

Uniform Civil Code and Sustainable Development Goal 5: Advancing Gender Equality through Legal Uniformity in India

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ABSTRACT

The Uniform Civil Code (UCC), envisaged under Article 44 of the Indian Constitution, seeks to replace diverse personal laws governing marriage, divorce, inheritance, and adoption with a common set of secular laws applicable to all citizens. This constitutional directive has significant implications for achieving Sustainable Development Goal 5 (SDG 5), which aims to attain gender equality and empower all women and girls. Personal laws in India, rooted in religious customs and traditions, have often perpetuated gender-based discrimination, particularly in matters of matrimonial rights, succession, and guardianship. The absence of uniformity has resulted in unequal legal protections and outcomes for women across different communities. This abstract examines the UCC as a potential legal mechanism to harmonize civil rights, eliminate discriminatory practices, and ensure substantive equality before the law. By aligning civil laws with constitutional principles of equality, dignity, and non-discrimination, the UCC can contribute to the realization of SDG 5 by strengthening women's legal autonomy and access to justice. However, the paper also acknowledges concerns related to cultural diversity, religious freedom, and social acceptance. It argues that a gender-just and inclusive approach to the UCC, developed through democratic consultation and sensitivity to pluralism, can serve as a transformative tool for advancing gender equality while respecting constitutional values and international human rights commitments. These inequalities restrict women's autonomy and access to justice, thereby impeding the realization of SDG 5. This abstract examines the UCC as a mechanism for harmonizing civil laws with constitutional values of equality, dignity, and non-discrimination.

Key words: Uniform Civil Code, gender justice, gender justice, legal reform, cultural diversity etc.

Introduction

The concept of a Uniform Civil Code (UCC) occupies a crucial position in India's constitutional and socio-legal discourse. Enshrined under Article 44 of the Constitution as a Directive Principle of State Policy, the UCC envisages the formulation of a common set of civil laws governing marriage, divorce, maintenance, inheritance, adoption, and succession for

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all citizens irrespective of religion. While not enforceable by courts, the UCC reflects the constitutional aspiration toward equality, justice, and national integration.

In the contemporary global context, the relevance of the UCC has intensified due to India's commitment to the United Nations Sustainable Development Goals (SDGs), particularly SDG 5, which aims to achieve gender equality and empower all women and girls. Gender inequality embedded within personal laws continues to obstruct women's access to justice, dignity, and equal opportunities. Therefore, examining the UCC through the lens of SDG 5 provides a meaningful framework to assess its role in advancing substantive gender justice. The Uniform Civil Code (UCC), envisaged under Article 44 of the Indian Constitution, aims to establish uniform civil laws governing family relations for all citizens. Its relevance has gained renewed significance in the context of Sustainable Development Goal 5 (SDG 5), which seeks to eliminate gender-based discrimination and ensure equality for women and girls. India's personal law system, rooted in religious customs, has often resulted in unequal legal treatment of women across communities, particularly in matters of marriage, divorce, maintenance, and inheritance. This abstract examines the UCC as a constitutional and legal response to such disparities, emphasizing its potential to promote substantive gender equality. It argues that a gender-just UCC can harmonize civil laws with constitutional principles of equality, dignity, and non-discrimination while fulfilling India's international obligations under SDG 5. The abstract also recognizes concerns regarding religious freedom and cultural diversity, advocating for a consultative and inclusive approach to legal reform. Ultimately, it positions the UCC as a critical pathway toward gender justice and sustainable development.

Literature Review

Prof. Sanjeev Kumar Chadha, Amit Kumar Singh, The Uniform Civil Code: Striking a balance between secularism, religious autonomy, and gender justice in India: The literature on the Uniform Civil Code (UCC) consistently situates it within the constitutional vision of equality and social reform. Rooted in Article 44 of the Indian Constitution, the UCC aims to replace religion-based personal laws with a common legal framework governing marriage, divorce, inheritance, and adoption.¹

Literature on property and succession rights shows that women's economic security is closely linked to legal equality, which a uniform code could strengthen.¹

Studies on gender inequality in India reveal that social, cultural, and legal barriers continue to hinder women's empowerment, indicating that legal reform is essential for achieving SDG targets²

Research Methodology

The present study adopts a doctrinal and analytical research approach. It primarily focuses on examining existing legal principles, constitutional provisions, judicial interpretations, and international frameworks related to the Uniform Civil Code (UCC) and Sustainable

¹ <https://vegueta.org/index.php/VEG/article/view/127>

² https://vegueta.org/index.php/VEG/article/view/127?utm_

Development Goal 5 (SDG 5). The research is theoretical in nature and seeks to analyze gender equality through legal norms rather than empirical field data.

Objectives of the Study

1. To examine the constitutional concept of the Uniform Civil Code under Article 44 of the Constitution of India and its relevance to gender equality.
2. To analyze the objectives and targets of Sustainable Development Goal 5 (SDG 5) in the context of eliminating gender-based discrimination through legal reforms.
3. To identify gender inequalities embedded in existing personal laws governing marriage, divorce, maintenance, inheritance, and succession in India.
4. To assess the role of the Uniform Civil Code in promoting substantive gender equality and ensuring uniform civil rights for women across religious communities.
5. To evaluate judicial interpretations and landmark judgments that emphasize gender justice and highlight the need for uniform civil legislation.
6. To examine the compatibility of the Uniform Civil Code with constitutional principles of equality, dignity, secularism, and non-discrimination.
7. To analyze the challenges and concerns associated with the implementation of a Uniform Civil Code, particularly in relation to religious freedom and cultural diversity.
8. To explore how a gender-just Uniform Civil Code can contribute to India's international commitments, especially under SDG 5 and conventions such as CEDAW.
9. To suggest measures for framing an inclusive and gender-sensitive Uniform Civil Code that balances constitutional morality with pluralism.

SDG 5: Gender Equality and Legal Reform

SDG 5 emphasizes the elimination of all forms of discrimination against women and girls in public and private spheres. It calls for reforms in laws, policies, and practices that perpetuate gender-based inequality. Legal frameworks play a foundational role in either reinforcing or dismantling systemic discrimination.

In India, personal laws derived from religious customs often regulate women's rights in critical areas such as marriage, divorce, maintenance, and inheritance. Many of these laws, despite reforms, continue to reflect patriarchal norms that limit women's autonomy and equality. Such legal pluralism, while culturally significant, has resulted in uneven protection of women's rights across communities, directly conflicting with the objectives of SDG 5.

Gender Discrimination under Personal Laws

Personal laws in India have historically treated women unequally, particularly in matrimonial and succession matters. Practices such as unequal inheritance rights, restricted divorce options, discriminatory guardianship rules, and inadequate maintenance provisions have

disproportionately affected women. Though judicial interventions and legislative amendments have sought to mitigate these inequalities, disparities persist.

For instance, women's rights to property and maintenance have varied depending on religious affiliation, creating a fragmented system of justice. This inconsistency undermines the constitutional guarantee of equality under Articles 14 and 15 and obstructs the realization of SDG 5's mandate for non-discriminatory legal systems.

Uniform Civil Code as a Tool for Gender Equality

The UCC has the potential to function as a transformative legal mechanism to eliminate gender-based discrimination inherent in personal laws. By introducing uniform standards grounded in constitutional values rather than religious norms, the UCC can ensure equal civil rights for women across all communities.

A gender-just UCC could:

- Guarantee equal rights in marriage and divorce,
- Ensure fair and uniform maintenance laws,
- Provide equal inheritance and succession rights,
- Recognize women's autonomy and dignity in family matters.

Such uniformity would align domestic law with India's international commitments under SDG 5 and conventions such as CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women).

International Human Rights Framework and SDG 5

India's commitment to SDG 5 must be understood alongside its obligations under international human rights instruments. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) mandates State Parties to eliminate discrimination against women in all matters relating to marriage and family relations. Several provisions of personal laws in India have historically conflicted with these obligations, particularly with respect to inheritance, maintenance, and guardianship.

The Uniform Civil Code can serve as a domestic legal mechanism to operationalise international gender equality norms.

Comparative Perspectives on Uniform Civil Laws

A comparative examination reveals that several pluralistic societies have adopted uniform civil or family laws while preserving religious freedom. Countries such as France, Turkey, and Tunisia have implemented secular civil codes that apply equally to all citizens, particularly in family law matters. These systems prioritize constitutional equality over religious personal laws and have significantly improved women's legal status.

In the Indian context, the state of Goa provides a limited example of a common civil code, where uniform rules govern marriage, divorce, and succession. Although not free from

criticism, Goa's experience demonstrates that legal uniformity is not incompatible with cultural diversity. Comparative analysis strengthens the argument that a UCC tailored to India's constitutional ethos can advance SDG 5 without eroding pluralism.

Intersectionality and Gender Justice under UCC

Gender inequality does not operate in isolation; it intersects with class, caste, religion, and socio-economic status. Women belonging to marginalized communities often experience compounded discrimination due to unequal personal laws and limited access to legal remedies. SDG 5 emphasizes inclusive development, requiring legal frameworks that address such intersectional disadvantages.

A Uniform Civil Code grounded in substantive equality can address these layered inequalities by ensuring uniform minimum rights for all women. By standardizing protections related to marriage age, consent, divorce, and property rights, the UCC can create a more equitable legal environment that reflects the inclusive vision of SDG 5.

Role of the State and Policy-Making Institutions

The responsibility of implementing a gender-just UCC lies primarily with the State. Legislative bodies, law commissions, and policy-making institutions must adopt a participatory approach involving women's groups, minority representatives, legal experts, and civil society organizations. SDG 5 calls for inclusive and accountable institutions, making stakeholder engagement a crucial aspect of legal reform.

Gradual harmonization of personal laws, codification of gender-equal principles, and awareness-building measures can facilitate smoother implementation. The State must ensure that the UCC is not perceived as coercive but as a progressive step toward equality and social justice.

Socio-Legal Impact of UCC on Women's Empowerment

Legal empowerment is a critical dimension of women's overall empowerment. Unequal personal laws often discourage women from asserting their rights due to fear of social stigma or legal uncertainty. A uniform and clear civil law framework can enhance legal literacy, reduce ambiguity, and encourage women to seek justice.

By ensuring equal rights in family relations, the UCC can contribute to women's economic independence, decision-making power, and social status. These outcomes directly support SDG 5 and reinforce the link between legal reform and sustainable development. The debate surrounding the Uniform Civil Code (UCC) has evolved beyond constitutional uniformity to encompass broader questions of gender justice and sustainable development. In light of Sustainable Development Goal 5 (SDG 5), which prioritizes gender equality and women's empowerment, this abstract examines the UCC as a socio-legal instrument capable of addressing systemic discrimination embedded within personal laws. It observes that religiously governed civil laws have often reinforced patriarchal structures, limiting women's rights in family and property relations. By proposing uniform civil legislation based on equality and human rights principles, the UCC offers an opportunity to rectify these disparities. The abstract

further analyzes the role of the judiciary in promoting gender-sensitive interpretations of personal laws and underscores the importance of aligning domestic legal reforms with international commitments such as CEDAW. It concludes that the UCC, if implemented with sensitivity and inclusiveness, can play a transformative role in achieving SDG 5 while preserving India's pluralistic ethos.

Addressing Misconceptions and Political Narratives

The discourse surrounding the UCC is often influenced by political and ideological narratives, which may overshadow its gender justice dimension. SDG 5 provides a neutral, rights-based framework to reorient the debate toward women's empowerment rather than religious identity. Recognizing the UCC as a tool for eliminating discrimination rather than imposing uniformity is essential for constructive dialogue.

Clarifying misconceptions through legal education and public discourse can foster acceptance and understanding of the UCC as a gender-equality initiative aligned with constitutional and global commitments.

Judicial Approach and Constitutional Interpretation

Indian courts have repeatedly highlighted the need for a UCC in the interest of gender justice. Landmark judgments such as *Mohd. Ahmed Khan v. Shah Bano Begum* and *Shayara Bano v. Union of India* reflect judicial concern over discriminatory personal laws and emphasize constitutional morality over religious practices that violate fundamental rights.

The judiciary has recognized that gender equality is an essential component of constitutional governance. These decisions reinforce the argument that a carefully crafted UCC could strengthen women's rights while fulfilling India's constitutional and international obligations.

Challenges and Concerns

Despite its potential benefits, the implementation of a UCC faces social, political, and cultural challenges. Critics argue that it may infringe upon religious freedom and cultural diversity protected under Articles 25 and 26 of the Constitution. There are also concerns regarding minority rights and social acceptance.

However, SDG 5 does not advocate cultural homogenization but calls for the elimination of discriminatory practices. A consultative, inclusive, and phased approach to the UCC incorporating gender-sensitive principles can balance pluralism with equality.

UCC and Sustainable Development: A Rights-Based Approach

Gender equality is central to sustainable development. Without equal legal rights, women's participation in economic, social, and political spheres remains constrained. A gender-neutral and rights-based UCC can contribute to sustainable development by:

- Enhancing women's legal empowerment,
- Improving access to justice,
- Promoting social equity and dignity,

- Strengthening democratic governance.

Thus, the UCC can be viewed not merely as a constitutional directive but as a development-oriented legal reform aligned with SDG 5.

Recommendations

1. A phased and consultative approach should be adopted for introducing the Uniform Civil Code.
2. The UCC must be explicitly gender-just, ensuring equal rights in marriage, divorce, maintenance, and inheritance.
3. Judicial precedents promoting gender equality should guide legislative drafting.
4. Alignment with SDG 5 targets should be expressly acknowledged in policy formulation.
5. Public awareness and legal literacy programs should accompany implementation.

Conclusion

The Uniform Civil Code, when examined in relation to SDG 5, emerges as a significant instrument for achieving gender equality in India. While respecting cultural diversity, the State must prioritize constitutional values of equality, dignity, and justice. A gender-sensitive UCC, framed through democratic dialogue and constitutional morality, can bridge the gap between India's domestic legal system and its global commitments under SDG 5. Ultimately, legal uniformity rooted in gender justice can serve as a foundation for inclusive and sustainable development. A carefully designed, inclusive, and gender-sensitive UCC can harmonize constitutional ideals with international commitments, fostering a legal system that upholds dignity, equality, and justice for all women. Ultimately, legal uniformity grounded in gender justice can significantly contribute to India's sustainable development trajectory.

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