**Citizens for Justice and Peace**

**November 6, 2026**

## Submission on the Proposed Uniform Civil Code in Maharashtra

## Towards a rights-based, gender-just and genuinely inclusive civil framework

### Uniformity cannot come at the cost of constitutional equality

The Maharashtra government's consultation on the proposed Uniform Civil Code (UCC), comprising 37 questions, 31 of which are framed to elicit a simple yes-or-no response, raises fundamental concerns about the nature and adequacy of the exercise itself. Questions concerning the implementation of a common civil framework, religious freedom, gender equality, social justice and individual rights cannot be meaningfully reduced to binary choices. They demand nuanced and considered engagement with constitutional principles, the lived realities of different communities, existing personal laws, customary practices and the potential consequences of legislative intervention.

The framing of these questions risks reducing a deeply complex constitutional and social debate to a referendum on whether citizens support or oppose an idea in the abstract. How can a respondent endorse a UCC without knowing what its substantive provisions will be, whose legal and cultural practices it will recognise, what discriminatory practices it intends to reform, and what safeguards will protect individual rights? More importantly, how can citizens be expected to express informed support for a law whose contours, priorities and implications have not been adequately placed before them?

A yes-or-no questionnaire cannot substitute for meaningful public consultation. Nor can the collection of binary responses be treated as a mandate for legislation. The question is not simply whether Maharashtra should have a Uniform Civil Code, but what kind of Code the State proposes to introduce, whose interests it will serve, and whether it will genuinely advance the constitutional guarantees of equality, dignity, liberty and freedom of religion.

Any proposed UCC must begin with an unequivocal commitment to constitutional morality and substantive equality, non-discrimination across all genders. Its purpose must be to ensure that no individual is subjected to discrimination, deprivation or unequal treatment in the name of religion, personal law or customary practice. Religious laws and customs cannot be allowed to override fundamental rights or deny individuals their autonomy, dignity and equal legal status. This principle, however, must apply universally and without discrimination. The reform of personal laws cannot become a selective exercise directed at religious minorities, while discriminatory provisions or practices within the majority community remain beyond scrutiny.

Equally, the introduction of a UCC must not become an exercise in imposing the practices, traditions or legal framework of the religious majority upon the entire population. Uniformity cannot be a euphemism for majoritarianism, and legal reform cannot be used as an instrument of cultural homogenisation. A civil code that merely transplants the customs or legal principles of one dominant religious community into a supposedly common framework would not fulfil the constitutional promise of equality. It would instead institutionalise a hierarchy in which the practices of one community are treated as the national norm and those of others are expected to conform.

A genuinely progressive UCC must be neutral in its approach to religion, empowering in its protection of individual rights, and uncompromising in its commitment to gender justice. It must not privilege any religious tradition or presume that one community's personal law offers the appropriate model for everyone. Instead, it must critically examine existing personal laws, secular legislation and customary practices across communities, identify discriminatory provisions and draw upon the most progressive, egalitarian and rights-protective principles available across these legal frameworks. The objective must be to adopt the best protections available, irrespective of their religious or customary origins, rather than replicate the legal framework of any one community.

This requires a fundamental shift in the understanding of uniformity. A common civil framework must mean equal rights and equal legal protection for all individuals, not the erasure of religious and cultural diversity. The right to freedom of religion must coexist with the right to equality, and neither can be used as a blanket justification for practices that violate the fundamental rights of individuals. The State's responsibility is to protect people from discrimination and coercion, not to determine which religious or cultural practices should define the identity of the nation.

For Maharashtra, a State marked by considerable religious, cultural, linguistic and social diversity, any such legislative exercise must emerge from extensive, transparent and meaningful consultation with all affected communities. This must include women's organisations, feminist groups, minority representatives, Dalit and Adivasi organisations, legal and constitutional experts, civil society organisations and individuals whose rights and lives will be directly affected. Women's groups, in particular, must not be reduced to symbolic participants in a process that claims to advance gender equality. Their experiences, demands and recommendations must inform the actual drafting of the legislation.

Consultation must also precede the finalisation of the proposed legal framework, rather than function as a procedural exercise to legitimise a predetermined legislative outcome. The government must disclose the proposed provisions, explain their legal and constitutional basis, invite substantive recommendations and demonstrate how the concerns raised by affected communities have been considered.

This submission, therefore, does not approach the question of a Uniform Civil Code through an unconditional endorsement or rejection of the concept. It advances a more fundamental

position: any civil code introduced in the name of uniformity must first demonstrate that it is constitutional, non-discriminatory, gender-just, religiously neutral and genuinely empowering. Its legitimacy must be measured not by the extent to which it standardises the lives of different communities, but by its ability to dismantle discriminatory structures, protect individual autonomy and guarantee equal citizenship.

The 37 questions in the government's consultation must consequently be examined beyond their binary framing. Support for equality does not automatically amount to support for a particular legislative model. Opposition to majoritarian imposition does not amount to opposition to reform. And the demand for protection of religious freedom cannot be equated with support for discriminatory personal laws.

Maharashtra must not mistake a yes-or-no response for informed consent, or uniformity for justice. The objective of a common civil framework must be to make rights uniform, not identities, religions or cultures.

**Rider:** The debate over the need for a gender-just code has been rife with intense politicisation. In nomenclature to, the word Gender Just Civil Code or Common Civil Code may well be more in tune with the times as Uniformity always (even if inadvertently) implies the absence of nuance and inclusion.

(1) Any such effort must however recognise that there are provisions *in other laws, say for instances* India's Income Tax Laws that, in a discriminatory fashion, benefit/privilege "Hindus". For example tax exemption under the category of "Hindu Undivided Family". (Section 2(31) of the Income Tax Act 1961 that continues in the amended 2026 law and attendant sections Chapter VI-A (Sections 80C, 80D, etc.), Section 10(2), Section 24 (B), Sections 54 and 54 (F) and Section 56 (2) (x)

(2) Besides, the 1976 Amendment to the Special Marriage Act, 1954 (SMA) that creates a special provision for Hindu partners is **Section 21A**. Introduced via the **Marriage Laws (Amendment) Act, 1976** (and sometimes associated with the legislative updates surrounding the late 1970s), this section explicitly shields Hindu, Buddhist, Sikh, and Jaina partners from the standard legal penalties of a secular marriage, provided they are marrying someone within the same group. Ultimately, this creates a dual standard within a secular act: interfaith couples marrying under the SMA face automatic severance from their joint families and lose their personal succession laws, whereas a Hindu couple marrying under the exact same secular act retains all their personal law privileges.

**Both these issues are being flagged here specifically to show and explain how a majoritariam bias has already crept into India's secular legislative framework and why therefore the enactment of a Gender Just Code for Matters related to Marriage, Inheritence, Adoption and Divorce needs to factor in and guard against this tendency which militates against Constitutional Principles.**

**General Comments on the UCC Draft as Circulated by the Government of Maharashtra (Last date for Submissions from Citizens & Civil Liberties Groups is November 15, 2026):**

A.

"**Power to make rules.** 13. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following..."

**Response:** The absence of detailing of these Rules in the present draft runs the risk of qualifications and riders to the stated Objects and Reasons and wordings and intents of the sections being brought in, surreptitiously, through the Rules that are framed. Rules should be circulated for wider commentary and reaction as well

For example, in Section 4 (3) of the proposed Bill/Law a penal provision for failure to register a marriage has been mentioned. Clearly **it will be the rules that will determine the quantum, scale and approach of this "penal provision" and given that, of late, in civil matters of marriage and divorce too, criminalities have been adjudged by the state, this remains an opening for the State/Police/Authorities to misuse against individuals/couples/sections of the population.**

**B.**

**"Power to remove difficulties.**

14. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of the State Legislature."

**Response:** The powers that can be inherently created by this provision which is not specific and is vague are enormous and disproportionate, leaving open the possibility of questionable, even draconian and discriminatory provisions being introduced through the "powers adduced here."

The normal and legislatively accepted, Constitutional route for any such "correction" in a newly introduced legislation is through an *Amendment*, discussed publicly and in the State Assembly, not authored in the dark recesses of government and bureaucracies.

**Detailed and Nuanced Responses to the Questionaires by CJP:**

**I. Questions 1–4: The need for a rights-based and inclusive civil framework**

**1. Do you support the implementation of a UCC in the State of Maharashtra at this point in time?**

**Response:** Support for equality and reform cannot be equated with unconditional support for an undefined legislative framework. Before considering implementation, Maharashtra must establish what its UCC will contain, whose rights it will protect and how it will address discrimination across existing personal laws and customary practices.

The experience of Uttarakhand and Gujarat demonstrates why this scrutiny is necessary. Their UCC frameworks include extensive regulation of live-in relationships (though here the phrase 'optional' has been included what is not clear is what procedures are made simpler and what more complicated if a couple decides *not to register*), including registration requirements, raising concerns about privacy, individual autonomy and state interference in personal relationships. Goa's existing civil framework, meanwhile, demonstrates that a common legal structure does not automatically eliminate unequal treatment.

Maharashtra must not replicate another state's model without examining its constitutional and social implications. Any proposed Code must emerge from consultations with all religious communities, women's organisations, marginalised groups and legal experts, and must draw upon the most progressive provisions across existing legal frameworks.

**2. Do you believe that a UCC can be implemented without infringing the right to freedom of religion?**

**Response:** The response to this question is with what motive, detailing and complexity the state approaches issues of marriage, divorce, adoption and inheritance. There are several provisions in existing personal laws, not necessarily of the majority Hindu faith, that may well be less discriminatory to women and children (especially those of previous relationships). The answer then must be, that is such a draft law/code willing to be all-encompassing inclusive and discursive while formulating these and other provisions? India's diversity and the Constitutional promise of equality and non-discrimination in all matters of life, personal liberty and faith requires that such a law that impinges on the private and public lives of individuals, be enacted with much greater consultation and transparency.

In nomenclature to, the word Gender Just Civil Code or Common Civil Code may well be more in tune with the times as Uniformity always (even if inadvertently) implies the absence of nuance and inclusion.

Such a code (UCC or otherwise) must protect religious freedom while ensuring that no religious law or customary practice infringes fundamental rights. These constitutional guarantees are not mutually exclusive. Individuals must retain the freedom to practise their religion without being subjected to discriminatory practices in the name of religious tradition.

However, religious neutrality must be non-negotiable. The personal laws of minority communities cannot be selectively scrutinised while the practices of the majority community become the presumed foundation of common legislation. The Code must not impose the customs or legal principles of one religion upon everyone else. It must apply constitutional standards equally across communities, protecting individual autonomy, dignity and equality.

**3. Do you believe that implementation of a UCC will promote gender equality and social justice?**

**Response:** A common civil law does not automatically translate into gender justice. Its provisions must guarantee equal rights in marriage, divorce, maintenance, inheritance, succession, adoption and guardianship. Discriminatory practices must be addressed across all communities without selective targeting or religious bias.

The Code must adopt the most progressive and gender-just provisions available across existing personal laws and civil legislation, rather than replacing one discriminatory framework with another. Women's organisations, feminist groups and women from minority, Dalit, Adivasi and other marginalised communities must have a decisive role in shaping its provisions. Gender equality cannot remain a stated objective; it must be reflected in enforceable rights and accessible remedies.

**4. Do you think the implementation of a UCC will help in reducing legal disputes and making legal processes more efficient?**

**Response:** The introduction of a common law does not automatically reduce litigation or improve access to justice. Poorly drafted provisions, hastily put together and too general, inadequate consultation, inconsistencies with existing legislation and excessive regulatory requirements can generate further disputes and constitutional challenges.

The government must demonstrate how the proposed Code will simplify legal processes, protect existing rights and ensure accessible remedies. The experiences of other states, particularly the regulatory requirements introduced under Uttarakhand's UCC, must be examined before similar provisions are considered for Maharashtra.

Efficiency cannot be measured merely by the uniformity of legal procedures. The ultimate objective must be accessible, affordable and substantive justice, without creating additional barriers for individuals and communities.

**II. Marriage, personal autonomy and civil regulation**

**5. Should there be a common system for registration and maintenance of records relating to marriages, divorces and live-in relationships and other matters covered by the UCC?**

**Response:** A common, accessible and transparent system for registering marriages and divorces may help secure legal recognition, protect spouses' rights and prevent fraudulent claims. However, registration must not become a mechanism for surveillance or state control over intimate relationships. The compulsory registration and reporting requirements concerning live-in relationships under Uttarakhand's UCC, which also informs Gujarat's framework, raise serious concerns about privacy, individual autonomy and the state's intrusion into personal life.

The registration of live-in relationships must not be treated as equivalent to marriage or made a precondition for recognising individuals' legal rights. Any registration mechanism must be proportionate, confidential, accessible and consistent with the right to privacy under Article 21. Its purpose must be to protect individuals, not monitor or regulate their private choices.

**6. What should be the minimum age of marriage?**

**Response:** The existing legal minimum age of marriage, 18 years for women and 21 years for men, should be retained. Any discussion on changing the minimum age must be informed by evidence, constitutional considerations and meaningful consultation, rather than being introduced as an assumed component of uniformity. The government must also prioritise the effective prevention of child marriage, protection of minors, access to education and safeguards against forced marriage. A UCC should not use the exercise of uniformity as a reason to reopen settled legislative provisions without demonstrating a clear need for reform.

**7. Should there be a standard list of relationships within which marriage is prohibited?**

**Response:** Any restrictions on prohibited degrees of marriage must be based on clearly established legal and social considerations, including the prevention of prohibited degrees of consanguinity, rather than the religious or cultural preferences of any one community. Existing customary exceptions must be examined carefully, with due regard to individual autonomy, equality and the rights of affected persons. A uniform list must not become a means of invalidating diverse community practices without demonstrating a legitimate constitutional basis.

**8. Should a person be prohibited from contracting another marriage during the subsistence of an existing marriage?**

**Response:** The law must guarantee equal protection against bigamy and ensure that no spouse is subjected to deception, abandonment or denial of legal and financial rights. However, the issue must be addressed through a rights-based framework that protects all parties, particularly women and children, and provides effective remedies. Criminalisation alone cannot substitute for protection of maintenance, inheritance, residence and other entitlements. The law must also ensure that women are not left legally or economically vulnerable when a marriage is contracted in violation of existing legal requirements.

**9. Should there be uniform provisions governing the grounds and consequences of void and voidable marriages?**

**Response:** There should be equal legal protection and consistent safeguards governing the validity of marriages, provided these provisions are grounded in constitutional rights rather than the practices of a particular religious community. The law must clearly define grounds of invalidity, protect the rights of spouses and children, and ensure that consequences do not disproportionately penalise women or economically dependent partners. In particular, children must not be deprived of their legal, inheritance or maintenance rights because of the invalidity of their parents' marriage.

**10. Should the UCC preserve customary practices including religious ceremonies and rituals such as the way marriages are solemnised?**

**Response:** Religious ceremonies, cultural traditions and customary practices associated with marriage must be respected and protected, provided they do not violate fundamental rights or perpetuate discrimination, coercion or abuse. A UCC must not prescribe a single religious or cultural model of solemnisation or make the practices of the majority community the default standard for everyone. The law should establish common civil safeguards concerning consent, legal recognition and equal rights while allowing communities and individuals to retain their diverse ceremonies and traditions. The objective must be equality in legal protection, not uniformity in religious practice.

**III. Divorce, equality and individual autonomy**

**11. Should there be common grounds and procedure for divorce applicable uniformly to all communities?**

**Response:** There must be equal legal protection and fair procedures governing divorce across all communities. However, uniformity must not mean adopting the grounds or procedures of any one religious personal law (say that of the upper caste Hindu majority) as the standard for everyone. The law must ensure equal access to divorce, protect individuals against arbitrary or discriminatory dissolution of marriage, and provide fair mechanisms for maintenance, custody, residence and division of marital assets. The objective must be to eliminate discrimination and ensure substantive equality, not impose a majoritarian legal framework.

**12. Should the grounds for divorce be the same for both sexes?**

**Response:** Absolutely. Neither spouse should face unequal legal standards or additional barriers when seeking divorce. Grounds for divorce must be gender-neutral, and both parties must enjoy equal rights to initiate proceedings, seek relief and challenge decisions. The law must also recognise the unequal economic and social consequences of marital breakdown and ensure adequate protection for women who may be financially dependent or disadvantaged within marriage.

**13. Should the UCC prohibit extra-judicial divorce?**

**Response:** Any form of divorce that enables unilateral repudiation without adequate safeguards, consent or protection of the affected spouse must be addressed. However, the

prohibition of extra-judicial divorce must not result in making judicial proceedings the only accessible route to ending a marriage, irrespective of circumstances. The law must distinguish between arbitrary and discriminatory repudiation and consensual, legally recognised mechanisms of dissolution. Every process must guarantee notice, fairness, equal participation and protection of financial and other legal entitlements.

**14. Should registration of divorce and nullity of marriage be made compulsory?**

**Response:** Registration of divorce and nullity should be encouraged through an accessible, affordable and transparent system to ensure legal certainty and protect the rights of all parties. However, registration must not become an administrative barrier that prevents individuals from exercising their legal rights or leaves them trapped in legally or socially vulnerable circumstances. The process must be simple, time-bound and accessible, with safeguards for individuals who lack documentation or face financial and social barriers. Failure to complete an administrative formality must not be allowed to defeat substantive rights.

**15. Should imposing any condition on remarrying a divorced spouse, such as marrying a third person before such remarriage, be prohibited?**

**Response:** Yes. Any requirement compelling a divorced individual to marry another person before being permitted to remarry their former spouse is incompatible with individual autonomy, dignity and freedom of choice. Such practices can expose individuals, particularly women, to coercion, exploitation and humiliation. No person should be compelled to enter into an intimate or marital relationship as a precondition for exercising their right to remarry. The law must protect the free and informed consent of individuals and prohibit practices that instrumentalise marriage or subject either spouse to degrading conditions.

**IV. Maintenance, family responsibilities and child welfare**

**16. Should the UCC contain uniform, gender-neutral provisions to deal with claims for maintenance arising from matrimonial disputes?**

**Response:** Maintenance provisions must ensure equal legal protection irrespective of gender or religion. However, gender-neutrality must not become a justification for overlooking the economic inequalities and unequal burden of unpaid care work that frequently leave women financially disadvantaged after marriage. The law must recognise financial dependence, caregiving responsibilities, loss of livelihood opportunities and the economic consequences of marital breakdown. Maintenance must be determined through fair, accessible and enforceable mechanisms that protect the financially vulnerable spouse.

**17. Should there be a uniform law for the maintenance of dependent children irrespective of the religion of the parents?**

**Response:** Every child must have an equal and enforceable right to financial support, irrespective of the religion, marital status or personal law of their parents. Both parents must bear responsibility for the child's maintenance in accordance with their financial capacity. The

law must ensure that children are not deprived of adequate nutrition, healthcare, education and a dignified standard of living because of disputes between parents or differences in personal laws.

**18. Should there be a uniform law requiring financially capable adult children to maintain their dependent parents?**

**Response:** The responsibility to support dependent parents must be recognised irrespective of religion or community. However, such obligations must be based on genuine financial capacity and the needs of dependent parents, without imposing disproportionate burdens on adult children. The law must also recognise that family relationships can involve neglect, abuse and estrangement. Maintenance provisions must not be used to compel individuals to remain in abusive or coercive family arrangements. Accessible remedies and safeguards must be available to all parties.

**19. Should the welfare and best interest of the child be the paramount consideration in matters relating to custody?**

**Response:** Yes. The welfare and best interests of the child must be the paramount consideration in all custody proceedings, irrespective of the religion or personal law of the parents. Custody decisions must be guided by the child's safety, emotional well-being, education, stability and individual needs, rather than parental entitlement, religious considerations or gender-based assumptions about caregiving. The child's age, maturity and expressed preferences must also receive appropriate consideration. The law must ensure that children are not treated as instruments of parental disputes and that their rights, dignity and independent interests remain central to every decision.

**V. Succession, inheritance and equal property rights**

**20. Should all children, irrespective of the marital status of their parents, have equal rights in matters of succession?**

**Response:** Yes. No child should be discriminated against or denied inheritance rights on account of the marital status of their parents. A child's legal entitlements must not be made conditional upon circumstances beyond their control. The law must guarantee equal protection, dignity and succession rights to every child, without distinctions based on legitimacy, religion or family structure.

**21. Should there be uniform provisions governing intestate succession, i.e., succession where a person dies without leaving a valid will, irrespective of the religion of the parties?**

**Response:** Intestate succession must be governed by principles of equality and non-discrimination. In particular, women must enjoy equal inheritance rights, without being disadvantaged by gender-based distinctions in existing personal laws. However, uniform provisions must not simply replicate the succession framework of one religious community. The government must examine existing laws across communities and adopt the most

progressive and equitable principles, ensuring equal rights for spouses, daughters, sons and other eligible heirs while respecting constitutionally protected rights and legitimate interests.

**22. Should there be uniform provisions governing testamentary succession and Wills, irrespective of religion?**

**Response:** The law governing Wills must ensure freedom of testamentary disposition while protecting the legitimate rights of dependants and preventing discrimination, coercion and undue influence. No individual should be deprived of legal protection merely because of their religious identity. However, uniformity must not unnecessarily restrict individual autonomy or impose one religious tradition's rules of testamentary succession upon everyone. Any common framework must balance the freedom to dispose of property with safeguards against the disinheritance, exploitation or financial vulnerability of spouses, children and other dependants. The objective must be equal legal protection and fairness, not the imposition of a majoritarian inheritance model.

**VI. Gender equality, inheritance and testamentary freedom**

**23. Should men and women have equal rights of inheritance across all communities?**

**Response:** Yes. Equal inheritance rights must be guaranteed irrespective of gender or religion. However, the drafting of a UCC must not presume that progressive legal principles exist only outside religious personal laws. Islamic inheritance law, for instance, recognises women, including daughters, wives and mothers, as independent legal heirs and guarantees them specified shares in the deceased's estate. A sole daughter is entitled to one-half of the estate, while two or more daughters together receive two-thirds in the absence of a son. A widow is also entitled to a prescribed share of her deceased husband's estate.

These protections were significant in recognising women's rights to inherit property. At the same time, existing rules do not guarantee equal shares in every situation, particularly where sons and daughters inherit together. This is precisely why a UCC must critically examine all legal traditions, retain progressive protections and address discriminatory distinctions. It must draw upon the best rights-protective principles across communities rather than treat any one personal law as the model for everyone.

**24. Should a person have the freedom to dispose of his or her entire property through a Will?**

**Response:** Testamentary freedom must be balanced against the rights and financial security of dependants and legal heirs. Unrestricted freedom to dispose of an entire estate through a Will can enable the disinheritance of spouses, children and other dependants, particularly women who may have spent their lives performing unpaid care work without acquiring independent financial security.

An important example can be found in Muslim inheritance law, under which testamentary bequests are generally restricted to one-third of the net estate after payment of funeral expenses

and debts, without the consent of the other heirs for a bequest exceeding that limit. This restriction protects the prescribed inheritance entitlements of legal heirs from being entirely defeated through testamentary disposition.

Maharashtra's proposed UCC should examine this principle while developing a framework that balances individual testamentary autonomy with the rights of dependants and vulnerable heirs. The freedom to make a Will must not become an unrestricted instrument for economic exclusion or gender-based disinheritance.

**VII. Live-in relationships, individual autonomy and protection of children**

**25. Are provisions relating to solving marital disputes in the existing legal framework so cumbersome and time consuming that potential spouses are being driven to prefer live-in relationship over marriage?**

**Response:** This question rests on an assumption that live-in relationships are primarily a consequence of dissatisfaction with marriage laws. There is no basis to presume that individuals choose live-in relationships merely because matrimonial proceedings are cumbersome. Choosing not to marry is an exercise of personal autonomy, not necessarily an alternative adopted out of legal inconvenience. The Supreme Court in *Indra Sarma v. V.K.V. Sarma* (2013) recognised that the decision to marry or not to marry is intensely personal. The State must respect this choice rather than treat live-in relationships as a social or legal problem requiring correction.

**26. Should the UCC contain provisions regulating live-in relationships with a view to ensuring the protection of men and women in such relationships?**

**Response:** The UCC should provide legal protection to individuals in live-in relationships, but must not seek to regulate the relationships themselves. There is a fundamental distinction between protecting individuals from exploitation, abandonment, domestic violence and financial insecurity and subjecting their private relationships to state supervision. Existing protections under the Protection of Women from Domestic Violence Act, 2005, must be strengthened and made accessible. The objective must be to protect individual rights, not impose marriage-like obligations upon people who have consciously chosen not to marry.

**27. Should there be mandatory registration of live-in relationships?**

**Response:** No. Mandatory registration would amount to unnecessary state interference in the private lives of consenting adults and raise serious concerns under Article 21, including the rights to privacy, dignity and personal autonomy. Uttarakhand's UCC provides a concerning example: it requires registration, involves the local police in the process and provides for parental notification in certain cases. Such requirements risk exposing consenting adults to surveillance, family pressure, social stigma and potential harassment. Registration must never become a precondition for individuals to access legal protection.

**28. Should there be mandatory registration of termination of live-in relationships?**

**Response:** No. Individuals must remain free to enter into and leave consensual relationships without having to seek administrative recognition or disclose the termination to the State. Requiring registration of termination, as under the Uttarakhand model, risks extending state surveillance even after a relationship has ended. The law must instead ensure that individuals can seek maintenance, protection from violence and other appropriate remedies when a relationship breaks down, without imposing compulsory reporting requirements.

**29. Should UCC include provisions to protect the rights of women in live-in relationships, such as inheritance rights and maintenance in certain circumstances like desertion?**

**Response:** Yes. Women must have access to effective legal remedies against abandonment, economic exploitation, domestic violence and financial deprivation arising from live-in relationships. Maintenance and protection must be available where the nature and circumstances of the relationship satisfy the relevant legal requirements. The law must also examine appropriate inheritance and property protections, particularly where women have contributed financially or through unpaid domestic and care work. These protections must not, however, be conditional upon compulsory registration of the relationship. The law should protect women because they are rights-holders, not because the State has formally recorded their private relationships.

**30. Should children born from live-in relationships have inheritance rights?**

**Response:** Yes. Children must not suffer discrimination or be denied succession and property rights because their parents chose not to marry. Their rights must be protected irrespective of the nature or legal status of their parents' relationship. The circumstances of a child's birth cannot determine their dignity, legal protection or entitlement to financial security. The UCC must expressly guarantee these rights and prevent children from bearing the consequences of decisions made by adults.

**31. Should children born from live-in relationships have the right to be cared and maintained by their parents?**

**Response:** Yes. Both parents must bear responsibility for the care, upbringing, education, healthcare and maintenance of their children, irrespective of whether they are married to each other. A child's right to care and financial support cannot be conditional upon the marital status of their parents. The law must provide effective mechanisms to enforce these obligations while ensuring that the child's welfare and best interests remain paramount.

The UCC should cover matters relating to family life and personal rights, with the aim of ensuring equality, dignity and equal legal protection for everyone, irrespective of religion, gender, caste or community. It should include provisions relating to marriage, divorce, maintenance, inheritance and succession, matrimonial property, adoption, guardianship and the rights and welfare of children.

The provisions on marriage should guarantee free and informed consent, equal rights and responsibilities of spouses, protection against child and forced marriages, and safeguards

against bigamy. Divorce provisions should ensure equal rights to seek dissolution of marriage, fair procedures and protection against arbitrary or unilateral divorce. Maintenance laws must protect spouses, former spouses and dependent children, taking into account financial needs, economic dependence and unpaid care work.

The Code should also ensure equal inheritance rights for women and men, including daughters and widows, and protect the succession rights of children irrespective of their parents' marital status. Provisions on matrimonial property should recognise both financial contributions and unpaid household work and caregiving. Adoption and guardianship laws should ensure equal treatment, with the best interests and welfare of the child as the primary consideration. Children must have equal rights to maintenance, education, healthcare, care and protection, regardless of their parents' religion or marital status.

The UCC should also address protection from domestic violence, abandonment, economic abuse and coercion within family relationships. It should provide fair safeguards for elderly persons, persons with disabilities and other dependent family members, along with accessible legal remedies, legal aid and timely resolution of disputes.

However, the UCC should not become an attempt to impose one religious or cultural framework on everyone. The government must examine existing personal laws, customary practices and secular laws across communities, identify discriminatory provisions and retain progressive protections. It should draw upon the most equal and rights-protective principles from different legal traditions rather than reproduce the laws of any one community.

**32. What areas do you think should be covered under the UCC?**

**Response:** The UCC should cover matters relating to family life and personal rights, with the aim of ensuring equality, dignity and equal legal protection for everyone, irrespective of religion, gender, caste or community. It should include provisions relating to marriage, divorce, maintenance, inheritance and succession, matrimonial property, adoption, guardianship and the rights and welfare of children.

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The drafting process must involve meaningful consultation with women, minority communities, Dalit and Adivasi groups, legal experts, civil society organisations and other affected groups. The objective must be to secure equal rights and substantive justice for all, not to impose uniformity for its own sake.

**33. What problems do people face while dealing with personal civil matters such as registration of marriage, getting a decree for divorce, claiming inheritance rights (with or without a Will) etc. Do you have suggestions for improving the present state of affairs?**

**Response:** People often face lengthy procedures, delays, high legal costs, complicated documentation and a lack of clear information when dealing with personal civil matters. Marriage registration can be difficult due to procedural requirements and repeated visits to government offices. Divorce proceedings may take years, placing considerable emotional and financial strain on the parties, particularly women who may be economically dependent on their spouses. In inheritance matters, people often face disputes among family members, lack of awareness about their legal rights, difficulties in obtaining property documents and delays in transferring ownership. Women, especially widows and daughters, may also face pressure or resistance when asserting their rightful share in family property.

These problems are not necessarily caused by the absence of uniform laws. They are also linked to poor implementation, inaccessible institutions, lack of legal awareness, procedural delays and unequal access to legal assistance.

The government should simplify registration procedures, reduce unnecessary documentation, provide clear information about legal rights and establish accessible assistance centres. Divorce proceedings should be made more affordable and time-bound, without compromising the parties' right to a fair hearing or pressuring anyone into an unwanted settlement. Inheritance claims should be dealt with through transparent procedures, with clear timelines for succession certificates, mutation and other necessary documentation. Women must be made aware of their inheritance rights and protected from coercion or exclusion by family members.

Legal aid and counselling services should be strengthened, particularly for women and economically weaker sections. Government departments should also improve coordination and provide accessible online services, while ensuring that people who lack digital access are not excluded.

Most importantly, any reform under the UCC must address these practical barriers and improve access to justice. Uniformity of laws alone will not resolve these problems unless people can understand, exercise and enforce their rights in practice.

**34. Are there facets of family laws that are biased against women? Please give examples. Do you approve of them? If not, suggest ways to remove such biases.**

**Response:** Yes. Several aspects of personal and family laws across communities have historically placed women at a disadvantage. These inequalities can be seen in matters of marriage, divorce, maintenance, inheritance, guardianship and control over property.

For example, under certain personal laws, women may receive unequal shares of inheritance compared to male relatives. Under Muslim personal law, for instance, a son generally receives twice the share of a daughter when both inherit together under the applicable Sunni rules. In matters of guardianship, legal frameworks have often privileged fathers over mothers, treating men as the natural heads or primary guardians of families. Women may also face unequal financial consequences after divorce, particularly where maintenance is inadequate or their unpaid contributions to the household are not recognised. Practices that allow one spouse greater power to dissolve a marriage, without equivalent rights or safeguards for the other, also create unequal relationships.

Such discrimination cannot be justified in the name of religion, tradition or custom. No woman should have fewer rights, less financial security or reduced autonomy simply because she is a woman. At the same time, these issues must be examined across all communities, rather than selectively identifying discriminatory practices within particular religious groups while ignoring similar inequalities elsewhere.

These biases should be addressed by guaranteeing equal inheritance and property rights, equal rights in divorce and maintenance, recognition of unpaid domestic and care work, and equal status of mothers and fathers in matters of guardianship. Laws must also protect women against forced marriage, abandonment, domestic violence and economic abuse, and ensure that they have access to affordable legal remedies.

The government should undertake a careful review of personal laws and customary practices across communities, with meaningful participation from women, feminist organisations, legal experts and affected communities. Progressive protections already available under different legal traditions should be retained and strengthened.

The objective should be to remove discrimination wherever it exists, not to target any one religion or replace diverse personal laws with the practices of another community. Gender equality must be the guiding principle of reform.

**35. Do you believe that the scheme of succession pertaining to agricultural land and ancestral home should be different from the scheme for other types of properties? If yes, why and how should the scheme be different?**

**Response:** No. Agricultural land and ancestral homes should not be governed by succession rules that discriminate between men and women or deny women equal rights in family property. Daughters and sons should have equal inheritance rights, irrespective of whether the property is agricultural land, an ancestral home or any other form of property.

Historically, women have often been excluded from ownership and control of agricultural land and ancestral property due to patriarchal customs and practices. Even where legal rights exist, women may face pressure to give up their shares in favour of male relatives. Such exclusion affects their economic independence, livelihood and security, particularly in rural households.

At the same time, agricultural land has specific livelihood and social importance, and its division may raise practical concerns relating to cultivation and fragmentation of landholdings. These concerns should be addressed through fair and practical mechanisms, such as mutually agreed arrangements, compensation or shared ownership, without denying women their rightful inheritance.

The UCC should therefore guarantee equal succession rights across all categories of property. It must not allow custom or family tradition to become a justification for excluding women from agricultural land or ancestral homes. The right to inherit should not depend on gender or the type of property being inherited.

**36. Do you believe that children should get identical maintenance and inheritance rights from their parents whether they are born of a valid marriage or not? Give reasons for your answer.**

**Response:** Yes. Every child should have equal rights to maintenance, care, education, healthcare and inheritance, irrespective of whether their parents were married, unmarried or whether the marriage was legally valid. A child's rights must not depend on the marital status or personal choices of their parents.

Denying or limiting a child's rights because they were born outside a legally recognised marriage unfairly punishes them for circumstances over which they have no control. It can also leave children financially vulnerable and reinforce social stigma and discrimination. Every child has an equal right to dignity, protection and financial security.

Both parents must have a responsibility to provide for their children according to their financial capacity. Similarly, children should not be denied their rightful inheritance merely because their parents' relationship did not conform to the legal requirements of marriage. The law must ensure that questions about the validity of a marriage do not become a means of excluding children from their rights.

The UCC should expressly guarantee equal maintenance and inheritance rights to all children and provide effective mechanisms to enforce these rights. A child's dignity, welfare and legal entitlements must never be determined by the marital status of their parents.

**37. Which portions of present-day family laws need to be discarded or modified to ensure that the law in question is just and equitable? Please share your suggestions regarding the provisions to be made in the UCC for building a better, harmonious and futuristic Maharashtra?**

**Response:** Existing family laws across communities contain provisions and practices that need to be reviewed and reformed to ensure equality, dignity and justice. These include discriminatory inheritance rules, unequal rights in marriage and divorce, inadequate maintenance protections, unequal treatment of mothers and fathers in guardianship, and the exclusion of women from property ownership and control. Customs and practices that deny women equal rights or allow coercion and discrimination must not be protected merely in the name of tradition or religion.

The UCC should guarantee equal rights to women and men in marriage, divorce, maintenance, inheritance, succession, adoption and guardianship. It must recognise unpaid domestic and care work, ensure fair division of matrimonial assets, protect women's economic security after divorce and guarantee equal inheritance rights for daughters and widows. Children must enjoy equal rights to maintenance, care and inheritance irrespective of their parents' marital status. The law must also provide effective protection against forced marriage, domestic violence, abandonment and economic abuse.

Reform, however, must apply equally across communities. The government should examine all personal laws, customary practices and existing secular laws, identify discriminatory provisions and retain progressive protections wherever they exist. The UCC must not simply replace the personal laws of minority communities with the practices of the majority community. Nor should it selectively scrutinise certain religious practices while overlooking comparable discrimination elsewhere.

The Code must respect the constitutional freedom of individuals to practise their religion and preserve their cultural identity, while ensuring that these freedoms are not used to justify violations of fundamental rights. It should not interfere unnecessarily in private choices or impose a single model of family life. Its purpose must be to protect individuals and expand their rights, not regulate their personal relationships.

Finally, the drafting of the UCC must involve genuine and transparent consultation with women, minority communities, Dalit and Adivasi groups, feminist organisations, legal experts and civil society. Existing legal protections must not be weakened, and the proposed framework must be supported by accessible institutions, legal aid and effective implementation.

A better and more harmonious Maharashtra cannot be built through uniformity imposed from above. It must be built by ensuring that every individual, irrespective of religion, gender, caste

or community, enjoys equal rights, dignity, freedom and protection under the law. The UCC should be a means of achieving substantive equality and justice, not cultural or religious homogenisation.