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GS Paper II: Polity

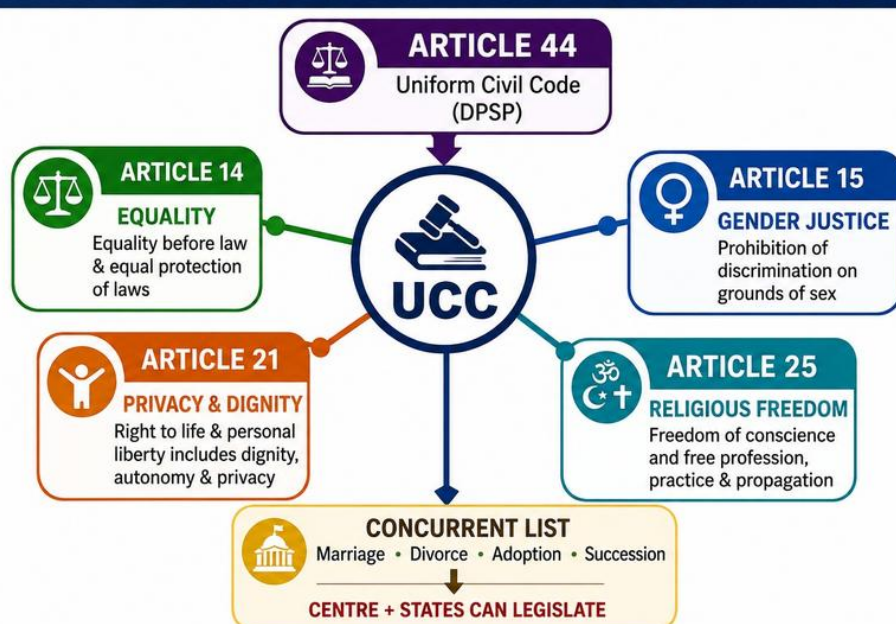
1. Rajasthan Draft Uniform Civil Code Bill, 2026

a. Introduction

The Rajasthan Cabinet has approved a draft Uniform Civil Code (UCC) Bill, 2026 covering marriage, divorce, succession, maintenance and live-in relationships. The Bill exempts Scheduled Tribes and constitutionally protected customary groups and is proposed to be introduced in the State Assembly.

Article 44 of the Directive Principles asks the State to endeavour to secure a Uniform Civil Code for citizens. Personal laws currently differ across religious communities in matters such as marriage, divorce and succession. Family-law legislation also raises questions concerning Articles 14, 15, 21 and 25, especially equality, privacy, dignity and religious freedom.

UCC AND THE CONSTITUTION – CONSTITUTIONAL ARTICLES MAP



b. Key Provisions

- Marriage registration within 60 days made mandatory, though delayed registration does not invalidate the marriage.
- Polygamy prohibited.
- Religious and customary modes of solemnising marriage can continue, subject to registration.
- Beginning and termination of live-in relationships must be notified/registered.
- Equal inheritance rights proposed for sons and daughters.
- Detailed priority rules prescribed for intestate succession.
- Registrar must act on marriage/divorce registration within specified timelines, with appellate remedies.
- Penalties imposed for non-registration and deliberate administrative delay.

c. Analysis/ Observations

Equality and legal certainty

A common framework can reduce differential treatment arising from religion-based personal laws and provide clearer rights relating to:

- marriage and divorce;
- maintenance;
- succession; and
- inheritance.

Equal succession rights for sons and daughters strengthen the principle of gender justice and substantive equality.

Registration can improve legal enforceability

Mandatory marriage registration can help establish:

- age and marital status;
- proof of marriage;
- inheritance and maintenance claims;
- protection against fraudulent or concealed marriages.

Thus, registration can improve both state capacity and individual legal security.

Live-in relationship regulation raises a privacy question

The requirement to notify or register live-in relationships is intended to protect partners' rights and improve legal certainty.

However, compulsory disclosure of intimate relationships may raise concerns under the constitutional right to privacy and decisional autonomy recognised in *K.S. Puttaswamy v. Union of India*.

The key test is whether such regulation is necessary, proportionate and accompanied by strong confidentiality safeguards.

UCC is also a federalism issue

Marriage, divorce, adoption and succession fall in the Concurrent List, allowing both Parliament and State legislatures to legislate.

However, different State-level UCC models could produce a new form of legal diversity rather than complete uniformity across India. This raises questions of:

- Centre-State coordination;
- inter-State recognition of family status;
- conflict of laws; and
- harmonisation with existing Central statutes.

Uniformity must not erase legitimate diversity

The exemption for Scheduled Tribes recognises that customary practices can have constitutional and cultural protection.

Hence, the policy challenge is not simply:

Uniformity vs diversity

but rather:

Equality + constitutional rights + legitimate cultural autonomy

A viable UCC framework must distinguish between customs that preserve cultural identity and practices that violate fundamental rights.

d. Key Concerns

- Risk of privacy intrusion in mandatory live-in registration.
- Need for clarity on interaction with existing personal and Central laws.
- Possible administrative burden on registration authorities.
- Risk of uneven implementation if consultation is inadequate.
- Exemptions may create future disputes over who qualifies for customary protection.

e. Way Forward

- Subject intrusive provisions, especially those concerning live-in relationships, to a strict necessity and proportionality test.
- Ensure robust confidentiality and data-protection safeguards for personal-status records.
- Conduct wider consultation with women's groups, tribal bodies, legal experts and religious/community representatives.
- Harmonise State law with existing Central statutes to avoid legal uncertainty.
- Build efficient digital and appellate mechanisms for marriage/divorce registration.
- Judge the law by whether it advances equality, dignity and legal certainty, not merely formal uniformity.

Conclusion

Rajasthan's proposed UCC represents an attempt to standardise key aspects of family law and strengthen gender equality. Its constitutional durability, however, will depend on whether it achieves equal civil rights without disproportionate intrusion into privacy, cultural autonomy or federal balance.

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