries) of landmark cases like *Sarla Mudgal*, *Shayara Bano*, and *John Vallamattom*.
2. Law Commission Reports: The 21st and 22nd Law Commission consultation papers are the "bibles" of this agenda. Pay close attention to their recommendations on codification vs. uniformity.

#### 3. Credible Information & Think Tanks

1. Official Portals: Press Information Bureau (PIB), Press Trust of India (PTI), and the Ministry of Law & Justice website for the latest government stances.
2. Think Tanks: The *Observer Research Foundation (ORF)* and *PRS Legislative Research* offer nonpartisan, analytical breakdowns of complex bills.
3. Academic Databases: Use *JSTOR* for sociological perspectives and *Shodhganga* for in;depth theses on Indian personal law history.
4. Global Perspectives: While focusing on Indian law, refer to *UNO Reports* on human rights and *Al Jazeera* or international law journals for comparative studies on pluralistic legal systems globally.



## 21. BIBLIOGRAPHY

This guide has been synthesized from a variety of foundational legal and academic sources. Delegates may refer to these specific documents to verify the data provided:

### Constitutional & Legal Documents

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3. Law Commission of India, *Public Notice on Uniform Civil Code*, 2023 (22nd Law Commission).
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### Judicial Precedents

1. *Mohd. Ahmed Khan v. Shah Bano Begum*, AIR 1985 SC 945.
2. *Sarla Mudgal v. Union of India*, AIR 1995 SC 1531.
3. *John Vallamattom v. Union of India*, AIR 2003 SC 2902.
4. *K.S. Puttaswamy v. Union of India* (Privacy Judgment), (2017) 10 SCC 1.
5. *Shayara Bano v. Union of India* (Triple Talaq Case), (2017) 9 SCC 1.

### Institutional Reports and Manifestos

1. PRS Legislative Research, *Vital Stats: Personal Laws in India*, 2023.
2. Election Commission of India, *National Party Manifestos (2019;2024)* – Analyzing stances on Article 44.
3. Ministry of Home Affairs, *Sixth Schedule to the Constitution of India and Tribal Autonomy*.

### Secondary Literature

1. Observer Research Foundation (ORF), *The UCC Debate: Reconciling Diversity with Equality*, Special Report 2024.
2. Al Jazeera English, *Analysis: India's Proposed Uniform Civil Code*, 2023.
3. Digital Sansad Database, *Debates on the Hindu Code Bill (1950s) and the Shah Bano Overturn (1986)*.

### Closing Note to Delegates

Success in this AIPPM will not be determined by who speaks the loudest, but by who speaks with the most authority. Let the Constitution be your guide, let the data be your weapon, and let the spirit of consensus be your goal.