



ORIGINAL RESEARCH PAPER

Law

GUJARAT UNIFORM CIVIL CODE, 2026 LEGAL PROVISIONS AND CHALLENGES OF ITS IMPLEMENTATION

KEY WORDS: The Constitution of India, Gujarat Uniform Civil Code, 2026, Provision, Challenges & Implements and Personal Laws

**Varagia
Girishkumar
Jaysukhbhai**

Ph.D. Research Scholar, Department of Law, K.S.K. V. Kachchh University, Bhuj-Kachchh

**Dr. Samir A.
Runja**

Assistant Professor, Seth D. L. Law College, Bhuj-Kachchh

ABSTRACT

This paper examines the legal provisions and challenges of its implementation in the State of Gujarat regarding the Uniform Civil Code, 2026, Gujarat Bill No. 17 of 2026, passed in the Gujarat Legislative Assembly on March 24, 2026. The bill regarding the legal provisions and challenges of its implementation for women under the Gujarat UCC Bill, 2026 mainly includes four parts. Part one includes marriage and divorce, part two inheritance, part three live-in relationship and part four miscellaneous. Parts one and three are of utmost importance in this bill, especially for women regarding matters like marriage, divorce, and live-in relationship. There is a personal family law related to marriage and divorce, but there was no specific law on live-in relationship under the personal law. Which is now covered in the bill. Now that the Bill contains provisions for compulsory registration of marriage, compulsory registration of divorce and compulsory registration of live-in relationships, the present research paper explores whether the legal provisions made in the Bill will be implemented in the socio-legal perspective at the ground level and what the challenges will be in implementing the provisions.

INTRODUCTION

India is a country with diversity based on religion and language. People of every religion live here and many states have their own mother tongue. Before independence, various peoples from western countries came to India and settled here and established empires here and ruled. Based on each religion, there were different policies and practices based on their scriptures and customs, which were family rules. From time to time, Portuguese and many other people came to the country and ruled India, during which some laws came into existence during the rule of the British, including criminal laws. Personal laws came into existence in India in two ways, before independence and after independence. From time to time, personal laws came into existence based on religion as social needs arose. A time came when the country became independent from the slavery of the British and the country got its own Constituent Assembly in which Dr. Babasaheb Ambedkar presented the Hindu Code Bill in the Parliament, but unfortunately it was not passed. Distraught, Babasaheb resigned from the post of the first Law Minister. Then in Part 4 of the Constitution, the article on the Directive Principles of State Policy Article- 44. Uniform civil code for the citizens.—The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India. In which the Central Government and the State Government were given the power to make laws. There was no national law regarding the provisions of the Uniform Civil Code, so when necessary, personal laws came into existence, including the Hindu Marriage Act, 1955, the Hindu Succession Act, 1956, the Hindu Adoptions and Maintenance Act, 1956, the Hindu Minority and Guardianship Act, 1956, the Indian Christian Marriage Act, 1872, the Parsi Marriage and Divorce Act, 1936, the Muslim Personal Law (Shariat) Application Act, 1937, the Muslim Women (Protection of Rights on Divorce) Act, 1986, the Special Marriage Act, 1954. Due to Personal Law, some complex cases have come up before the Hon'ble Supreme Court. In cases like Ms. Jorden Deingdeh v. S.S. Chopra-1985, Sarla Mudgal v. Union of India-1995, Md. Ahmed Khan v. Shah Bano Begum-1985, Shayara Bano v. Union of India and others, the Hon'ble Court has given landmark judgments and recommended the formulation of a Uniform Civil Code. Even after seven decades of independence, there was no law in existence regarding the burning issue of Uniform Civil Code. In the year 2025, a Uniform Civil Code came into existence in the state of Uttarakhand. The Government of Gujarat has constituted a committee to assess the need for implementing

a Uniform Civil Code in Gujarat and then, based on the assessed need, will suggest the contours of such legislation. In this process, the committee will review the existing laws relating to the regulation of personal civil affairs of residents of Gujarat. The committee had a total of five members, including Ranjana Prakash Desai, retired judge of the Supreme Court-chairperson of the committee, Shri C. L. Meena IAS-R.-Member, Shri R. C. Kodekar, Senior Advocate - Member, Shri Dakshesh Thakar, Former Vice-chancellor, VNSGU, Member, Ms. Gita Shroff, Social Activist, Member. The committee of five members studied the state and got feedback from the people and prepared a report in March 2026 and submitted it to the Honorable Chief Minister. And after The Gujarat Uniform Civil Code Bill, 2026 was passed by a majority in the Gujarat Legislative Assembly on March 24, 2026.

Research Gap and Problem Statement

Gujarat is home to more than six crore citizens. For which personal laws are in force in the state till now. ucc bill, 2026 Gujarat is the second state in the country to bring the UCC law, so the research on it is very less, so that the academic in-depth analysis on its practical and social response is very limited, so the current research is necessary. The research will reveal what kind of socio-legal problems will arise due to the implementation of the bill and at the time of implementation. Therefore, the need for the current research becomes necessary. This bill leads in two contradictory directions. On the one hand, it talks about gender equality by banning equal rights in property, polygamy. On the other hand, by making mandatory registration of live-in relationships and providing information to guardians, it poses questions and risks to personal freedom and social balance. The current research addresses the need to understand how equality can be maintained between the fundamental rights of citizens and cultural equality amidst efforts to bring about equality.

Objectives of the Research

To conduct a detailed study of the legal provisions related to marriage, divorce, succession, property rights and live-in relationships under the Gujarat Uniform Civil Code Bill, 2026. To examine the extent to which it proves appropriate in pursuing women's rights, girls' property rights and social justice in terms of gender equality. To make registration mandatory in matters like live-in relationships and informing parents and guardians and to provide provisions of legal

penalties so as to analyze the relationship between the personal freedom of citizens in relation to the Puttaswamy judgment. To identify the challenges for implementation and to provide recommendations and conclusions on the constitutional context for the implementation of the law.

Legal Provisions

Main purpose of the bill : To govern and regulate the laws relating to marriage and divorce, succession, live-in relationship and matters related thereto. This bill will end personal laws based on religion.

Important legal provisions : The Bill consists of four parts and 389 clauses and seven schedules. Clause-2: Provision 2. Nothing contained in this Code shall apply to- (1) the members of Scheduled Tribes within the meaning of clause (25) of Article 366 read with Article 342 of the Constitution of India; and (2) the persons and group of persons whose customary rights are protected under Part XXI of the Constitution of India. According to Clause-2, the people of Scheduled Tribes of the State whose customary rights are protected under the provisions of the Constitution shall not be applicable to them. Section-29(5) that one of the parties to the marriage concealed his/her identity at the time of the marriage. Section-29 (5) A legal marriage performed by concealing identity may be considered unreasonable. When a husband or wife leaves each other without a valid reason, they can bring each other back to the marital life by applying to the court under Section-26 to resume marital life, that is, they can re-establish marital life. It is mandatory to register the loose ends as per Sections 10 and 11 upon receipt of a court order. Sections 39 to 42 provide for the provision of maintenance of wife. Part-4. Live-In Relationship, Under Section 384. (1) It shall be obligatory for partners to a live-in relationship within the State, whether they are residents of Gujarat or not, to submit a statement of live-in relationship under sub-section (1) of section 387 to the Registrar within whose jurisdiction they are so living. Also, as per Section-387(4), the Registrar shall conduct a brief inquiry within 30 days of receipt of the application and issue a registration certificate as per Section 4(a). As per Section-385, a child born to both the parties during a live-in relationship shall be the legal child of the couple and shall be considered as theirs. Section-385. Any child of a live-in relationship shall be a legitimate child of the couple. According to Section-386, registration is not mandatory in certain cases. Under Section 64 : A person who commits murder or abets the commission of murder shall be disqualified from succeeding to the estate of the person murdered, or any other estate in furtherance of the succession to which she/he committed or abetted the commission of the murder.

Challenges for Implementation

The main problem of personal freedom and privacy will arise as the provisions of the Constitution will be violated. While the Constitution grants freedom to every citizen and every adult man and woman has the right to live with or marry anyone of their choice. Also, the registration of the process of registration and termination will violate the right to personal freedom and privacy. In the case of Justice K.S. Puttaswamy (Retd.) & Anr. vs. Union of India & Ors., the Hon'ble Supreme Court held that the right to privacy is a fundamental right as per Article 21 of the Constitution of India. This provision violates the fundamental right. Informing the parents or guardians of the couple who are between the ages of 18 and 21 will increase family disputes and moral policing will occur and honour killing will also increase, which is a serious matter. So that class struggle and violence based on religion and caste can increase. Succession and marriage are included in the Concurrent List of the Constitution so that different laws will be made in each state so that the interpretation of all will be contradictory and various problems will arise before the esteemed Supreme Court or it will be difficult to survive. The financial burden of registration in the registrar's office will

increase and with implementation there is a possibility that the registration office will become a surveillance center or agency that enters the private life of the person. If the laws of divorce and live-in relationship in villages are not known, one may have to face fines and legal action.

CONCLUSION

The Gujarat Uniform Civil Code (UCC) Bill, 2026 is a revolutionary bill in the country against personal laws and in judicial history. Its main objective is to end personal laws without discrimination of different religions and communities and without hurting their devotion and place, and to create a uniform legal framework for equal citizens in the state. The Gujarat Uniform Civil Code Bill, 2026, provides for gender equality and equal rights in the matters of marriage, divorce, inheritance in property and live-in relationships. On the other hand, the mandatory registration of live-in relationships, which includes provisions such as informing their parents, guardians and giving criminal punishment, raises legal challenges regarding the right to personal freedom and privacy of the individual. Apart from that, the Scheduled Tribes have been exempted from the legal provisions in this bill which limits the provision of complete equality before the law. This bill marches with the good intentions of civil law, social equality and modern legal system. However, for its implementation and success, it is also very necessary and essential to make it with judicial dialogue and social awareness as well as the fundamental rights of the people.

Recommendations

To maintain the personal freedom of adult youths, make appropriate judicial provisions by referring to the Puttaswamy case regarding the law on live-in relationships so that the personal freedom of adult youths is maintained. To ensure proper implementation of the law and to maintain the proper purpose of justice among the people, conduct an awareness campaign to make the people of the remotest villages aware of the law on marriage-divorce and property rights so that the common people do not have to get into legal conflicts unknowingly and stop the wrong publicity of the bill. Adopt the registration process in a simple, less expensive and online so that the cost to the government as well as the citizens is reduced and transparency is maintained. It is also necessary to explain the problems of its implementation. The current bill is new so

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