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INTERVIEW ANGLE

"Does a Uniform Civil Code strengthen national integration or undermine the cultural autonomy guaranteed under Article 25?"

WHY IN NEWS

The Gujarat Legislative Assembly passed the Uniform Civil Code (UCC) Bill, 2026 on March 26, making Gujarat the second Indian state after Uttarakhand to legislatively enact a UCC. The bill replaces personal laws governing marriage, divorce, inheritance, and adoption with a single secular code.

The Editorial Argument

The Hindu's editorial examines whether Gujarat's UCC Bill strikes the right balance between constitutional aspiration (Article 44) and the protection of religious freedom (Articles 25–28). While acknowledging that a uniform civil code has been a long-standing Directive Principle, the editorial cautions against treating uniformity as an end in itself rather than a means to gender justice.

Constitutional Framework

Article 44 — The Directive Principle

Article 44 of the Constitution, placed under Part IV (Directive Principles of State Policy), states: *"The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India."*

Key constitutional points:

- DPSPs are **not justiciable** — they cannot be enforced by courts (Article 37)
- However, the Supreme Court has repeatedly urged Parliament to implement Article 44
- In **Shah Bano case (1985)**, Justice Y.V. Chandrachud called Article 44 a "dead letter"
- In **Sarla Mudgal v. Union of India (1995)**, the Court reiterated the need for a UCC

- In **Jose Paulo Coutinho v. Maria Luiza Valentina Pereira (2019)**, the Court praised Goa’s common civil code as a model

Fundamental Rights Tension

RIGHT	PROVISION	CONCERN
Article 25	Freedom of conscience and religion	UCC may override religious personal laws
Article 26	Freedom to manage religious affairs	Religious institutions fear loss of autonomy
Article 29	Protection of cultural interests	Minorities argue UCC threatens cultural identity
Article 14	Right to equality	Supporters argue personal laws create inequality
Article 15	Non-discrimination on grounds of sex	Gender-discriminatory personal laws persist

Gujarat Bill vs Uttarakhand Act — A Comparison

FEATURE	UTTARAKHAND UCC ACT (FEB 2024)	GUJARAT UCC BILL (MAR 2026)
Triggered by	BJP manifesto promise	Gujarat High Court observations + state policy
Drafting body	Expert committee under Justice Ranjana Desai	Gujarat Law Commission
Marriage registration	Compulsory within 60 days	Compulsory within 30 days
Live-in relationships	Must register; penalties for non-registration	Similar registration requirement
Inheritance	Equal share for sons and daughters	Equal share; abolishes Hindu Undivided Family (HUF) for new registrations
Tribal exemption	Scheduled Tribes exempted	Scheduled Tribes exempted
Adoption	Secular adoption framework	Aligns with Juvenile Justice Act provisions

The Gender Justice Argument

Proponents argue that existing personal laws perpetuate gender inequality:

- **Muslim personal law:** Triple talaq was criminalised (2019), but polygamy and unequal inheritance persist
- **Hindu personal law:** Hindu Succession Act was amended (2005) to give daughters equal coparcenary rights, but HUF tax benefits create structural inequality

- **Christian personal law:** Indian Divorce Act, 1869 historically required different grounds for men and women (partially reformed)
- **Parsi personal law:** Parsi women who marry outside the community lose inheritance rights

A UCC could establish a **single standard of gender equality** across all communities — the strongest constitutional argument in its favour.

Concerns and Criticism

- 1 **Federalism:** Personal law falls under the **Concurrent List** (Entry 5, List III of the Seventh Schedule). State-level UCCs create a patchwork rather than national uniformity — defeating the purpose of Article 44.
- 2 **Minority apprehension:** The All India Muslim Personal Law Board (AIMPLB) has opposed the bill, arguing it infringes on the right to religious practice under Article 25.
- 3 **Implementation challenges:** India has 4,635+ communities with distinct customary practices. A single code cannot address all variations without extensive consultation.
- 4 **Political timing:** Critics argue state-level UCCs are driven by electoral considerations rather than genuine reform — Gujarat elections are due in December 2027.

The Goa Model

Goa operates under a common civil code inherited from the Portuguese Civil Code of 1867, which remained in force after liberation in 1961:

- **Compulsory marriage registration** for all communities
- **Equal inheritance** for sons and daughters regardless of religion
- **All divorces** must go through civil courts — no unilateral divorce
- **Community property** system — assets acquired during marriage are jointly owned

The Supreme Court has repeatedly cited Goa as evidence that a common civil code is workable in India's diverse society.

UPSC RELEVANCE

Article 44, DPSPs (Part IV), Goa civil code origin, Shah Bano case, Sarla Mudgal case

Uniform Civil Code — constitutional mandate vs fundamental rights; federalism concerns in state-level UCC implementation

Ethical tension between community rights and individual gender equality; balancing religious freedom with social reform

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UNIFORM CIVIL CODE — CONSTITUTIONAL BASIS:

Article 44: DPSP directing State to secure UCC; Part IV of Constitution

DPSPs: Not justiciable (Article 37) but fundamental in governance

Personal law: Concurrent List, Entry 5, List III, Seventh Schedule

Key cases: Shah Bano (1985), Sarla Mudgal (1995), Jose Paulo Coutinho (2019)

STATE-LEVEL UCC STATUS:

Uttarakhand: First state to legislatively enact UCC (February 2024); drafted by Justice Ranjana Desai committee

Gujarat: Second state (March 26, 2026); drafted by Gujarat Law Commission

Goa: Common civil code since 1961 (inherited from Portuguese Civil Code, 1867)

GENDER JUSTICE IN PERSONAL LAWS:

Triple talaq: Criminalised via Muslim Women (Protection of Rights on Marriage) Act, 2019

Hindu Succession Amendment Act, 2005: Equal coparcenary rights for daughters

Indian Divorce Act, 1869: Reformed but still contains community-specific provisions

Special Marriage Act, 1954: Secular marriage option available to all citizens

OTHER RELEVANT FACTS:

AIMPLB: All India Muslim Personal Law Board (est. 1973, Lucknow)

Article 25: Freedom of conscience and free profession, practice, and propagation of religion

Article 14 + 15: Equality and non-discrimination — constitutional basis for UCC supporters

India's communities: 4,635+ ethnographic groups (Anthropological Survey of India, People of India project)

Sources: [The Hindu](#), [PRS India](#), [Indian Express](#)



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