



## LIVE IN RELATIONSHIP UNDER UCC: A COMPARATIVE STUDY OF UTTARAKHAND AND OTHER STATES IN INDIA

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### ABSTRACT

*It is the duty of every citizen to secure the social as well as individual liberty. Live-in relationships in India have seen a significant rise based on personal choice and autonomy. Although Indian regulation does not explicitly recognise them by interpreting constitutional rights such as equality, liberty and dignity. The paper examines the evolution of the Uniform Civil Code, with special focus on the Live-in relationship clause implemented in Uttarakhand, which introduced a statutory framework to regulate such arrangements. This study highlights the position of Uttarakhand with other Indian states, particularly women, under laws like the Protection of Women from Domestic Violence Act 2005. It further compares Uttarakhand's codified approach- featuring mandatory registration, form filling, documents submission, recognition of children and defined the rights<sup>1</sup> of partners serve as a framework for other Indian states. Additionally, the paper also focuses on the privacy concern, diverse personal laws, customary phrases and social stigma. It concludes by emphasising the suggestion which can be taken while respecting individual autonomy and constitutional values.*

**Keywords:** Universal Code of Conduct, live-in relationship, Uttarakhand, Other states, Marriage, Personal laws.

### INTRODUCTION

Marriage has historically been the foundation of family life in India, governed by religion-based personal laws. A live-in relationship refers to a living arrangement where an unmarried partner cohabits without entering into a legal marriage. This form of cohabitation can

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<sup>1</sup> Choudhary Laxmi Narayan, Mridula Narayan and Mridul Deepanshu, 'Live-in Relationships in India: Legal and Psychological Implications' (2021) 3(1) Journal of Psychosexual Health 18.

commonly be found in Western countries, but traditionally it has been considered unconventional in Indian society.

In recent years, the live-in relationship has seen a significant rise in India, and states are also coming forward to recognise the rights of live-in relationship couples. Even though Indian regulation<sup>2</sup> historically did not acknowledge live-in relationships, courts gradually recognised them through broad interpretations. The judiciary has often relied on constitutional principles of liberty, dignity, and equality under Articles 14, 19, and 21 of the Constitution. The introduction of the Uniform Civil Code in Uttarakhand marks a departure from this judge-made recognition. It provides a statutory framework regulating live-in relationships, making it the first state to explicitly codify such provisions.

### **RESEARCH OBJECTIVES**

1. To examine the evolution of the Uniform Civil Code in India.
2. To analyse the conceptual framework relating to live in relationship in India.
3. To evaluate the comparative analysis of the live-in relationship of Uttarakhand with other Indian states.
4. To evaluate the constitutional perspectives of regulating the live in relationship in India.

### **RESEARCH QUESTIONS**

1. What is the current status of live in relationship in India?
2. Why UCC matters in personal law?
3. In what ways is Uttarakhand's UCC different from the legal framework of other states?
4. Can the Uttarakhand' live-in relationship in the UCC model serve as a framework for other Indian states?

### **EVOLUTION OF UCC IN INDIA**

The idea of a Uniform Civil Code (UCC) in India has its roots in the colonial period. The UCC concept is rooted in the colonial period, was constitutionally<sup>3</sup> acknowledged during the shaping of the Constitution, and has been under discussion in independent India. However, the British

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<sup>2</sup> Choudhary Laxmi Narayan and Mridula Narayan, 'Uniform Civil Code, Uttarakhand, 2024-Uniformizing Marriage Laws and Legalizing Live-in Relationships' (2024) 6(3) Journal of Psychosexual Health 220.

<sup>3</sup> Shivangi Gupta and Manas Ranjan Pradhan, 'Live-in Relationships in India: A Systematic Review' (2026) Marriage and Family Review.

deliberately excluded personal laws from uniform codification to avoid religious opposition. As a result, personal laws remained religious-based, like Hindu law, Muslim law, Christian law, etc.

**Post-Independence Developments:** The Indian government formed the B. N. Rau Committee to codify Hindu law. The task of the committee is to examine the question of the necessity of common Hindu laws. The government<sup>4</sup> amended Hindu personal laws instead of a uniform civil code. These reforms amended Hindu Law but did not create uniformity in all communities.

**Judicial Enforcement:** The judiciary plays a crucial role in promoting the need for UCC. In some landmark cases like *Mohd. Ahmed Khan v. Shah Bano Begum* (1985)<sup>5</sup>, the Supreme Court allowed the maintenance under Section 125 of CrPC to Shah Bano, a Muslim woman and emphasised the need for a uniform law that would promote national integration. Similarly, in *Sarla Mudgal v Union of India* (1995)<sup>6</sup>, the court reprimanded the misuse of personal laws and reaffirmed the need for a uniform code.

**Contemporary Progress:** Under Uttarakhand UCC, it includes proviso relating to marriage, live-in relationships, property rights and inheritance<sup>7</sup>. This growth marks a shift from national discussion to state-level enforcement of UCC, asserting important questions regarding the federal system and constitutional framework.

## UNDERSTANDING LIVE-IN RELATIONSHIPS

It clarifies the meaning, scope and legal understanding of live-in relationships within the Indian socio-legal context. Unlike marriage, which is formally recognised under personal laws.

**Meaning and Definition:** There is no legal definition of the term “live-in relationship”. A live-in relationship refers to a domestic arrangement in which two unmarried adults cohabit and maintain a long-term relationship similar to marriage without undergoing an actual marriage ceremony. It is an agreement between two unmarried persons who decide to live together on a

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<sup>4</sup> N Pautunthang, 'Exploring Live-in Relationships in Modern Indian Society' (2024) 4(1) Indian Journal of Constitutional Law and Legal Research 106.

<sup>5</sup> *Mohd Ahmed Khan v Shah Bano Begum* (1985) 2 SCC 556.

<sup>6</sup> *Sarla Mudgal v Union of India* (1995) 3 SCC.

<sup>7</sup> 'Live-in Relationships and the Uniform Civil Code in India: Legal Evolution, Social Response and Constitutional Dilemmas' (2025) 5(4) International Journal of Integrated Law Review.

long-term basis in an emotional or sexual intimate relationship. In India, the majority of people are against live-in relationships as they considered it as immoral and improper.

### **DISTINCTION BETWEEN MARRIAGE AND LIVE-IN RELATIONSHIP**

Marriage is a legally enforceable institution which comes with responsibility, whereas a live-in relationship is based on personal choice and autonomy. Among young people, live-in relationships are a new trend which is growing faster as it provides flexibility<sup>8</sup> to live with their partners without being pressured into planned weddings. Both love and relationships have their advantages and disadvantages. Marriage is the official partnership of a man and a woman; typically creating rights and obligations between them, their children and their families. It is widely recognised as a union across cultures that legitimises relationships. A live-in relationship, on the other hand, is a consensual relationship where two unmarried adults cohabit, sharing romance and domestic lives without legal obligations.

In *Lata Singh v State of UP*<sup>9</sup>, it was held that a live-in relationship can be immoral, but it is not illegal in nature.

<b>Basis</b>	<b>Marriage</b>	<b>Live-in Relationship</b>
<b>Legal Status</b>	Recognised by personal laws.	Not traditionally recognised
<b>Formality</b>	Requires ceremony/registration	No formal ceremony
<b>Rights &amp; Duties</b>	Clearly codified under personal laws.	Developed through courts.
<b>Dissolution</b>	Legal divorce required	Separation without formal procedure.

<sup>8</sup> Law Commission of India, Consultation Paper on Reform of Family Law (2018).

<sup>9</sup> *Lata Singh v State of Uttar Pradesh* (2006) 5 SCC 475.

## LIVE-IN RELATIONSHIP UNDER UCC

The Uttarakhand government has introduced new rules under the Uniform Civil Code that authorise the registration of individuals who are in live-in relationships. This comprehensive legal structure, implemented on 27<sup>th</sup> January 2025, requires couples to complete extensive documentation, including a 14-page document and a religious certificate. This marks a dramatic change in how the state will approach non-marital cohabitation.

**Legally Mandatory Criteria:** Under the UCC of Uttarakhand, Couples must be legally single, then only partners can register their live-in relationship. The UCC follow strict registration; couples register their relationships<sup>10</sup> in the registrar's office within the prescribed time. They will face penalties like a fine or punishment if they fail to do so.

**Unlawful Relationship:** The UCC identifies that certain relationships cannot be registered, such as: -

- If the partner was a minor.
- If the partner is already married.
- If they fall into a specific relationship that is prohibited, which includes first cousins.

Under UCC, there are 74 kinds of specific relationships that are prohibited. Such relationships are prohibited or invalid regardless of religious or cultural backgrounds.

**Consent:** Consent is an essential part of the registration process. Couples must agree to the relationship without any fear, threat or coercion. Partners must submit their form to the registrar's office. This ensures that the relationship is not forced or exploitative. Any misrepresentation nullifies the relationship's legal status.

**Age and Guardian Notice:** Minimum age for partners to be in a live-in relationship is 21<sup>11</sup>, while adults of any age can enter the relationship. If one or the other partner is between the ages of 18 and 21, their parents or legal guardian will be notified of the relationship by the registrar. This proviso can be contentious as it can affect the private life of an individual, but it is also included for the benefit of the people.

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<sup>10</sup> Apurva Vishwanath, 'Uttarakhand Uniform Civil Code: Registration of Live-ins Raises Questions of Privacy and Liberty' The Indian Express (7 February 2024).

<sup>11</sup> Anuja Agrawal, 'Uttarakhand is Regulating Live-in Relationships. But It Does Not Even Understand Them' The Indian Express (3 February 2025).

**Registration Process and Timeframe:** Couples must complete their registration within 30 days of beginning cohabitation. They must submit their necessary document like ID proof, residence proof, etc. and obtain the required certifications. Registration can be done through the Registrar of the district, and failure to register leads to penalties.

**Verification and Approval:** After submission, the relationship must be verified by the registrar, who reviews all the documents and conducts additional inquiries. The registrar must check the legality of the relationship and approve or reject the application.

## LEGISLATURE FRAMEWORK

Unlike marriage, live-in relationships in India do not have a dedicated statutory framework at the national level. Their recognition is indirect and limited to the specific<sup>12</sup> Protection of the Women from Domestic Violence Act 2005. Section 2(f) of the Act includes within the definition of domestic relationship a “relationship like marriage.” This allows the provisions for women in live-in relationships to seek legal relief against domestic violence, residence orders, maintenance, and protection orders. However, the Act does not define the term exhaustively, leaving courts to construe its scope. This has resulted in irreconcilable outcomes, as legal protection depends on a judicial system that corresponds to marriage. Besides, the Code of Criminal Procedure, under maintenance provisions, has sometimes been interpreted liberally to provide support to women deserted after long-term cohabitation, though no express legal recognition exists. The absence of an exclusive law creates several legal ambiguities:

- No uniform rules regarding registration.
- No clarity on property rights.
- No codified provisions for inheritance.
- No clear obligations regarding maintenance after separation.
- Ambiguity regarding the rights of children.

This legislative vacuum has resulted in dependence on binding precedents, enacting the rights and obligations of partners dependent on case-by-case interpretation. A significant development emerged in the Uttarakhand Uniform Civil Code 2024<sup>13</sup>, which provides explicit

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<sup>12</sup> Chanchal Kumar Singh and Mritunjay Kumar, 'The Uniform Civil Code Debate in India: Conceptual Predicaments, Historical Legitimacy and Challenges to Pluralism' (2024) SSRN Electronic Journal.

<sup>13</sup> 'Proportionality Test of the Framework for Live-In Relationships under Uttarakhand's Uniform Civil Code' The Leaflet (6 February 2025).

statutory recognition, directives of live-in relationships and prescribes rules & duties for the partners, thereby leaving behind the earlier precedent framework. Thus, Indian law offers limited protection through fragmented statutory provisions, and an exhaustive regulatory framework remains distracted except in Uttarakhand.

### **LIVE-IN RELATIONSHIP UNDER UTTARAKHAND VS OTHER STATES IN INDIA**

Uttarakhand is the first state to introduce the Uniform Civil Code<sup>14</sup>, which recognises live-in relationships. Under UCC, couples must register their live-in relationship in the registrar's office. This law:

- A live-in relationship is formally recognised.
- Define the duties and relationship of the partners.
- Women can also claim maintenance and protection.
- Children given inheritance rights, property rights, if children are born to a live-in relationship.

This results in a fragmented legal framework where outcomes often vary depending on judicial interpretation.

### **COMPARATIVE POSITION**

The comparison between Uttarakhand and other Indian states emphasizes on two alternative methods:

<b>Basis</b>	<b>Uttarakhand</b>	<b>Other Indian States</b>
<b>Legal Recognition</b>	Defined under UCC	Based on courts judgments
<b>Registration</b>	Registration is Mandatory	Registration is Not Required
<b>Maintenance</b>	Women can claim maintenance	Certain Case-specific
<b>Legitimacy of Children</b>	We can recognise.	Judicially Recognised

<sup>14</sup> Ayushman Tripathi, 'Beyond Marriage. Uttarakhand UCC and the New Dynamics of Live-in Relationships' (2025) 7(6) International Journal of Law Management and Humanities 1215.

Legal Certainty	Higher	Legal framework is Limited
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Uttarakhand's Uniform Civil Code provides clarity and structured protection, especially which are subject to exploitation. However, it also introduces concerns regarding state intrusion into private life. On the other hand, the approach followed by other states preserves individual autonomy but suffers from legal ambiguity and a lack of uniform<sup>15</sup> protection.

## CHALLENGES

Despite judicial procedure and the legislative measures in Uttarakhand, the procedure of live-in relationships faces several challenges, such as:

**Social Stigma and Fear:** In today's Indian society, a live-in relationship is considered immoral and immaterial. Even today, a live-in relationship is not accepted by the Indian society, leading to social exclusion, family objections, and emotional hardship for couples<sup>16</sup>.

**Diverse Personal Laws and Customary Practices:** India is a country with diverse religions, traditions and laws. Each religion has its own personal laws, which vary widely across regions, sects or groups. Except for Uttarakhand, there is no exhaustive legislation in states that regulates live-in relationships. This creates uncertainty as many personal laws are not codified or documented but are based on oral or written sources.

**Privacy Concerns:** One of the major concerns is the violation of privacy. Under the Uttarakhand UCC, there is mandatory registration for couples to register their marriages. The couples must submit their personal details like identity cards, residence details, and even their past live-in relationship. Many people feel this is invasive, as a live-in relationship is considered a part of personal life.

**Parental Notice Issue:** If the partner is below 21 years of age, then the parent or legal guardian must be informed. This challenged the rights of the partners and individual autonomy, which resulted in family pressure or conflict.

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<sup>15</sup> Tahir Mahmood, 'Uniform Civil Code: Fudging the Constitutional Debate' (2014) 49(6) Economic and Political Weekly 14.

<sup>16</sup> Werner Menski, 'The Uniform Civil Code Debate in Indian Law' (2008) 20(3) National Law School Journal 35.

**Legal Challenges in Courts:** Under the Uttarakhand UCC, many provisions are being challenged on the grounds of violation of fundamental rights, right to privacy. There are also concerns that UCC could provoke communal tensions and conflict in society.

**Practical Difficulties and Complexities:** It requires quiet participation and consultation of various leaders, including legal experts, politicians, and religious leaders<sup>17</sup>. It also requires massive exercise of drafting, codification and rationalisation of personal laws.

## SUGGESTIONS

To balance individual freedom with legal protection, the following reforms may be considered:

**Enact a Uniform National Framework:** Currently, India does not have a single law that governs live-in relationships across India. Uttarakhand<sup>18</sup> is the only state that governs live-in relationships under UCC. A uniform national framework should be introduced that recognises live-in relationships across all states.

**Optional Registration Instead of Mandatory Registration:** Under the Uttarakhand UCC, registration is mandatory for a live-in relationship, which raises privacy concerns. It should not be mandatory but voluntary. If couples want legal protection<sup>19</sup>, then they can register their relationship at the registrar's office. This would preserve individual freedom with legal benefits.

**Strengthen Women's Protection:** Under UCC, women are vulnerable in live-in relationships, whether they are in short-term relationships or not registered as a relationship. The law should provide protection under domestic violence laws. It also recognised long-term live-in relationships as equivalent to marriage.

**Clarify Rights of Children:** The judiciary has recognised children born from live-in relationships as legitimate, but there is no clear legislative law. The law should clearly define

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<sup>17</sup> Flavia Agnes, 'Live-in Relationships and Domestic Violence Law' (2012) 47(1) Economic and Political Weekly 53.

<sup>18</sup> Ariffa K, 'Uniform Civil Code in India: Impact on Its Implementation' (2024) Journal of Law and Legal Research Development.

<sup>19</sup> Monica Madaan and Arryan Mohanty, 'Live-in Relationships and the Uniform Civil Code in India: Legal Evolution, Social Response and Constitutional Dilemmas' (2025) International Journal of Integrated Law Review.

inheritance and property rights of children that are born to a live-in relationship. This will protect the dignity and future of such children.

**Public Awareness:** A live-in relationship is still considered immoral in society. The government should conduct awareness programs and reduce social stigma. The government should educate people about their legal rights. This will help society gradually accept that a live-in relationship is a personal choice.

**Safeguard Privacy:** Any regulatory framework must respect the privacy principles recognised in the landmark case: Justice K.S. Puttaswamy V. Union of India. It shows that personal relationships are part of individual liberty. Laws must strike a balance between law and personal rights.

This measure framework can help create a framework that protects vulnerable partners without undermining personal liberty.

## CONCLUSION

The legal status of live-in relationships in India reflects the dynamic interaction between constitutional values, judicial innovation, and evolving social norms. In the absence of comprehensive legislation, the judiciary has recognised live-in relationships as part of the rights to privacy, dignity, and personal liberty, thereby protecting the autonomy of consenting adults. However, judicial recognition alone is sufficient to address the practical issues arising from such relationships, particularly concerning maintenance, inheritance, and child rights. The Uttarakhand Uniform Civil Code 2024 has attempted to bridge this gap by providing statutory recognition, but its mandatory registration requirement raises concerns about privacy and state interference. Therefore, the need of the hour is a balanced legislation framework that provides legal protection while respecting individual autonomy. A rights-based, privacy-sensitive national approach would ensure that live-in relationships are regulated in a manner consistent with constitutional principles and social justice.