

## Steering Equality and Justice: Assam Uniform Civil Code, 2026

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### Abstract

The Assam Uniform Civil Code (UCC) 2026 is a transformative legal experiment designed to replace fragmented personal laws with a unified civil framework grounded in constitutional principles of gender justice and secularism. It seeks to safeguard vulnerable populations—including women, children, and the elderly— by standardising marriage and divorce procedures, enforcing gender-equal succession, regulating live-in relationships, and modernising civil administration through digital record systems and specialised registrars, while exempting Scheduled Tribes to respect their customary autonomy. While proponents see the UCC as a path to equality and elimination of discriminatory practices, critics caution that it risks eroding cultural traditions and intrudes upon personal autonomy through state overreach.

**Keywords:** Equality; Secularism; Traditions; Scheduled Tribes; Autonomy; Assam; India

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## Introduction

The idea of a Uniform Civil Code (UCC) dates back to the Constituent Assembly debates (1946–49), where it was championed by leaders like B. R. Ambedkar to advance gender justice and national integration. Due to opposition from minority representatives, it was ultimately categorised under Article 44 as a non-justiciable Directive Principle rather than a Fundamental Right (Ambedkar, 1949; Constitution of India, 1950; CJP Legal Team, 2025; Government of Assam, 2026).

The UCC has since been at the centre of India's polarising constitutional debates, pitting a vision of secular equality against fears of the erosion of cultural autonomy. Rooted in secularism, personal law, and fundamental rights, the UCC envisions a unified, egalitarian legal framework treating all citizens equally in matters of marriage, divorce, inheritance, adoption, and maintenance, irrespective of religion. Unlike criminal laws, which apply uniformly, civil laws vary across communities; the UCC seeks to replace this diversity with a religion-neutral system of justice. Through several landmark Supreme Court judgments, the judiciary has continually sustained the UCC debate, often pressing the government to move toward its adoption. Notably, in the *Sarla Mudgal* case (*Sarla Mudgal v. Union of India*, 1995), the Supreme Court addressed the issue of bigamy through religious conversion and emphasised the need for a Uniform Civil Code to prevent conflicts between personal laws (Supreme Court of India, 1995).<sup>1</sup> Similarly, in *John Vallamattom v. Union of India* (2003), the Supreme Court

struck down Section 118 of the Indian Succession Act as unconstitutional because it violated Article 14 (Government of India, 1950a)<sup>2</sup> by imposing religion-specific restrictions on Christians. The judgment demonstrated how different personal laws lead to unequal treatment and reinforced the need for a Uniform Civil Code to ensure equal rights for all citizens, regardless of religion (Supreme Court of India, 2003).<sup>3</sup> Together with earlier cases like *Shah Bano* (*Mohd. Ahmed Khan v. Shah Bano Begum*, 1985) (Supreme Court of India, 1985),<sup>4</sup> later cases such as *Shayara Bano* (*Shayara Bano v. Union of India*) (Supreme Court of India, 2017a)<sup>5</sup> have kept the UCC debate alive in India's constitutional discourse.

## Assam's Landmark Adoption of the Uniform Civil Code

On 27th May 2026, the Assam Legislative Assembly passed the UCC bill, a landmark legislative initiative to establish a common legal framework for all residents of the state regardless of their religion (NewsX, 2026; NEXT IAS, 2026; The Assam Tribune, 2026; The Times of India, a,b, c). This makes Assam the first state in the North East and the third in the country, following Uttarakhand (2024) and Gujarat (2026), to adopt such a code (The Times of India, 2026d). Drawing inspiration from the Uttarakhand model, the Assam UCC includes localised modifications tailored to its unique demographic diversity, making it distinct from both Uttarakhand and Gujarat. Furthermore, while Madhya Pradesh is considering a similar path, Goa remains unique in India for its long-standing adherence to the Portuguese Civil Code

<sup>1</sup> In the *Sarla Mudgal* case of 1995, the Honourable Apex Court addressed issues of bigamy and conversion, ruling that a Hindu husband cannot evade monogamy by converting to Islam, reinforcing calls for a UCC.

<sup>2</sup> Article 14 guarantees equality before the law and equal protection of the laws within the territory of India. It prohibits the State from discriminating against any person and establishes the constitutional foundation for the principle of equality, ensuring that all individuals are treated fairly regardless of religion, race, caste, sex, or place of birth.

<sup>3</sup> In the *Vallamattom* case (2003), the Honourable Apex Court struck down discriminatory provisions in the Indian Succession Act regarding Christian charitable donations, emphasising equality in personal laws.

<sup>4</sup> In the *Shah Bano* case of 1985, the Honourable Supreme Court held that divorced Muslim women are entitled to maintenance under Section 125 of the Criminal Procedure Code (CrPC), 1973, sparking nationwide debate on personal laws and the UCC.

<sup>5</sup> In 2017, in *Shayara Bano's* case, the Honourable Apex Court struck down instant triple talaq (*talaq-e-biddat*) as unconstitutional, holding that it violated Articles 14 and 21, and affirmed gender equality in personal law.

of 1867. Importantly, Assam's UCC is the first attempt to implement a comprehensive civil code in a state marked by demographic diversity, ethnic plurality, migration concerns, and tribal autonomy.

Interestingly, the tribal people of Assam are exempt from the UCC because the Constitution guarantees tribal autonomy and the protection of their customary laws under the Sixth Schedule (Government of India, 1950b),<sup>6</sup> recognising their distinct cultural practices and self-governing rights (CLAT Gurukul, 2026). Speaking to *The Times of India* (TOI), the Chief Minister of Assam, Dr. Himanta Biswa Sharma, emphasised that these communities already regulate their social systems in a disciplined manner through their own customary courts (Sarma, 2026). While the Bill affects the civil and legal aspects of religious laws, the government has clarified that it leaves religious rituals untouched. Communities may continue to perform their traditional religious ceremonies, including Vedic Bibah, Ahom Chaklong, Saptapadi, Ashirvad, Nikah, Holy Union, and Anand Karaj, without interference (Bhattacharyya, 2026). The UCC regulates only the civil consequences of these unions, such as registration, legal validity, and rights, separating religious freedom from civil regulation in accordance with constitutional secularism and equality.

With the goal of advancing gender justice and social welfare, the Bill introduces several transformative provisions, most notably a uniform legal framework for marriage, divorce, live-in relationships, and property inheritance, applicable across all religious communities except the Scheduled Tribes.

### **Marriage**

Under the UCC, marriage is strictly monogamous, banning polygamy and bigamy across all religious communities, while standardising the legal marriage age at 21 for

men and 18 for women to ensure uniformity and social welfare (Government of Assam, 2026; *The Times of India*, 2026a)

This provision aligns the UCC with the Prohibition of Child Marriage Act, 2006 (Bhattacharyya, 2026; Das, 2023; Government of Assam, 2026), and reinforces Assam's efforts to curb child marriage in vulnerable regions by setting a common minimum age to ensure uniformity, prevent early unions, and advance education, health, and women's empowerment. Marriages involving minors or lacking valid consent will remain punishable under the Prohibition of Child Marriage Act, 2006 (Government of India, 2006), while unions obtained through fraud, coercion, or concealment can lead to imprisonment of up to seven years along with a fine. A critical administrative shift is the mandatory registration of all marriages within 60 days, with non-compliance attracting legal penalties. Furthermore, the legislation defines 37 "prohibited relationships," including first cousins (*The Times of India*, 2026d)

### **Unified Divorce and Child-centric Custody**

For the first time in Assam, all divorces must be based on codified legal grounds, such as cruelty, desertion, or mutual consent, and be filed with the Marriage and Divorce Registrar. This is because the bill abolishes out-of-court personal law divorces, rendering any dissolution outside the state system legally invalid. Thus, the bill repeals the Assam Compulsory Registration of Muslim Marriages and Divorces Act, 2024 (Assam Legislative Assembly, 2024), ending the role of Kazis in registration and prohibiting practices like Triple Talaq (*The Muslim Women (Protection of Rights on Marriage Act)*, 2019).

The bill, at the same time, is child-centric, as it states that during the separation period the child's custody shall remain with the mother if the child is under the age of 5. This provision acts

<sup>6</sup> The Sixth Schedule of the Indian Constitution (Articles 244(2) and 275(1)) is a special provision that grants administrative autonomy to tribal-majority regions in four Northeast Indian states: Assam, Meghalaya, Tripura, and Mizoram. It establishes Autonomous District Councils empowered with legislative, judicial, and administrative

authority over key matters including land, forests, customs, and village governance. Its primary goal is to protect Indigenous customary laws, land rights, cultural identities, and local resources, ensuring that national legislation like the UCC does not override their distinct cultural practices.

as an essential safeguard in the interest of the child's emotional development.

### **Intimacy Under Inspection: The Live-in Relationships Debate in the UCC**

Perhaps the most debated aspect of the bill is its regulation of live-in relationships, now common in urban India, which often expose women to risks of abuse, crime, abandonment, and out-of-wedlock births. To safeguard them, the UCC mandates that couples in live-in relationships are required to register their partnership within 30 days of its commencement, and non-compliance will attract legal penalties and consequences (up to three months' jail) (Government of Assam, 2026; Scribd, 2025; The Times of India, 2026a; b). By requiring registration through digital civil record systems, the state aims to provide legal security for women, ensuring their right to maintenance and establishing the legal legitimacy of children born from such relationships. Despite these stated benefits, this provision is the most discussed and contested feature of the Bill. Oppositions and critics argue that mandatory registration constitutes a state overreach into private lives and potentially violates the fundamental right to privacy established by the Supreme Court in the Puttaswamy judgment (Supreme Court of India, 2017b).<sup>7</sup> There are significant concerns that these records could be used to monitor interfaith relationships or partnerships that face social disapproval, such as same-sex relationships in conservative areas. This clause is both progressive, in protecting women and children, and controversial, in its intrusion on personal privacy. It shows the UCC's attempt to balance government rules with individual freedom in a diverse, pluralistic Assamese society.

### **Gender-Equal Succession and Digital Infrastructure**

The UCC replaces fragmented patriarchal inheritance with a state-administered civil

system to ensure gender justice for women, children, and the elderly (CJP Legal Team 2025). This transition is operationalised through a Three-Front Strategy for Gender Justice and Transparency in Property Succession:

- **Equal Intestate Succession:** The UCC introduces uniform rules for property distribution when an individual dies intestate, that is, without a valid will, a common reality in most Indian households. The Bill mandates that property be equally divided among primary heirs, including all children, spouses, and parents. By placing all children in a uniform category, the Bill eliminates unfair distributive practices and patriarchal structures that have traditionally denied daughters their rightful inheritance.
- **Digital Registration Architecture:** The Bill shifts property transfers from unregulated community systems to a state-administered civil framework involving digital civil record systems. By requiring that documentation be written, witnessed, and registered within a digital civil record system, the state aims to create a traceable government registry.
- **Deterring Fraud and Concealment:** The Bill criminalises fraudulent property extraction or coerced consent, safeguarding vulnerable groups and ensuring transparency in property transfers (The Times of India, 2026d)

### **Critical Perspectives and Conclusion**

Despite its focus on justice, the Bill faces significant opposition rooted in concerns over religious freedom, privacy, and the practical limits of legal uniformity. Critics argue that it infringes on religious and personal laws, particularly within the Muslim community, by disrupting long-standing social practices. Civil liberties groups criticise mandatory registration of live-in relationships as state overreach into the

<sup>7</sup> The Puttaswamy judgment (2017) is one of the most important constitutional rulings in India, where a nine-judge bench of the Supreme Court unanimously recognised the right to privacy as a fundamental right

under Article 21. It reshaped Indian constitutional law by linking privacy to dignity, liberty, and autonomy, and became the foundation for later debates on Aadhaar, surveillance, and state regulation of private life.

private lives of consensual adults, raising fears of surveillance of minority or non-traditional partnerships, including interfaith and same-sex unions. Ironically, the exemption granted to Scheduled Tribes has been criticised for weakening the Bill's claim to uniformity, while practical concerns point to fragile documentation systems in Assam's remote and flood-prone regions (CLAT Gurukul, 2026).

Whether viewed as a milestone in legal reform or a challenge to India's multicultural character, the Assam UCC remains one of the most consequential policy experiments navigating the delicate tension between secular legal reform and diverse religious traditions while serving as a critical test of India's administrative capacity to operationalise a uniform code nationwide.

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