



REGULATING INTIMACY: A LEGISLATIVE CRITIQUE OF LIVE-IN RELATIONSHIP PROVISIONS UNDER THE UTTARAKHAND UCC ACT 2024

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INTRODUCTION

The Uttarakhand Legislative Assembly adopted the historic Uniform Civil Code of Uttarakhand Act 2024, making it the first state in Independent India to implement the Uniform Civil Code as mentioned in Article 44 of Part IV of the Constitution. This marks a monumental step towards a secular legal landscape, making it a common civil framework in place of diverse religious personal laws. However, the act has an exception, that it will not apply to Scheduled Tribes. The Act has been divided into four parts, dealing with (a) Marriage & Divorce, (b) Succession, (c) Live-in Relationship and (d) Miscellaneous. It has given a live-in relationship a legal status, in line with evolving societal structures. The move has been hailed as a progressive step in the nation-building; however, the same has sparked significant debate in the public and academic circles, over numerous provisions like registration, certification, inquiry and maintenance in live-in relationships. Considering the demand for nationwide implementation of the Uniform Civil Code is intensifying, the act has the potential to serve as a legislative precedent and thereby requires a deeper analysis.

PURPOSE OF PART III

The aim of including this part under the Uniform Civil Code of Uttarakhand 2024 is to grant recognition, to regulate and instil accountability in live-in relationships. This evolving relationship structure in society was legislatively unregulated till now, and only judicial precedents were there to govern it, showcasing the requirement to have legislative recognition. The Act under Section 3, Subsection 4, Clause (b) defines the live-in relationship as partners who are cohabiting in the household, only if it's not prohibited under Part III of the Act. They have defined the marital relationship and its nature. The act has mandated that

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the specific relationships falling under the prohibited relationships category will not be recognised, and they are as follows:

- If either of the partners minor at the time of registration.
- If one of the partners is married at the time of registration.
- If any of them is already in a live-in relationship.
- If they are falling under the prohibited relationship mentioned in Schedule 1 of the said act.
- If the consent of any of the partners is not free¹.

Section 378 has made it compulsory for the partners living in Uttarakhand to register their live-in relationship within the time frame of 30 days of cohabitation (as further detailed under Rule 6 & 7), failing which may attract a jail term of up to three months or a fine of Rs. 10,000 or even both². The Registrar in charge will be conducting a mandatory summary inquiry before issuing the Registration certificate³. During the inquiry, if either of the partners is of less than 21 years of age, then their parents/guardians will be informed⁴. Section 384 deals with the Termination of the live-in relationship, for which an application needs to be submitted to the Registrar, by the partner who is terminating or by both partners. If any of the partners is less than 21 years of age, the parents/ guardians will be informed of the same⁵. In cases where a woman is deserted by her partner, the Act provides for Maintenance⁶ just like in the cases of marriage. Furthermore, Section 379 provided that Children born out of a live-in relationship will be considered legitimate.

ANALYSIS OF PART III – LEGALISING LIVE-IN RELATIONSHIP UNDER UCC

After discussing the framework of Part III, it's pertinent to assess the socio-legal inferences on live-in relationships. This is an attempt to critically analyse the Act on the constitutional values, societal concerns and individual autonomy.

¹ Uniform Civil Code, Uttarakhand Act 2024, s 380

² Uniform Civil Code, Uttarakhand Act 2024, s 387(1)

³ Uniform Civil Code, Uttarakhand Act 2024, s 381

⁴ Uniform Civil Code, Uttarakhand Act 2024, s 385(1)

⁵ Uniform Civil Code, Uttarakhand Act 2024, s 385(3)

⁶ Uniform Civil Code, Uttarakhand Act 2024, s 388

Recognition and Registration of the live-in relationship (Protection or Surveillance):

The compulsory registration of the relationship is seen as a legal protective layer for women, considering the crime rate in India, with a national average of 66.4⁷. However, is it protection or an intrusion in the private sphere of individuals, challenging the Right to Privacy under Article 21 of the Constitution? The act's provision regarding the criminal penalty of a jail term of three months or a fine of Rs. 10,000 in cases of non-disclosure of a private relationship is critiqued as an override of the state's authority and can be a subject of misuse and harassment. In the *K.S. Puttaswamy v Union of India*,⁸ the Hon'ble Supreme Court made privacy an inherent right under personal liberty.

Autonomy v. Parental Oversight: Rule 6 of the UCC Rules, 2024, provides the Registrar with the authority to summon the partners and inform the local area police or, in certain cases, the parents/ guardians about the relationship. This power is being critiqued as excessive control by the bureaucracy in the private sphere. The validation by state authorities can be seen as moral policing and state oversight on the private lives of citizens, which is termed as paternalistic encroachment on women's autonomy and choices.⁹ At the time of registration or termination of the live-in relationship, involving either partner of less than 21 years of age, the provision of intimation to the parents/guardians regarding the same, even though the age of majority is 18 as per the Indian Majority Act of 1875, undermines the legal status of adulthood. This suggests that adults are minors and not competent enough to make their personal relationship decisions; however, in other areas of life, they have become major players.

Maintenance & Termination Clause: The Hon'ble Supreme Court of India in the case *D. Velusamy v D. Patchaimmal*¹⁰ stated that live-in relationships that resemble the marital nature entitle the women to legal protection, including the provision of maintenance under the Protection of Women from Domestic Violence Act, 2005. The Act reaffirms the stance of the court by providing the maintenance right under section 388 to the woman partner. However, the maintenance right is not gender-neutral, reaffirming the patriarchal mindset and norms in

⁷ ISDM, 'It's Women's Day, But On Ground, Little Has Changed' (ISDM, 7 March 2024) <https://www.isdm.org.in/blog/its-womens-day-but-on-ground-little-has-changed> accessed 17 July 2025

⁸ *K.S. Puttaswamy v Union of India* (2017) 10 SCC 1

⁹ Udit Dutta and Arushi Gupta, 'The UCC's Gender Progressive Turn? A Feminist Reading of the Uttarakhand Draft Bill' (India Forum, 20 February 2024) <https://www.theindiaforum.in/article/ucc-s-gender-progressive-turn> accessed 17 July 2025

¹⁰ *D. Velusamy v D. Patchaimmal* (2010) 10 SCC 469

new legislation. The clause regarding desertion of women is vague when there is a provision of unilateral termination of the live-in relationship under Section 384.

Legislating the Legitimation of Children Born Out of A Live-In Relationship: Section 373 provides the legitimacy of the child, marking it as a positive step, considering the societal stigma and perspective associated with the same. However, the Hon'ble Supreme Court in *Bharatha Matha v R. Vijaya Ranganathan*¹¹ stated that children born out of a live-in relationship are legitimate and have the right to acquire the property, but only the Self-acquired property and not the coparcenary/ ancestral property, under the Hindu Undivided Family. This judicial precedent can become a possible point of contention in the progressive outlook of the act regarding its legitimacy.

COMPARATIVE ANALYSIS: RECOGNITION OF LIVE-IN RELATIONSHIP IN OTHER JURISDICTIONS

The recognition and regulation of live-in relationships has evolved according to a nation's social, cultural, legal and constitutional ethos. In India, this first attempt at recognition of the relationship needs a comparison with the other jurisdictions on how they are recognising this evolving form of relationship.

France: In France, the Civil Solidarity Pact (PACS), passed in 1999, offers the recognition of a live-in relationship in a gender neutral pact. The civil contract ensures registration with the local court or municipality, with minimal private intrusion in comparison to Rule 6 of UCC Uttarakhand, 2024, which has diluted the voluntariness of the registration of the relationship.

Canada: In this, there is a provision of automatic recognition of live-in relationships after cohabitation of certain specified years, making the partners eligible for the rights related to property, support and taxation. This is termed a common-law partnership. Here, the automatic route enables the couple with various rights in contrast to the UCC, Uttarakhand criminal penalty in cases of non-disclosure of their relationship.

China: In Asia, China has not given any legislative recognition to live-in relationships, which they call cohabitation; however, it acknowledges the relationship in practicality and considers them as civil matters. We can view this as less intrusive than Uttarakhand UCC, which has strong state oversight.

¹¹ *Bharatha Matha and Anr v R. Vijaya Ranganathan and Ors* (2010) 11SCC 483

CONCLUSION

To summarise, Part III is a welcoming step towards the legal recognition of the live-in relationship, reflecting the legislative intent to align with evolving societal realities. The formal recognition of such relationships will pave the way for wider societal acceptance and individual rights and autonomy, particularly the vulnerable section of our society, i.e the women and children. It simultaneously requires a serious constitutional and practical scrutiny, raising questions regarding the legal loopholes, over-regulation, constitutional challenges and enforcement complexities. The enforcement architecture remains ambiguous, especially in areas that are less developed and have a lower level of acceptance, posing a challenge to the uniform application of the Uniform Civil Code. From a comparative lens, we can say that geographically, India's attempt at recognition is pioneering in South Asia, as the region has done little in regulating the live-in relationship. Even so, the effectiveness of the regulation depends not only on the legal recognition rather than on the delicate balancing of the uniformity in a diverse society and reform while respecting and further strengthening the rights.