

THE MODERN UNION IN THE SHADOW OF THE STATE: A CRITICAL ANALYSIS OF LIVE-IN RELATIONSHIPS UNDER THE UTTARAKHAND UNIFORM CIVIL CODE

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BEST CITATION – AVIRUP DUTTA & DR. DEBASHREE CHAKRABORTY, THE MODERN UNION IN THE SHADOW OF THE STATE: A CRITICAL ANALYSIS OF LIVE-IN RELATIONSHIPS UNDER THE UTTARAKHAND UNIFORM CIVIL CODE, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 6 (10) OF 2026, PG. 188-192, APIS – 3920 – 0001 & ISSN – 2583-2344. DOI – <https://doi.org/10.65393/IJLRV6I1024>

Abstract

In Indian society marriage has always been the fundamental aspect of family life, but due the diversity of culture there are various communities where cohabitation outside the institution of marriage is carried on effectively. Live-in relationship can be stated as a relationship in the nature of marriage without the formalities of marriage, where the partners share certain obligation towards each other. The Uniform Civil Code of Uttarakhand is the first legislation in India to provide statutory recognition and regulation of live-in relationships. The recognition of the same was previously done only through judicial interpretation. India does not have a nationwide Uniform Civil Code (UCC) regulating live-in relationships. The only comprehensive statutory framework in force is the Uniform Civil Code, Uttarakhand, 2024, which came into effect on 27 January 2025. Despite the progressive approach there are various gaps in the legislative structure, this article studies the legislative structure regulating live-in relationship under the umbrella of UCC, Uttarakhand and addresses the lacunas of the act. The article also suggests reformative measures for effective working of the statute without harming the rights of the individual.

Key Words – Live-in relationship, Uniform Civil Code (UCC), State intrusion, Cohabitation.

Introduction

The Uttarakhand Uniform Civil Code (UCC) is nothing short of watershed legislation for the future of family law in India. India does not have a nationwide Uniform Civil Code (UCC) regulating live-in relationships. The only comprehensive statutory framework in force is the Uniform Civil Code, Uttarakhand, 2024, which came into effect on 27 January 2025. For the first time in the nation's legislative history, live-in relationships have made a quantum jump from the realm of judicial interpretation to that of

statutory prescription. Historically speaking the legal legitimacy of unmarried cohabitation was largely constructed by an activist judiciary through creative interpretation, laws like the Protection of Women from Domestic Violence Act, 2005, permitted courts to accord protection to women who were in relationships "in the nature of marriage". This was, however, an exception to the norm rather than the norm itself, Uttarakhand UCC has dramatically altered the existing legal landscape, transforming this jurisprudential flexibility into an intrusive and

institutionalised regulatory mechanism which is both rigidly formal and comprehensively bureaucratic. Despite presenting itself as progressive and seeking to provide a protective canopy, a close reading of the law reveals glaring lacunae, potential constitutional conflicts and ideological undertones which may well overstep boundaries in a quest for regulatory control and state paternalism. In the very foundational level, the Code seeks to institutionally define a live-in relationship, it lays down that it is a relation between man and woman living together in a shared household through a relationship “in the nature of marriage”. This restricts the definition to heterosexual couples and by doing so the Code has firmly reaffirmed the patriarchal and heteronormative framework of the Indian society. By failing to extend the benefits and also the burdens of this regime to same-sex relationships, it has represented a giant step backward, reflecting the glacial pace of legislative and executive thinking in India in matters of equality and non-discrimination. Essentially, by declining to consider same sex couples, the Code signals a clear unwillingness of the state to acknowledge or sanction relationships beyond the patriarchal structure where a male is seen as a breadwinner and female as a home-maker in a union of two.⁵³⁴

Critical Analysis of the Uniform Civil Code Guidelines

The law requires the relationship to “resemble a marriage.” This stipulation runs directly counter to the spirit of entering into a live-in relationship in the first place—namely, to escape from the institutional, social and economic encumbrances associated with the institution of marriage. To make the status of live-in relationships contingent upon their resemblance to marriage essentially destroys their distinctive character and reduces it to a sub-category or “marriage-lite”. Moreover, the notion of “shared household”—which has been given a very broad

meaning, and includes any house that is jointly or singly owned by the parties or is being occupied by them jointly or by one of them as the case may be including house provided by the partner to him/her – while being progressive to that extent may fall into the morass of proving duration and intent which would continue to cause much confusion for the courts. The conditions of eligibility and prohibition again reveal the clear intent of the state to draw live-in partnerships closely to marital status. To enter a valid live-in relationship, one requires to be an adult, having free consent, both being capable in law to enter into such a union and more importantly, must not be married or in any such relation, and also not within the prohibited degree of relationship as specified by any personal marriage laws. By including the prohibition relating to degrees of consanguinity or affinity and the prohibition against already being in a marriage or in a similar relationship, the state appears to impose most of the restraints applicable to marriage on live-in couples. The distinction between private contractual relations like marriage and arrangements like cohabitation is altogether lost.⁵³⁵

The most problematic aspect of the Uttarakhand UCC, and undoubtedly the most legally precarious, is the provision that mandating compulsory registration of live-in relationships. Any man and woman entering into a live-in relationship shall have to present a “Statement of Live-in Relationship” to the Registrar within one month of their coming into existence of the relationship, a fact recorded with the shared household. Where in previous case law, the judiciary used the status of living together in relationships which are in the nature of marriage, primarily as an instrument to provide sympathy or mental support to victims, mostly women, and protection from destitution and violence, the UCC essentially reposes the role of arbiter with the state apparatus which makes this statutory

⁵³⁴<https://gile.in/2025/07/07/the-price-of-love-economics-of-registration-of-live-in-relationships-under-the-uniform-civil-code-era/> last accessed on June 17, 2026.

⁵³⁵<https://www.nextias.com/ca/current-affairs/03-02-2025/ucc-live-in-relationship-rules> last accessed on June 20, 2026.

compulsion a directly invidious contravention of the right to privacy, as envisioned by the apex court in K.S. Puttaswamy case. The right to privacy is well-sketched, and involves a right to make decisions in one's private life free from intrusive state interference. Compelling every couple in a live-in arrangement to register their private romantic and domestic life with the state thus seems a rather intrusive attempt by the state to carry out surveillance upon its citizens. The sweeping powers granted to the Registrar makes the position even more perilous, as he is not a merely recording authority, but has the power to conduct inquiries including summary inquiry in such relations and to obtain such further information and records as may be deemed necessary and is also expected to satisfy himself as to whether the relation is genuine or not before registration of the statement and even have power to summon the parties. A state functionary can then essentially become a tool of institutionalized moral policing particularly for couples entering inter-faith and inter-caste relationships where their very union is frowned upon by conservative families, instead of merely acting as a registering authority, the registrar can assume the role of an inquisitorial inspector, whose disapproval or distrust of a relation could create a web of bureaucracy or expose couples to social disapproval from their immediate family and community.

The vulnerability created through these intrusive procedures is further compounded by the provisions relating to information to the police and the notification to parents, under the law, a copy of the registered statement is to be forwarded to the local Police Station and more seriously, if any party to a live-in relationship is below the age of twenty one years, the Registrar shall intimate the parents of the parties. In an Indian society, wherein the age of majority is 18 years (for voting as well as for marriage, among other things), this implies treating young adults between the age 18 to 21 years, who are

considered adults for all other legal purposes (except some, like marriage under prohibition) as if they still lack maturity to be able to form or maintain an independent relationship or even take personal decisions. In numerous instances, especially for young couples entering interfaith or inter-caste relationships, living separately and away from parental gaze can indeed be a means of securing their life and safety. Honor killing, forced marriage, and illegal confinement by families are an undeniable grim reality across parts of India. The provision empowering the state to tip off families about the registration of live-in relationships of young adults is thus potentially very damaging, especially as it provides an easy mechanism for the state apparatus to inadvertently act as an informant to parents of such couples. The law in practice is, therefore, much more likely to achieve the opposite to drive young couples who opt for live-in to further obscurity rather than encouraging them to formalise their relationships in an honest and open way.⁵³⁶

The severe contradiction between the heavy hand of the Code during inception and the hands-off of its termination process shows a clear gap in logic. If a live-in relationship fall apart, either partner should be able to initiate the dissolution through the simple process of lodging a "Statement of Termination" with the Registrar. It is indeed pragmatic that the dissolution of non-marital relationships need not be prolonged and draining as a judicial divorce process, and such ease of dissolution makes any attempt at guaranteeing long-term security via the Code's registry system largely meaningless. Given that a partner may simply walk away from a live-in relationship with nothing but a filing with the Registrar, the 'marriage-like' security the state demands during registration amounts to nothing more than a contractual promise on paper. The stark difference is a clear indication of the law's intentions; the state feels highly compelled to monitor and regulate the couple's access into private spaces, but offers little by

⁵³⁶<https://www.thehindu.com/opinion/op-ed/the-problem-of-regulating-live-in-relationships/article69202831.ece> last accessed on June 29, 2026.

way of support or mediation during their separation. Nevertheless, these heavy handprint-marks of state intervention, there is no denying the fact that the UCC does include extremely progressive and humanitarian measures with regard to dependants, more specifically, children and economically weaker partners. Section 10 of the Code unequivocally declares that any child born of a live-in relationship is to be treated as the legitimate child of the couple. This is a huge step forward in the realm of family law in India. It not only eradicates the archaic and deeply painful social stigma of illegitimacy, but also secures the child's rights to maintenance, property and a legal identity unequivocally, by delinking a child's rights from the marital status of the parents, the UCC sets a vital precedence in prioritizing child welfare.⁵³⁷

The introduction of gender-neutral maintenance rights in the UCC marks a significant overhaul of how economic disparity in non-marital partnerships will be dealt with in the legal landscape. If a live-in relationship cease to exist, and one partner is found incapable of maintaining himself or herself, a competent court of law may be approached to grant financial maintenance to such partner. The amount of maintenance will be determined based on factors such as the financial capacity and income of both parties and their respective needs. The intention behind this provision was to provide protection to a partner, more particularly, the female partner who may have given up her career aspirations for managing a shared home against economic abandonment. However, the effectiveness of this provision stands largely dependent on the efficacy of the registration framework itself. But, what would be the stance of the courts if a couple chooses not to register to avoid parental backlash or for the sake of privacy, if they eventually seek maintenance from each other upon separation? Would denial of maintenance by the courts to

unregistered partners further serve to marginalize the economically weaker party, transforming a protective provision into an instrument of exclusion? In order to answer these questions, the invasive state monitoring comes with the rather dark underside of criminalizing any deviation. The Uttarakhand UCC imposes penalties on those who are not willing to conform to its registration process. Couples that do not get their live-in relationships registered within the stipulated month, may face up to three months in jail and/or a fine of a considerable amount. Willfully giving false information to the Registrar or suppressing relevant information can lead to a greater jail sentence of up to six months. Criminalization of failure to adhere to these administrative procedures is gross overreach by the state. Upon classifying the very act of two adults voluntarily living together, without any state certificate of approval, as a criminal offense on par with more serious social offenses, the UCC introduces an atmosphere of fear and extortion into live-in relationships. The threat of criminal prosecution can become a tool in the hands of malicious neighbours, angry relatives, and even local police officers to target and extort young couples. By utilising the criminal apparatus to ensure administrative compliance, the state reveals the profoundly authoritarian nature of this legislation.⁵³⁸

Conclusion

The Uttarakhand Uniform Civil Code's attempt to codify live-in relationships as 'marriage-like' relationships represents a profoundly flawed policy experiment. While it successfully captures important rights of children and establishes a clear pathway to economic maintenance for partners upon separation, these progressive aspects are largely nullified by its deep infringement on the basic freedoms and rights of its citizens guaranteed under the Constitution. By seeking to impose the obligation of registration, investigation by the police and notification to

⁵³⁷https://indianexpress.com/article/explained/explained-law/uttarakhand-ucc-regulates-live-in-relationships-9807613/?utm_source=chatgpt.com last accessed on July 3, 2026.

⁵³⁸<https://articles.manupatra.com/article-details/Significance-of-the-Uniform-Civil-Code-UCC-in-India-coupled-with-addressing-the-related-Supreme-Court-cases> last accessed on July 6, 2026.

parents, for what is a deeply personal and voluntarily chosen arrangement between two consenting adults, the state oversteps its boundary and assumes the role of an invasive controller, rather than that of a rights protector. The fundamental characteristic of a live-in relationship lies in its autonomy from formal state structures. By imposing a pseudo-marital status upon it and reinforcing this with the draconian measures of criminal penalties, the Uttarakhand UCC not only restricts but also suffocates live-in relationships. The legal challenge against the code will undoubtedly serve as a key test to determine whether the state has the legal right to control the bedroom lives of its adult citizens in the name of establishing Uniform Civil Code. To overcome the constitutional and structural flaws of live-in provisions within the Uttarakhand UCC framework, a punitive-surveillance based model must evolve into a rights-protective framework by introducing various comprehensive reforms such as, decriminalizing failure to register and shift to voluntary registration, invoke fundamental safeguards concerning legitimacy of children and gender-neutral maintenance, eliminate notification structures i.e. all mandatory reporting to local authorities and notification to parents/guardians for adults above the age of 21 must be scrapped, the Code must incorporate within its statutory definition the same-sex and queer partnerships, alongside the heterosexual definition, in recognition of the constitutional promise of equality, and such other steps as maybe required.

addressing-the-related-Supreme-Court-cases

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