



## EDITORIAL: INDIAN EXPRESS

**GENERAL STUDIES 2: GOVERNANCE**

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### Policing, not protection

#### Uniform Civil Code's Approach to Live-In Relationships in Uttarakhand

**Introduction to the Debate** The introduction of provisions for live-in relationships in the Uniform Civil Code (UCC) draft by the Uttarakhand government has reignited the debate over the legal, social, and regulatory implications of non-marital relationships in India. This new focus under the UCC explores the complexities surrounding the legal status and societal acceptance of such relationships.

**Challenges of Understanding Live-In Relationships** The discussion about live-in relationships in India suffers from a lack of detailed empirical research. Public perceptions are often shaped by media portrayals and high-profile cases, which do not necessarily represent the norm. Despite an increase in legal disputes involving live-in partners, Uttarakhand's specific context in these disputes remains minimal, raising questions about the necessity of a UCC response to such private matters.

**Judicial and Legislative Landscape** Over the past two decades, Indian courts and legislators have grappled with the status of non-marital cohabitation. Efforts to legally recognize these relationships began with expanding the definition of "wife" to include women in long-term cohabiting relationships without marriage. Legal recognition gained further attention with amendments under the Protection of Women from Domestic Violence Act, 2005, although the legal framework continues to be fraught with inconsistencies.

**Diversity Within Non-Marital Relationships** Live-in relationships in India vary widely. They may function as trial marriages, long-term partnerships without formal marriage, or arrangements between widowed or divorced individuals. Some partners in these relationships may even be concurrently married to others. Traditional legal frameworks often fail to recognize this diversity, imposing rigid definitions that do not reflect the fluid nature of modern relationships.

**Legal Protections and Gaps** Originally, the push to recognize live-in relationships aimed to protect women, especially those in relationships with married men, from financial and social vulnerability. Recommendations like those from the Malimath Committee sought to expand legal protections to these women. However, judicial rulings have often restricted these protections, maintaining a conservative interpretation of "relationships in the nature of marriage."

**The Restrictive Approach of Uttarakhand's UCC** The UCC draft in Uttarakhand proposes a regulatory framework for live-in relationships that includes mandatory registration and eligibility criteria. This approach, while recognizing such relationships, could paradoxically stifle their inherent flexibility and spontaneity. The UCC's framework might also expose individuals to increased surveillance and moral policing, which contradicts the essence of personal freedom in private relationships.



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**Unresolved Questions and Future Implications** The UCC raises critical questions about the extent to which non-marital relationships should be regulated. It challenges whether the state should protect individuals in these relationships or police them. The current proposals do not fully address issues related to same-sex relationships or situations where one partner remains legally married, highlighting the need for broader consideration of diverse relationship dynamics.

**Conclusion** The discussion on live-in relationships within the framework of Uttarakhand's UCC opens up crucial debates on the balance between legal oversight and individual autonomy. While it is important to offer protection to vulnerable partners, an overly prescriptive approach may infringe on personal freedoms. A nuanced strategy that respects individual choices and adapts to the evolving nature of relationships may provide a more effective solution in modern India. This approach should consider the complex realities of diverse relationships while ensuring legal protections are both appropriate and inclusive.

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