

UCC and Live-in relationships

Context: The Uttarakhand government in the recently passed UCC has made provisions for the regulation of live-in relationships.

Live-in Relationships: Continuous cohabitation for a significant period of time, between partners who are not married to each other in a legally acceptable way and are sharing a common household.

Uniform Civil Code: Uniform Civil Code means that all sections of the society irrespective of their religion shall be treated equally according to a national civil code, which shall be applicable to all uniformly.

Provisions related to Live-in Relationship in Uttarakhand UCC:

- Man and Woman must submit a live-in relationship statement to the registrar, who conducts a summary inquiry within 30 days.
- During this inquiry, the couple might be asked to supply necessary information or evidence if necessary.
- The registrar also forwards the live-in relationship statement to the police and also to parents if one of the partners is below 21 years of age.
- The Bill also explicitly recognizes that a child born in a live-relationship is a legitimate child. This has been the legal position but is now codified as law.
- The UCC also provides for maintenance for women “deserted” by her partner, similar to a married woman.

Rationale behind the regulations:

- **Curb the Crimes:** The regulatory provisions provide safety measures for the heinous crimes committed in the live-in relationships.
- **Protecting vulnerable individuals:** Some argue that regulations could offer legal protection, particularly for women and children in such relationships, regarding inheritance, maintenance, and property rights.
- **Promoting clarity and stability:** Clear guidelines could provide a framework for resolving disputes and ensuring equitable treatment in case of separation or death.
- **Deterring misuse:** Regulations could potentially address concerns about exploitation or coercion within these relationships.

Issues with the Regulations:

- **Against Right to Privacy:** Live in relationships are a completely private affair and the regulations imposed are seen as state entering the bedroom of private individuals.
- **Moral Policing:** The law tries to put ‘moral’ grounds for live-in relation regulations. It is, however, inappropriate to put forward moral grounds based in traditional ideas to modern lifestyle.
- **Potential for social stigma and discrimination:** Concerns exist that regulations might reinforce existing social stigma and discrimination against couples in such relationships.
- **Regulatory measures already present:** With respect to potential safety issues in live-in relationships, Bhartiya Nyay Sanhita has enough provisions to address the issue.
- **Proof of cohabitation:** Defining and demonstrating cohabitation for legal purposes can be tricky, leading to evidentiary burdens and potential manipulation.
- **Bureaucratic burden:** Implementing and enforcing regulations could add administrative complexities and costs for individuals and legal systems.

Way Forward:

- **Mediation and arbitration:** Encouraging alternative dispute resolution mechanisms outside the formal legal system might offer more flexibility and privacy for couples.
- **Cohabitation agreements:** Promoting the use of well-drafted cohabitation agreements, even without formal legal enforcement, can provide some level of clarity and protection for individuals.
- **Education and awareness:** Investing in public education and awareness campaigns about individual rights and responsibilities within live-in relationships could empower individuals and promote informed decision-making.

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