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Constitutional Morality versus Cultural Autonomy under the Uniform Civil Code: A Comparative Jurisprudential Study of Assam, Uttarakhand and Gujarat.

NASIMA AKTARA CHOUDHURY*

ABSTRACT

The debate surrounding the Uniform Civil Code (UCC) in India raises important questions about equality, secularism, individual rights and the protection of cultural diversity. Although Article 44 of the Constitution directs the State to endeavour towards securing a common civil code for citizens, the idea of uniformity becomes complicated in a country where different communities follow diverse personal laws and customary practices. This study examines the jurisprudential tension between constitutional morality and cultural autonomy under the UCC, with particular reference to Assam and a comparative analysis of Uttarakhand and Gujarat. The main objective of the study is to examine whether constitutional values such as equality, dignity, individual autonomy and non-discrimination can be promoted through a uniform civil framework without unnecessarily restricting legitimate cultural and customary practices. It also seeks to identify the similarities, differences and challenges in the approaches adopted by the three states. The study follows a doctrinal and comparative methodology. It draws upon constitutional provisions, relevant legislation, judicial decisions, government documents and existing academic literature relating to personal laws, secularism, cultural rights and the UCC. The experiences of Uttarakhand and Gujarat are examined comparatively to understand the practical and constitutional issues that may arise while moving towards greater uniformity in civil laws. The study argues that uniformity should not be understood merely as the imposition of identical rules on communities with different social and cultural backgrounds. At the same time, cultural autonomy cannot be used to justify practices that violate fundamental rights or principles of equality and dignity. The paper therefore explores whether constitutional morality can provide a balanced approach by protecting individual rights while respecting legitimate cultural differences. It concludes that a workable UCC should promote equality and justice without disregarding India's pluralistic constitutional identity.

Keywords: Uniform Civil Code, Constitutional Morality, Cultural Autonomy, Legal Pluralism, Secularism

* Author is a Ph.D. Research Scholar at the Department of Law, Assam University, Silchar, Assam, India.

I. INTRODUCTION

The Uniform Civil Code (UCC) has emerged as an important constitutional debate in India, particularly concerning the relationship between individual rights and cultural diversity. Article 44 encourages the State to work towards a common civil code, while constitutional protections recognise the importance of religious and cultural practices. This creates a complex jurisprudential question: how can equality, dignity and individual autonomy be protected without unnecessarily weakening legitimate cultural traditions? The experiences of Assam, Uttarakhand and Gujarat provide useful contexts for examining this issue. This study therefore analyses the tension between constitutional morality and cultural autonomy and considers how a balanced approach to the UCC may be developed.

During the framing of the Indian Constitution, prominent leaders such as Jawaharlal Nehru and Dr. B.R. Ambedkar supported the idea of introducing a Uniform Civil Code (UCC). However, owing to opposition from religiously conservative sections and limited public awareness at the time, the UCC was placed under the Directive Principles of State Policy under Article 44 of the Constitution rather than being made an immediately enforceable law. In 2018, the 21st Law Commission, headed by Justice Balbir Singh Chauhan, observed in its Consultation Paper on Reform of Family Law that a Uniform Civil Code was “neither necessary nor desirable at this stage”. The Commission emphasised the importance of preserving India’s secular character while respecting its diverse cultural and religious traditions. It further recommended addressing discriminatory provisions within existing personal laws instead of replacing them entirely with a uniform legal framework.¹

The need for a Uniform Civil Code has remained a subject of national debate for a considerable period. Goa has followed a Uniform Civil Code since the Portuguese Civil Code was introduced during Portuguese colonial rule. Following Goa’s liberation and integration into India in 1961, the Code continued to remain in force. It provides a common legal framework for all residents of Goa, irrespective of their religion, particularly in matters relating to marriage, divorce and inheritance.² Following the implementation of the UCC in Goa since its inception, states such as Uttarakhand and Gujarat have also moved towards its adoption, while Assam is now taking steps towards its effective implementation. The implementation of the UCC would ultimately

¹ *The Uniform Civil Code (UCC) of Uttarakhand: Advancement in Gender Justice or Violating Individual Liberties?*, CITIZENS FOR JUSTICE AND PEACE (Jan. 31, 2025), available at: <https://cjp.org.in/the-uniform-civil-code-ucc-of-uttarakhand-advancement-in-gender-justice-or-violating-individual-liberties/> (last visited Sept. 17, 2026).

² Editorial, *How Similar Are Uttarakhand, Gujarat and Assam’s Uniform Civil Codes?*, THE HINDU, June 30, 2026.

replace religion-specific personal laws with a uniform legal framework applicable to all citizens.³

The concept of a Uniform Civil Code is rooted in the original constitutional framework of India. Article 44 of the Constitution provides that “The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.”⁴ However, since this provision forms part of the Directive Principles of State Policy, it represents a constitutional objective that the State is expected to pursue rather than a legally enforceable obligation or fundamental right.

II. PERSONAL LAWS IN INDIA

India’s diverse social and cultural landscape is characterised by different religious and ethnic communities, many of which are governed by their own personal laws. Major communities, including Hindus, Muslims, Christians and Sikhs, have distinct legal frameworks dealing with family and personal matters, while several tribal and indigenous groups continue to follow their traditional customary laws. Personal laws broadly refer to the rules that govern matters such as marriage, divorce, maintenance, adoption, inheritance and succession on the basis of religious beliefs, customary practices and established traditions. These laws have developed from religious texts, community practices and long-standing customs and continue to play an important role in regulating family relationships and related rights in India.⁵ The following table provides a comparative analysis of selected areas of divergence among Hindu law, Muslim law, Christian law, Parsi law and the Special Marriage Act, 1954.

Table 1: Comparative Analysis of Selected Areas of Divergence in Indian Personal Laws

Area of Comparison	Hindu Law	Muslim Law	Christian Law	Parsi Law	Special Marriage Act, 1954
Principal statutory framework	Hindu Marriage Act, 1955; Hindu Succession Act, 1956; Hindu Adoptions and Maintenance Act, 1956	Muslim Personal Law (Shariat) Application Act, 1937, together with subsequent statutory reforms	Indian Christian Marriage Act, 1872; Divorce Act, 1869	Parsi Marriage and Divorce Act, 1936; relevant provisions of the Indian Succession Act, 1925	Special Marriage Act, 1954

³ Shailly Sinha, *Redefining Family in India: The UCC and LGBTQ+ Rights*, 8(3) INDIAN JOURNAL OF LAW AND LEGAL RESEARCH 7887, available at: <https://www.ijlr.com/post/redefining-family-in-india-the-ucc-and-lgbtq-rights> (last visited Sept. 17, 2026).

⁴ The Constitution of India, art. 44.

⁵ Dr. Madhu M. Thawani, *A Comparative Analysis of the Uniform Civil Code and Personal Laws in India*, 4(2) VNSGU JOURNAL OF RESEARCH AND INNOVATION 26, 29 (2025), available at: <https://vnsguj.ac.in/download/volume-4%20issue-2%20April%20to%20June%202025/A%20Comparative%20Analysis%20of%20the%20Uniform.pdf> (last visited Sept. 17, 2026).

Area of Comparison	Hindu Law	Muslim Law	Christian Law	Parsi Law	Special Marriage Act, 1954
Minimum age for marriage	21 years for male and 18 years for female under the statutory framework	Marriage is permitted upon attainment of puberty, which is generally presumed at 15 years; however, its interaction with the Prohibition of Child Marriage Act, 2006 is subject to statutory and judicial developments.	21 years for male and 18 years for female under the applicable statutory framework	21 years for male and 18 years for female	21 years for male and 18 years for female
Polygamy	Prohibited. Section 5(i) of the Hindu Marriage Act requires that neither party have a spouse living at the time of marriage.	Muslim personal law has traditionally recognised a limited form of polygyny, subject to the applicable legal framework; this remains a significant point of divergence.	Monogamous marriage recognised under the applicable statutory framework	Remarriage during the subsistence of a valid marriage is restricted by the Parsi Marriage and Divorce Act	Monogamous marriage; contracting another marriage during the subsistence of the earlier marriage attracts statutory consequences
Divorce	Divorce is governed principally by the Hindu Marriage Act, 1955. Grounds include fault-based grounds and divorce by mutual consent.	Divorce may occur through forms recognised under Muslim personal law as well as statutory/judicial remedies. <i>Talaq-e-biddat</i> (instant triple talaq) is void and illegal under the Muslim Women (Protection of Rights on Marriage) Act, 2019.	Divorce is principally governed by the Divorce Act, 1869, which provides statutory grounds for dissolution of marriage, including mutual consent.	Governed by the Parsi Marriage and Divorce Act, 1936, including statutory grounds and mutual consent	Judicial divorce and mutual-consent divorce are available under the Act

Area of Comparison	Hindu Law	Muslim Law	Christian Law	Parsi Law	Special Marriage Act, 1954
Succession / inheritance	Governed principally by the Hindu Succession Act, 1956. After the 2005 amendment, daughters have equal rights as coparceners in Mitakshara coparcenary property.	Succession principally governed by Muslim personal law, subject to applicable statutory provisions	Indian Succession Act, 1925 generally provides the statutory framework for succession applicable to Christians	Special statutory provisions for Parsi intestate succession exist under the Indian Succession Act, 1925	Section 21 generally connects succession with the Indian Succession Act, 1925. Section 21A provides an important exception for certain marriages where both parties are Hindu, Buddhist, Sikh or Jain.
Maintenance	Maintenance may be claimed under the Hindu Adoptions and Maintenance Act, 1956, the Hindu Marriage Act, 1955 and applicable general/secular laws.	Maintenance may be available under Muslim personal law and secular statutory remedies, including applicable provisions of general maintenance law.	Statutory matrimonial remedies are supplemented by general maintenance law	The Parsi Marriage and Divorce Act, 1936 contains provisions relating to maintenance and alimony.	Section 36 provides for alimony <i>pendente lite</i> , while Section 37 provides for permanent alimony and maintenance.
Principal area of legal divergence	Codified personal law regulating marriage, divorce, maintenance, adoption and succession, with statutory monogamy and gender-equal coparcenary rights.	Interaction between personal-law principles and subsequent statutory and constitutional reforms	A statutory matrimonial framework developed through the Indian Christian Marriage Act, Divorce Act and Indian Succession Act.	Distinct statutory matrimonial and succession framework	Secular statutory framework applicable irrespective of religious personal law

Source: Prepared on the basis of the Hindu Marriage Act, 1955; the Hindu Succession Act, 1956; the Muslim Personal Law (Shariat) Application Act, 1937; the Muslim Women (Protection of Rights on Marriage) Act, 2019; the Indian Christian Marriage Act, 1872; the Divorce Act, 1869; the Parsi Marriage and Divorce Act, 1936; the Indian Succession Act, 1925; and the Special Marriage Act, 1954.

III. KEY FEATURES OF THE ASSAM UCC BILL, 2026

In May 2026, the Assam Legislative Assembly passed the Uniform Civil Code (UCC) Bill, 2026. Introduced by the BJP-led state government, the legislation made Assam the first state in Northeast India and the third BJP-governed state, after Uttarakhand and Gujarat, to move forward with a Uniform Civil Code. The introduction of the UCC was also among the key commitments made by the BJP ahead of the 2026 Assembly elections.⁶

The Uniform Civil Code was a major electoral commitment of the BJP ahead of the 2026 Assam Assembly elections. In May 2026, the Assam Cabinet approved the bill during its first meeting. The proposed legislation aims to establish a common civil legal framework for all the residents of the state, regulating matters including marriage, divorce, succession and live-in relationships. Marriages are required to be registered within 60 days of solemnisation, whereas live-in relationships must be registered within 30 days. The draft also prescribes penalties for non-compliance, including a fine of ₹10,000 for the intentional failure to register a marriage or divorce within the prescribed period.⁷ The Assam Cabinet had earlier, in February 2024, taken significant steps to curb child marriage by repealing the Assam Muslim Marriages and Divorces Registration Act, 1935, which allowed the registration of Muslim marriages without requiring the parties to meet the statutory minimum marriageable age of 18 years for women and 21 years for men. This move was intended to strengthen the enforcement of laws against child marriage and bring greater consistency to the legal framework governing marriages in the state. Alongside this legislative step, the state government has intensified its crackdown on child marriage, including thousands of arrests under the Protection of Children from Sexual Offences (POCSO) Act, 2012 and the Prohibition of Child Marriage Act, 2006, as part of its stated objective of eliminating child marriage in Assam by 2026.⁸

The Uniform Civil Code is a concept used in India to frame and enforce personal laws that apply equally to all citizens without distinction of religion, gender and race. At present, each community's personal rules are governed largely by its own religious texts.⁹ Although Article 44 of the Constitution is placed under the Directive Principles of State Policy, it envisions the adoption of a Uniform Civil Code to harmonise personal laws relating to marriage, divorce and

⁶ Editorial, *Assam Assembly Passes UCC Bill with Ban on Polygamy, Live-in Registration Rules*, THE TIMES OF INDIA, May 27, 2026.

⁷ *Id.*

⁸ Nabajit Nath, *The Uniform Civil Code (UCC) in Assam: Debates, Impact and Possible Steps*, 12(3) INTERNATIONAL JOURNAL FOR RESEARCH IN APPLIED SCIENCE & ENGINEERING TECHNOLOGY 3254 (2024), available at: <https://doi.org/10.22214/ijraset.2024.59635> (last visited Sept. 17, 2026).

⁹ Vanshika Mathur and Dr. Arvind Kumar Singh, *A Critical Analysis of Uniform Civil Code with Reference to Uttarakhand*, 72 JOURNAL OF ENGINEERING AND TECHNOLOGY MANAGEMENT 64 (2024), available at: <https://jetm.com/wp-content/uploads/6-JETM8047.pdf> (last visited Sept. 17, 2026).

other related matters, irrespective of religion or community. Though not enforceable by a court, it reflects the constitutional goal of ensuring equality and justice. The absence of uniformity has allowed practices such as child marriage and the legitimisation of sexual relations with underage girls to persist within certain personal-law frameworks, undermining the rights guaranteed under Articles 14, 19 and 21.¹⁰

In the landmark decision of *Mohd. Ahmed Khan v. Shah Bano Begum*,¹¹ the Supreme Court granted maintenance to a divorced woman who had been denied relief under Section 125 of the Code of Criminal Procedure, 1973. The debate surrounding the Uniform Civil Code gained further momentum through *Sarla Mudgal v. Union of India*,¹² where the Supreme Court examined the issue of conversion for the purpose of contracting a second marriage and reiterated the significance of Article 44. In *John Vallamattom v. Union of India*,¹³ the Court struck down Section 118 of the Indian Succession Act, 1925, as unconstitutional and again made significant observations regarding the desirability of a common civil code. The constitutional validity of instant triple talaq was subsequently considered in *Shayara Bano v. Union of India*,¹⁴ in which the Supreme Court, by a majority, set aside the practice of *talaq-e-biddat*. The judgment also referred to the continuing relevance of Article 44 and the need for reform in personal laws. Subsequently, in *Sameena Begum v. Union of India*,¹⁵ petitions challenging practices including polygamy and *nikah halala* were considered by the Supreme Court, and the issues were referred for consideration by a Constitution Bench. However, the Court did not, in that proceeding, declare polygamy or *nikah halala* unconstitutional. These judicial developments demonstrate the continuing constitutional discourse surrounding personal laws, gender equality and the implementation of a Uniform Civil Code in India.

IV. KEY FEATURES OF THE UTTARAKHAND UCC, 2024

The Uniform Civil Code enacted in Uttarakhand in 2024, and brought into force on 27 January 2025, introduced a common legal framework for matters including marriage, divorce, inheritance and live-in relationships, replacing the application of different personal-law frameworks in these areas. According to Chief Minister Pushkar Singh Dhami, the legislation is intended to promote equality and address discrimination against women.

¹⁰ The Constitution of India, arts. 14, 19, 21.

¹¹ *Mohd. Ahmed Khan v. Shah Bano Begum*, AIR 1985 SC 945.

¹² *Sarla Mudgal v. Union of India*, AIR 1995 SC 1531.

¹³ *John Vallamattom v. Union of India*, AIR 2003 SC 2902.

¹⁴ *Shayara Bano v. Union of India*, AIR 2017 SC 4609.

¹⁵ *Sameena Begum v. Union of India*, Writ Petition (C) No. 227 of 2018 (Supreme Court of India, order dated Mar. 26, 2018).

Uttarakhand Chief Minister Pushkar Singh Dhami stated that the state's Uniform Civil Code (UCC) model is attracting attention from other states and is being considered as a possible framework for similar legislation. Uttarakhand is described as the first state in India to implement a common civil code. The adoption of the UCC approach has gained momentum in other states as well. Madhya Pradesh has passed its own UCC Bill, which seeks to establish uniform civil laws across different faiths and includes provisions requiring the registration of live-in relationships. The Bill was passed by the State Assembly on 21 July 2026 and has been reserved for the assent of President Droupadi Murmu. It also excludes the state's tribal population from its provisions in order to safeguard their customs and traditional way of life.¹⁶

The Uniform Civil Code (UCC) in Uttarakhand introduces a common legal Code covering marriage, divorce, inheritance, live-in relationships and related personal matters. It prohibits practices such as *halala*, *iddat* and *talaq* under Muslim personal law, while seeking to provide women with equal rights in matters of property and inheritance. Marriage registration is mandatory, with the legal age remaining 21 years for men and 18 years for women, and the Code prohibits polygamy, child marriage and triple talaq. It also provides equal inheritance rights to sons and daughters and recognises children born to couples in live-in relationships as legitimate, giving them corresponding inheritance rights. The Code also contains provisions relating to the registration and termination of live-in relationships, including requirements concerning age, parental consent in certain circumstances and notification of pregnancy. It further provides safeguards for registered live-in couples in matters such as housing. Wills may also be registered through the online portal by submitting a form, uploading a written will or providing a video recording. Applications are generally processed within prescribed time limits, while sub-registrars and registrars are responsible for documentation and appeals. Persons dissatisfied with a rejection may file an appeal within the prescribed period. The Code also provides for warnings and financial penalties in cases of non-compliance, with stricter consequences for repeated violations.¹⁷

A. Live-in Relationships under the UCC

The UCC's provisions on live-in relationships have raised concerns regarding privacy, autonomy and excessive state interference. The law requires live-in relationships to be registered and permits third parties to file complaints regarding their legality, which may

¹⁶ Editorial, *ET World Leaders Forum 2026: Uttarakhand's UCC Model Is Inspiring Other States, Says CM Pushkar Singh Dhami*, THE ECONOMIC TIMES, Aug. 22, 2026.

¹⁷ *Uttarakhand Becomes First State to Implement UCC*, VAJIRAM & RAVI, available at: <https://vajiramandravi.com/current-affairs/uttarakhand-becomes-first-state-to-implement-uniform-civil-code-ucc/> (last visited Aug. 18, 2026).

encourage moral policing, social scrutiny, harassment and misuse of the provision. The different age requirements are also controversial, as individuals can marry at 18 without parental consent but must be 21 to enter a legally recognised live-in relationship without parental intimation. Further, the law raises questions about whether same-sex couples are covered within its definition. These provisions must also be viewed in light of the Supreme Court's recognition of live-in relationships and the fundamental right to privacy in *Indra Sarma v. V.K.V. Sarma* (2013) and *K.S. Puttaswamy v. Union of India* (2017). Mandatory registration and third-party complaints may therefore be seen as undermining individuals' freedom to choose their personal relationships and as potentially conflicting with the constitutional protection of privacy and personal autonomy.

B. UCC: Concerns Over Minority Rights, Inheritance and HUFs

The Uniform Civil Code (UCC) has faced criticism over its alleged disproportionate impact on minorities, particularly Muslims, and its exclusion of Scheduled Tribes (STs). Critics argue that the UCC is not truly uniform because it excludes STs and remains silent on the Hindu Undivided Family (HUF), which provides tax benefits primarily to Hindu, Buddhist, Sikh and Jain families. The Uttarakhand UCC has also been criticised by Muslim organisations for restricting practices such as polygamy and customary divorce under Sharia, although its supporters argue that these provisions promote gender equality by granting Muslim women equal inheritance rights, prohibiting polygamy and eliminating practices such as *nikah halala*. The UCC also significantly changes intestate succession by replacing religion-specific inheritance rules with common rules. For Hindus, it removes the distinction between ancestral and self-acquired property and gives both parents Class-I heir status, while for Muslims it eliminates fixed shares prescribed under Islamic law and provides equal inheritance rights to men and women. For Christians, it changes the traditional distribution of property by treating widows and parents as Class-I heirs with equal shares. Critics argue that these changes substantially alter Muslim and Christian personal laws while making comparatively limited changes to Hindu succession rules. Another major concern is the UCC's silence on HUFs, which are treated as separate taxable entities and can provide significant tax advantages to Hindu families; critics argue that retaining this institution while claiming uniformity raises questions of equality and fiscal fairness. Overall, the debate surrounding the UCC reflects broader concerns about whether a common civil framework can genuinely ensure equality without disproportionately affecting minority personal laws or preserving privileges available to particular communities.¹⁸

¹⁸ *The Uniform Civil Code (UCC) of Uttarakhand*, *supra* note 1.

V. KEY FEATURES OF THE GUJARAT UCC BILL, 2026

The Gujarat Uniform Civil Code, 2026, passed on 24 March 2026, makes Gujarat the second state after Uttarakhand to enact a comprehensive UCC under state legislation. The Code applies to all Gujarat residents regardless of religion, with an explicit exemption for members of Scheduled Tribes.

The Gujarat Uniform Civil Code (UCC) Bill proposes a common legal framework governing marriage, divorce, succession and live-in relationships, irrespective of religion. The Bill applies throughout Gujarat and also to Gujarat residents living outside the state. However, Scheduled Tribes, as defined under Article 366(25),¹⁹ are completely exempted so that their distinct customs, traditions and practices remain protected. All marriages, irrespective of religion, must be registered within 60 days, and failure to do so may attract a penalty of up to ₹10,000. However, non-registration does not make the marriage invalid. Forced, coerced or fraudulent marriages, as well as multiple marriages, may attract imprisonment of up to seven years. The Bill introduces uniform rules for divorce, making court approval and registration compulsory. Divorces conducted outside the prescribed legal process would be considered invalid and may attract imprisonment of up to three years. Women are also given the right to remarry without any conditions. The proposed Code prohibits bigamy by providing that no person can marry again while their existing spouse is alive. A marriage is valid only when neither party has a living spouse. The Bill provides equal inheritance rights to sons and daughters across religions, with the objective of promoting gender equality and strengthening women's economic security. Live-in relationships must be registered, and the Bill provides a formal declaration-based process for their termination. Failure to register may result in imprisonment of up to three months or a fine of ₹10,000. Where individuals between the ages of 18 and 21 enter into a live-in relationship, their parents will be informed. The Bill also provides that POCSO provisions will apply where minors are involved, while strict penalties may be imposed when a married person enters into a live-in relationship. At the same time, women in such relationships are provided maintenance rights, and children born from live-in relationships receive legal recognition.²⁰

A. Constitutional Validity of the Gujarat UCC

The Gujarat UCC is likely to face a constitutional challenge before the Supreme Court, with several important legal questions at the centre of the debate. The first concerns legislative

¹⁹ The Constitution of India, art. 366(25).

²⁰ *Gujarat Uniform Civil Code (UCC) Bill: Concept, Constitutional Basis*, VAJIRAM & RAVI, available at: <https://vajiramandravi.com/current-affairs/gujarat-uniform-civil-code-ucc-bill/> (last visited July 20, 2026).

competence: although Article 44 directs the State to work towards a Uniform Civil Code, matters such as marriage, divorce and succession fall under Entry 5 of the Concurrent List, giving both Parliament and state legislatures the power to legislate on them. However, critics, including the Communist Party of India (Marxist), argue that the reference to “State” in Article 44 may be intended only for the Union Government, leaving the constitutional validity of state-level UCCs uncertain. The second issue involves religious freedom, as Muslim, Christian and Parsi communities may argue that Articles 25 and 26 protect their religious practices and personal laws. Although the Supreme Court has generally held that matters such as marriage and succession are secular and can be regulated by the State, a comprehensive UCC replacing multiple personal laws raises a broader constitutional question. The third concern is gender equality, as provisions such as equal inheritance for daughters, equal maintenance rights, prohibition of polygamy and restrictions on unilateral divorce can be defended under Articles 14 and 15, while courts may have to balance these equality objectives with claims of religious freedom. Finally, the mandatory registration of live-in relationships raises concerns about privacy and personal autonomy.²¹ In light of Supreme Court decisions recognising intimate association and individual autonomy under Articles 19 and 21, including *Navtej Singh Johar v. Union of India*,²² imposing compulsory registration backed by criminal penalties could be questioned as an excessive or disproportionate form of state interference in private relationships.

VI. COMPARATIVE ANALYSIS OF ASSAM, UTTARAKHAND AND GUJARAT UCCs

Assam, Uttarakhand and Gujarat represent three significant state-level approaches to the Uniform Civil Code, with considerable similarities but differences in their scope and emphasis. Uttarakhand was the first to implement a comprehensive UCC covering marriage, divorce, succession, inheritance and live-in relationships, with Scheduled Tribes exempted. Assam has adopted a similar framework but places particular emphasis on prohibiting polygamy, regulating live-in relationships and strengthening measures against child marriage. Gujarat follows the Uttarakhand model in several respects, including compulsory marriage registration, prohibition of bigamy, equal inheritance rights and regulation of live-in relationships, while also exempting Scheduled Tribes. Overall, all three states seek greater uniformity in personal laws and gender equality, but their approaches differ in the specific issues they prioritise and the extent to which

²¹ *Gujarat's Uniform Civil Code 2026: What It Changes and Who Is Affected*, STERLING AND PARTNERS, available at: <https://sterlingpartners.law/gujarat-uniform-civil-code-2026-explained/> (last visited Aug. 19, 2026).

²² *Navtej Singh Johar v. Union of India*, AIR 2018 SC 4321.

they regulate personal relationships. The following table highlights the key similarities and differences among the three state-level UCC frameworks.

Table 2: Comparative Analysis of Selected Provisions of the UCC Frameworks in Assam, Uttarakhand and Gujarat

(Based on the Uttarakhand Code, 2024, the Gujarat UCC Bill, 2026 and the Assam UCC Bill, 2026)

Area of Comparison	Uttarakhand	Gujarat	Assam
Legislative status	Uniform Civil Code of Uttarakhand, 2024; came into effect on 27 January 2025.	Gujarat Uniform Civil Code Bill, 2026; passed by the Gujarat Legislative Assembly on 24 March 2026. Commencement is to follow the prescribed legal process.	Uniform Civil Code, Assam, Bill, 2026; passed by the Assam Legislative Assembly on 27 May 2026.
Position in India	First state in India to implement a comprehensive UCC.	Second state after Uttarakhand to enact a comprehensive state-level UCC.	First UCC initiative in Northeast India; third BJP-governed state to move forward with a UCC.
Territorial / personal scope	Applies across Uttarakhand and also to Uttarakhand residents living outside the State in specified matters.	Extends throughout Gujarat and also covers Gujarat residents outside the State in specified matters.	Creates a common civil framework for residents of Assam, including specified provisions applicable to Assam residents outside the State.
Scheduled Tribes and protected customs	Scheduled Tribes are excluded; the Rules also recognise constitutional protection for certain customary rights under Part XXI.	Scheduled Tribes and certain constitutionally protected groups/customary rights are excluded from the Code.	Scheduled Tribes are excluded from the proposed framework, preserving the constitutional protection of tribal customary practices.
Marriage conditions	Uniform conditions apply irrespective of religion, including monogamy and statutory conditions concerning age, consent and prohibited relationships.	Provides common conditions for a valid marriage, including monogamy, minimum age of 21 years for men and 18 years for women, consent and restrictions concerning prohibited relationships.	Provides common conditions for marriage, including monogamy, minimum age of 21 years for men and 18 years for women, free consent and restrictions on prohibited relationships.
Recognition of ceremonies	Religious and customary ceremonies may continue to be used, provided the statutory conditions for a valid marriage are satisfied.	Customary or religious forms of solemnisation may continue; the Code focuses on common legal conditions rather than prescribing one religious ceremony.	Existing religious and customary ceremonies may be used for solemnisation, while validity is determined by the common statutory conditions.

Area of Comparison	Uttarakhand	Gujarat	Assam
Marriage registration	Mandatory registration of marriage. Warnings/financial penalties for non-compliance.	Mandatory registration within 60 days; fine up to ₹10,000; non-registration does not itself invalidate the marriage.	Mandatory; registration required within 60 days of solemnisation. Fine of ₹10,000 for intentional failure to register.
Polygamy / bigamy	Second marriage during the subsistence of a valid marriage is prohibited.	Bigamy/polygamy is prohibited, with penal consequences for contravention.	Prohibits polygamy and bigamy with penalties of up to seven years' imprisonment.
Divorce and matrimonial relief	Provides a common framework for divorce, mutual consent, nullity, judicial separation, restitution of conjugal rights and related matrimonial proceedings.	Provides uniform rules for divorce, mutual consent, nullity, judicial separation, restitution of conjugal rights and related matrimonial relief.	Provides common grounds and procedures for divorce, including mutual consent, together with provisions relating to nullity and matrimonial disputes.
Maintenance / alimony	Express provisions deal with maintenance during proceedings and permanent alimony and maintenance.	The Bill contains provisions concerning maintenance and related matrimonial relief.	Provides maintenance-related remedies within the uniform matrimonial framework, including protection for eligible persons in specified circumstances.
Succession and inheritance	Creates a common statutory framework for intestate and testamentary succession, including rules concerning Class I and other heirs.	Creates uniform rules for intestate and testamentary succession and addresses inheritance, wills, probate and related administration.	Provides a uniform, gender-neutral framework for intestate succession and equal treatment of specified heirs, replacing divergent personal-law succession rules.
Live-in relationships	Registration of live-in relationships is regulated through the Code and Rules; termination and related procedures are also prescribed.	Provides a statutory framework for registration and termination of live-in relationships, including consequences of non-compliance and protection of children.	Requires registration of live-in relationships within 30 days, penalties for non-registration and legal recognition of children born from such relationships.
Distinctive regulatory emphasis	Comprehensive codification accompanied by detailed administrative Rules covering marriage, divorce, succession and live-in relationships.	Emphasis on a common framework for marriage, divorce, succession and live-in relationships, with detailed registration and enforcement provisions.	Combines UCC-style personal-law uniformity with a strong focus on mandatory registration, live-in regulation, gender-equal succession and the protection of Assam's tribal/customary autonomy.

Source: Prepared by the researcher on the basis of the Uniform Civil Code of Uttarakhand, 2024 and the Uniform Civil Code Rules, 2025; the Gujarat Uniform Civil Code, 2026 (Gujarat Bill No. 17 of 2026); and the Uniform Civil Code, Assam, Bill, 2026.

VII. CONSTITUTIONAL MORALITY VERSUS CULTURAL AUTONOMY

The Uniform Civil Code (UCC) represents a fundamental constitutional tension between constitutional morality and cultural autonomy. Constitutional morality requires the State to uphold the principles of equality, dignity, liberty, non-discrimination and individual autonomy embodied under Articles 14, 15, 19 and 21 of the Constitution, even where such principles require reform of traditional personal or customary practices. In this context, a UCC may be justified as an instrument of substantive equality, particularly where personal laws create differential treatment on the basis of gender or religion. The Supreme Court's stance in *Shayara Bano v. Union of India*, *Navtej Singh Johar v. Union of India* and *K.S. Puttaswamy v. Union of India* demonstrates the increasing constitutional emphasis on individual dignity, autonomy and equality. At the same time, cultural autonomy is an important component of India's constitutional pluralism. Articles 25 and 26 of the Constitution protect freedom of conscience and religious practice, while Articles 29 and 30 recognise aspects of cultural and minority identity; tribal communities also enjoy constitutional protection for their distinctive customs and traditions. The exemption of Scheduled Tribes from the UCC frameworks in Assam, Uttarakhand and Gujarat illustrates this tension between uniformity and cultural preservation. Therefore, the constitutional question is not simply whether uniform laws are desirable, but rather how far the State may intervene in community-specific practices in pursuit of equality without eroding legitimate cultural and religious autonomy. A constitutionally sustainable UCC must consequently distinguish between practices that violate fundamental rights and those that merely reflect legitimate cultural diversity. The challenge is to achieve substantive equality without converting uniformity into cultural homogenisation, thereby maintaining a balance between individual rights and the pluralistic character of Indian constitutionalism.

VIII. CRITICAL EVALUATION: DOES THE UCC ACHIEVE GENUINE UNIFORMITY?

The claim that the Uniform Civil Code (UCC) creates genuine uniformity requires careful examination, as legal uniformity does not necessarily mean completely identical or similar treatment of all communities. The UCC frameworks of Uttarakhand, Assam and Gujarat seek to establish common or uniform rules relating to marriage, divorce, succession and live-in relationships, thereby reducing the differences created by religion-based personal laws. However, the exemption of Scheduled Tribes in Assam, Uttarakhand and Gujarat demonstrates that the principle of uniformity is itself subject to constitutional and cultural considerations. Similarly, the retention or non-addressing of institutions such as the Hindu Undivided Family

raises questions about whether all community-specific legal and economic distinctions are being treated equally. At the same time, uniformity can have substantive value where it eliminates discriminatory practices, strengthens women's inheritance and matrimonial rights, prohibits child marriage and polygamy, and provides common legal protections irrespective of religion. The real measure of a UCC, therefore, should not be whether it produces absolute sameness, but whether it establishes a fair and non-discriminatory civil framework while respecting constitutionally protected diversity. Thus, the Assam, Uttarakhand and Gujarat UCC models represent an attempt to reconcile uniform civil regulation with India's pluralistic constitutional structure, but their exemptions, differential effects and regulation of intimate relationships demonstrate that the achievement of genuine uniformity remains an evolving constitutional question.

IX. CONCLUSION, RECOMMENDATIONS AND WAY FORWARD

The UCC frameworks of Assam, Uttarakhand and Gujarat demonstrate an attempt to promote equality, gender justice and uniformity while preserving India's constitutional pluralism. However, genuine uniformity should not result in cultural homogenisation or unjustified interference with privacy, individual autonomy or liberty. The way forward should therefore be a rights-based, consultative and proportionate approach, involving minority and tribal communities, legal experts and civil society in the formulation and review of UCC provisions. Discriminatory practices need to be reformed while legitimate cultural and customary practices are protected. Ultimately, the success of the UCC should be judged not by complete uniformity, but by its ability to balance constitutional morality, individual rights, gender equality and cultural autonomy.
