
GUJARAT'S UCC 2026: EMPOWERING WOMEN OR TIGHTENING THE STATE'S GRIP ON LOVE AND FAMILY?

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ABSTRACT

The Gujarat Uniform Civil Code Bill, 2026, passed by the Gujarat Legislative Assembly on 25 March 2026, represents a landmark development as Gujarat becomes only the second state after Uttarakhand to enact a comprehensive uniform civil law governing marriage, divorce, live-in relationships, maintenance, and succession. The legislation replaces religion-specific personal laws with a single secular framework applicable to all residents, except members of Scheduled Tribes, thereby advancing the constitutional directive under Article 44 of the Directive Principles of State Policy. Key provisions of the Code include mandatory registration of marriages and live-in relationships, a complete prohibition on polygamy, equal inheritance rights for sons and daughters, and statutory maintenance rights for women in live-in relationships, along with full legal recognition of children born from such unions. While these measures aim to promote gender justice and national integration, they have sparked significant debate over privacy, personal autonomy, and cultural diversity. Critics argue that the compulsory registration requirements and accompanying penalties risk violating the fundamental right to privacy protected under Article 21 of the Constitution. This paper analyses the objectives, scope, key definitions, and salient features of the Gujarat UCC 2026. It examines landmark Supreme Court judgments in Mohd. Ahmed Khan v. Shah Bano Begum and Sarla Mudgal v. Union of India, along with the Court's recent observations in March 2026, to situate the legislation within its constitutional framework. Adopting a balanced approach, the study evaluates the progressive aspects of the law alongside its potential constitutional concerns. It argues that while the UCC constitutes a bold reformative step, its ultimate success will depend on sensitive implementation, widespread public awareness campaigns, and vigilant judicial oversight to effectively harmonise equality with individual freedoms.

Keywords: Uniform Civil Code, Gujarat UCC 2026, Gender Justice, Personal Laws, Right to Privacy, Article 44, Live-in Relationships, Inheritance Rights.

I. INTRODUCTION

The enactment of the Gujarat Uniform Civil Code, 2026 has once again thrust the long-standing constitutional aspiration of a Uniform Civil Code (UCC) into the national spotlight. Article 44 of the Directive Principles of State Policy, which directs the State to “endeavour to secure for the citizens a uniform civil code throughout the territory of India,” has remained one of the most debated and unimplemented provisions of the Constitution since its adoption in 1950. The Constituent Assembly debates reveal a clear tension between the ideal of secular uniformity and the practical realities of India’s profound religious and cultural diversity. Successive governments have grappled with this directive, often citing the sensitivity of personal laws rooted in religion as a major obstacle.¹ Gujarat’s move comes in the wake of Uttarakhand becoming the first state to enact a comprehensive UCC in February 2024. The Gujarat legislation, passed by the Assembly on 25 March 2026 after intense debate, introduces a common legal framework governing marriage, divorce, live-in relationships, maintenance, and succession for all residents, irrespective of religion, with the notable exemption of Scheduled Tribes. Chief Minister Bhupendra Patel, while tabling the Bill, invoked India’s civilisational values and the Supreme Court’s repeated exhortations for uniformity, positioning the law as a step towards gender justice and national integration.²

As a resident of Gandhidham, Gujarat, the author has witnessed firsthand the passionate public discourse this legislation has triggered. Families, legal practitioners, women’s rights groups, and minority communities have expressed both hope and apprehension. On one hand, the Code promises to eliminate discriminatory practices embedded in personal laws such as unequal inheritance rights for daughters, polygamy in certain communities, and the vulnerability of women in live-in relationships. On the other, concerns about state overreach into private spheres, erosion of cultural identity, and potential infringement of the right to privacy under Article 21 have dominated the debate³. High Courts across the country have increasingly quashed POCSO and rape cases involving consenting adolescents, highlighting the gap between rigid statutory age thresholds and ground realities of adolescent relationships. Similar socio-legal contradictions

¹The Hindu, ‘Gujarat CM invokes Sanatan values, Rigveda as UCC Bill tabled in Assembly’ (24 March 2026)

²LiveLaw, ‘Gujarat Becomes Second State To Pass Law On Uniform Civil Code’ (25 March 2026)

³The Wire, ‘What Gujarat’s UCC Actually Does and Why People Should be Concerned About It’ (31 March 2026)

now surface in the context of live-in relationships and mandatory registration under the new UCC.

This paper undertakes a detailed socio-legal examination of the Gujarat UCC 2026. It begins with an analysis of the law's objectives and constitutional underpinnings, followed by its scope, key definitions, and salient features. A comparative table juxtaposes the Gujarat provisions with those of the Uttarakhand UCC to highlight evolving state-level experiments. The paper then delves into landmark Supreme Court jurisprudence and subjects the legislation to critical constitutional scrutiny. Finally, it offers a balanced assessment of the law's potential to advance equality while safeguarding individual freedoms in India's pluralistic society.

II. OBJECTIVES OF THE GUJARAT UCC BILL

The primary objectives of the Gujarat UCC, as articulated by the state government, are rooted in the constitutional vision of social harmony, national integration, and substantive gender justice. The legislation explicitly seeks to operationalise Article 44 of the Constitution of India, transforming a long-standing directive principle into enforceable law at the state level. By replacing religion-specific personal laws—governed by diverse statutes such as the Hindu Succession Act, 1956, Muslim Personal Law (Shariat) Application Act, 1937, and corresponding Christian and Parsi laws—with a single secular framework, the Code aims to eliminate discriminatory practices that have historically disadvantaged women in matters of inheritance, maintenance, divorce, and succession.⁴

The law also addresses the broader goal of national integration by fostering a common civil identity that transcends religious boundaries. Chief Minister Bhupendra Patel emphasised that the UCC draws from India's civilisational ethos, invoking references to ancient texts such as the Rigveda to underscore the principle of equality. Furthermore, the legislation targets long-standing social evils such as polygamy and unequal property rights, thereby advancing the constitutional mandates of equality before the law (Article 14) and prohibition of discrimination on grounds of religion (Article 15). In doing so, it responds directly to the Supreme Court's

⁴Times of India, 'Gujarat passes Uniform Civil Code Bill 2026' (26 March 2026)

persistent calls in cases like *Shah Bano* and *Sarla Mudgal*, where the Court described Article 44 as a “dead letter” and urged legislative action to prevent exploitation of religious differences.⁵

III. SCOPE OF THE BILL

The Gujarat UCC applies throughout the state and extends extra-territorially to Gujarati residents living outside Gujarat, reflecting the principle of personal law’s application based on domicile. It comprehensively covers marriage, divorce, live-in relationships, maintenance, and succession, thereby bringing uniformity to core areas of family law that were previously fragmented along religious lines. A significant carve-out exists for members of Scheduled Tribes, whose customary rights and traditions remain protected under Article 342 of the Constitution, preserving cultural pluralism in line with the federal and pluralistic ethos of the Indian polity.⁶

Any custom or usage inconsistent with the Code loses legal force upon commencement, establishing the supremacy of the uniform statutory framework over conflicting personal or customary practices. This provision raises important federalism questions regarding the balance between state legislative competence under Entry 5 of List III (Concurrent List) and the preservation of cultural diversity. The scope also intersects with existing central laws, necessitating harmonious construction to avoid repugnancy under Article 254 of the Constitution.⁷

IV. KEY DEFINITIONS

The legislation employs precise and practical definitions to minimise judicial ambiguity and ensure uniform application. A “child” is broadly defined to include biological, adopted, and children born through surrogacy or assisted reproductive technology, thereby aligning with modern family structures and the principle of legitimacy irrespective of marital status. “Property” encompasses both ancestral (coparcenary) and self-acquired assets, secularising succession and eliminating religion-based distinctions in inheritance. A “live-in relationship” is defined as cohabitation between two individuals in a relationship resembling marriage, even without formal solemnisation. Marriage itself requires monogamy, minimum age (21 for men

⁵Mohd. Ahmed Khan v. Shah Bano Begum, AIR 1985 SC 945.

⁶Sarla Mudgal v. Union of India, AIR 1995 SC 1531.

⁷K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.

and 18 for women), sound mind, and prohibition of marriages within prohibited degrees unless saved by custom. These definitions reflect a purposive legislative intent to harmonise personal laws with contemporary notions of consent, equality, and family autonomy.⁸

V. Features of the Gujarat Uniform Civil Code

The Code introduces several transformative features that standardise family law across communities. Salient provisions include mandatory registration of marriages within 60 days (with fines up to ₹10,000 for delay), court decree as the sole valid mode of divorce, and a complete ban on polygamy and bigamy. Live-in relationships must be registered within one month, with parental notification required if one partner is below 21 years. Women in live-in relationships are entitled to maintenance, and children born from such unions receive full legitimacy and inheritance rights. Inheritance follows equal shares for sons and daughters under Class-I heirs, incorporating the doctrine of representation and womb-child protection. Penal sanctions of up to seven years apply to forced or fraudulent relationships.⁹

To illustrate the comparative evolution of state-level UCCs, the following table highlights key similarities and differences between the Gujarat UCC 2026 and the Uttarakhand UCC 2024:

Table 1: Comparative Analysis of Key Provisions – Gujarat UCC 2026 vs Uttarakhand UCC 2024

Provision	Gujarat UCC 2026	Uttarakhand UCC 2024
Mandatory Marriage Registration	Within 60 days (fine up to ₹10,000)	Compulsory registration
Live-in Relationship Registration	Within 1 month + parental notice if <21	Compulsory registration

⁸Ditipriya Hazra, ‘Regulating Intimacy Or Violating Privacy? A Constitutional Challenge To Mandatory Live-In Registration Under Gujarat UCC 2026’ LiveLaw (8 April 2026)

⁹Vidhi Centre for Legal Policy, ‘Gujarat UCC is a cut-copy-paste Bill that squanders opportunity for reform’ (21 March 2026)

Provision	Gujarat UCC 2026	Uttarakhand UCC 2024
Polygamy/Bigamy	Complete ban	Complete ban
Inheritance Rights	Equal for sons & daughters	Equal for sons & daughters
Divorce	Court decree only	Court decree only
ST Exemption	Yes	Yes
Penalty for Forced Marriage	Up to 7 years imprisonment	Similar penal provisions

While these features bring predictability and protection for women, the mandatory registration of intimate relationships has raised legitimate concerns about privacy and potential state overreach.¹⁰

VI. CASE LAW ANALYSIS

The constitutional foundation of the UCC finds strong support in two landmark Supreme Court decisions. In *Mohd. Ahmed Khan v. Shah Bano Begum*, AIR 1985 SC 945, the Court ruled that Section 125 CrPC is a secular welfare provision applicable to all citizens irrespective of religion. It entitled a divorced Muslim woman to maintenance beyond the iddat period and famously described Article 44 as a “dead letter,” urging immediate legislative action for gender justice and national integration.¹¹

In *Sarla Mudgal v. Union of India*, AIR 1995 SC 1531, the Court invalidated fraudulent conversions aimed at circumventing bigamy laws and reiterated the urgent need for a UCC to prevent exploitation of religious differences. Gujarat’s legislation directly addresses these concerns by banning polygamy and standardising procedures. However, the regulatory framework for live-in relationships invites fresh scrutiny under the expanded right to privacy doctrine established in *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1. Recent Supreme

¹⁰Supreme Court observations in the plea challenging discriminatory provisions of the Muslim Personal Law (Shariat) Application Act, 1937 (March 2026).

¹¹*Ibid.*

Court observations in March 2026 further emphasise that piecemeal judicial intervention is insufficient and a comprehensive UCC remains essential.¹²

VII. CONCLUSION

Having examined the provisions of the Gujarat Uniform Civil Code 2026 and the landmark Supreme Court decisions, one thing becomes clear this a law with genuinely good intentions. It finally takes concrete steps to give women equal inheritance rights, stronger maintenance claims, and protection from practices like polygamy that have troubled families for generations. In that sense, it moves us closer to the constitutional promise of equality and the vision of Article 44.

At the same time, I cannot ignore the unease many feel about the mandatory registration of live-in relationships and the heavy penalties that come with non-compliance. These provisions, while meant to protect vulnerable partners, risk crossing the line into the private sphere protected under Article 21. As the Supreme Court has repeatedly emphasised in privacy cases, the state must be careful not to turn personal choices into bureaucratic hurdles.

For this Code to work in practice, the government will need to focus on simple online registration systems, proper awareness drives in Gujarati and other local languages, and genuine dialogue with different communities. The real test will come in the courts, where judges will have to examine whether the restrictions are reasonable and proportionate.

Gujarat has taken a courageous step by becoming only the second state to enact such a comprehensive Uniform Civil Code. If implemented thoughtfully, it can become a model that strengthens families while respecting our diversity. If not, it may create new tensions. The coming years will show whether this bold experiment truly delivers uniform justice or whether it needs fine-tuning to better balance equality with personal liberty. As ordinary citizens of this state, we can only hope that the law brings fairness without sacrificing the freedom that makes our society vibrant.

¹²The Wire, 'What Gujarat's UCC Actually Does and Why People Should be Concerned About It' (31 March 2026)

Footnotes

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