State Legislative Brief

RAJASTHAN

The Rajasthan Uniform Civil Code Bill, 2026

Key Features

- The Bill governs marriage, divorce, succession and live-in relationships for Rajasthan residents, including certain residents living outside the state.
- Scheduled Tribes and groups whose customary rights are constitutionally protected are exempt from the Bill.
- Marriages and divorces must be registered. Customary dissolution of marriage is prohibited.
- Live-in relationships must be registered. The Bill provides for maintenance for deserted women. It also recognises the children of live-in relationships as legitimate.

Key Issues and Analysis

- The Bill does not cover adoption and guardianship and exempts Scheduled Tribes, raising questions about the extent of uniformity it achieves. Further, there may be variations across state and central laws.
- The definition of resident may raise concerns of extra-territorial jurisdiction and excessive delegation. Defining state domicile may be unconstitutional.
- Disclosure of live-in relationship to parents of adults aged 18-20 years may violate privacy. The Bill does not clearly define when a live-in relationship becomes subject to mandatory registration.
- The Bill may be criminalising some cases of adultery.

The Bill seeks to repeal the Rajasthan Compulsory Registration of Marriages Act, 2009, and replace it with a Code to govern marriage and divorce, succession and live-in relationships. Existing laws, customs and usages on these matters will cease to apply where they conflict with the Bill.

PART A: HIGHLIGHTS OF THE BILL

Context

The Rajasthan Uniform Civil Code Bill, 2026 was introduced in the Rajasthan Assembly on August 21, 2026. The Bill seeks to bring uniformity to laws that govern personal matters including: (i) marriage, (ii) divorce, (iii) inheritance, (iv) maintenance, and (v) live-in relationships in the state. The Bill is based on the recommendations of a high-level expert committee headed by Justice Ranjana Prakash Desai.

Personal laws in India are religion-based rules that govern matters related to marriage, divorce, inheritance, adoption, and succession.[1] These matters fall under Entry 5 of the Concurrent List of the Seventh Schedule, giving both Parliament and state legislatures the power to legislate on them. The Law Commission (2018) noted that these laws are not consistent in some matters, including the minimum age of consent for marriage, grounds for divorce, and the entitled shares of succession for heirs.[2] The Directive Principles of the Constitution (Article 44) provide that the State will endeavour to secure a Uniform Civil Code for all citizens of the country.

Goa has a civil code based on the Portuguese Civil Code of 1867. In 2024, Uttarakhand enacted a Uniform Civil Code. The Code establishes a framework to unify personal laws relating to marriage, divorce, inheritance, succession and live-in relationships. Assam, Gujarat, and Madhya Pradesh have also subsequently passed Uniform Civil Code Bills. As some of the Bill's provisions differ from the existing central laws, the Bill will require Presidential assent before it can come into force. The Assam, Gujarat and Uttarakhand Uniform Civil Codes have received Presidential assent.

Key Features

- **Application and exemptions:** The Bill is applicable throughout Rajasthan and to state residents living outside the state. It defines a resident to include: (i) persons eligible through a notification issued by the state government, (ii) permanent employees of the state government or its undertakings, (iii) permanent employees of the central government or its undertakings employed within the state, (iv) anyone born in the state whose parents are residents of Rajasthan, or who owns immovable property in the state, and does not have domicile in any other state, (v) anyone residing in the state for at least a year, and (vi) anyone who is a beneficiary of a state or central government scheme applicable in the state. The Bill does not apply to Scheduled Tribes and persons or groups whose customary rights are protected under Part XXI of the Constitution (mostly some groups in the North-Eastern states).
- **Marriage:** The Bill permits marriages according to customary practices, religious beliefs, and rites. It prohibits a person from marrying: (i) within specified degrees of prohibited relationship (unless permitted under any custom of the parties), and (ii) while having a living spouse. Marriageable age will be 21 years

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for men and 18 years for women. Marriages after commencement of the Bill, where at least one party is a Rajasthan resident, must be registered within 60 days. Non-registration of marriage will be penalised with a penalty of up to Rs 10,000. Unregistered marriages will remain valid.

- **Divorce:** The Bill provides grounds and procedures for divorce, judicial separation and restitution of conjugal rights. Divorce and nullity decrees that attain finality must be registered. The Bill prohibits dissolution of marriage through any custom outside its provisions. A person dissolving a marriage in contravention of this provision may face imprisonment up to three years and a fine. It also provides for maintenance during proceedings, permanent alimony and maintenance after a decree. Courts may make orders concerning the custody, care, maintenance and education of minor children.
- **Live-in relationships:** The Bill defines a live-in relationship as a relationship between a man and woman who cohabit in a shared household through a relationship in the nature of marriage. Partners in a live-in relationship in the state must submit a statement of such relationship to the Registrar. Children of live-in relationships will be recognised as legitimate children of the partners. A woman who is deserted by her partner may seek maintenance from him. Registration of a live-in relationship within prohibited degrees of relationship (same as those for marriage) may be refused and intimated to the local police. Non-registration of a live-in relationship carries imprisonment up to three months, fine up to Rs 10,000 or both.
- **Succession and inheritance:** In the case where a person dies without a valid will, an estate devolves first upon Class 1 heirs, followed by Class 2 heirs and other relatives. Class 1 heirs include spouses, children and parents. Class 2 heirs include stepparents, siblings, and grandparents. The Bill specifies the shares and succession rights of different heirs. The Bill also provides for disqualification from inheritance and succession where applicable. In the case where the person dies with a valid will, it provides rules governing wills, bequests, probate and administration of estates. Every adult of sound mind may write a will for their entire estate. (Currently Muslims can bequeath up to one-third of their estate).[3]

PART B: KEY ISSUES AND ANALYSIS

Arguments on Uniform Civil Code

Currently, matters regarding marriage, divorce, inheritance, adoption and guardianship are governed by religion specific personal laws, the same position as pre-independence India. During the Constituent Assembly debates, Dr. B R Ambedkar noted that uniform laws exist on several civil matters including property and criminal law, while marriage and succession remained outside this framework.[4] K M Munshi argued that treating personal laws as religious practices could prevent reforms to address discrimination against women. The Supreme Court (1995) also observed that a common civil code could promote national integration by removing contradictions arising from different personal laws.[5] Article 44 of the Constitution accordingly directs the State to endeavour to secure a Uniform Civil Code for the entire territory of India.

However, some members of the Constituent Assembly argued that imposing uniformity could infringe religious freedom and minority rights and allow the majority to impose its norms on minorities. Some favoured gradual reform with the consent of the communities concerned, while others questioned the feasibility of uniformity given India's diversity.[4] The Supreme Court (1996) has also noted that introducing a uniform law in one step could be counterproductive to national unity and integrity.[6] The Court (2003) held that secular matters such as marriage and succession are not protected by the constitutional rights to religious freedom and to manage religious affairs.[7]

The Law Commission (2018) observed that a Uniform Civil Code was "neither necessary nor desirable" at that stage.[2] It noted that differences between personal laws do not, by themselves, amount to discrimination. Rather than pursuing uniformity across communities, it recommended addressing discriminatory provisions within each community, particularly between men and women, and where necessary, codifying uncodified personal laws.

The Bill does not provide uniformity

The Bill seeks to establish a uniform framework for specified matters of personal and family law in the state of Rajasthan. Article 44 of the Constitution provides that the State shall endeavour to secure a Uniform Civil Code for *the entire territory of India*. The Bill may not be achieving said goal of uniformity. We discuss this below.

There may be variations across state Codes and central laws

Bill: Clause 35

The Bill differs from Codes enacted or introduced in Assam, Gujarat, Madhya Pradesh and Uttarakhand. These Codes may have different provisions for appeals against refusal to register live-in relationships and penalties for entering a live-in relationship while already married or in another live-in relationship (see Table 1).

The Bill also differs from existing central laws on certain matters. For instance, under the Hindu Marriage Act, 1955, customary rights to dissolve a Hindu marriage are preserved.[8] In contrast, the Bill requires dissolution of

marriage to follow its prescribed procedure.

State Codes may have overlapping application

Differences in the scope of state Codes may create overlapping legal obligations. For instance, a Rajasthan resident and an Uttarakhand resident move to Assam. They remain residents of their respective states because they were born in the respective states to resident parents, which does not depend on where they now live. After one year, they also qualify as Assam residents under the state Code.

All three Codes also apply to residents living outside the state. If the couple marries in Karnataka, they must register in all four places, as Karnataka requires registration of marriages contracted in the state.[9] This may also create uncertainty as the Codes prescribe registration requirements, offences and penalties (Table 1). Further, an offence may fall within the jurisdiction of Judicial Magistrates in more than one state. Judicial Magistrates in each state may exercise jurisdiction.

Scheduled Tribes are exempted from the application of the Bill

Bill: Clause 2(1)

The Bill exempts Scheduled Tribes from its application. Such exemption may raise questions about uniformity under the Bill. Similar exclusions exist under existing personal laws. For instance, the Hindu Marriage Act, 1955 and the Hindu Succession Act, 1956 do not apply to Scheduled Tribes unless central government directs otherwise.[10]

Adoption and guardianship are not covered under the Bill

The Bill does not cover adoption or guardianship. These matters will continue to be governed by the existing personal and secular laws.[11] For instance, Hindus may adopt under the 1956 Act, while other communities may adopt a child only under the Juvenile Justice Act, 2015. By leaving adoption and guardianship outside its scope, the Bill does not extend uniformity to this aspect of family law.

Table 1: Some provisions differ across various states' Uniform Civil Codes

Provision	Rajasthan	Assam	Gujarat	Madhya Pradesh	Uttarakhand
Applicability	Entire state, and the state residents that reside outside its territory.	Same	Same	Same	Same
Exemptions	Scheduled Tribes, persons protected under Part XXI	Scheduled Tribes	Same as Rajasthan	Same as Rajasthan	Same as Rajasthan
Residency required to qualify as resident	One year	One year	10 years	10 years	One year
Appeal against refusal to register live-in	Either partner may appeal within 30 days.	Not provided	Not provided	Same as Rajasthan	Not provided
Penalties for coerced consent to live-in or live-in while married or in another live-in	Imprisonment up to five years and fine	Not provided	Same as Rajasthan	Same as Rajasthan	Imprisonment up to seven years and fine
Registrar finds a live-in ineligible, or the statement incorrect	Registrar must inform the officer-in-charge of the local police station for appropriate action	Same	Same	Same	Not provided
Registration of marriage after commencement where at least one party is resident	Compulsory for marriages within or outside the state	Compulsory for marriages within the state	Same as Rajasthan	Same as Rajasthan	Same as Rajasthan
Registrar General may cancel live-in and succession registration	Not provided	Not provided	Not provided	Not provided	Provided
Recovery of penalties	Not provided	Not provided	Not provided	Not provided	Recovery provided as land revenue

Sources: The Rajasthan Uniform Civil Code Bill, 2026; Respective state Acts; Madhya Pradesh Uniform Civil Code Bill, 2026; PRS.

Jurisdiction of the state

Bill: Clauses 1, 3(n), 6, 7, 8, 9, 251, 384, 390

The Bill states that it will apply to the entire state of Rajasthan as well as to residents of Rajasthan who reside outside the state. It defines residents as: (i) persons eligible through a notification issued by the state government, (ii) permanent employees of the state government or its undertakings, (iii) permanent employees of the central government or its undertakings employed within the state, (iv) anyone born in the state whose parents are residents of Rajasthan, or who owns immovable property in the state, and does not have domicile in any other state, (v) anyone residing in the state for at least a year, and (vi) anyone who is a beneficiary of a state or central government scheme applicable in the state. We discuss certain issues with these provisions below.

The Bill's extra-territorial jurisdiction may be unconstitutional

Under Article 245(1) of the Constitution, a state has the power to make laws for its own territory. The Bill applies to residents outside the state. The Supreme Court (1957) held that a state law may have extra-territorial effect only where there is a sufficient territorial nexus between the state and the person, property or transaction being regulated.[12] The liability created by the law must also relate to that nexus. This provision may not meet this test in two ways.

First, the Bill may cover persons only incidentally related to Rajasthan in the manner it defines residents. There may not be a clear nexus between the state and the person. We illustrate some examples below.

Illustration A: A person is permanently employed with a Rajasthan public sector undertaking. He is posted and living in New Delhi. This person would still be covered under the Bill's provisions, while not carrying out any personal matters in the state.

Illustration B: A person permanently employed with the central government is posted in Rajasthan for six months. The time period may not be sufficient to demonstrate a nexus between the state and person.

Illustration C: Rajasthan notifies schemes under the National Food Security Act, 2013 to determine residents. A seasonal labourer from Madhya Pradesh working in Rajasthan is a beneficiary. He avails foodgrains in Rajasthan through his ration card which is valid across the country. Merely being a beneficiary of a central scheme in the state will qualify him as a resident.

Second, when personal law matters such as marriage, divorce, or a live-in relationship are conducted entirely outside Rajasthan, there may be no nexus between the state and the activity. A couple who live, meet, and marry in another state would still be covered under the Bill if one of them is a resident of Rajasthan.

The Bill refers to 'domicile in any other state,' which may be unconstitutional

The Bill also refers to 'domicile in any other state'. Article 5 of the Constitution recognises domicile in the territory of India, and the Supreme Court has held that there is only one domicile, that of India.[13,14] A person who moves from one state to another continues to have Indian domicile. The Court allowed medical colleges to reserve a certain percentage of undergraduate seats for students residing in the same state, but treated the "domicile" used in such rules to mean residence, and not domicile in the legal sense.

Power to determine residency by notification may be excessive delegation

The Bill states that a person is eligible to be a resident through a notification issued by the state government. This may be excessive delegation, as the executive can extend the Bill's jurisdiction to new groups of persons.

Live-in relationships

The Bill defines a live-in relationship as a relationship between a man and woman who cohabit in a shared household through a relationship in the nature of marriage. Partners must submit a statement concerning their live-in relationship to the Registrar in the prescribed manner. It provides for maintenance to a woman deserted by her partner and deems children of the relationship legitimate.

Compulsory registration of live-in relationships may violate autonomy and right to privacy

Live-in relationships may not entail the same legal commitments as marriage. Some relationships resemble marriage in their duration, shared finances and parenting, while others are short-term. Marriage entails legal obligations, including maintenance, court-approved dissolution and inheritance rights. These obligations follow from the decision to marry. Partners may choose to live together to avoid such obligations, and the Supreme Court (2010) has recognised the choice to live together as part of the right to life and personal liberty under Article 21.[15] This raises the question of whether the state should impose obligations on partners who have not consented to them. Requiring compulsory registration may violate their autonomy and the right to privacy.

The position may differ for children, who do not choose their parents' relationship and whose rights may require protection. Courts have recognised that children of live-in relationships may inherit parents' property, and parents must maintain their children irrespective of legitimacy.[16,17,18] This raises the question whether compulsory registration is necessary to secure these protections.

In the United Kingdom, couples may voluntarily enter a civil partnership, which confers legal rights similar to marriage, including rights to maintenance, property division upon dissolution and inheritance.[19] Cohabiting couples do not automatically acquire these rights, irrespective of how long they have lived together. Countries such as France and New Zealand recognise certain rights for cohabiting couples, without requiring all such relationships to be formally registered.[20,21,22]

Undefined threshold for registration may lead to arbitrary criminal liability

Bill: Clauses 3(4)(a), 393

The Bill defines a live-in relationship as one where a man and a woman cohabit in a shared household through a relationship "in the nature of marriage". Partners must submit a statement within one month of entering such a relationship. Failure to do so may attract imprisonment. However, the Bill does not specify at what point a relationship becomes one "in the nature of marriage". Persons in such relationships may not know when the obligation arises, and may be penalised without clear notice.

The Supreme Court (2010) has held that a relationship in the nature of marriage is akin to a common law marriage.[16] Such a relationship requires that: (i) the couple hold themselves out to society as spouses, (ii) both parties are of legal age to marry, (iii) both are otherwise qualified to marry, including being unmarried, and (iv) they have voluntarily cohabited and held themselves out as spouses for a significant period of time. The relationship may therefore develop over time, rather than begin on the first day of cohabitation.

The Supreme Court (1994) has held that a penal provision must define the offence clearly enough for a person to know what conduct is prohibited.[23] If partners cannot determine when the registration obligation arises, they may face penalties without clear notice. Imposing penal consequences based on an undefined threshold may be arbitrary and violate Article 14 of the Constitution.

Mandatory disclosure requirements may undermine autonomy and privacy

Bill: Clauses 384, 391, 393

The Bill requires a statement to be submitted upon entering a live-in relationship. The statement will be communicated to the police. If either partner is below 21 years of age, the Registrar must also forward it to that person's parents.

The Supreme Court (2018) has held that an adult's choice of partner lies within their individual autonomy and that parental concern cannot override an adult's right to choose whom to marry.[24] Adults aged 18 to 20 have the legal capacity to make personal decisions, including the choice of partner and who to live with. Disclosing this choice to their parents may infringe their autonomy and privacy. Maintaining a police record of a person conducting a lawful activity may also be a privacy violation.

The Bill does not provide maintenance in case of termination of live-in relationships

Bill: Clause 399

The Bill allows a deserted woman in a live-in relationship to claim maintenance from her partner. It also allows either partner to terminate the relationship by giving notice to the Registrar. Similar to desertion, termination by one partner dissolves the relationship. However, unlike in the case of desertion, the Bill does not require maintenance in cases of termination.

Differential treatment of marriage and live-in relationships in certain provisions

Bill: Clauses 395, 394

The Bill treats marriage and live-in relationships differently in some cases.

First, in a marriage, either spouse may claim maintenance upon divorce. In contrast, only a woman deserted by her male partner may claim maintenance in case of a live-in relationship.

Second, non-registration of a live-in relationship is punishable with imprisonment, fine, or both, whereas non-registration of marriage attracts only a civil penalty.

Third, a marriage within prohibited degrees of relationship is punishable with imprisonment and a fine. In contrast, for a live-in relationship in the prohibited degree, there is no penalty. The Registrar may refuse registration in such a case and refer it to the police.

The Bill may be criminalising adultery in certain cases

Bill: Clauses 386(2), 397

The Bill provides that a live-in relationship shall not be registered where either partner, or both, are already married or in another live-in relationship. Continuing to stay in such a relationship in contravention of this provision is punishable with imprisonment of up to five years, along with a fine. Where one partner is married to a third person, the provision penalises a consensual relationship between two adults. By doing so, the Bill may be penalising adultery.

In 2018, the Supreme Court struck down the provision criminalising adultery under the Indian Penal Code, 1860.[25,26] The Court held that adultery may be a ground for civil remedies such as divorce, but should not be a criminal offence. It reasoned that the State should not use criminal law to enforce marital fidelity in what is a private matter between consenting adults. The Bill may be inconsistent with the Court's reasoning that such conduct should not attract criminal penalties.

1. Hindu Marriage Act, 1955; Hindu Succession Act, 1956; Hindu Minority and Guardianship Act, 1956; Hindu Adoptions and Maintenance Act, 1956; Muslim Personal Law (Shariat) Application Act, 1937; Dissolution of Muslim Marriages Act, 1939; Muslim Women (Protection of Rights on Divorce) Act, 1986; Muslim Women (Protection of Rights on Marriage) Act, 2019; Indian Christian Marriage Act, 1872; Divorce Act, 1869; Parsi Marriage and Divorce Act, 1936; Anand Marriage Act, 1909; Indian Succession Act, 1925; Special Marriage Act, 1954, Guardians and Wards Act, 1890.

2. "Reform of Family Law", Consultation Paper, Law Commission of India, August 31, 2018, https://archive.pib.gov.in/Documents/Rlink/2018/Aug/P201883101.Pdf.

3. The Indian Succession Act, 1925 which provides for wills and bequests does not apply to Muslims. They are governed by personal law which limits bequests to one-third of their assets. The remaining assets will be distributed on their death in the same manner as if they died intestate.

4. Constituent Assembly Debates, Vol. VII, November 23, 1948.

5. Writ Petition (Civil), Sarla Mudgal vs Union of India, the Supreme Court of India, May 10, 1995, https://api.sci.govsin/jonew/judis/10742.pdf.

6. Pannalal Bansilal Pitti vs State of Andhra Pradesh, the Supreme Court of India, January 17, 1996, https://indiankanoon.org/doc/1494202/.

7. Writ Petition (civil) 242 of 1997, John Vallamattom vs Union of India, the Supreme Court of India, July 21, 2003, https://api.sci.gov.in/judis/19128.pdf.

8. Section 29(2) the Hindu Marriage Act, 1955, https://portal.eregistrationukgov.in/Acts/17_11_40hindu%20marriage%20act,%201955%20(1).pdf.

9. Section 3, the Karnataka Marriages (Registration and Miscellaneous Provisions) Act, 1976, https://finance.karnataka.gov.in/storage/pdf-files/The%20Karnataka%20Marriages%20(Registration%20and%20Miscellaneous%20Provisions)Act,1976.pdf.

10. Section 2(2), the Hindu Marriage Act, 1955; Section 2(2), the Hindu Succession Act, 1956.

11. The Hindu Adoptions and Maintenance Act, 1956, the Guardians and Wards Act, 1890, the Juvenile Justice (Care and Protection of Children) Act, 2015.

12. Civil Appeal No 134 of 1956, State of Bombay vs R.M.D. Chamarbaugwala, the Supreme Court of India, April 9, 1957, https://api.sci.gov.in/jonew/judis/654.pdf.

13. Writ Petition (Civil) No 6091 of 1983, Dr. Pradeep Jain vs Union of India, the Supreme Court of India, June 22, 1984, https://api.sci.gov.in/jonew/judis/9523.pdf.

14. Civil Appeal No 9289 of 2019, Dr. Tanvi Behl vs Shrey Goel, the Supreme Court of India, January 29, 2025, https://indiankanoon.org/doc/50684603/.

15. Criminal Appeal No 913 of 2010, S. Khushboo vs Kannaimmal, the Supreme Court of India, April 28, 2010, https://api.sci.gov.in/jonew/judis/36350.pdf.

16. Criminal Appeal No 2028-2029 of 2010, D. Velusamy vs D. Patchaiammal, the Supreme Court of India, October 21, 2010, https://api.sci.gov.in/jonew/judis/37007.pdf.

17. Civil Appeal No 648 of 2002, Tulsa vs Durghatiya, the Supreme Court of India, January 01, 2008, https://api.sci.gov.in/jonew/judis/30120.pdf.

18. Section 144, the Bharatiya Nagarik Suraksha Sanhita, 2023, https://prsindia.org/files/bills_acts/bills_parliament/2023/Bharatiya_Nagarik_Suraksha_Sanhita,_2023.pdf.

19. "Marriages and civil partnerships in England and Wales" Government of United Kingdom Website, as accessed on October 30, 2026, https://www.gov.uk/marriages-civil-partnerships/legal-rights-responsibilities.

20. Civil unions in France, as accessed on August 19, 2026, https://www.france.fr/en/article/civil-unions-france/.

21. Article 515-8, French Civil Code, https://www.trans-lex.org/601101/_/french-civil-code-2016/.

22. The Property (Relationships) Act, 1976 of New Zealand, https://www.legislation.govt.nz/act/public/1976/166/en/latest/.

23. Writ Petition No 1833 of 1984, Kartar Singh vs State of Punjab, the Supreme Court of India, March 11, 1994, https://api.sci.gov.in/jonew/judis/11569.pdf.

24. Criminal Appeal No 366 of 2018, Shafin Jahan vs Ashokan K.M., the Supreme Court of India, March 8, 2018, https://api.sci.gov.in/supremecourt/2017/19702/19702_2017_Judgement_08-Mar-2018.pdf.

25. Section 497, the Indian Penal Code, 1860, https://cdnbbsr.s3waas.gov.in/s3ec037a4bf9ba2bd774068ad50351fb89/uploads/2023/06/2023060228.pdf.

26. Writ Petition (Criminal) No 194 of 2018, Joseph Shine vs Union of India, the Supreme Court of India, September 27, 2018, https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/documents/aor_notice_circular/50.pdf.

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