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CRIMINALISING INTIMACY, EXEMPTING IDENTITY: A CONSTITUTIONAL AND EMPIRICAL APPRAISAL OF MANDATORY LIVE-IN REGISTRATION AND THE SCHEDULED TRIBE EXEMPTION UNDER THE UTTARAKHAND UNIFORM CIVIL CODE, WITH LESSONS FROM THE GOA CIVIL CODE

Aditya Milind Kamble[1]

I. ABSTRACT

The Uniform Civil Code of Uttarakhand, 2024, in force since 27 January 2025, is the first post-Independence State civil code in India and the first Indian statute to make registration of live-in relationships compulsory on pain of imprisonment. It also excludes members of Scheduled Tribes, and persons whose customary rights Part XXI of the Constitution protects, from its operation. With Gujarat and Assam now holding Presidential assent for codes on the same template, the Uttarakhand design has become a prototype. This article argues that the Code pursues uniformity through two opposite instruments, coercion for the many and exemption for the few, and that neither withstands constitutional and empirical scrutiny. Drawing on the text of the Code and its amendments, the Supreme Court's jurisprudence on autonomy, presumption of marriage, legitimacy and tribal succession, official NCRB and Census data, and the State's own registration figures, the article reaches four findings. First, penal registration fails the necessity and balancing limbs of proportionality, and the scheme combines negligible uptake with an abnormally high rejection rate. Second, NCRB data do not support the protective rationale, since recorded violence against women concentrates within formally solemnised marriages. Third, the Scheduled Tribe exemption is constitutionally defensible but leaves unaddressed the gender inequality that the Supreme Court flagged in Kamla Neti, Tirith

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Kumar and Ram Charan. Fourth, the Goa Civil Code, which the Supreme Court praised in Jose Paulo Coutinho, offers a model of managed pluralism, not of criminal enforcement.

II. KEYWORDS

Uniform Civil Code; Live-in Relationships; Proportionality; Scheduled Tribes; Goa Civil Code.

III. INTRODUCTION AND RESEARCH PROBLEM

Article 44 of the Constitution directs the State to "endeavour to secure for the citizens a uniform civil code throughout the territory of India". For seven decades the Directive was invoked by courts, most prominently in *Mohd. Ahmed Khan v. Shah Bano Begum*[2] and *Sarla Mudgal v. Union of India*,[3] but not acted upon. In February 2024 the Uttarakhand Legislative Assembly broke that pattern by enacting the Uniform Civil Code of Uttarakhand Act, 2024 ("the Code"), a 392-section, four-part statute on marriage and divorce, succession, live-in relationships and related matters.[4] Gujarat followed: its code passed on 24 March 2026 and received Presidential assent on 17 September 2026, as did Assam's on 29 September 2026, while the Madhya Pradesh Assembly passed its Bill on 21 July 2026.[5]

On 13 September 2026 the union home minister announced that all 21 NDA-governed States would adopt a code before 2029.[6] The Gujarat Act copies both features

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[2] *Mohd. Ahmed Khan v. Shah Bano Begum*, (1985) 2 SCC 556.
[3] *Sarla Mudgal v. Union of India*, (1995) 3 SCC 635.
[4] "Uttarakhand assembly passes Uniform Civil Code, Pushkar Singh Dhami says 'law not against anyone'", *Hindustan Times*, Feb. 7, 2024, available at: https://www.hindustantimes.com/india-news/uniform-civil-code-bill-passed-in-uttarakhand-assembly-101707310093132.html (last visited on October 31, 2026).
[5] Rashtrapati Bhavan, "State Bills Assented to by the President", available at: https://rashtrapatibhavan.gov.in/state-bills (last visited on October 31, 2026); "Gujarat, Assam uniform civil code laws get President's assent", *The Statesman*, Oct. 2, 2026, available at: https://www.thestatesman.com/india/gujarat-assam-uniform-civil-code-laws-get-presidents-assent-1503646111.html (last visited on October 31, 2026); "MP Assembly passes Uniform Civil Code Bill amid Congress protest", *The Federal* (PTI), July 21, 2026, available at: https://thefederal.com/category/states/north/madhya-pradesh/mp-assembly-passes-uniform-civil-code-bill-amid-congress-protest-250896 (last visited on October 31, 2026).
[6] "BJP-led NDA governments in 21 states to introduce UCC before 2029, says Amit Shah", *ThePrint* (PTI), Sept. 13, 2026, available at: https://theprint.in/india/bjp-led-nda-governments-in-21-states-to-introduce-ucc-before-2029-says-amit-shah/3041726/ (last visited on October 31, 2026); V. Aravinda, "One nation, many codes: The contradiction inside Amit Shah's 2029 UCC promise", *The Federal*, Sept.

examined here: it exempts Scheduled Tribes and Part XXI communities and, on the State's account in the Assembly, punishes non-registration of a live-in relationship with up to three months' imprisonment, a fine of up to ₹10,000, or both.[7] The Uttarakhand experience is therefore not a local curiosity. It is the prototype.

This article examines two features of that prototype that most clearly test its claim to be both *uniform* and *just*.

1. **Criminalisation:** Part 3 of the Code makes registration of heterosexual live-in relationships compulsory for every couple cohabiting in Uttarakhand, whether or not they reside there, and prescribes imprisonment for non-compliance. It is the only provision of the Code that converts an adult's private domestic arrangement into a regulated, policed and potentially prosecutable status.
2. **Exemption:** Section 2 excludes members of Scheduled Tribes and, in a formulation that is wider than often reported, "the persons and group of persons whose customary rights are protected under Part XXI of the Constitution". A Code that exempts the very communities whose customary law is most divergent from the Hindu-derived model it adopts cannot be described as uniform without qualification.

A. Research Problem

The research problem is whether a State may pursue uniformity in personal law by criminalising unregistered adult cohabitation for most residents while wholly exempting Scheduled Tribe and Part XXI communities, consistently with the Supreme Court's proportionality and equality standards. With Gujarat and Assam copying the

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15, 2026, available at: https://thefederal.com/the-federal-special/one-nation-many-codes-contradiction-shah-2029-ucc-promise-256603 (last visited on October 31, 2026).

[7] "Gujarat Assembly passes Uniform Civil Code Bill", *DD News*, Mar. 2026, available at: https://ddnews.gov.in/en/gujarat-assembly-passes-uniform-civil-code-bill/ (last visited on October 31, 2026); "Gujarat Uniform Civil Code Bill 2026 has received President's assent, says govt", *Vartha Bharati* (PTI), Oct. 2, 2026, available at: https://english.varthabharati.in/india/gujarat-uniform-civil-code-bill-2026-has-received-presidents-assent-says-govt-2279748 (last visited on October 31, 2026).

design, the question is now national, yet no study has tested it against the official data of the State and the NCRB.

B. Research Objectives

1. To test penal enforcement of live-in registration against Articles 14, 19 and 21 (RQ1).
2. To assess the Scheduled Tribe exemption under Article 14 and its effect on tribal women (RQ2).
3. To draw design lessons, positive and negative, from the Goa Civil Code (RQ3).
4. To propose a reform model that keeps the Code's legitimate aims without criminal sanction for cohabitation.

C. Research Questions and Hypotheses

No.	Research question	Working hypothesis
RQ1	Is penal enforcement of mandatory live-in registration a proportionate restriction on privacy, liberty and equality under Articles 14, 19 and 21, judged against the Supreme Court's own jurisprudence and the available evidence?	It is not. The measure fails the necessity and balancing limbs of the proportionality test, and the empirical record shows low uptake and a high rejection rate.
RQ2	Does the Scheduled Tribe exemption satisfy Article 14, and what does it do to gender equality within tribal communities?	The exemption is constitutionally grounded as against the State, but it perpetuates intra-group gender inequality that the Court has repeatedly

		asked Parliament to address.
RQ3	What can the Goa Civil Code teach, positively and negatively, about designing a uniform code that is both just and pluralism-sensitive?	Goa shows that "uniformity" in practice means a common default plus managed exceptions; it offers no precedent for penal regulation of cohabitation.

D. Research Methodology

The study is doctrinal and comparative, supplemented by secondary empirical analysis. Because the topic is politically charged and heavily reported, the article follows an explicit source hierarchy.

1. **Tier 1:** comprises primary legal texts, judgments of the Supreme Court and High Courts, and official statistics (NCRB, Census of India, Registrar General).
2. **Tier 2:** comprises reputed legal-news platforms that reproduce judgments and pleadings (*LiveLaw*, *Bar & Bench*, *Verdictum*, *SCC Online Blog*) and national dailies and wire services (PTI, *The Hindu*, *Hindustan Times*, *Tribune*, *Deccan Herald*, *The Print*, *Scroll*, *The Federal*, ETV Bharat).
3. **Tier 3:** comprises academic and civil-society commentary, used for argument rather than as evidence of fact. Coaching-institute notes, aggregator blogs and AI-generated summaries were used only to locate primary material and are not relied upon for any proposition. Where a figure is available only through a Tier 2 report of government data, the article says so and treats it as provisional.

Three limitations must be stated at the outset.

First, the NCRB records *registered cases*, not prevalence, and has no category for violence in cohabiting relationships; the data can rebut the State's premise but cannot measure the very harm it invokes.

Second, Uttarakhand's UCC portal statistics have been released through ministerial statements and press reports rather than as a published dataset, and different reports use different counting conventions.

Third, constitutional challenges to the live-in provisions are pending before the Uttarakhand High Court; no final ruling on their validity had been located at the date of writing, and the article should be read subject to any such ruling.[8]

E. Limitations and future research

Future work should obtain, under the Right to Information Act, 2005, district-wise data on live-in applications, rejections with reasons, notices under s. 386 and prosecutions under s. 387; extract the NCRB's Uttarakhand tables directly; undertake fieldwork on marriage and inheritance practice among Tharu, Jaunsari, Buksa and Bhotia women; and examine Goan records on daughters' relinquishment of shares.

IV. THE STATUTORY ARCHITECTURE OF LIVE-IN REGULATION

A. The Code as enacted

Part 3 of the Code (sections 378–389) defines a live-in relationship as one between "a man and a woman" cohabiting in a shared household in a relationship in the nature of marriage, and thereby excludes same-sex partners from both the obligation and the protection.[9] The architecture of Part 3 is set out below.

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[8] "Uttarakhand UCC: How is registration of live-in relations invasion of privacy? HC asks", *ThePrint* (PTI), Feb. 18, 2025, available at: https://theprint.in/india/uttarakhand-ucc-how-is-registration-of-live-in-relations-invasion-of-privacy-hc-asks/2500522/ (last visited on October 31, 2026); "Purpose is Different, Don't Want Personal Info: State Govt to Uttarakhand HC", *LiveLaw*, Feb. 21, 2025, available at: https://www.livelaw.in/high-court/uttarakhand-high-court/uttarakhand-high-court-private-personal-info-state-govt-uniform-civil-code-form-live-in-couples-private-details-284609 (last visited on October 31, 2026).

[9] "'We owe nothing to the state': Why this live-in couple is taking on Uttarakhand's Uniform Civil Code", *Scroll*, 2025, available at: https://scroll.in/article/1079895/we-owe-nothing-to-the-state-why-this-live-in-couple-is-taking-on-uttarakhands-uniform-civil-code (last visited on October 31, 2026).

Table 1. Live-in provisions of the Uttarakhand Code (as enacted, with later changes)

Provision	Content	Sanction
s. 378	Obligatory for partners to a live-in relationship *within the State*, whether or not they are residents, to submit a statement to the Registrar. Uttarakhand residents cohabiting elsewhere may register where they ordinarily live.	See s. 387
s. 379	Any child of a live-in relationship is the legitimate child of the couple.	—
s. 380	Registration barred where a partner is a minor, already married or in another live-in relationship, where consent is vitiated by coercion, fraud or misrepresentation, or where the parties are within prohibited degrees (subject to custom).	—
s. 381	Statement in prescribed form; Registrar conducts a summary inquiry and may summon other persons (s. 381(3)).	—
s. 382	Registration is for the purpose of record only.	—
s. 384	Termination must also be registered by statement.	—
s. 385	Registrar must inform the parents or guardians, and the local police station, where a partner is under 21.	—

s. 386	Registrar may issue a 30-day notice to couples reported or found to be cohabiting without a statement.	—
s. 387(1)	Cohabiting for more than one month without a statement.	Imprisonment up to 3 months, or fine up to ₹10,000, or both
s. 387(2)	Statement containing false information or suppressing material facts.	Imprisonment up to 3 months, or fine up to ₹25,000, or both
s. 387(3)	Failure to submit a statement after notice under s. 386.	Imprisonment up to 6 months, or fine up to ₹25,000, or both
Rules 2025	Fee of ₹500 for registration; late penalty of ₹1,000; landlords required to see the certificate before letting to a couple; Registrar may forward details to the local police station.	Fine for landlords reported

Sources: Uniform Civil Code of Uttarakhand Act, 2024, ss. 378–388; *The Tribune* (6 February 2024); *Bar & Bench* and *Verdictum* (2024) on the Bill; *The Federal* (2025) on the Rules. Later changes are discussed in Part II.2.

Two structural features deserve emphasis.

First, there is an asymmetry between marriage and cohabitation. Failure to register a marriage within 60 days attracts a fine of up to ₹10,000 with no custodial penalty, and the Code expressly provides that a marriage is not invalid merely because it is

unregistered.[10] A couple that omits to register a live-in relationship within a month, by contrast, faces imprisonment. The legislature has thus chosen a harsher sanction for the less conventional union, although registration of both is justified by the same record-keeping rationale and s. 382 states that live-in registration is "for the purpose of record".

Second, the Code creates what may be called an impossibility trap. Section 380 forbids registration of certain relationships, for example where one partner is still married. Yet s. 387 punishes cohabiting for more than a month "without submitting" a statement. A couple whose relationship cannot lawfully be registered is, on a literal reading, in permanent default. The Code therefore risks penalising the *relationship* in certain categories and not merely the omission to register it. This is an interpretive concern that the High Court may need to resolve.

B. Subsequent amendments and rule changes

The regime did not remain static. The Uniform Civil Code, Uttarakhand (Amendment) Ordinance, 2025 (Ordinance No. 3 of 2025), promulgated on 25 July 2025, was replaced by the Uniform Civil Code (Amendment) Bill, 2025, which the Assembly passed by voice vote on 20 August 2025.[11] That amendment aligned the Code with the Bharatiya Nyaya Sanhita and Bharatiya Nagarik Suraksha Sanhita, extended procedural time limits from six months to one year, created an appeal for

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[10] "Uniform Civil Code Bill: Live-in couples in Uttarakhand must register or face imprisonment", *The Tribune*, Feb. 6, 2024, available at: https://www.tribuneindia.com/news/uttarakhand/uniform-civil-code-bill-live-in-couples-in-uttarakhand-must-register-or-face-imprisonment-588040 (last visited on October 31, 2026); "UCC comes into force in Uttarakhand: Making legal processes related to marriage simple", *Deccan Herald*, Jan. 27, 2025, available at: https://www.deccanherald.com/india/uttarakhand/ucc-comes-into-force-in-uttarakhand-making-legal-processes-related-to-marriage-simple-3375323 (last visited on October 31, 2026).

[11] Government of Uttarakhand, Legislative and Parliamentary Affairs Department, G.O. No. 259/XXXVI(3)/2025/36(1)/2025, July 25, 2025 (Uttarakhand Ordinance No. 3 of 2025), listed at Uniform Civil Code Portal, "Government Orders", available at: https://ucc.uk.gov.in/government-orders (last visited on October 31, 2026); "Opposition uproar halts Uttarakhand Assembly: Key bills rushed through before adjournment", *Lokmat Times* (IANS), Aug. 20, 2025, available at: https://www.lokmattimes.com/national/opposition-uproar-halts-uttarakhand-assembly-key-bills-rushed-through-before-adjournment/ (last visited on October 31, 2026).

penalised Sub-Registrars and empowered the Registrar General to cancel registrations.

As reported on the Bill, it also created offences for persistent violation of the live-in provisions, for cohabiting while a prior marriage or relationship subsists, and for coercion or fraud in obtaining marital consent, the last punishable with up to seven years' imprisonment.[12] The Uniform Civil Code, Uttarakhand (Amendment) Ordinance, 2026, promulgated under Article 213 with effect from 26 January 2026, made misrepresentation of identity a ground for annulment, authorised termination certificates for live-in relationships and provided for recovery of penalties as arrears of land revenue.[13]

The Ordinance did not lapse: the Uniform Civil Code, Uttarakhand (Amendment) Act, 2026, notified on 7 April 2026, replaced it, and in October 2026 the State Cabinet approved Rules to implement that Act.[14] References to the amended Code are to these enactments.

In parallel the State moderated the Rules in the face of litigation. In an affidavit of about 78 pages filed before the High Court in October 2025, it stated that mandatory Aadhaar, community-leader certificates, parental intimation and routine police

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[12] Puja Awasthi, "What are the key changes introduced to Uttarakhand's Uniform Civil Code?", *The Week*, Aug. 19, 2025, available at: https://www.theweek.in/news/india/2025/08/19/what-are-the-key-changes-introduced-to-uttarakhand-s-uniform-civil-code.html (last visited on October 31, 2026).
[13] "Uttarakhand govt implements Uniform Civil Code Amendment Ordinance", *IANS*, Jan. 26, 2026, available at: https://news.webindia123.com/news/Articles/India/20260126/4409155.html (last visited on October 31, 2026); "Uttarakhand Govt implements the UCC (Amendment) Ordinance, 2026", *All India Radio News*, Jan. 27, 2026, available at: https://www.newsonair.gov.in/uttarakhand-govt-implements-the-ucc-amendment-ordinance-2026 (last visited on October 31, 2026); "Uttarakhand Governor Clears UCC Amendment; Bill to Be Tabled in Budget Session", *Dainik Jagran English*, Jan. 27, 2026, available at: https://english.dainikjagranmpcg.com/politics/uttarakhand-governor-clears-ucc-amendment-bill-to-be-tabled-in/article-13137 (last visited on October 31, 2026).
[14] The Uniform Civil Code, Uttarakhand (Amendment) Act, 2026, notified by G.O. No. 101/XXXVI(3)/2026/32(1)/2026, Apr. 7, 2026, listed at Uniform Civil Code Portal, "Government Orders", available at: https://ucc.uk.gov.in/government-orders (last visited on October 31, 2026); "Uttarakhand Cabinet approves changes in UCC Rules, 24 other proposals", *The Pioneer*, Oct. 23, 2026, available at: https://dailypioneer.com/amp/story/india/uttarakhand-cabinet-approves-changes-in-ucc-rules-24-other-proposals (last visited on October 31, 2026).

verification for live-in registration were being removed or narrowed, and that data-sharing with the police would be for record-keeping only.[15]

This is significant for two reasons. It concedes that the original design over-collected personal data, which is itself relevant to proportionality. And, if parental intimation for partners under 21 is a *statutory* duty under the Act as passed, the legal sufficiency of removing it by amendment of subordinate rules is open to question. Press accounts report that the 2026 amendment removed parental intimation, which would cure this defect.

C. The exemption clause in full

Section 2 provides that nothing in the Code shall apply to "the members of any Scheduled Tribes within the meaning of clause (25) of article 366 read with article 342 of the Constitution of India and the persons and group of persons whose customary rights are protected under Part XXI of the Constitution of India".[16] Part XXI (Articles 369–392) contains the "temporary, transitional and special provisions", including Articles 371A (Nagaland) and 371G (Mizoram). The words therefore reach beyond Scheduled Tribes as an administrative category to communities whose customary law enjoys *constitutional* protection. A Draft Committee member has stated publicly, in an executive clarification without statutory force, that no live-in registration is required where either partner is a tribal.[17] The consequences of that clarification are examined in Part VI.

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[15] "Uttarakhand revises UCC norms on live-in and marriage registration", *The Federal*, Oct. 2025, available at: https://thefederal.com/category/states/north/uttarakhand/uttarakhand-revises-ucc-norms-on-live-in-and-marriage-registration-212129 (last visited on October 31, 2026); "Uttarakhand govt to amend UCC rules on live-in relationships, files affidavit in High Court", *The Daily Jagran*, Oct. 2025, available at: https://www.thedailyjagran.com/india/uttarakhand-govt-to-amend-ucc-rules-on-live-in-relationships-files-affidavit-in-high-court-what-this-means-for-couples-10274465 (last visited on October 31, 2026).

[16] The Uniform Civil Code of Uttarakhand Act, 2024, s. 2; "UCC bill tabled in Uttarakhand Assembly; exempts tribals, acknowledges live-in relationships", *The Federal* (PTI), Feb. 6, 2024, available at: https://thefederal.com/category/states/north/uttarakhand/ucc-bill-tabled-in-uttarakhand-assembly-exempts-tribals-acknowledges-live-in-relationships-109076 (last visited on October 31, 2026).

[17] "Tribals In Live-In Relationships With Non-Tribals Also Exempted From UCC", *ETV Bharat*, Feb. 10, 2025, available at: https://www.etvbharat.com/en/!state/tribal-couples-in-live-in-relationships-exempted-from-ucc-enn25021003226 (last visited on October 31, 2026).

V. THE EMPIRICAL RECORD

Claims about criminalisation and exemption are empirical as much as legal: a measure is proportionate only if it plausibly advances its aim. This Part collects the best available evidence and is explicit about its reliability.

A. Implementation data from the Uttarakhand UCC portal

The State has not published a dataset; figures have emerged through ministerial statements and press reports. They are therefore provisional and use differing counting conventions (applications, registrations, "statements"). Table 2 sets them out chronologically.

Table 2. Reported UCC portal statistics, 2025–2026

Reported	Source	Marriages	Live-in relationships
Feb 2025 (first 10 days)	*Deccan Herald*	—	5 applications; 1 registered
c. July 2025	*The Tribune*	Over 2 lakh registered	About 90 registered
c. Oct 2025	*The Federal* (citing reports; State affidavit)	About 4 lakh	58 registered; 1 termination
Jan 2026	ETV Bharat (State data, one year after commencement)	4,08,244 applications; 3,89,125 certificates issued	156 applications; 65 approved; 81 rejected; 3 pending
Jan 2026 (all services)	ETV Bharat	4,98,688 applications in total; 4,75,639 approved; 19,120 rejected; 2,615 pending	—

The July and October 2025 figures for live-in registrations are not reconcilable with each other (90 vs 58); they probably count different things. The January 2026 figures are the most granular and are used for computation below.

Three inferences follow, each labelled as analysis and not as a reported fact.

1. **Negligible uptake:** Live-in applications were 0.03% of all applications (156 of 4,98,688). Marriage applications outnumbered them roughly 2,600 to one. This cannot show how many couples cohabit in Uttarakhand, because no baseline exists, but it is consistent with either very small prevalence or widespread non-compliance. If the latter, the penal provision is largely unenforced; if the former, the justification for a special penal regime is weak.
2. **Abnormal rejection:** 81 of 156 live-in applications (51.9%) were rejected, against 3.8% across all applications, about 13.5 times the overall rate. Rejection reasons are unpublished. Under s. 380 they may include a partner's existing marriage or age, but a rejection rate of this order suggests that the Registrar's gatekeeping role, and not mere record-keeping, dominates the scheme. That sits uneasily with s. 382.
3. **Rejection plus penalty:** Because s. 387 punishes unregistered cohabitation, a rejected couple is not simply told "no"; it is left in a position where continued cohabitation may be an offence. The State has not disclosed how many s. 386 notices or s. 387 prosecutions have occurred. That figure is the single most important missing datum.

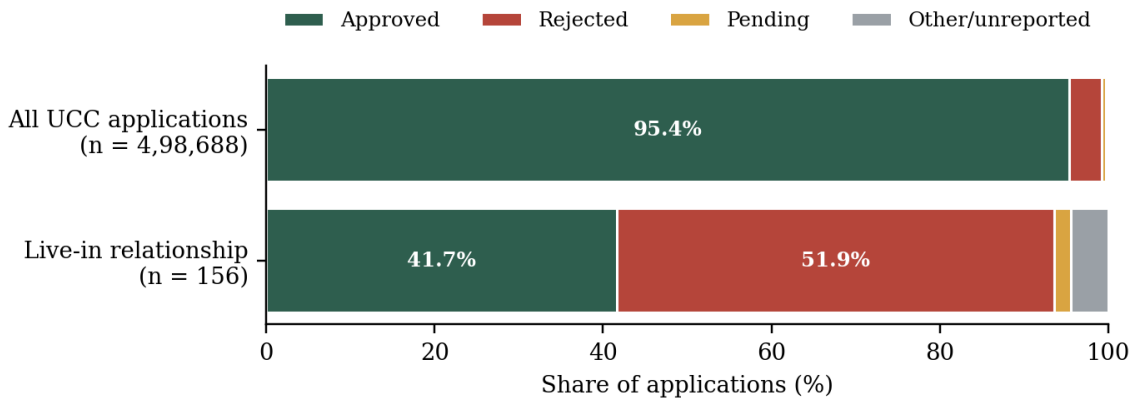


Figure 1. Outcome of applications, live-in relationships versus all UCC applications (State data as reported by ETV Bharat, January 2026; author's computation). "Other" is the residual of unreported statuses.

B. What NCRB data can and cannot show

The NCRB's *Crime in India 2024*, released in May 2026, is now the latest edition. Table 3 gives the indicators relevant to the debate.[18]

Table 3. NCRB indicators relevant to marriage, domestic violence and Scheduled Tribes

Indicator	**2023**	**2024**	**Note**
Crimes against women (cases)	4,48,211	4,41,534	2022: 4,45,256

[18] National Crime Records Bureau, *Crime in India 2024* (Ministry of Home Affairs, May 2026) and *Crime in India 2023* (Ministry of Home Affairs, Sept. 2025), available at: https://www.ncrb.gov.in (last visited on October 31, 2026). The figures in Table 3 are taken from press reports of these volumes: "Crime Rate 'Fell' 6% in 2024, NCRB Attributes Dip to Change From IPC to BNS", *The Wire*, May 7, 2026, available at: https://m.thewire.in/article/caste/crime-rate-fell-6-in-2024-ncrb-attributes-dip-to-change-from-ipc-to-bns (last visited on October 31, 2026); "Dip in murders, cybercrimes; crimes against Scheduled Tribes spiked: NCRB data", *The Week* (PTI), Sept. 30, 2025, available at: https://www.theweek.in/wire-updates/national/2025/09/30/del12-ncrb-crime.html (last visited on October 31, 2026); "Strife-torn Manipur sees 3,000 crime incidents against STs in '23: NCRB", *The Tribune*, Oct. 3, 2025, available at: https://www.tribuneindia.com/news/india/strife-torn-manipur-sees-3000-crime-incidents-against-sts-in-23-ncrb (last visited on October 31, 2026).

Cruelty by husband or relatives	1,33,676 (29.8%)	1,20,227 (27.2%)	Largest single category
Dowry deaths	6,156	5,737	About 16 per day in 2024
Murders (all)	27,721	27,049	−2.4% in 2024
Murders recorded as "honour killing"	38	n/a	2020: 25; 2021: 33; 2022: 18
Crimes against Scheduled Tribes	12,960	9,966	2022: 10,064 (Manipur: 1); Manipur 2023: 3,399
Crimes against Scheduled Castes	57,789	55,698	—

Sources: NCRB, *Crime in India 2023* and *Crime in India 2024*, as reported in *The Wire* (7 May 2026), *The Week* (PTI, 30 September 2025) and *The Tribune* (3 October 2025); honour-killing figures from the NCRB murder-by-motive data. The 2022 Scheduled Tribe figure (10,064) includes one case from Manipur.

Four conclusions can safely be drawn.

First, the NCRB has no category for violence in cohabiting relationships. Cases fall under general offences and, after *Lokesh B.H.* (2026), s. 85 BNS where the relationship is in the nature of marriage. The State's premise, that registration will protect women in live-in relationships, therefore cannot be tested against NCRB data; equally, the State has produced no data supporting it.

Second, the evidence of harm is overwhelmingly marital. In 2024 there were 1,20,227 cruelty cases and 5,737 dowry deaths, offences defined by the husband-wife or in-law relationship. If registration and solemnity were protective, the marital figures would not be so high; registration is not a safety device.

Third, honour violence is small in absolute terms but highly relevant. Thirty-eight murders were recorded as honour killings in 2023 (0.14% of 27,721 murders); the NCRB tags only murders where the motive is recorded, so the figure is an undercount.[19] Mandatory disclosure of inter-caste and inter-faith cohabitation to the State and, by landlords' verification, to private actors, creates exactly the information flows that honour violence and vigilantism exploit; on-ground reporting records that fear (Part V).

Fourth, NCRB figures must be read carefully. The headline fall in ST crimes from 12,960 to 9,966 in 2024 is largely a Manipur effect: Manipur alone accounted for 3,399 ST cases in 2023. Excluding Manipur from both years, 2023 cases were about 5% *lower* than in 2022 (9,561 against 10,063, that is, the 2022 total of 10,064 less Manipur's single case). Such analysis is needed before any claim is made that tribal communities are "safer" or "less safe".

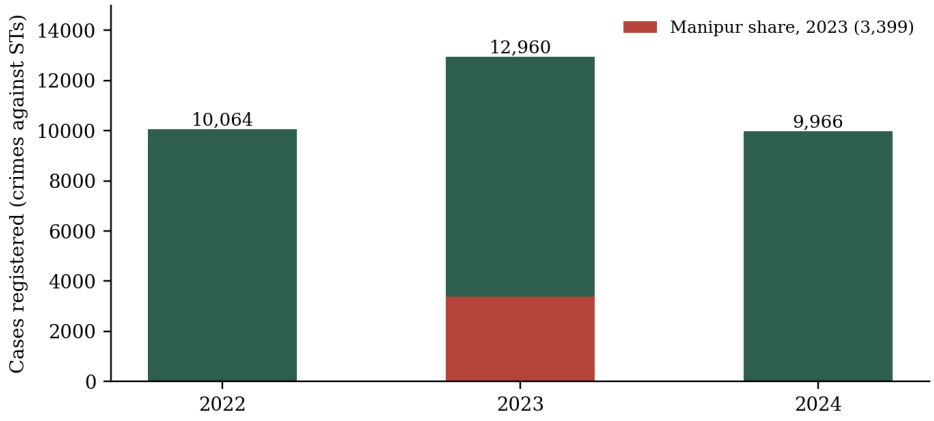


Figure 2. Crimes against Scheduled Tribes, 2022–2024 (NCRB). The 2023 rise reflects Manipur (3,399 cases in 2023 against 1 in 2022); excluding Manipur, cases fell from 10,063 in 2022 to 9,561 in 2023. Author's computation from NCRB figures.

C. The Scheduled Tribe population: who is exempted?

The Census 2011 recorded 2,91,903 Scheduled Tribe persons in Uttarakhand, 2.89% of a population of 1,00,86,292, chiefly in five tribes: Tharu (91,342), Jaunsari (88,664),

[19] National Crime Records Bureau, *Crime in India 2023*, vol. I (murder by motive), available at: https://www.ncrb.gov.in (last visited on October 31, 2026).

Buksa (54,037), Bhotia (39,106) and Raji (690, a Particularly Vulnerable Tribal Group), with 18,064 recorded as generic or unclassified.[20] They are concentrated in Udham Singh Nagar (1,23,037; 7.49% of the district, mostly Tharu and Buksa), Dehradun (1,11,663; 6.58%, mostly Jaunsari) and Pithoragarh and Chamoli (Bhotia). By contrast Goa, whose Scheduled Tribes were first notified in 2003, recorded 1,49,275 STs, 10.2% of its population.[21]

Two points follow. The exemption removes under 3% of Uttarakhand's people from the Code, so its political significance exceeds its demographic one; and Goa's common code governs a tribal population more than three times as large in proportion, which is directly relevant to the argument that tribal exemption is indispensable to a workable code (Part VII).

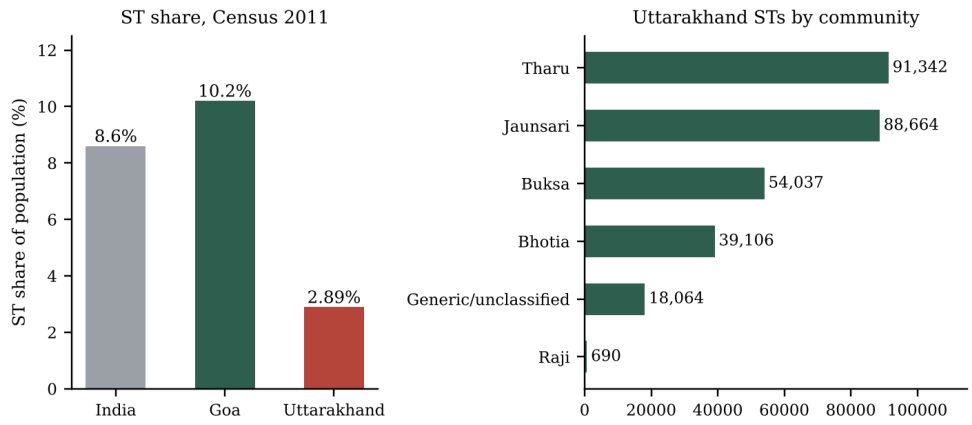


Figure 3. Scheduled Tribe share of population (Census 2011) and composition of Uttarakhand's Scheduled Tribes.

D. On-ground reporting

Qualitative evidence is limited but consistent. *The Quint* reported in February 2025 that interfaith, inter-caste and same-sex couples feared that the registration scheme "empowers vigilantes"; *Scroll* documented a live-in couple's petition arguing that the

[20] Office of the Registrar General and Census Commissioner, India, *Census of India 2011: Primary Census Abstract for Scheduled Tribes, Uttarakhand*, available at: https://censusindia.gov.in (last visited on October 31, 2026).
[21] Office of the Registrar General and Census Commissioner, India, *Scheduled Tribes in India as Revealed in Census 2011* (2013), available at: https://censusindia.gov.in (last visited on October 31, 2026).

live-in provisions violate Articles 14, 19 and 21, and recorded a petitioner's experience of police declining to register an FIR as grounds for distrusting a scheme that routes information through police stations.[22] These are accounts of apprehension, not measurements of harassment.

Legal commentators told *The Quint* in 2024 that landlord verification could deter letting to unregistered couples.[23] Before the High Court the State argued that registration serves a protective purpose and does not seek personal information for any other end, and the Bench asked how registration could be an invasion of privacy.[24] Evidence on tribal communities is thinner still. A single small-sample district-level study of Tharu women in Udham Singh Nagar reports that a minority face land-ownership and property-law knowledge gaps,[25] and the High-Level (Xaxa) Committee on tribal communities (2014) identified women's access to land and forest rights as a recurring deficit.[26] The evidential base for tribal women's property rights in Uttarakhand is, in short, a research gap that this article cannot fill but identifies.

VI. THE CASE LAW AND ITS BEARING ON THE CODE

[22] Himanshi Dahiya, "'UCC Empowers Vigilantes': Young Couples Fear Loving and Living in Uttarakhand", *The Quint*, Feb. 2025, available at: https://www.thequint.com/news/india/uttarakhand-uniform-civil-code-ucc-interfaith-intercaste-same-sex-couples-live-in-relationship (last visited on October 31, 2026); "'We owe nothing to the state'", *Scroll*, 2025, available at: https://scroll.in/article/1079895/we-owe-nothing-to-the-state-why-this-live-in-couple-is-taking-on-uttarakhands-uniform-civil-code (last visited on October 31, 2026).

[23] "Uttarakhand UCC Bill: 'Absurd Invasion of Privacy, A Tool for Harassment,' say Legal Experts on Live-In Relationship Provisions", *The Quint*, Feb. 2024, available at: https://www.thequint.com/news/law/ucc-uttarakhand-bill-civil-code-live-in-relationships-legal-experts-decode (last visited on October 31, 2026).

[24] "Uttarakhand UCC: How is registration of live-in relations invasion of privacy? HC asks", *ThePrint* (PTI), Feb. 18, 2025, available at: https://theprint.in/india/uttarakhand-ucc-how-is-registration-of-live-in-relations-invasion-of-privacy-hc-asks/2500522/ (last visited on October 31, 2026); *LiveLaw*, Feb. 21, 2025, available at: https://www.livelaw.in/high-court/uttarakhand-high-court/uttarakhand-high-court-private-personal-info-state-govt-uniform-civil-code-form-live-in-couples-private-details-284609 (last visited on October 31, 2026).

[25] "A Geographical Analysis of the Socio-Economic Challenges Faced by Tharu Women in Udham Singh Nagar District, Uttarakhand", *International Journal of Environmental Sciences* (2025), available at: https://theaspd.com/index.php/ijes/article/view/10770 (last visited on October 31, 2026).

[26] Ministry of Tribal Affairs, *Report of the High Level Committee on Socio-economic, Health and Educational Status of Tribal Communities of India* (Chair: Prof. Virginius Xaxa, May 2014), available at: https://cjp.org.in/wp-content/uploads/2019/10/2014-Xaxa-Tribal-Committee-Report.pdf (last visited on October 31, 2026).

The decisions below are grouped by the question they answer. For each case the article states the bench, the facts and the ratio, with the citation in a footnote, and then explains how the holding affects the Uttarakhand position.

A. Autonomy, cohabitation and the limits of State regulation

1. Lata Singh v. State of U.P.

- **Bench:** Ashok Bhan and Markandey Katju JJ.
- **Facts and holding:** Lata Singh, an adult, married a man of a different caste; her brother lodged a criminal complaint and the family harassed the couple. The Court held that adults are free to choose their partners, that no offence is made out by an inter-caste marriage, and directed the police to protect such couples and punish those who threaten them.[27]
- **Effect on the UCC debate:** The case fixes the constitutional baseline: the choice of partner is the individual's, not the family's or the community's. A registration scheme that notifies parents of adult partners aged 18–21, forwards details to police and requires landlords to verify status shifts information into precisely the hands *Lata Singh* said must not control adult choice. The State's October 2025 withdrawal of parental intimation is, in effect, an acknowledgement of this.

2. S. Khushboo v. Kanniammal

- **Bench:** K.G. Balakrishnan CJI, Deepak Verma and B.S. Chauhan JJ.
- **Facts and holding:** Criminal complaints were filed against an actor for remarks supporting premarital sex and cohabitation. The Court quashed the complaints, observing that living together is not an offence and that no enactment prohibits live-in relationships.[28]
- **Effect on the UCC debate:** Before January 2025 cohabitation was lawful and unregulated. The Code does not formally prohibit it but makes it

[27] *Lata Singh v. State of U.P.*, (2006) 5 SCC 475.
[28] *S. Khushboo v. Kanniammal*, (2010) 5 SCC 600.

conditionally lawful, lawful only if registered. *Khushboo* does not bar regulation, but it places on the State the burden of justifying why a lawful private arrangement needs a criminal-law gatekeeper.

3. **Indra Sarma v. V.K.V. Sarma**

- **Bench:** K.S. Radhakrishnan and Pinaki Chandra Ghose JJ.
- **Facts and holding:** A woman sought maintenance under the Protection of Women from Domestic Violence Act, 2005 after a long relationship with a married man. The Court held that not all live-in relationships are "relationships in the nature of marriage" under s. 2(f) and laid down indicative factors (duration, shared household, pooling of resources, intention, public conduct); it found the relationship before it did not qualify because the man was married and the woman knew it.[29]
- **Effect on the UCC debate:** The statute thus already protects cohabiting women through a *substance-based* test that requires no registration. Uttarakhand's approach is *form-based*. The comparison is useful in both directions: registration could ease proof, but the existing law proves that protection does not depend on it.

4. **Nandakumar v. State of Kerala**

- **Bench:** A.K. Sikri and Ashok Bhushan JJ.
- **Facts and holding:** A 20-year-old man and a 19-year-old woman had married; the High Court annulled the marriage because the man was below 21 and handed the woman to her father. The Supreme Court set the order aside: even if the marriage was not valid, two consenting adults may live together, and live-in relationships are recognised by Parliament through the 2005 Act.[30]

[29] *S. Khushboo v. Kanniammal*, (2010) 5 SCC 600.
[30] *Nandakumar v. State of Kerala*, (2018) 16 SCC 602.

- **Effect on the UCC debate:** The Code sets the minimum age for live-in registration at 18 for both partners, while a man may marry only at 21. *Nandakumar* supports that distinction as to cohabitation, but it also confirms that the protection of an adult couple's association does not depend on any State-issued certificate.

5. **K.S. Puttaswamy v. Union of India; Shafin Jahan v. Asokan K.M.; Joseph Shine v. Union of India**

   - **Bench:** Nine Judges in *Puttaswamy*; three Judges in *Shafin Jahan*; five Judges in *Joseph Shine*.

   - **Facts and holding:** Puttaswamy recognised privacy, including decisional autonomy over intimate relations, as part of Articles 14, 19 and 21; *Shafin Jahan* held that choice of partner is integral to personal liberty; *Joseph Shine* struck down the criminalisation of adultery and warned against State policing of intimate morality. Together they require any restriction on intimate association to satisfy legality, a legitimate aim, proportionality and procedural safeguards.[31]

   - **Effect on the UCC debate:** These are the governing standards for RQ1 and are applied in Part V.

6. **Dr Lokesh B.H. v. State of Karnataka**

   - **Bench:** Sanjay Karol and N. Kotiswar Singh JJ., decided 3 August 2026, on appeal from the Karnataka High Court's order of 18 November 2025.

   - **Facts and holding:** A woman alleged cruelty by a man with whom she lived in what she said was a marriage-like relationship; the man argued that he was not her "husband" under s. 498A IPC (now s. 85 BNS) because a second marriage was void. The Court held that s. 498A applies to live-in relationships that qualify as relationships "in the nature of marriage", with intent to marry an intrinsic part; not every

[31] *Nandakumar v. State of Kerala*, (2018) 16 SCC 602.

live-in relationship qualifies. It held that denying a cohabiting woman the protection available to a wife has no rational nexus with the object of preventing domestic cruelty and is offensive to Article 14, and it applied the *Arnesh Kumar* safeguards against arbitrary arrest.[32]

- **Effect on the UCC debate:** This is the most important recent authority, and it cuts both ways. For the State, the Court's insistence on proving "intent to marry" and the character of the relationship suggests that a registered statement could be valuable evidence. For critics, the decision shows that the Court extends criminal protection to cohabiting women *without any registration requirement*; protection follows the nature of the relationship, not its paperwork. Registration is therefore not necessary to protect women, which weakens the necessity limb of proportionality.

B. Presumption of marriage, legitimacy and property

The Code declares every child of a registered live-in relationship legitimate (s. 379). The Supreme Court's decisions on presumption of marriage and Section 16 of the Hindu Marriage Act show how far the judge-made law had already travelled, and what the Code adds. Note that the presumption is now governed by s. 119 of the Bharatiya Sakshya Adhiniyam, 2023, which replaced s. 114 of the Evidence Act, 1872.

1. Badri Prasad v. Deputy Director of Consolidation

- **Facts and holding:** A long-cohabiting couple's marital status was disputed in consolidation proceedings. The Court held that where a man and woman live together for long years as husband and wife, the law presumes a valid marriage, and a heavy burden lies on the party who seeks to deprive the relationship of its legal origin.
- **Effect on the UCC debate:** It establishes that long, public cohabitation already produces legal consequences without any registration. The Code's registration regime partly overlaps, and potentially complicates,

[32] *Dr Lokesh B.H. v. State of Karnataka*, 2026 INSC 784; 2026 LiveLaw (SC) 753.

this judge-made presumption: an *unregistered* but long-standing couple still enjoys the presumption, though it would be an offender under s. 387.[33]

2. **S.P.S. Balasubramanyam v. Suruttayan**

   - **Facts and holding:** A son claimed his father's property; his parents' marriage could not be proved by ceremony. The Court applied the presumption from long cohabitation and held that the children of such a union were legitimate and entitled to inherit.
   - **Effect on the UCC debate:** Same effect as above, and it demonstrates why s. 379 adds little for couples already covered by the presumption but matters for short or recent unions where the presumption cannot yet be drawn.[34]

3. **Tulsa v. Durghatiya**

   - **Facts and holding:** The parties had lived together as husband and wife for many years; the legitimacy of the children was contested. The Court held that the children of a relationship that was long, stable and acknowledged are not illegitimate, distinguishing it from a "walk-in, walk-out" relationship.
   - **Effect on the UCC debate:** The Court's distinction between a durable relationship and a casual one is the same distinction the Code's registration is supposed to supply. The common-law test is *duration and character*; the Code's test is *paperwork*. Registration could provide certainty at the margin, but it also risks excluding durable, unregistered couples from s. 379.[35]

[33] *Badri Prasad v. Deputy Director of Consolidation*, (1978) 3 SCC 527.
[34] *S.P.S. Balasubramanyam v. Suruttayan*, (1994) 1 SCC 460.
[35] *Tulsa v. Durghatiya*, (2008) 4 SCC 520.

4. **Bharatha Matha v. R. Vijaya Renganathan**

   - **Bench:** B.S. Chauhan and Swatanter Kumar JJ.
   - **Facts and holding:** A child born of a relationship that was not proved to be a valid marriage claimed a share in the father's property. Relying on s. 16 of the Hindu Marriage Act, 1955, the Court held that a child born of such a relationship may succeed to the property of the parents but has no claim to Hindu ancestral coparcenary property, since s. 16(3) confines the child's rights to the property of the parents.
   - **Effect on the UCC debate:** The case shows the gap that s. 379 attempts to close. Whether s. 379 closes it within Uttarakhand turns on how the Code's uniform succession provisions in Part 2 treat ancestral property; to the extent they govern residents' estates, the coparcenary limitation in *Bharatha Matha* loses much of its force within the State.[36]

5. **Kattukandi Edathil Krishnan v. Kattukandi Edathil Valsan**

   - **Bench:** S. Abdul Nazeer and Vikram Nath JJ., decided 13 June 2022.
   - **Facts and holding:** A Thiyya family in Calicut were divided over a partition suit; the plaintiff, born in 1942, claimed to be the son of a man and a woman whose marriage could not be documented after some 90 years. The Court restored the trial court's decree, holding that long cohabitation as husband and wife raises a strong presumption of wedlock under the Evidence Act and that a heavy burden lies on the person who seeks to rebut it.
   - **Effect on the UCC debate:** A recent, three-year-old statement of the settled presumption, and a reminder that the Court prefers *substantive proof of a relationship* over formal documentation. It supports the

[36] *Bharatha Matha v. R. Vijaya Renganathan*, (2010) 11 SCC 483: AIR 2010 SC 2685.

argument that the legal protection of cohabiting couples and their children should not depend on a registration certificate.[37]

6. **Revanasiddappa v. Mallikarjun**

- **Bench:** Three Judges (D.Y. Chandrachud CJI, J.B. Pardiwala and Manoj Misra JJ.), decided 1 September 2023.
- **Facts and holding:** The Court resolved a conflict between earlier decisions on the property rights of children of void or voidable marriages under s. 16(3) of the Hindu Marriage Act. It held that such children are entitled to their parents' property, including the share the parent would receive on partition of joint family property, but are not coparceners by birth.
- **Effect on the UCC debate:** The case is the high-water mark of judicial protection of children of non-marital unions. It shows that the Supreme Court has already extended succession rights substantially; the Code's statutory legitimacy is an incremental, not a transformative, gain.[38]

C. Registration and validity

1. **Seema v. Ashwani Kumar**

- **Facts and holding:** The Court considered the absence of compulsory registration of marriages. It directed all States to make registration of marriages compulsory for persons of every religion.
- **Effect on the UCC debate:** It is the authority for compulsory *marriage* registration. It was directed at proof and prevention of child marriage and bigamy; it did not contemplate imprisonment, and it did not extend to cohabitation outside marriage.[39]

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[37] *Kattukandi Edathil Krishnan v. Kattukandi Edathil Valsan*, 2022 SCC OnLine SC 737; 2022 LiveLaw (SC) 549.
[38] *Revanasiddappa v. Mallikarjun*, 2023 INSC 783.
[39] *Seema v. Ashwani Kumar*, (2006) 2 SCC 578.

2. Dolly Rani v. Manish Kumar Chanchal

- **Bench:** B.V. Nagarathna and Augustine George Masih JJ., decided 19 April 2024.
- **Facts and holding:** Two commercial pilots obtained a marriage certificate based on a certificate of solemnisation from a society, without performing any ceremony. The Court held that registration under s. 8 of the Hindu Marriage Act only facilitates proof of a marriage already solemnised under s. 7 and cannot confer marital status on a union that has not been solemnised.
- **Effect on the UCC debate:** The decision is relevant by analogy and shows that the UCC is internally consistent on one point: the Rules permit rejection of a marriage registration where no ceremony was performed, and s. 382 treats live-in registration as record only. The problem with the Code is therefore not that it makes certificates constitutive of status, but that it makes *failure to obtain a certificate* a crime.[40]

D. Tribal customary law and gender

1. Madhu Kishwar v. State of Bihar

- **Bench:** K. Ramaswamy, Kuldip Singh and M.M. Punchhi JJ., decided 17 April 1996.
- **Facts and holding:** Tribal women from Chotanagpur challenged ss. 7, 8 and 76 of the Chotanagpur Tenancy Act, 1908, and customs excluding women from inheritance, under Articles 14, 15 and 21. The majority (M.M. Punchhi J., for himself and Kuldip Singh J.) declined to strike down the provisions lest tribal society be disrupted, but held that the exclusive right of male succession under ss. 7 and 8 would remain in abeyance while a female dependant of the last male holder chose to

[40] *Dolly Rani v. Manish Kumar Chanchal*, 2024 INSC

depend on the land for her livelihood. K. Ramaswamy J., dissenting, would have read "male descendants" to include female descendants and applied the general principles of the Hindu Succession Act to tribal women.

- **Effect on the UCC debate:** The binding holding protects tribal women's livelihood by suspending male succession rights; it does not confer equal inheritance, a proposition that rests only on the minority view. The case supports the "equality floor" in Part VIII in this limited sense: the Court secured a minimum entitlement without displacing custom as a system.[41]

2. Kamla Neti v. Special Land Acquisition Officer

- **Bench:** M.R. Shah and Krishna Murari JJ., decided 9 December 2022.
- **Facts and holding:** In a land-acquisition compensation reference from Orissa, a Scheduled Tribe woman claimed a share on the basis of the right of survivorship in her father's joint family property. The Court dismissed the appeal: s. 2(2) of the Hindu Succession Act, 1956 excludes Scheduled Tribes unless the Central Government notifies otherwise, and none had. It nevertheless observed that denial of equal rights to tribal daughters seventy years after the Constitution is hard to justify and urged the Central Government to consider amending the Act or issuing a notification.
- **Effect on the UCC debate:** The holding is *against* the claimant; its significance lies in the observation. It shows that the exemption of tribal law from codification has costs that the judiciary regards as constitutionally troubling, a point that bears directly on Section 2 of the Uttarakhand Code.[42]

[41] *Madhu Kishwar v. State of Bihar*, (1996) 5 SCC 125
[42] *Kamla Neti v. Special Land Acquisition Officer*, 2022 INSC 1262; 2022 LiveLaw (SC) 1014.

3. Tirith Kumar v. Daduram

- **Bench:** C.T. Ravikumar and Sanjay Karol JJ., decided 19 December 2024.
- **Facts and holding:** Members of the Sawara tribe in Chhattisgarh disputed ownership of about 14 acres. The trial court and first appellate court, finding the parties "sufficiently Hinduised", applied Hindu law and denied the daughters of the deceased propositus (who died in 1951) a share. The High Court reversed, applying justice, equity and good conscience under s. 6 of the Central Provinces Laws Act, 1875, and awarded the daughters' line half the property. The Supreme Court *upheld the High Court* and dismissed the appeal. It held that the Hindu Succession Act, 1956 cannot apply to Scheduled Tribes without a notification, that "Hinduisation" cannot substitute for de-notification, but that, because the propositus died before the Act and no tribal custom was proved to the contrary, equity could support the daughters' claim. It repeated the request made in *Kamla Neti* that the Union consider amending the Act.
- **Effect on the UCC debate:** The decision matters for three reasons. It confirms that statutory personal law cannot be extended to tribes by judicial inference. It shows that equity can protect tribal daughters where no contrary custom is proved; the later decision in *Ram Charan* (Case 18) confirms that this route is not confined to successions that opened before 1956. And it repeats, for the second time in two years, a judicial request to Parliament that remains unanswered, which strengthens the argument that exempting tribes from a gender-equal code leaves a protection gap that adjudication can narrow but only legislation can close uniformly.[43]

[43] *Tirith Kumar v. Daduram*, 2024 INSC 1005; 2024 SCC OnLine SC 3810 (Civil Appeal No. 13516 of 2024).

4. Ram Charan v. Sukhram

- **Bench:** Sanjay Karol and Joymalya Bagchi JJ., decided 17 July 2025.
- **Facts and holding:** The heirs of a Gond woman sought partition of her father's property; he had died some thirty years before the suit, after 1956. The courts below presumed a custom excluding daughter. The Supreme Court reversed. Reiterating that s. 2(2) of the Hindu Succession Act, 1956 excludes Scheduled Tribes, it held that custom must be proved and that the courts below wrongly required the plaintiffs to disprove an exclusionary custom. As neither side proved a custom, the Court applied justice, equity and good conscience under s. 6 of the Central Provinces Laws Act, 1875, read with Articles 14, 15(1) and 46, and awarded the heirs an equal share.
- **Effect on the UCC debate:** A party who would deny a tribal woman her share must now prove the custom that excludes her, so judicial protection no longer depends on succession having opened before 1956. Legislation remains the only answer where an exclusionary custom is proved, but the gap left by s. 2 is narrower than earlier case law implied.[44]

E. The Goa decisions and structural cases

1. Jose Paulo Coutinho v. Maria Luiza Valentina Pereira

- **Bench:** Deepak Gupta and Aniruddha Bose JJ., decided 13 September 2019.
- **Facts and holding:** A dispute over the estate of Goans whose property lay partly in Goa and partly in Maharashtra raised the question whether Goan law on communion of assets and succession governed property situated outside Goa. The Court held that the Goan law of succession, a special law preserved by the Goa, Daman and Diu (Administration)

[44] *Ram Charan v. Sukhram*, 2025 INSC 865 (Civil Appeal No. 9537 of 2025), paras 13, 17–20 and 27–29.

Act, 1962, would apply to Goans domiciled in Goa irrespective of where the property is located (the "unity of succession" principle). It described Goa as a "shining example" of a State with a uniform civil code and lamented that, despite repeated judicial exhortation, no attempt had been made to frame a uniform civil code for the country.

- **Effect on the UCC debate:** Two points follow. The case supplies the doctrinal route by which the Uttarakhand Code could legitimately apply to residents holding property elsewhere, as s. 378 and the succession provisions assume. And it shows the Court's rhetoric is not an evaluation of Goa's actual law, as the comparative Part below demonstrates.[45]

2. Sarla Mudgal; Shayara Bano

- **Bench:** Kuldip Singh and R.M. Sahai JJ. in *Sarla Mudgal*; five Judges in *Shayara Bano*.
- **Facts and holding:** Sarla Mudgal addressed conversion to Islam to contract a second marriage; Shayara Bano set aside instant triple talaq. Both are used to support a common code, but Shayara Bano's majority rested on manifest arbitrariness and not on Article 44, and the Court there reached gender justice through targeted reform of one practice.
- **Effect on the UCC debate:** They strengthen the Law Commission's 2018 position that reform of discriminatory practices, not wholesale uniformity, is the constitutionally safer route.[46]

VII. CRIMINALISATION UNDER THE PROPORTIONALITY STANDARD (RQ1)

[45] *Jose Paulo Coutinho v. Maria Luiza Valentina Pereira*, (2019) 20 SCC 85; 2019 INSC 1029.
[46] *Sarla Mudgal v. Union of India*, (1995) 3 SCC 635; *Shayara Bano v. Union of India*, (2017) 9 SCC 1.

The Supreme Court tests a restriction on a fundamental right through the four-part proportionality inquiry adopted in *Modern Dental College v. State of M.P.*[47] and applied to privacy in *Puttaswamy*: a legitimate aim; a rational connection between the measure and the aim; necessity, meaning no less restrictive equally effective alternative; and a proper balance between the measure's benefits and its burden on the right, with procedural safeguards. The inquiry is applied below.

Table 4. Proportionality analysis of penal live-in registration

Limb	**The State's best case**	**Assessment**
1. Legitimate aim	Protect women and children in unregulated relationships; give legitimacy and maintenance claims a documentary basis; prevent deceit about marital status.	**Satisfied** as to protection and record-keeping. The Court's own decisions recognise the vulnerability of cohabiting women (*Indra Sarma*, *Lokesh B.H.*). The State has also cited cases of violence in cohabitation as motivation.
2. Rational connection	A register creates evidence of the relationship and deters concealment.	**Partly satisfied.** Evidence of cohabitation helps civil claims. But nothing in NCRB data connects registration with reduced violence; marital violence persists in registered, solemnised marriages (1,20,227 cruelty cases; 5,737 dowry deaths in 2024). Uptake of 156 applications

[47] *Modern Dental College and Research Centre v. State of Madhya Pradesh*, (2016) 7 SCC 353.

		suggests the register captures a negligible share of couples.
3. Necessity	Compulsion is needed because voluntary schemes do not attract the very couples at risk.	**Not satisfied.** Less restrictive means exist: voluntary registration with attached benefits (presumption of relationship for maintenance and DV Act claims), as in many comparative systems; civil late fees; data-minimised procedures. The Supreme Court protects cohabiting women without registration (*Lokesh B.H.*), so registration is not necessary for protection. For marriage, the Code itself imposes only a fine; imprisonment for cohabitation is harsher than for marriage.
4. Balancing and safeguards	Registration is "only for record" (s. 382); data is confidential; privacy is protected by rules.	**Not satisfied.** Burdens: criminal liability for a private arrangement, a rejection rate of 51.9%, the impossibility trap under s. 380 and s. 387, disclosure to police, landlords and (originally) parents, and reported fear among interfaith and inter-caste couples. The State's 2025 concession that Aadhaar, parental intimation and police checks could be removed shows that the original design burdened privacy more than

		necessary. The Code contains no data-protection, retention or purpose-limitation safeguards, and the DPDP Act, 2023 does not supply them in full (Part V.1).

A. Equality dimensions

Three further constitutional points arise:

1. **Article 14:** the asymmetry between marriage (fine only) and cohabitation (imprisonment) classifies on the form of the union; the classification must bear a rational nexus to the object, and an object of "record-keeping" does not explain a harsher penalty. The exclusion of same-sex couples from the definition engages the principles articulated in *Navtej Singh Johar* and, as a measure that withholds statutory legitimacy and maintenance protections from a class of cohabitees, may be challenged as under-inclusive.[48]
2. **Article 19(1)(a), (c) and (d):** mandatory disclosure of an association to the State is a burden on freedom of association and expression, which the State must justify on Article 19(2) grounds.
3. **Article 21:** the right to live with a partner of choice and the right to privacy (*Puttaswamy*; *Shafin Jahan*). The Court has also directed that couples facing family or community hostility be protected, and it has issued directions against honour violence and khap interference.[49] A registration regime that places the identity of intimate partners in files accessible to police and landlords sits uneasily with those directions.

The Digital Personal Data Protection Act, 2023 does not fill this gap. Section 7(b) and (c) let the State process personal data without consent to issue certificates or perform functions under law, which covers registration under the Code. Section 8 binds the

[48] *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.
[49] *Shakti Vahini v. Union of India*, (2018) 7 SCC 192; *Arumugam Servai v. State of Tamil Nadu*, (2011) 6 SCC 405.

Registrar, as data fiduciary, to security safeguards, breach reporting and erasure, but s. 17(4) exempts processing by the State from the erasure duty in s. 8(7), and s. 17(2)(a) permits the Union to exempt notified instrumentalities altogether. Under the Digital Personal Data Protection Rules, 2025, notified on 13 November 2025, these obligations bind only from May 2027.[50] The regime neither limits police forwarding nor regulates landlord verification, and it leaves retention of intimate-relationship records to State discretion.

B. The best case for the State, stated fairly

A rigorous article must state the other side. Defenders argue that cohabiting women have historically been left without maintenance or recognition of their children; that a register gives an unambiguous start-date for the relationship, which *Lokesh B.H.* shows is the fact most often contested; that India's courts have already required registration of marriage (*Seema*); and that the Rules' safeguards (confidentiality, appeals, protection against false complaints) address privacy.[51] These are legitimate points and they support *registration as an option*. They do not justify *imprisonment as the sanction* or *registration as a precondition to lawful cohabitation*. The distinction between the two is the core of the reform proposal in Part VIII.

VIII. THE SCHEDULED TRIBE EXEMPTION (RQ2)

A. Constitutional foundations

The exemption rests on four constitutional pillars:

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[50] The Digital Personal Data Protection Act, 2023, ss. 7(b)–(c), 8(5)–(7), 17(2)(a) and 17(4); the Digital Personal Data Protection Rules, 2025, r. 1 (notified Nov. 13, 2025); AZB & Partners, "India's Digital Personal Data Protection Act: Phased Rollout and Key Compliance Milestones", Nov. 14, 2025, available at: https://www.azbpartners.com/bank/indias-digital-personal-data-protection-act-phased-rollout-and-key-compliance-milestones/ (last visited on October 31, 2026).

[51] "Purpose is Different, Don't Want Personal Info: State Govt to Uttarakhand HC", *LiveLaw*, Feb. 21, 2025, available at: https://www.livelaw.in/high-court/uttarakhand-high-court/uttarakhand-high-court-private-personal-info-state-govt-uniform-civil-code-form-live-in-couples-private-details-284609 (last visited on October 31, 2026); *The Federal*, Oct. 2025, available at: https://thefederal.com/category/states/north/uttarakhand/uttarakhand-revises-ucc-norms-on-live-in-and-marriage-registration-212129 (last visited on October 31, 2026).

- **Articles 342 and 366(25):** define Scheduled Tribes by Presidential notification, a status *conferred and bounded by the Constitution* and not by community self-identification, a point the Supreme Court underlined in *Tirith Kumar* when it rejected the "Hinduised" argument.
- **The Fifth and Sixth Schedules:** allow Governors to direct that Acts of Parliament or the Legislature shall not apply to Scheduled Areas, and empower district councils in Sixth Schedule areas to legislate on inheritance, marriage, divorce and social customs.
- **Articles 371A and 371G:** protect Naga and Mizo customary law; Nagaland's Assembly unanimously resolved on 12 September 2023 to exempt the State from any UCC.[52]
- **Article 13(3)(a):** treats a custom having the force of law as "law", but whether custom is subject to fundamental rights remains unsettled: *State of Bombay v. Narasu Appa Mali* held that personal law is not "law in force" under Article 13, and *Madhu Kishwar* declined to resolve the issue for tribal custom.[53] Statutory parallels reinforce the point: the Hindu Marriage Act (s. 2(2)), the Hindu Succession Act (s. 2(2)) and the Hindu Adoptions and Maintenance Act contain analogous exclusions, so the Uttarakhand exemption follows an established legislative pattern.

B. Does the exemption satisfy Article 14?

Article 14 permits classification that rests on an intelligible differentia bearing a rational nexus to the object of the law.[54] The differentia, Scheduled Tribe status under Articles 342 and 366(25), is intelligible; the difficulty lies in the object and the nexus. If the object of the Code is uniformity and gender justice, exempting the communities

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[52] "Nagaland Assembly passes resolution for 'exemption' from Uniform Civil Code", *Eastern Mirror*, Sept. 13, 2023, available at: https://easternmirrornagaland.com/nagaland-assembly-passes-resolution-for-exemption-from-uniform-civil-code (last visited on October 31, 2026).

[53] *State of Bombay v. Narasu Appa Mali*, AIR 1952 Bom 84; *Madhu Kishwar v. State of Bihar*, (1996) 5 SCC 125.

[54] *State of West Bengal v. Anwar Ali Sarkar*, AIR 1952 SC 75; *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3; *Shayara Bano v. Union of India*, (2017) 9 SCC 1.

whose customary law diverges most, and whose women the Supreme Court has found denied equal inheritance, bears no rational relation to that object.

If the object is harmonisation without cultural disruption, the exemption fits; but the Code then ceases to be uniform, and its criminal provisions for non-tribal citizens lose the justification that uniformity is necessary for equal citizenship. The State's strongest answer is protective: Articles 15(4), 29 and 46 permit special measures to preserve tribal culture and protect Scheduled Tribes, and on that footing the exemption survives a challenge by non-tribal citizens. The defence is weaker against a challenge from within. On Will Kymlicka's distinction, used here as an analytical lens rather than a binding standard, the State may offer a community external protection against outside pressure but should not insulate internal restrictions on its members' basic liberties.[55] The Supreme Court has voiced that concern in *Madhu Kishwar*, *Kamla Neti*, *Tirith Kumar* and *Ram Charan*.

C. Consequences of the exemption in practice

1. **Mixed unions:** On the Draft Committee member's clarification, a couple in which one partner is tribal need not register. Their children therefore do not obtain statutory legitimacy under s. 379, and the woman has no registered status on which to claim maintenance under s. 388. Remedies under the Protection of Women from Domestic Violence Act, 2005, the presumption of marriage and s. 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 remain, so the loss is partial. The consequence is a thinner statutory safety net for a tribal woman in a mixed union, an outcome the Code does not appear to have considered.
2. **The Part XXI category:** Section 2 also exempts persons whose customary rights Part XXI of the Constitution protects, including under Articles 371 to 371J. The Code gives neither the Registrar nor the courts a procedure or test

[55] Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, ch. 3 (Oxford University Press, Oxford, 1995).

for deciding who falls within this category. The consequence is likely boundary litigation, a familiar feature of exemption-based systems.

3. **Succession:** Section 2(2) of the Hindu Succession Act, 1956 excludes Scheduled Tribes, and the Union has issued no notification extending the Act to them. Tribal daughters therefore depend on custom or, failing proof of custom, on equity, as in *Tirith Kumar* and *Ram Charan*. Because *Ram Charan* places the burden of proving an exclusionary custom on those who assert it, courts now reach equal shares case by case more readily. The consequence is dependence on litigation rather than an absence of protection; legislation remains necessary where an exclusionary custom is proved, and the Court's calls for it in 2022 and 2024 remain unanswered.

4. **Federal pattern:** Gujarat's Act, assented to on 17 September 2026, reproduces both the Scheduled Tribe and Part XXI exemption and penal live-in registration, with up to three months' imprisonment or a fine of up to ₹10,000 for non-registration, which mirrors s. 387(1); Assam's Act also exempts Scheduled Tribes and prescribes imprisonment for non-registration.[56] Uttarakhand is thus the prototype in substance, not merely in sequence. The consequence of a national roll-out on this template is that codes will exempt tribal communities where they are most numerous: Scheduled Tribes formed 14.75% of Gujarat's population in 2011, against 10.2% in Goa. That makes the Goa comparison that follows all the more relevant.

Finding on RQ2

[56] "Gujarat Assembly passes Uniform Civil Code Bill", *DD News*, Mar. 2026, available at: https://ddnews.gov.in/en/gujarat-assembly-passes-uniform-civil-code-bill/ (last visited on October 31, 2026); "Assam Govt Forms Panel To Frame Rules For Implementation Of Uniform Civil Code", *ETV Bharat*, Oct. 30, 2026, available at: https://etvbharat.com/en/state/assam-govt-forms-panel-to-frame-rules-for-implementation-of-uniform-civil-code-enn26103000897 (last visited on October 31, 2026); Office of the Registrar General and Census Commissioner, India, *Scheduled Tribes in India as Revealed in Census 2011* (2013).

The exemption is constitutionally defensible against the State but substantively incomplete. It is neither a mistake nor a model: it protects tribal autonomy while deferring the unresolved question of tribal women's equality. The Supreme Court's repeated requests to Parliament indicate that the question cannot be deferred indefinitely.

IX. THE GOA CIVIL CODE AS A COMPARATIVE FRAMEWORK (RQ3)

What the Goa framework is Goa's family law derives from the Portuguese Civil Code of 1867, introduced in the territory in 1870, and was preserved after liberation by the Goa, Daman and Diu (Administration) Act, 1962; it is supplemented by the Goa Succession, Special Notaries and Inventory Proceedings Act, 2012.[57] Its distinctive features are these.

1. **Communion of assets:** Unless the spouses opt out by ante-nuptial contract, all assets held at or acquired after marriage are held in common and divided equally on divorce or death.
2. **Gender-neutral succession and forced heirship:** Sons and daughters inherit equally, and part of the estate is reserved for descendants, limiting disinheritance.
3. **Compulsory civil registration:** and no oral or instant divorce for any community; Muslim men cannot practise polygamy.
4. **Unity of succession:** for Goans domiciled in Goa, wherever their property lies (*Coutinho*).

The Supreme Court's praise in *Coutinho* has made Goa the standard reference in the UCC debate. A careful reading shows that the Goa Code is a uniform code with managed exceptions, not an unqualified uniform code.

[57] *Jose Paulo Coutinho v. Maria Luiza Valentina Pereira*, (2019) 20 SCC 85; the Goa, Daman and Diu (Administration) Act, 1962, s. 5; the Goa Succession, Special Notaries and Inventory Proceedings Act, 2012.

D. The exceptions inside Goa's "uniformity"

Exception	Content and source
Gentile Hindu usages and customs (Decree of 1880)	Permit a Hindu man to take a second wife where the first wife has no child by age 25, or no male child by age 30, and preserve certain customary rights; the Hindu bigamy exception is widely discussed in commentary and acknowledged in *Coutinho* (*Scroll*, 2016).
Catholic marriages	Marriages solemnised by the Church are treated differently as regards divorce; the civil-law divorce route is not open to Catholics who marry in church.
Ante-nuptial regimes	Four property regimes can be chosen; ante-nuptial contracts can displace communion, and in practice some provide that the wife has no right if the marriage ends within a few months.
Management of assets	The husband is the default administrator of common property; joint ownership does not necessarily mean equal control (Leaflet, Triumph IAS and academic critiques).
Same-sex marriage	Marriage is defined as between a man and a woman; there is no recognition of same-sex unions.

Sources: *Scroll* ('Uniform Civil Code: The Goa family law the BJP holds up as ideal permits polygamy for Hindus', 2016); *The Leaflet* ('Patriarchy and property rights: Goa's "Uniform Civil Code"', 2024). The age thresholds follow the *Scroll* account of the 1880 Decree.

E. What the Goa evidence shows about outcomes

Goa's record is mixed, and a rigorous article must say so. On the positive side, Goa's sex ratio (973 females per 1,000 males in Census 2011, against 943 nationally) is among India's better ones, although no study isolates the Code as its cause. On the negative

side, scholars and women's organisations in Goa report that equal inheritance exists largely on paper: daughters are routinely persuaded to relinquish their shares in exchange for a dowry, wives' control of communion property is limited, and awareness of the Code's provisions is low, in part because the Code was never properly translated into English.[58] These are qualitative accounts; no longitudinal study of the Code's effects exists. The lesson is that a uniform text is not a uniform outcome: enforcement, awareness and social norms determine whether equality is real.

F. Goa and the two Uttarakhand features

Feature	**Uttarakhand**	**Goa**
Cohabitation	Compulsory registration; imprisonment for default; only man–woman couples	No reported penal regime for cohabitation; family law regulates marriage, property and succession
Matrimonial property	Code regulates succession and maintenance; it creates no default communion-type matrimonial property regime	Default communion of assets with equal division
Scheduled Tribes	Expressly excluded (s. 2) with Part XXI communities	ST population of about 10% governed by the common code; the Code contains no ST-specific carve-out
Exceptions	Blanket exemption by status	Specific, enumerated accommodations (Gentile

[58] "Patriarchy and property rights: Goa's 'Uniform Civil Code'", *The Leaflet*, 2024, available at: https://theleaflet.in/equality/patriarchy-and-property-rights-goas-uniform-civil-code (last visited on October 31, 2026); Kratee Aggarwal and Sunidhi Agrahari, "The Goan Civil Code: A Great Success or a Steep Failure?", 2(3) *International Journal of Advanced Legal Research* (2021).

		Hindu usages; Church marriages)
Territorial reach	Applies to residents living outside the State (marriage and live-in provisions)	Unity of succession for domiciled Goans, upheld in *Coutinho*
Enforcement style	Penal and administrative (Registrar, police, landlord)	Primarily civil and notarial (inventory proceedings; registration)

Three conclusions follow.

First, Goa offers no precedent for penal regulation of cohabitation; the proposition that "Goa shows a UCC works" cannot be used to defend s. 387.

Second, Goa shows that uniform law coexists with *specific, scrutinised* accommodations, rather than blanket exemption by status, which suggests that the Uttarakhand approach to Scheduled Tribes could be refined rather than abandoned.

Third, Goa's experience of 10% tribal population governed by a common code, together with its documented gap between formal and real equality, indicates that the practical test of any code is its implementation, which in Uttarakhand has yet to be demonstrated for tribal communities whom the Code does not cover at all.

X. SUGGESTIONS AND RECOMMENDATIONS: REGISTRATION WITHOUT CRIMINALISATION; UNIFORMITY WITH MANAGED PLURALISM

The analysis supports neither repeal nor acceptance of the Code as it stands. It supports a targeted reform package, set out in Table 5 and reasoned from the evidence above.

Table 5. Proposed reform package, in order of priority

Rank	Reform	Content and justification	Evidence base

1	Decriminalise non-registration of cohabitation	Repeal imprisonment in s. 387(1) and (3); replace with a civil late fee. Retain criminal liability only for *fraud or coercion*, already covered by general law. Resolves the impossibility trap and the marriage/cohabitation asymmetry.	Proportionality limbs 3–4; Table 2; *Khushboo*; *Lokesh B.H.*
2	Registration as a shield: rights-linked voluntary scheme	Registration confers an evidentiary presumption of the relationship, easy access to maintenance, protection-order and succession claims, and joint-tenancy rights. Non-registration does not forfeit existing remedies.	*Indra Sarma*; *Kattukandi*; *Lokesh B.H.* (intent to marry must be proved)
3	Privacy by design	Codify the October 2025 concessions and fill the gaps the DPDP Act, 2023 leaves: no police forwarding absent a complaint; no landlord verification; a statutory retention limit, since s. 17(4) of that Act exempts the State from erasure; no Aadhaar, religious-leader certificate or parental intimation for adults; penalties for misuse; independent oversight.	*Puttaswamy*; DPDP Act, 2023, ss. 7, 8, 17; State's own affidavit; *The Quint* and *Scroll* reports
4	Vulnerability protocol	Safe-harbour and confidential registration track for inter-faith, inter-caste and at-risk couples;	*Shakti Vahini*; *Lata Singh*;

		police duty to protect on request; time-bound grievance redressal.	NCRB honour-killing data
5	Goa-style matrimonial property default	Introduce an opt-out community-of-property or equal-sharing presumption on dissolution of marriage and, as an option, on termination of a registered cohabitation; require joint management in default.	Goa Code; *Coutinho*; Goa critique (practice gaps) shows need for awareness drives
6	ST succession equality floor	Parliament to act on *Kamla Neti* and *Tirith Kumar*: either amend s. 2(2) HSA or enact a ST Women's Succession Act that guarantees daughters a share, while leaving marriage rites and customary institutions untouched. As *Ram Charan* already secures equal shares where no exclusionary custom is proved, legislation matters chiefly where one is proved. Consult Gram Sabhas, traditional councils and Autonomous District Councils; use notification community by community where consent is given.	*Madhu Kishwar* (majority: livelihood protection); *Ram Charan*; Xaxa Committee; Law Commission 2018 (reform discriminatory practice, not impose uniformity)
7	ST opt-in to protective provisions	A tribal person may elect, individually, to register a marriage or cohabitation under	Part VI analysis

		the Code to obtain statutory legitimacy and maintenance remedies, without losing tribal status. Closes the mixed-union gap.	
8	Unity of succession and inter-state recognition	Adopt a conflict-of-laws rule on the *Coutinho* model for residents holding property elsewhere, and obtain a clear rule on recognition of Code registrations in other States as more States enact codes.	*Coutinho*; Federal report on 2029 roll-out
9	Transparency and sunset review	Publish district-wise annual data (applications, rejections with reasons, notices, prosecutions); mandatory review after three years by an independent committee including tribal and women's representatives.	Part III data gaps

This package respects the Law Commission's 2018 caution that "the diversity of Indian culture can and should be celebrated" while "specific groups, or weaker sections of society must not be dis-privileged", and its conclusion that a uniform civil code is "neither necessary nor desirable at this stage", preferring reform of discriminatory practice.[59] It reconciles that caution with the Court's repeated call, in

[59] Law Commission of India (21st), *Consultation Paper on Reform of Family Law* (Aug. 31, 2018). The 22nd Law Commission, which invited public views on the Uniform Civil Code on June 14, 2023, completed its term on Aug. 31, 2024 without a final report; the 23rd Law Commission was constituted with effect from Sept. 1, 2024, with the Uniform Civil Code within its terms of reference, and no report of it on the subject had been published at the date of writing: "Term of 22 Law Commission ends today; UCC report still in works", *Morung Express* (PTI), Aug. 31, 2024, available at: https://morungexpress.com/term-of-22-law-commission-ends-today-ucc-report-still-in-works (last visited on October 31, 2026); "Former SC judge Dinesh Maheshwari appointed law commission

Kamla Neti, *Tirith Kumar* and *Ram Charan*, for gender equality among tribal communities.

XI. CONCLUSION

The Uttarakhand Code pursues uniformity yet applies unevenly, coercing non-tribal couples who cohabit and exempting tribal communities altogether. The evidence assembled here supports four findings.

First (RQ1), penal registration of cohabitation fails the necessity and balancing limbs of proportionality; the State's own figures show negligible uptake (0.03% of applications), an abnormal rejection rate (51.9%) and no disclosed prosecutions.

Second (RQ1), NCRB data show that recorded violence against women concentrates within solemnised marriages, so registration does not equal safety.

Third (RQ2), the Scheduled Tribe exemption is constitutionally sound but leaves unresolved the gender inequality that the Supreme Court has repeatedly identified, a gap that *Ram Charan* narrows but does not close.

Fourth (RQ3 and the reform model), Goa teaches managed pluralism and a gender-just property default, not penal regulation. The reforms in Part VIII would pursue the Code's aims of protection, recognition and record-keeping through rights, incentives, consultation and legislation rather than criminal sanction.

Two questions remain open. The Uttarakhand High Court has yet to rule on the validity of the live-in provisions, and the State has yet to publish notice and prosecution data under ss. 386 and 387. States minded to copy the live-in provisions should await both before they decide.

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