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REGULATION OF LIVE-IN RELATIONSHIPS UNDER THE UTTARAKHAND UNIFORM CIVIL CODE: CONTRASTING JUDICIAL ASPIRATIONS FOR RIGHT TO PRIVACY AND AUTONOMY IN INTIMATE RELATIONSHIPS.

AUTHORED BY - SHALEEN SHIV

1. Abstract

In 2017, the Supreme Court of India declared right to privacy as a fundamental aspect of right to life under Article 21.[1] In another instance, the Supreme Court elaborated that right to decisional autonomy in intimate relationships is part of right to life. [2] Judicial aspirations of protecting individual rights by securing right to privacy, decisional autonomy and the right to intimate association become of the utmost importance in a patriarchal society burdened by gender specific violence and honour killings. For various men and women in India, exercising the autonomy in private and intimate matters invites violence. In 2010, a study commissioned by the National Commission for Women and carried out by Shakti Vahini profiled 560 cases in which couples were threatened. In total, 121 persons were killed. [3] This highlights the importance of securing protection and privacy for individuals who may plan to constitute a live-in relationship.

The Uttarakhand Uniform Civil Code framework introduces mandatory registration and penal consequences for non-compliance. Additionally, legal guardians or parental figures are to be informed about registrations for marriage, divorce, statement of live-in relationships, and subsequent termination of their ward's live-in relationship, in specified circumstances. This may prove detrimental to right to privacy and decisional autonomy.[4] This article aims to critique the Uttarakhand Uniform Civil Code which mandates adults to register their cohabitation, in addition to recording, verifying and maintaining intimate details against constitutional standards set in *K.S. Puttaswamy v. Union of India*.[5] It further analyses the

[1] Justice K.S. Puttaswamy (Retd.) & Anr. v. Union of India & Ors., (2017) 10 SCC 1.
[2] Shafin Jahan v. Asokan K.M., (2018) 16 S.C.C. 368.
[3] PTI, *Honour Killing Is North Indian Phenomenon: Study*, DECCAN HERALD (Aug. 9, 2010), https://www.deccanherald.com/amp/story/india/honour-killing-north-indian-phenomenon-2505955.
[4] Akshay Sriram, Privacy, *Decisional Autonomy, and the Right to Intimate Association- Insights on the Cost of Being in Live-In Relationships in India Under New Legislation*, STATUTE LAW REVIEW (2024), https://academic.oup.com/slr/article/45/2/hmae035/7726550?login=true.
[5] Justice K.S. Puttaswamy (Retd.) & Anr. v. Union of India & Ors., (2017) 10 SCC 1.

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Uniform Civil Code Rules, 2025 and subsequent amendments in light of principles of decisional autonomy, informational privacy and equality under Articles 14 and 21.

Keywords: Uniform Civil Code; Uttarakhand; Live-in Relationships; Right to Privacy; Decisional Autonomy; Article 14; Article 21; Constitutional Validity; Proportionality.

2. Introduction

The Uniform Civil Code, Uttarakhand, 2024 (Act No. 3 of 2024) was introduced in the State Legislative Assembly on 6 February 2024 by Chief Minister Pushkar Singh Dhami. It received the President's assent on 11 March 2024 and was brought into force on 27 January 2025, making Uttarakhand the first State with a Uniform Civil Code.[6] The Code gives effect to Article 44, which directs the State to endeavour to secure a Uniform Civil Code for the whole of India. The Uniform Civil Code, Uttarakhand, 2024 is a significant development in the evolution of personal law. Before such enactment, India was governed by different personal laws with each religion having its own separate legal framework. UCC brought a paradigm shift by unifying civil codes across different religions. One of the main features of Uttarakhand's Uniform Civil Code is Part III, comprising of Sections 378 to 387 which deal with live-in relationships. The Code defines a live-in relationship as relationship between a man and a woman who cohabit in a shared household through a relationship in the nature of marriage.[7] The Act confers the status of legitimacy on children being born from a live-in relationship.[8] The Act grants other beneficiary protections such as a right to maintenance. [9] The contentious part of the legislation begins with Section 378, which places an obligation upon partners of a live-in relationship to submit a statement of live-in relationship to the Registrar within whose jurisdiction they are so living.[10] This provision mandates that every live-in relationship that is in the nature of marriage must register itself. Accordingly, the Registrar shall conduct a summary inquiry to ascertain whether a live-in relationship qualifies to be registered.[11] Failure to register shall invoke criminal penalties.[12]

The Uniform Civil Code Rules, 2025 further supplement the Uniform Civil Code framework.

[6] Mouli Jain, *Equality Through Uniformity? Rethinking Uttarakhand's UCC, 2024,* IMPRI Impact and Policy Research Institute (Nov. 13, 2026), https://www.impriindia.com/insights/policy-update/equalityuniformityuttarakhanducc2024/.
[7] Uniform Civil Code of Uttarakhand Act, 2024, § 3(4)(b), No. 3, Acts of Uttarakhand State Legislature, 2024.
[8] Uniform Civil Code of Uttarakhand Act, 2024, § 379, No. 3, Acts of Uttarakhand State Legislature, 2024.
[9] Uniform Civil Code of Uttarakhand Act, 2024, § 388, No. 3, Acts of Uttarakhand State Legislature, 2024.
[10] Uniform Civil Code of Uttarakhand Act, 2024, § 378, No. 3, Acts of Uttarakhand State Legislature, 2024.
[11] Uniform Civil Code of Uttarakhand Act, 2024, § 381(2), No. 3, Acts of Uttarakhand State Legislature, 2024.
[12] Uniform Civil Code of Uttarakhand Act, 2024, § 387, No. 3, Acts of Uttarakhand State Legislature, 2024.

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The Uniform Civil Code, Uttarakhand (Amendment) Ordinance, 2026 was promulgated on 27 January 2026, followed by the Uniform Civil Code, Uttarakhand (Amendment) Act, 2026 on 7 April 2026 both of which extend State's oversight over live-in relationships.

It becomes increasingly pertinent to study the jurisprudence of live-in relationships before the enactment of the Uniform Civil Code in Uttarakhand. The Indian Courts had increasingly recognised that the constitutional rights of an individual in a live-in relationship are not deterred by an absence of marriage. In *Lata Singh v. State of Uttar Pradesh*, the Supreme Court held that adults have the right of decisional autonomy to choose their partners.[13] This laid a foundation for further protection in intimate relationships. In *Nandakumar v. State of Kerala*, the Court observed that even where persons may not be competent to enter into a valid marriage, they remain entitled to live together outside wedlock.[14] In *D. Velusamy v. D. Patchaiammal*[15] and *Indra Sarma v. V.K.V. Sarma*,[16] the Supreme Court identified the features of a relationship in the nature of marriage. The protection offered by such decisions was independent of prior registration.

Against such judicial backdrop, the State must be questioned on the constitutionality of mandating compulsory registrations which involves compulsory disclosure, administrative scrutiny, sharing of private information and penal consequences.

3. Faults of Registration Mandate

Section 378 makes it obligatory for partners to a live-in relationship within Uttarakhand to submit a statement to the Registrar, whether or not they reside in the State.[17] The Registrar registers the statement unless the partners are within the prohibited degrees of relationship, either is a minor, or consent was obtained by force, coercion, undue influence or fraud.[18]

It is not denied that registration has many benefits. It provides proof on which rights of maintenance and inheritance rights of a child born out of a live-in relationship rest. However, it is equally true that such rights are not whole. Maintenance rights given under the Code are gendered to only protect women. The Supreme Court has emphasised the importance of gender equality in all spheres of life.[19] *Badshah v. Urmila Badshah Godse & Anr*. extends right to

[13] Lata Singh v. State of U.P., (2006) 5 S.C.C. 475.
[14] Nandakumar & Anr. v. State of Kerala & Ors., 2018 SCC OnLine SC 492.
[15] D. Velusamy v. D. Patchaiammal, (2010) 10 S.C.C. 469.
[16] Indra Sarma v. V.K.V. Sarma, (2013) 15 S.C.C. 755.
[17] Uniform Civil Code of Uttarakhand Act, 2024, § 378, No. 3, Acts of Uttarakhand State Legislature, 2024.
[18] Uniform Civil Code of Uttarakhand Act, 2024, § 380, No. 3, Acts of Uttarakhand State Legislature, 2024.
[19] Vishaka & Ors v. State of Rajasthan & Ors, AIR 1997 SC 3011.

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maintenance irrespective of valid marital status, if nature of relationship is akin to a marriage.[20] Further, *Chanmuniya v. Virendra Kumar Singh Kushwaha & Anr*. broadened maintenance rights under Section 125 of the CrPC to include partners in a live-in relationship.[21] Such judicial interpretations would require a more gender-neutral provision from the State.

Additionally, a live-in relationship is a heterosexual relationship as per the Uniform Civil Code. Exclusion of other forms of live-in relations that may include same-sex relations undermines the transformative nature of law. The State may argue that the Registrar's checks against prohibited degrees, subsisting marriages and vitiated consent are meant to protect vulnerable partners from fraud and coercion. However, that does not justify excessive State intrusion into private matters, which is inconsistent with the right to privacy recognised in *K.S. Puttaswamy.*[22] Section 382 of the Code clarifies that registration of a live-in relationship is only for the purposes of record.[23] That being stated, it must also be noted that the appointed Registrar is empowered to examine the contents of a statement and satisfy themselves by conducting a summary inquiry.[24] The ambiguity behind the term "summary inquiry" directly acquiesces to the infringement of personal information. The position is further aggravated by the Registrar being empowered to summon "any person for verification" and require the partners to supply additional information or evidence. [25]

Any State intrusion into the right to privacy must satisfy legality, a legitimate aim and proportionality, a standard the Court applied in *K.S. Puttaswamy***.**[26] The State may very well have legitimate aims to mandate registration, however, its design fails the necessity and proportionality requirements. This is especially since the rights that registration is said to secure do not depend on it. The Protection of Women from Domestic Violence Act, 2005 has been applied to relationships in the nature of marriage without any registration. Courts have also protected the status of children born of long cohabitation in *Tulsa v. Durghatiya,*[27] and extended a right to maintenance to partners of a live-in relationship.[28] It is suggested that the alternative of recognition without registration is more suited to ensure protection of vulnerable individuals in a relationship.

[20] Badshah v. Sou. Urmila Badshah Godse & Anr., 2014 (1) SCC 188.
[21] Chanmuniya v. Virendra Kumar Singh Kushwaha & Anr., 2011 (1) SCC 141.
[22] Justice K.S. Puttaswamy (Retd.) & Anr. v. Union of India & Ors., (2017) 10 SCC 1.
[23] Uniform Civil Code of Uttarakhand Act, 2024, § 382, No. 3, Acts of Uttarakhand State Legislature, 2024.
[24] Uniform Civil Code of Uttarakhand Act, 2024, § 381(2), No. 3, Acts of Uttarakhand State Legislature, 2024.
[25] Uniform Civil Code of Uttarakhand Act, 2024, § 381(3), No. 3, Acts of Uttarakhand State Legislature, 2024.
[26] Justice K.S. Puttaswamy (Retd.) & Anr. v. Union of India & Ors., (2017) 10 SCC 1.
[27] Tulsa & Ors. v. Durghatiya & Ors., (2008) 4 SCC 520.
[28] *Kamla v. M.R. Mohan Kumar*, (2019) 8 SCC 120.

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4. Detail Collection, Inquiry and Police Access Against the Test of Proportionality.

The Uniform Civil Code Rules substantiate provisions of the Act in detail. Rule 15 requires registrant's name, Aadhaar number, date of birth, nationality, category, mobile number, email address, present and permanent addresses, residency details, parental or guardian details and previous relationship status.[29] The Rule also mandates the supply of proof of nationality, proof of previous history of relationship, proof of residency, proof of age of registrants and proof of shared household. Under Rule 6(4), the Registrar verifies identity, marital status and supporting documents.[30] Where coercion is suspected the Registrar may make personal contact with the suspected victim.[31] Accommodation and rental documents also shall be verified before final registration.[32] Under Rule 6(4)(k) the statement is made available electronically to the officer in charge of the local police station through the District Superintendent of Police.[33] The rule thus creates a State record of intimate relationships that is accessible to the police.

There is no independent oversight body, no limit on how long data is kept and no audit trail of who has accessed an entry. As per UCC Rules Fourth Amendment, the State has clarified that it shall be the responsibility of the Registrar, officer in-charge of the local Police Station and District Superintendent of the Police to ensure the privacy of information provided.[34] However, even with such a protection, police intimation fails the test of necessity. Nothing requires the police to hold a database of cohabiting couples.[35] In a 78-page affidavit of 15 October 2025, the State of Uttarakhand told the High Court that it would amend the Rules to remove some of their more intrusive provisions. These include the mandatory Aadhaar authentication, police access to data beyond record-keeping, the requirement to report a pregnancy or birth after a relationship ends, and the 30-day limit for appealing a rejection, which would be extended to 45 days. [36] Acceptance by the State that registration can proceed without Aadhaar acknowledges that the mandatory requirement was not the least restrictive means to achieve a

[29] The Uniform Civil Code Rules, Uttarakhand, 2025, r. 15.
[30] The Uniform Civil Code Rules, Uttarakhand, 2025, r. 6(4).
[31] The Uniform Civil Code Rules, Uttarakhand, 2025, r. 6(4)(f)(iv).
[32] The Uniform Civil Code Rules, Uttarakhand, 2025, r. 6(4)(b)(iv).
[33] The Uniform Civil Code Rules, Uttarakhand, 2025, r. 6(4)(k).
[34] The Uniform Civil Code (Fourth Amendment) Rules, 2025, Uttarakhand Gazette, Notification No. 1627/XX-5-2025-03(40)2025 (Nov. 9, 2025).
[35] Pragati Shridhar & Shivanshu Katare, *Protection or Surveillance? Examining the Right to Privacy Under the Mandatory Registration Framework for Live-In Relationships and Criminal Liability for False Promises of Marriage and Deception Under the Bharatiya Nyaya Sanhita, 2023*, 4 ADVANCED INTERNATIONAL JOURNAL OF MULTIDISCIPLINARY RESEARCH (2026), https://www.aijmr.com/papers/2026/5/1564.pdf.
[36] *Uttarakhand Revises UCC Norms on Live-In and Marriage Registration*, THE FEDERAL (Oct. 18, 2025), https://thefederal.com/category/states/north/uttarakhand/uttarakhand-revises-ucc-norms-on-live-in-and-marriage-registration-212129.

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legitimate aim, as per test specified in *K.S. Puttaswamy*.[37]

The benefits of registration and data collection must be weighed against its costs which includes social stigma and social aberration, exposure of inter-faith and inter-caste couples to hostility and violence, and the creation of State records of intimate association.

5. Parental Informing and the Right to Life.

Section 385(1) of the Act requires the Registrar, after receiving a statement by partners of a live-in relationships, to inform the parents of those partners below 21 years of age.[38] The Rules provided for such communication by email, SMS, WhatsApp or post where the details are available, which are now omitted by the Uniform Civil Code Rules Fourth Amendment.[39]As per Section 3 of the Indian Majority Act, 1875, every person domiciled in India attains majority upon completing 18 years of age.[40] This provision is of the utmost significance as it informs third parties the relationship status of legal adults.

In *K.S. Puttaswamy*, a nine-judge Constitution Bench unanimously recognised privacy as a constitutionally protected right.[41] The judgment located privacy within the guarantees of Articles 14, 19 and 21. In *Shafin Jahan v. Asokan K.M.* the Supreme Court held that the choice of a partner lies within the individual's own core zone of privacy.[42] The requirement that the Registrar notify the parents of partners under 21 undermines the right of privacy and decisional autonomy of those in between the ages of 18 to 21.

Such a provision may further prove dangerous in a society that is burdened by honour killings, and where live-in relationships are considered socially taboo. A statutory duty to tell families by WhatsApp or post about the relationship status of their adult child may put such a couple under risk of violence and vigilante actions. Legal experts have warned that the live-in provisions can be weaponised by relatives who object to consensual inter-faith or inter-caste relationships.[43]

Such a provision lacks a rational connection with the protective aim and the costs of reporting adult relationships to third parties severely undermines the intention of the law. The State told

[37] Justice K.S. Puttaswamy (Retd.) & Anr. v. Union of India & Ors., (2017) 10 SCC 1.
[38] Uniform Civil Code of Uttarakhand Act, 2024, § 385(1), No. 3, Acts of Uttarakhand State Legislature, 2024.
[39] The Uniform Civil Code (Fourth Amendment) Rules, 2025, Uttarakhand Gazette, Notification No. 1627/XX-5-2025-03(40)2025 (Nov. 9, 2025).
[40] Indian Majority Act, 1875, § 3, No. 9, Acts of Parliament, 1875.
[41] Justice K.S. Puttaswamy (Retd.) & Anr. v. Union of India & Ors., (2017) 10 SCC 1.
[42] Shafin Jahan v. Asokan K.M., (2018) 16 S.C.C. 368.
[43] *Editorial: Love Bugged*, DT NEXT (Feb. 14, 2025), https://www.dtnext.in/amp/story/edit/editorial-love-bugged-822921.

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the High Court that it would withdraw the requirement,[44] yet a comparative report published in October 2026 still lists intimation to parents or guardians where a partner is under 21 as part of the Uttarakhand scheme.[45]

6. Offence of Non-Registration and Third-Party Complaints Against the Right to Privacy.

As per Section 387 of the Code, partners who remain in a live-in relationship for more than a month without submitting a statement face imprisonment of up to three months, a fine of up to ₹10,000, or both.[46] Default after notice attracts heavier penalties which extend to six months' imprisonment, ₹25,000 in fine, or both.[47] The Rules direct the Registrar to issue a notice citing Section 386 when an unregistered relationship comes to official attention.[48]

Criminal action requires greater justification than a civil consequence because it limits the liberty of the individual and carries the stigma of prosecution. It must therefore be reserved for conduct that causes harm and not for the mere omission to disclose a private relationship. The Supreme Court in *Khushboo v. Kanniammal*,[49] *Navtej Singh Johar v. Union of India*[50] and *Joseph Shine v. Union of India*[51] rejected the use of criminal law to enforce social morality in consensual adult relationships.

Section 386 of the Code empowers the Registrar to criminalise a couple upon information received from third parties or upon his own motion. Any person may thereby furnish information that an unregistered live-in relationship subsists whereupon the Registrar may issue a notice requiring compliance. This would initiate a process of criminal liability. This mechanism is especially of concern in light of the pre-existing hostility towards relationships that cross the boundaries of caste, religion or community.

Additionally, such criminal liability would endanger those who may not be able to register owing to their circumstances. For instance, a woman subjected to abuse within a live-in relationship whose partner declines to submit the statement of registration is placed in an

[44] Scroll Staff, *Uttarakhand Proposes Stronger Privacy Protections in Live-In Relationship Rules Under UCC*, SCROLL.IN (Oct. 21, 2025), https://scroll.in/latest/1087880/uttarakhand-government-proposes-changes-to-live-in-relationship-rules-under-uniform-civil-code.
[45] V Aravinda, *Nothing Uniform About UCC: How Gujarat, Assam and Uttarakhand Rules Differ*, THE FEDERAL (Oct. 5, 2026), https://thefederal.com/the-federal-special/one-ucc-different-rules-gujarat-assam-uttarakhand-differ-258546.
[46] Uniform Civil Code of Uttarakhand Act, 2024, § 387(1), No. 3, Acts of Uttarakhand State Legislature, 2024.
[47] Uniform Civil Code of Uttarakhand Act, 2024, § 387(3), No. 3, Acts of Uttarakhand State Legislature, 2024.
[48] The Uniform Civil Code Rules, Uttarakhand, 2025, r. 6(4)(g)(i).
[49] S. Khushboo v. Kanniammal, (2010) 5 S.C.C. 600.
[50] Navtej Singh Johar v. Union of India, (2018) 10 S.C.C. 1.
[51] Joseph Shine v. Union of India, (2019) 3 S.C.C. 39.

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invidious position. She must either acquiesce in the default or invoke the machinery of the State, exposing herself to prosecution under Section 387 of the Code, as the obligation to register and the liability for its breach attaches to both partners alike. The effect of this framework is illustrated by *WPCRL No. 775 of 2024*, decided by Uttarakhand High Court on 18 July 2024, wherein the Court directed the grant of police protection to the petitioners after they had undertaken to apply for registration.[52] A proportionate law would confine criminal liability to coercion, fraud and prohibited unions, without enabling any third party devoid of any direct legal interest to issue a complaint for non-registration of a live-in relationship.

7. Conclusion

The central question examined in this article was whether compulsory registration of adult live-in relationships in Uttarakhand satisfies the necessity and proportionality requirements when restricting right to privacy. Applying the framework laid down in *K.S. Puttaswamy*,[53] the aims of registration are legitimate, but the Code in its present form does not withstand constitutional scrutiny. Proof of cohabitation for maintenance, the status of children, and protection against fraud and coercion are proper objectives of the State. Thus, the State has a legitimate aim in enforcing the mandatory registration provisions.

The difficulty arises in the rational connection between compulsory registration and protection. The balancing requirement is unmet. There is no mention of any retention period, maintenance of an access log, or remedy for misuse. The absence of proper safeguards must be weighed against the consequences for couples who cross community lines, whose address and community category may reach persons who pose a threat to them, thereby implicating not only privacy but the right to life under Article 21.

A more fundamental difficulty is that the scheme regulates live-in relationships as though they were a form of marriage. A live-in relationship is characterised by flexibility and compulsory registration, summary inquiries and criminal liabilities burden such flexible nature of a live-in. Accordingly, the following reforms are recommended.

1. Registration should be made voluntary and non-registration should be decriminalised.
2. Automatic police intimation and parental notice for adults should be removed.
3. Locus standi to initiate a complaint should be limited to the partners themselves or to persons who maintain a direct legal interest in the relationship.

[52] WPCRL No. 775 of 2024, Uttarakhand High Court, decided July 18 2024.
[53] Justice K.S. Puttaswamy (Retd.) & Anr. v. Union of India & Ors., (2017) 10 SCC 1.

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4. Lastly, the collection of personal data should be confined to identity documents as are strictly necessary for the stated purpose, and should be accompanied by restricted access, a statutorily prescribed period of retention, and deletion of records upon termination of the relationship.

The adoption of the aforementioned changes would enable Uttarakhand to pursue its protective objectives without subjecting every consenting adult couple to State scrutiny.

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