
CODIFYING RELATIONSHIPS: DOES GUJARAT'S UCC OVERSTEP THE CONSTITUTIONAL LINE?

Debomita Biswas, Student, LL.M (Human Rights Law), Symbiosis Law School Pune.

ABSTRACT

The ratification of the Uniform Civil Code by Gujarat in March 2026 marks a major departure from India's long-standing legal pluralism towards a more uniform regime for personal laws. Although the UCC is perceived as a tool for advancing gender equality and justice in matters of marriage and relationships, the expanding regulatory scope raises significant constitutional concerns. The purpose of this paper is to critically analyse the impact of the Gujarat UCC, specifically the provisions that require registration of marriages and live-in relationships. Placing these developments in the context of Article 21 of the Constitution¹, as interpreted by Justice K.S Puttaswamy v. Union of India², the analysis questions whether this codification is an invasion of privacy, which is extremely intrusive. Acknowledging the protective purpose of the bill, which is primarily focused on safeguarding women's rights and ensuring legal accountability, the paper contends that the enforcement method is a result of the state's overextension of control over domains that were previously protected as private. The conclusion highlights the need for a balanced approach that combines constitutional morality with India's diverse social fabric.

Key Words: - *Uniform Civil Code, Constitutional Morality, Live-in Relationships, Personal Laws, Gender Justice.*

¹The Constitution of India, 1950, Art. 21

² Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.

I. INTRODUCTION

Firsts ignite change, but seconds indicate acceptance. While Uttarakhand became the first state to enact the Uniform Civil Code (UCC) in February 2024, the Gujarat State Assembly passed the bill on 25th March 2026, reinstating the shift from a constitutional vision to legislative reality. “Historic moment for Gujarat and the country”, congratulations were conveyed by the Chief Minister of Gujarat, Mr Bhupendra Patel, who was inspired by Sanatan values and the Rigveda, emphasising that the UCC upholds equality and justice for all, regardless of caste or religion³. Before being brought into as a legal enactment, the bill was extensively consulted and studied in detail by the retired Justice Ranjana Desai. The bill primarily set a single legal framework for the following social phenomena: Marriage, Live-in-relationships, Inheritance of property by a girl child, and divorce, irrespective of religion. As Gujarat shifts from constitutional aspiration to legislative enactment, a striking question arises whether the codification of marriage and personal relationships, now subsumed under a uniform legal framework, risks encroaching on constitutionally protected private space?

II. REGISTRATION OF MARRIAGES AND LIVE-IN-RELATIONSHIPS

The Gujarat UCC expands state control over personal relationships by mandating registration of marriages under sections 6, 7 and 10, divorces under sections 9 and 11. and live-in relationships⁴. While non-registration of marriage does not invalidate it, penalties for non-compliance may disproportionately affect women due to existing power imbalances. The code also restricts divorce strictly to its own procedures, excluding customary and non-judicial practices. It overlaps with the Gujarat Registration of Marriages Act (GRMA), 2006, and a proposed amendment requiring public notice of marriage registration raises serious privacy concerns. By effectively inviting familial scrutiny, this may affect inter-caste and inter-religion marriages, echoing the controversial notice regime under the Special Marriage Act, which was

³Abhinay Deshpande, *Gujarat CM Invokes Sanatan Values, Rigveda as UCC Bill Tabled in Assembly*, THE HINDU, Mar. 24, 2026, <https://www.thehindu.com/news/national/ucc-bill-tabled-in-gujarat-assembly-proposes-common-framework-for-marriage-succession-and-live-in-ties/article70779414.ece>.

⁴*What Gujarat's UCC Actually Does and Why People Should Be Concerned About It*, THE WIRE, <https://thewire.in/rights/what-gujarats-ucc-actually-does-and-why-people-should-be-concerned-about-it>

criticised in *Smt. Safiya Sultana v. State of U.P.* (2021)⁵ for violating privacy. More combative is the mandatory registration of live-in relationships, backed by sanctions.

The bill now regulates live-in relationships by making their registration mandatory, and failure to comply could lead to imprisonment of upto 3 months and or a fine of Rs 10,000. The state contends that the registration of these relationships under Section 384 of the bill will ensure legal protection for daughters and will deter identity fraud in relationships. By formalising such provisions, the UCC seeks to enhance the clarity of a woman's life by bringing legal uniformity against all odds.

III. IMPACT OF SOCIAL BACKLASH ON ITS IMPLEMENTATION

In the immediate aftermath of the Bill's passage, on 21st March, even before the UCC's enactment, the workers of All India Majlis-e-Ittehadul Muslimeen (AIMIM) rooted out a protest outside Ahmedabad's Jama Masjid following Eid prayers, raising slogans against the proposed UCC and calling it contrary to Sharia Law⁶. Subsequently, on 31st March, the Gujarat Muslim Hit Rakshak Samiti, an umbrella body of community organisations, announced plans for statewide protests, submission of a memorandum to the governor and constitutional challenges before the Apex Court⁷. At the national level, on April 3rd, the All-India Muslim Personal Law Board (AIMPLB) formally condemned the legislation as "Unconstitutional" and indicative of majoritarian imposition, while reiterating its intent to challenge the law judicially. These backlashes are rooted in three main concerns: i) Erosion of religious autonomy, ii) Resistance to state intrusion into personal relationships, and iii) A broader perception of the UCC as a top-down reform lacking participatory consensus.

IV. THE FINAL QUESTION: REFORM OR REPRESENTATION?

Ultimately, Gujarat's UCC stands at a difficult crossroads now. On the one hand, it is undeniable that it attempts to correct long-standing imbalances by strengthening women's rights and bringing greater legal certainty to marriage and relationships, but on the other hand, it risks being

⁵*Gujarat Muslim Outfit Plans Protests, Legal Fight against UCC Bill Passed by Assembly*, THE INDIAN EXPRESS (Mar. 31, 2026), <https://indianexpress.com/article/cities/ahmedabad/gujarat-muslim-outfit-plans-protests-legal-fight-against-ucc-bill-passed-by-assembly-10610703/>.

⁶*UCC Protest Outside Ahmedabad's Jama Masjid: 4 Men, 1 Woman Detained*, THE INDIAN EXPRESS (Mar. 21, 2026), <https://indianexpress.com/article/cities/ahmedabad/ucc-protest-outside-ahmedabads-jama-masjid-4-men-1-woman-detained-10593929/>.

⁷Gujarat Muslim outfit plans protests, legal fight against UCC Bill passed by Assembly, *supra* note 3.

perceived as more than just reform, as a project that carries shades of political intent. In a country that consciously defines itself as Secular, the challenge is not to make laws uniform but to make them fair in a way that does not flatten diversity. The real test lies ahead: can the law deliver equality without erasing identity and reform without alienating the very communities it seeks to govern?

V. CONCLUSION

Gujarat's UCC finally sums up in both potential and contradictions. Although it aims to standardise the legal framework and promote the rights of women in marriage and relationships, its growing interference in the personal realm shows valid constitutional issues. A state that claims to be a secular one, reform should proceed beyond the simple uniformity to achieve a principled equilibrium. The issue is not with the requirement of reform in the personal laws; they certainly need it, but it is in the approach that has been implemented. In the upcoming days, the credibility of Gujarat's UCC will not rely on just its intentions, but it will also take into account the capacity to balance equality with the exercise of autonomy and reform with an appreciation for diversity. Ultimately, the question is whether the law will honour diversity or enforce uniformity.