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## Uniform Civil Code and Freedom of Religion: A Constitutional Conflict or Harmonious Co-existence

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*The debate on the Uniform Civil Code (UCC) in India examines the relationship between Article 44 of the Constitution, which provides a common civil law for all citizens and Articles 25 and 26, which guarantee freedom of religion. Personal laws are deeply rooted in religious and cultural practices, but they are often criticised for creating unequal legal standards. In modern India, the UCC is often described as a “one nation one civil law” which is intended to substitute multiple personal law systems with a uniform legal framework applicable to all the citizens in India. This seminar paper examines whether the UCC and religious freedom are in conflict or can coexist within constitutional principles. The study is doctrinal in nature, based on constitutional debates, law commission reports, and important judicial pronouncements. It further examines the possible advantages of introducing the UCC, and also ensuring equality before the law, strengthening national unity, and improving social harmony. The paper concludes that a balanced and gradual implementation of the Uniform Civil Code can support constitutional values while respecting essential religious practices and can promote equality without undermining the constitutional guarantee of freedom of religion.*

**Keywords:** *uniform civil code, constitutional morality, religious autonomy, religion, harmony.*

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## INTRODUCTION

The constitutional issue regarding the UCC raises the question of whether the implementation of a Uniform Civil law under Article 44, with the right to freedom of religion guaranteed under Article 25, can both principles coexist harmoniously within the constitutional structure? India is considered one of the most culturally diverse countries in the world, where it is home to multiple religions, languages, customs and traditions. India adopted a pluralistic constitutional framework that respects religious freedom while promoting justice, equality and dignity for all citizens.

At independence, the Constitution-makers decided against introducing a Uniform Civil Code and allowed religious communities to follow their own personal laws to preserve cultural diversity. Over time, this system has led to inequalities, especially affecting women in matters like property and divorce, raising concerns under Articles 14 and 15, which guarantee equality and prohibit discrimination.<sup>1</sup>

Article 44 of the Constitution provides the foundation for the UCC by directing the state to endeavour to secure a common civil law for all citizens across the country. As it is in the directive principles of state policy, these principles are non-justiciable under Article 37, and they are fundamental in governance and guide the state in shaping social policy. The main objective of UCC is to introduce uniform laws, and it should apply to all citizens irrespective of religion, thereby promoting equality, gender justice and national integration.<sup>2</sup> The UCC must be examined within the framework of India's secular<sup>3</sup> identity. Although the term was added by the 42<sup>nd</sup> amendment, secularism has always been an integral part of the constitution. In India, secular means equal respect for all religions. Articles 25-28 guarantee freedom of conscience and religious practice.<sup>4</sup>

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<sup>1</sup> Sunaina Nassa, 'THE DEBATE OVER UNIFORM CIVIL CODE ("UCC") AND ITS SIGNIFICANCE FOR INDIA AS A SECULAR DEMOCRACY' (2023) 3(3) Indian Journal of Integrated Research in Law 1, 3, 11-12 <<https://ijirl.com/wp-content/uploads/2023/06/THE-DEBATE-OVER-UNIFORM-CIVIL-CODE-UCC-AND-ITS-SIGNIFICANCE-FOR-INDIA-AS-A-SECULAR-DEMOCRACY.pdf>> accessed 25 February 2026

<sup>2</sup> Numan Khan, 'Is UCC the Unity we aspire for in our Diversity?' (*Judicial Academy Jharkhand*) <<https://jajharkhand.in/wp-content/uploads/2024/09/Is-UCC-the-Unity-we-aspire-for-in-our-Diversity.pdf>> accessed 25 February 2026

<sup>3</sup> *S R Bommai v Union of India* AIR 1994 SC 1918

<sup>4</sup> Dr Umakanta Sahu, 'RIGHT TO FREEDOM OF RELIGION AND THE UNIFORM CIVIL CODE' (2023) 11(7) International Journal of Creative Research Thoughts 758, 759 <<https://ijert.org/papers/IJCRT2307548.pdf>> accessed 25 February 2026

The religion and personal law are not necessarily inseparable. The implementation of a UCC does not imply interference with religious faith or rituals. Religious ceremonies and essential practices would remain protected under Article 25. The UCC would apply only to secular civil matters such as inheritance, maintenance, succession and property rights. Its aim is not religious uniformity but equality in civil rights. However, Article 25 is not absolute. Article 25(2) provides the state with the power to regulate secular activities associated with religious practices and to enact laws for social welfare and reform. This provision grants the power to reform personal laws when they conflict with the principles of equality and dignity. In the case of *Hindu Religious Endowments v Sri Lakshmindra Thirtha Swamiar*, the Supreme Court explained the distinction between essential religious practices and secular matters.<sup>5</sup>

According to Justice R.M. Sahai, practices which harm human dignity or restrict individual freedoms can't be defended on the grounds of religion. If personal laws create inequality or injustice, especially against vulnerable people, reforms are necessary to ensure protection and to strengthen national unity.<sup>6</sup> In a similar view, former Chief Justice Y.V. Chandrachud observed that the introduction of the UCC would help in promoting national integration by reducing conflicts caused by different personal laws.<sup>7</sup>

The Supreme Court has repeatedly supported the need for a Uniform Civil Code. In cases like *Mohd. Ahmed Khan v Shah Bano Begum*, the court highlighted gender justice and said that a common civil code would strengthen national unity. Similarly, in *Sarla Mudgal v UOI*, the court reaffirmed the need for uniformity to prevent misuse of personal laws. Although it has benefits, the implementation of UCC involves significant challenges. The personal laws are closely connected with religious identity, and any attempt to introduce uniformity may bring concerns among the communities. Therefore, the reform should be gradual, inclusive and sensitive.<sup>8</sup>

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<sup>5</sup> *Ibid*; *The Commissioner, Hindu Religious Endowments, Madras v Sri Lakshmindra Thirtha Swamiar Of Sri Shirur Mutt* AIR 1954 SC 282

<sup>6</sup> Dr Vijayasinh G Sodha, 'Secularism v/s Uniform Civil Code and its Problems and Prospects' (2022) 7(9) *International Journal of Novel Research and Development* 871, 875  
<<https://www.ijnrd.org/papers/IJNRD2209103.pdf>> accessed 25 February 2026

<sup>7</sup> Chhyal Singh, 'Revisiting the Uniform Civil Code: Issues, Challenges, and the Way Forward for Modern India' (2025) 7(6) *International Journal For Multidisciplinary Research* <<https://www.ijfmr.com/research-paper.php?id=61472>> accessed 25 February 2026

<sup>8</sup> Nassa (n 1)

Thus, the relationship between UCC and freedom of religion should not be viewed as in conflict; both can coexist harmoniously. Essential religious practices remain protected, while secular civil matters may be governed by uniform laws rooted in constitutional morality, equality and justice. A carefully designed and sensitively implemented UCC would strengthen equal citizenship and national unity without undermining religious freedom.

## **RESEARCH PROBLEM**

The Indian Constitution guarantees the protection of freedom of religion as a fundamental right and the State's obligation to work towards the adoption of a Uniform Civil Code. At present, personal law systems govern family and succession matters, but they vary among religious communities, whereas a Uniform Civil Code aims to introduce a common legal framework among all the citizens of India. This creates a continuing debate on whether implementing a Uniform Civil Code would violate religious autonomy or promote constitutional equality and unity. The research problem, therefore, lies in examining whether the relationship between the Uniform Civil Code and freedom of religion amounts to a constitutional conflict or supports the possibility of harmonious coexistence.

## **RESEARCH OBJECTIVES**

1. To examine the constitutional basis of the Uniform Civil Code
2. To analyse the scope of freedom of religion under constitutional law
3. To study the legal status of personal laws
4. To evaluate judicial interpretations regarding UCC and religion
5. To determine whether harmonious coexistence is constitutionally possible

## **RESEARCH QUESTIONS**

1. Whether the implementation of the Uniform Civil Code under Article 44 consistent with the right to freedom of religion guaranteed under Article 25?
2. To what extent do the personal laws fall within the protected religious practices, and in what situations do they fall within the state regulation under the secular activity exception of Article 25(2)?
3. How have the courts interpreted and balanced the freedom of religion and UCC?
4. Would the implementation of UCC violate religious autonomy?

5. Does constitutional interpretation support harmonious coexistence between freedom of religion and the Uniform Civil Code?

## LITERATURE REVIEW

Scholarly and constitutional discussions on the UCC originated from the Constitution, where the framers examined the need for a common civil framework along with the protection of religious freedom. Leaders such as Jawaharlal Nehru and B.R. Ambedkar<sup>9</sup> supported the long-term objective of a uniform civil system to promote equality and national integration. However, due to social security, minority concerns, and limited public awareness at that time, the proposal was not adopted as a fundamental right. Instead, it was incorporated under Article 44 within the Directive principles of state policy, which shows a constitutional goal rather than the immediate compulsion.<sup>10</sup>

Constituent Assembly materials indicate that there was no unanimous agreement among the framers regarding the status of a UCC within the constitutional framework. Constituent debates reveal whether a Uniform Civil Code should be made a fundamental right or remain a policy objective. The fundamental rights subcommittee, headed by Vallabhbhai Patel, decided that UCC should not be included in fundamental rights. Some members, including Mohammad Ismail, Naziruddin Ahmad and Pocker Sahib Bahadur, warned that compulsory uniformity could interfere with religious freedom under Article 25-28.<sup>11</sup> K.M. Munshi, Minoo Masani and Alladi Krishnaswami Ayyar supported a UCC as a means to promote secularism and national unity.<sup>12</sup>

Constitutional commentary further explains that legislative competence over personal law subjects has its basis in Article 162 read with Entry 5 of the concurrent list in the 7<sup>th</sup> schedule, which covers marriage, divorce, adoption, guardianship and succession. This distribution of powers has been used in academic literature to justify both central and state-level initiatives toward personal law reform.

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<sup>9</sup> Singh (n 7)

<sup>10</sup> Shruti Yadav, 'Decoding the Uniform Civil Code: A Critical Analysis of Uttarakhand's Landmark Legislation' (*Manupatra*, 14 May 2024) <<https://articles.manupatra.com/article-details/Decoding-the-Uniform-Civil-Code-A-Critical-Analysis-of-Uttarakhand-s-Landmark-Legislation>> accessed 19 February 2026

<sup>11</sup> Singh (n 7)

<sup>12</sup> Prarthana Shukla and Dr Megha Ghughuskar, 'Revisiting the Uniform Civil Code: Constitutional Promise and Practical Challenges' (2025) 10(8) *International Journal of Research and Innovation in Applied Science* 248, 249 <<https://doi.org/10.51584/IJRIAS.2025.100800021>> accessed 19 February 2026

The authors like Granville Austin and M.P. Jain explain that the constitution supports reform through Article 44, but does not make UCC immediately enforceable and also said it is a poor idea, while Upendra Baxi, Choudhary, Dipika and Madhav Khosla point out that imposing a uniform law may affect cultural and religious practices and therefore it must be handled carefully. Scholars such as Martha C. Nussbaum and Shyam Divan highlight that debates around UCC are closely connected with freedom of speech, minority protection and gender justice.<sup>13</sup>

Judicial decisions form a major component of UCC literature. In the case of Mohd. Ahmed Khan v Shah Bano Begum, the SC held that maintenance under the Criminal Procedure Law applies regardless of religion and emphasised the desirability of establishing a uniform civil framework as a means to promote social justice. Later rulings, such as Sarla Mudgal v UOI, addressed the conflicts arising from multiple personal law systems and again stressed the value of legal uniformity. In John Vallamattan v UOI, in this case, the court invalidated discriminatory succession provisions and referred to the constitutional vision of Article 44. More recently, in Jose Paulo Coutinho v Maria Luzia Valentina Pereira, the court expressed the favour of the civil law regime operating in Goa as an example of a functioning uniform code. Academic analyses of these generally interpret the Court's approach as reform, encouraging but cautious, seeking harmony rather than conflict between equality and religious freedom.

This research paper analysis highlights the Law Commission of India's repeated evaluations of the UCC. The 21<sup>st</sup> law commission reports recommended reforming discriminatory aspects of existing personal laws instead of immediately replacing them with a uniform statute to ensure gender justice and conformity with fundamental rights. The 21<sup>st</sup> law commission report concluded that a UCC was neither necessary nor desirable at that stage. It emphasised that national unity does not require legal uniformity and that Indian secularism respects cultural and religious diversity. The 22<sup>nd</sup> Law Commission, chaired by Justice (Retd.) Rituraj Awasthi initiated a fresh consultative process in 2022 by inviting views and suggestions from multiple

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<sup>13</sup> Pooran Chandra Pande and Dr K B Asthana, 'Uniform Civil Code and Freedom of Speech in India' (2025) 6(2) International Journal of Research Publication and Reviews 471, 472-473  
<<https://ijrpr.com/uploads/V6ISSUE2/IJRPR38557.pdf>> accessed 21 March 2026

stakeholders, including members of the public and recognised religious organisations, on the question of implementing the Uniform Civil Code.<sup>14</sup>

NCW Report on Gender Justice and the UCC, which is a study that UCC could improve equality, especially for women, its implementation should respect diversity. In 2023, a public opinion survey conducted by India Today shows the data about 69% of citizens supported the introduction of a UCC, reflecting a noticeable rise in public acceptance toward the idea of a common civil framework across communities.

Across the literature, two dominant approaches emerge: one supporting eventual uniformity to secure equality and gender justice, and another favouring gradual, community-sensitive reform within diverse legal systems. The ongoing debate, therefore, frames UCC and religious freedom not merely as a constitutional conflict, but as a question of whether structured and phased harmonisation is possible within the constitutional framework.

## **RESEARCH METHODOLOGY**

This research paper adopts a doctrinal and analytical methodology based on both primary and secondary sources. The primary sources include constitutional provisions such as Articles 14,15, 25, 25(2), and 44 of the Constitution of India, along with relevant Supreme Court judgments. The secondary sources include books, journal articles, law commission reports and legal commentaries. By utilising these sources, the research paper critically analyses whether the implementation of UCC leads to a constitutional conflict or a harmonious coexistence with freedom of religion.

### **Constitutional and Judicial Analysis: Conflict or Coexistence –**

**Constitutional Framework: Rights vs Directive Principles:** The constitutional issue surrounding the implementation of UCC primarily arises from the relation between freedom of religion under Article 25 and the directive principle under Article 44, which provides a state to implement a Uniform Civil Code.

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<sup>14</sup> Shivani Chaturvedi, 'From Pluralism to Parity: The Socio-legal Journey of the Uniform Civil Code in India' (2026) 8(1) International Journal For Multidisciplinary Research 1-5  
<<https://www.ijfmr.com/papers/2026/1/67634.pdf>> accessed 21 March 2026

Article 25 provides freedom of conscience and the right to freely profess, practice and propagate religion, but this right is not absolute. Article 25(2) empowers the state to regulate or restrict secular activities associated with religious practices and to enact laws for social reform. On the other hand, Article 44 provides legal uniformity in civil matters. Though Directive principles are non-justiciable, they are fundamental in governance and must guide legislative policy. The constitutional tension lies in determining whether personal laws are protected religious practices or secular civil matters open to reform.

**Judicial Development and Doctrinal Development:** The Indian Judiciary has played an important role in shaping the issues surrounding the UCC and freedom of religion. Through various judgements, the courts have consistently attempted to balance religious autonomy with constitutional principles such as equality, dignity and gender justice. In *Mohd. Ahmed Khan v Shah Bano Begum* (1985),<sup>15</sup> the SC granted maintenance to a divorced Muslim woman under Section 125 of the CRPC, emphasising the importance of social justice and highlighting the desirability of implementation of a Uniform Civil Code. Similarly, in the case of *Sarla Mudgal v UOI* (1995),<sup>16</sup> the court addressed the misuse of religious conversion for contracting a second marriage and observed that a Uniform civil framework could reduce legal inconsistencies among personal laws.

In *Ahmedabad Women's Action Group v UOI*,<sup>17</sup> a public interest litigation challenged the gender discriminatory provisions across all personal laws. The SC declined to intervene directly, observing that the reform of personal laws falls primarily within the legislative domain and involves policy considerations beyond judicial determination. In *Lily Thomas v UOI*<sup>18</sup>, the court reiterated that although the desirability of a uniform civil code is widely acknowledged, it depends upon the creation of a conducive social and political climate.

In *John Vallamattom v UOI* (2003),<sup>19</sup> the court struck down the discriminatory provisions of the Indian Succession Act related to Christian inheritance, reaffirming the constitutional principle of equality. The landmark judgment in *Shayara Bano v UOI* (2017)<sup>20</sup> declared the practice of

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<sup>15</sup> *Mohd. Ahmed Khan v Shah Bano Begum and Ors* (1985) 2 SCC 556

<sup>16</sup> *Smt Sarla Mudgal, President, Kalyani & Ors v Union of India and Ors* AIR 1995 SC 1531

<sup>17</sup> *Ahmedabad Women's Action Group & Ors v Union of India* AIR 1997 SC 3614

<sup>18</sup> *Lily Thomas Etc Etc v Union of India & Ors* AIR 2000 SC 1650

<sup>19</sup> *John Vallamattom & Anr v Union of India* AIR 2003 SC 2902

<sup>20</sup> *Shayara Bano v Union of India and Ors* (2017) 9 SCC 1

triple talaq unconstitutional, reaffirming the idea that personal laws remain subject to constitutional scrutiny. In the *Indian Young Lawyers Association v State of Kerala (2018)*,<sup>21</sup> the court examined gender discrimination in religious practices in the Sabarimala temple case. Other decisions, including *Daniel Latifi v UOI (2001)*<sup>22</sup> and *Shabnam Hashmi v UOI (2014)*,<sup>23</sup> emphasised gender justice and equal civil rights. Collectively, these judicial developments demonstrate an evolving constitutional approach that seeks to reconcile religious freedom with the broader objective of social reform and equality under the law.

### **STATE-LEVEL DEVELOPMENTS ON THE UNIFORM CIVIL CODE IN INDIA**

Goa continues to follow the Goa uniform Civil Code, which provides a uniform framework governing marriage, divorce, succession, and inheritance for all residents irrespective of religion. Recent scholarship also discusses state-level developments, particularly in Uttarakhand, where the government led by Pushkar Singh Dhami initiated a Uniform Civil Code framework covering marriage, divorce, succession, and live-in relationships across communities. In Uttar Pradesh, an expert committee headed by former judge Ranjana Prakash Desai examined existing personal laws and proposed legislative reform, after which a UCC bill was introduced and passed by the state legislature.

In Gujarat, the state government has initiated the process by constituting a committee to examine the feasibility of introducing a UCC and to prepare a draft after reviewing personal laws and public opinions. In Assam, the government has expressed its intention to adopt a UCC, although the proposal currently remains at the stage of policy discussions. Madhya Pradesh has also indicated willingness to consider the introduction of UCC, with initial consultations reportedly underway.

### **CONFLICT PERSPECTIVE: CONSTITUTIONAL TENSION**

Firstly, the personal laws are deeply connected with religious identity and cultural autonomy.

Secondly, Uniformity may risk majoritarian dominance over minority practices.

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<sup>21</sup> *Indian Young Lawyers Association and Ors v State of Kerala and Ors* AIR ONLINE 2018 SC 243

<sup>22</sup> *Daniel Latifi and Anr v Union of India* AIR 2001 SC 3958

<sup>23</sup> *Shabnam Hashmi v Union of India and Ors* AIR 2014 SC 1281

Thirdly, Religious freedom includes not only belief but also practice, including family law customs.

The Indian judiciary already faces a considerable backlog of cases, and the implementation of a UCC may further increase the burden on courts.

The process of consolidating various personal laws into a single legal framework would require extensive legal reforms, substantial time, and administrative effort.

### **HARMONY PERSPECTIVE: CONSTITUTIONAL RECONCILIATION**

However, constitutional interpretation suggests reconciliation rather than conflict.

- Article 25 protects essential religious practices, not all customs.
- Civil matters like marriage registration, inheritance, distribution and maintenance produce legal consequences independent of spiritual belief.
- Equality, dignity and gender justice are foundational constitutional values.

The essential religious practices doctrine creates a constitutional framework that allows the state to regulate secular aspects of personal law without interfering with core religious faith. Thus, the Constitution itself provides a balancing mechanism.

### **FINDINGS OF THE STUDY**

The analysis of constitutional provisions, judicial decisions, and scholarly perspectives indicates that the relationship between the UCC and the right to freedom of religion does not create a constitutional conflict. Although concerns are often raised that a uniform civil framework may interfere with religious autonomy, the constitutional structure of India provides mechanisms to balance these interests. The Constitution seeks to balance religious freedom with the goals of equality, social justice, and legal uniformity. Judicial interpretations have consistently distinguished between essential religious practices and secular aspects of personal laws, providing a framework through which the state may introduce reforms without infringing upon core religious beliefs.

In this context, the issue between the UCC and the right to freedom of religion appears to be manageable rather than absolute. Therefore, constitutional interpretation suggests that a

carefully designed uniform civil code could coexist harmoniously with the protection of religious liberty while promoting the principles of equality and social justice.

## **SUGGESTIONS**

1. The implementation of a Uniform Civil Code should be approached gradually through phased legal reforms rather than through immediate and complete reform of existing personal laws.
2. While framing the Uniform Civil Code, the state should ensure that essential religious practices remain protected and that regulatory measures apply only to the secular aspects of personal laws.
3. There should be an extensive public consultation with religious communities, legal experts, scholars and civil society organisations is important to achieve a consensus and ease societal concerns.
4. Greater emphasis should be placed on promoting gender justice and equality in family laws, particularly in matters relating to marriage, divorce, inheritance and maintenance.
5. Comparative studies on existing personal laws should be conducted to identify common principles that can form the foundation of a uniform civil framework.
6. Public awareness and legal education programs should be introduced to help citizens understand the objectives of the UCC and reduce misconceptions surrounding it.

Judicial interpretation and constitutional principles should continue to guide the reform process to ensure that the balance between equality and religious freedom is maintained.

## **CONCLUSION**

The debate on the Uniform Civil Code (UCC) and freedom of religion presents an important constitutional issue in India. This research finds that the implementation of a UCC does not create a constitutional conflict with religious freedom. Judicial interpretations have shown that not all aspects of personal laws are protected as essential religious practices, and many of them may be treated as social practices open to reform. By distinguishing between essential religious beliefs and secular matters, courts have allowed the state to regulate certain areas of personal laws to promote equality and social justice. Therefore, a carefully designed Uniform Civil Code

can coexist with the constitutional guarantee of religious freedom while respecting India's religious diversity and advancing the principles of equality and justice.