BLOGS

An Overview of the Uttarakhand Uniform Civil Code

Mihika Kanani · 04 Apr 2025

Introduction

The Uniform Civil Code (UCC) of Uttarakhand, officially named the Uniform Civil Code of Uttarakhand Act, 2024, aims to establish a unified set of personal laws for all citizens in the state, regardless of their religion, gender, caste, or sex, except the Scheduled Tribes.

It intends to standardize personal laws across religions, addressing marriage, divorce, inheritance, and live-in relationships. It became the second state to do so after Goa adopted the Portuguese Civil Code of 1867.

Background of the Uniform Civil Code

Pt. Jawaharlal Nehru and Dr. B.R. Ambedkar were among the constituent assembly members who supported the creation of a **Uniform Civil Code**. Religious authorities, however, opposed the idea, which led to its inclusion in the Directive Principles of State Policy. Therefore Article 44 of the Constitution of India states that the State shall endeavor to implement a Uniform Civil Code.

In Kesavandana Bharati v. Union of India, the concept of a UCC was heavily discussed by the Supreme Court.

In Mohammed Ahmen Khan v. Shah Bano, The Supreme Court observed that “it is a matter of regret that Article 44 has remained a dead letter”. This sentiment was reiterated In other cases like **Sarla Mudgal v. Union of India** and John Vallamattom v. Union of India.

In **Lily Thomas v. Union of India**, the Court heavily favored the implementation of a uniform set of guidelines for all personal laws. However, a 2018 consultation document on “Reforms of family law” submitted by the 21st Law Commission, which was chaired by former Supreme Court judge Justice Balbir Singh Chauhan stated that the “formulation of a Uniform Civil Code is neither necessary nor desirable at this stage”.

Uniform Civil Code in Uttarakhand

The Uniform Civil Code Bill was introduced in the Uttarakhand Legislative Assembly on February 6, 2024, by Chief Minister Pushkar Singh Dhami. It received presidential assent on March 11, 2024, and was implemented on January 27, 2025. The implementation of the UCC fulfilled one of the major promises made by the State Government during the 2022 assembly elections.

In 2022, the Government of Uttarakhand formed a five-member expert committee, led by former Supreme Court Justice Ranjana Prakash Desai, to draft the UCC. The committee received 60,810 public suggestions and submitted its report to the Chief Minister on February 2, 2024. The Council of Ministers approved the report on February 4, 2024.

Personal Laws under Uttarakhand Uniform Civil Code

Marriage and Divorce

The Bill stipulates that the “marriage may be solemnised /contracted between a man and a woman in accordance with the religious beliefs, practices, customary rites and ceremonies including but not limited to “Saptapadi”, “Ashirvad”, “Nikah”, “Holy Union”, “Anand Kara” under The Anand Marriage Act 1909 as well as under, but not limited to, The Special Marriage Act, 1954 and Arya Marriage Validation Act, 1937″.

It requires compulsory registration of all marriages to ensure legal recognition and transparency. Non-registration doesn’t invalidate a marriage, but may result in a penalty of ₹10,000.

Specifies uniform grounds for divorce applicable to all communities, covering issues like cruelty, adultery, desertion, and mental illness. No marriage can be dissolved without a court order, or it would attract imprisonment for up to 3 years. Furthermore, polyamorous marriages across all religions have been disallowed.

Inheritance and Succession

The UCC grants equal inheritance rights to sons and daughters, eliminating distinctions between ancestral and self-acquired property, and establishes uniform rules for inheritance, irrespective of religious affiliation.

Live-in Relationship

According to the code, only unmarried, heterosexual couples are permitted to enter into live-in relationships. Those currently in or planning to enter such a relationship can register through a newly introduced online portal.

For offline registration, they must submit a 16-page form along with the necessary documents to the relevant registrar. As specified in Rule 15(3)(e), applicants must provide a comprehensive set of documents, including photographs, their income tax Permanent Account Number (PAN), an Aadhaar linked to their phone number, and proof of residence or domicile within the State.

If either partner is between 18 and 21 years old, they must also submit the Aadhaar-linked phone number and address of their parents or legal guardians. Additionally, the registrar is legally required to inform the parents or guardians about the registration and any subsequent termination of the relationship.

If a live-in relationship isn't registered within one month, it could result in both civil and criminal consequences. A court can award imprisonment for up to three months, fine the parties up to ₹10,000, or both. Lying or hiding information about the relationship leads to harsher penalties, including a potential jail sentence of up to three months, a fine of up to ₹25,000, or both.

The parties of the relationship must not "fall within the degree of prohibited relationships" as per Schedule 1 of the Bill. The Bill's definition of a prohibited relationship is borrowed from the definition given in the Hindu Marriage Act 1955. If a couple falls within this category they must obtain a certificate conveying approval from a religious or community leader.

Experts have warned that these burdensome limitations on a voluntary adult relationship are serious constitutional infractions, especially when it comes to personal freedom and privacy.

Conclusion

The Uniform Civil Code is a significant change to the personal laws of India. It aims to harmonise the laws surrounding marriage, adoption, inheritance and divorce, and to fulfil the directive outlined in Article 44 of the Constitution.

Significantly, it has also aimed to legislate live-in relationships and bring them under the ambit of state control. This has several implications on India's personal laws and secularism.

Furthermore, at first glance several of its provisions are worrisome and cast broader questions on the right to live with privacy. While the move can be seen as a milestone in legal reform, it has

sparked debates over personal freedoms and constitutional rights.