



Perception of live- in relationship in Indian jurisprudence: A legal study

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Abstract

The concept of live-in relationships in India represents a significant departure from the traditionally sacrosanct institution of marriage, reflecting a gradual but noticeable shift in societal values and personal autonomy. A live-in relationship refers to the cohabitation of two consenting adults without the formal bond of marriage. While such arrangements are commonplace and legally protected in many Western societies, India continues to grapple with their social, legal, and moral implications. Through a critical analysis of key judicial pronouncements, including landmark cases such as *D. Velusamy v. D. Patchaiammal* and *Indra Sarma v. V.K.V. Sarma*, the study highlights how Indian courts have gradually extended limited legal recognition and protection to live-in partners, particularly women and children. However, in the absence of a dedicated legal framework, challenges persist regarding maintenance, property rights, inheritance, child legitimacy, and protection from abuse. Furthermore, societal stigma, moral policing, and gender-based vulnerabilities continue to restrict the freedom and safety of couples choosing this path. This paper argues for a comprehensive, rights-based legal approach to live-in relationships, along with broader societal acceptance that respects individual choice and dignity. By addressing both legal ambiguities and cultural resistance, India can better align its social norms with the constitutional principles of liberty, equality, and personal freedom in the 21st century.

Keywords: Live-in relationships, society, rights, freedom

Introduction

In recent decades, Indian society has witnessed a transformative shift in the way personal relationships are formed, sustained, and perceived. Among the most prominent of these evolving dynamics is the concept of live-in relationships a form of partnership where two consenting adults choose to cohabit without entering into a formal marriage. While this phenomenon is widely accepted in many Western nations, in India it continues to tread a delicate line between modernity and traditional morality. The increasing visibility of such relationships in urban centers, media narratives, and legal discourses highlights their growing significance. Yet, the societal and legal acceptance of live-in arrangements remains fragmented and controversial. Live-in relationships challenge the conventional Indian understanding of companionship, which has long been rooted in the sanctity and permanence of marriage. Indian cultural frameworks, influenced by religion, tradition, and collective familial structures, have typically regarded marriage as not just a union of individuals but of families. In contrast, live-in relationships prioritize individual autonomy, personal freedom, and the right to private life values increasingly championed by India's younger and urban populations. This shift is not merely behavioral; it also reflects deeper socio-economic changes, including delayed marriages, increased female participation in the workforce, and the growing prioritization of career and independence before committing to marital responsibilities. Legally, the Indian Constitution enshrines the right to life and personal liberty under Article 21, which courts have interpreted as encompassing the right to choose a life partner and cohabit with them. Over time, Indian jurisprudence has slowly adapted to these evolving social realities. The Supreme Court, in several landmark judgments, has clarified that live-in relationships are neither illegal nor immoral. Through interpretations under the

Protection of Women from Domestic Violence Act, 2005, courts have extended certain legal protections to women in live-in relationships, treating such partnerships as being "in the nature of marriage" when certain conditions are met. Furthermore, the legitimacy and inheritance rights of children born from such unions have also found support in progressive judicial pronouncements. However, the absence of a comprehensive statutory framework continues to pose significant challenges. Issues such as property rights, maintenance, abuse protections, and succession remain clouded in legal ambiguity. Additionally, the deeply entrenched cultural stigma around live-in relationships often results in social ostracization, moral policing, and discrimination especially for women, interfaith couples, and individuals from conservative backgrounds. Recent policy moves, such as Uttarakhand's Uniform Civil Code that mandates the registration of live-in partnerships, further complicate the debate by raising concerns around privacy and state intrusion into personal lives. This article aims to delve into the multi-faceted dimensions of live-in relationships in India. It will explore the legal status, judicial interpretations, societal perceptions, and emerging policy frameworks surrounding such partnerships. In doing so, it will also assess the broader implications for personal liberty, gender equality, and the evolving landscape of relationships in modern Indian society. As India continues to negotiate the space between tradition and modernity, the live-in relationship serves as a potent symbol of both progress and contention a subject worthy of rigorous examination and thoughtful reform.

Concept: Live-in Relationship

The concept of live-in relationships, while increasingly recognized in India's urban and legal landscape, continues to defy clear-cut definitions within formal statutes. Broadly speaking, a live-in relationship refers to a domestic

arrangement where two consenting adults choose to cohabit and share a life together without being legally married. These relationships are often formed based on mutual love, companionship, convenience, or a desire to test compatibility before marriage. Unlike traditional matrimonial unions, live-in partnerships are not bound by religious ceremonies, legal contracts, or societal obligations. They rest entirely on the personal autonomy of the individuals involved and the freedom to shape the relationship on their own terms. In India, where marriage has historically been considered a sacrosanct institution closely tied to family honor, community expectations, and religious mandates live-in relationships represent a significant departure from established social norms. As a result, they are often subject to public scrutiny, moral judgment, and legal ambiguity. Indian law does not provide a formal statutory definition for live-in relationships, which has led to a reliance on judicial interpretation to understand and regulate such arrangements. The courts have approached the issue pragmatically, recognizing that social realities often outpace legislation. In the landmark case of *D. Velusamy v. D. Patchaiammal* (2010), the Supreme Court provided a working definition by identifying conditions under which a live-in relationship may be treated as being “in the nature of marriage.” These conditions included factors such as a shared household, a long duration of cohabitation, mutual responsibilities, social recognition of the couple as “husband and wife,” and the absence of legal impediments like pre-existing marriage. While this judgment did not equate live-in relationships with marriage per se, it acknowledged their legitimacy in certain legal contexts, especially in cases involving maintenance or protection from domestic violence. Another important ruling came in *Indra Sarma v. V.K.V. Sarma* (2013), where the court identified different categories of live-in relationships and emphasized that not all such arrangements would qualify for legal protection particularly casual or clandestine relationships with no long-term intent or social recognition. From a socio-legal standpoint, defining live-in relationships also involves distinguishing them from other non-marital arrangements such as casual sexual partnerships, “friends with benefits” dynamics, or short-term cohabitation driven purely by convenience. Courts have clarified that for a live-in relationship to be treated as a “relationship in the nature of marriage,” there must be a certain degree of emotional and financial interdependence, stability, and exclusivity. Furthermore, the intent to cohabit as a committed couple plays a crucial role in establishing the nature of the relationship. This nuanced approach helps prevent misuse of legal provisions while ensuring protection for genuine partnerships. However, the absence of codified legislation means that such definitions remain subjective and context-dependent, often determined on a case-by-case basis. As more couples opt for non-traditional forms of cohabitation, there is a pressing need for clear, inclusive, and rights-based legal definitions that acknowledge live-in relationships as valid expressions of adult autonomy and modern companionship. Doing so would not only bring legal certainty but also help reduce the social stigma attached to such partnerships in contemporary India.

Judicial and Legal Framework

The legal treatment of live-in relationships in India has largely been shaped by judicial interpretations, as there is no

explicit statutory law that directly governs such partnerships. Courts in India have taken a progressive and nuanced approach over the years, attempting to balance individual autonomy, societal values, and constitutional rights. While the Indian legal system continues to uphold marriage as a central institution, it has increasingly recognized that consensual cohabitation between adults is not inherently unlawful or immoral. The judiciary has played a crucial role in offering limited but significant legal protections to individuals especially women and children within such relationships.

One of the landmark rulings in this context is *Khushboo v. Kanniammal* (2010), where the Supreme Court held that live-in relationships fall within the ambit of the right to life and personal liberty under Article 21 of the Constitution. The Court emphasized that adults have the right to live together without marriage and that such arrangements, though unconventional, are not illegal. This decision laid the groundwork for broader legal recognition of live-in relationships as legitimate social arrangements.

A more detailed legal perspective was offered in *D. Velusamy v. D. Patchaiammal* (2010). Here, the Supreme Court attempted to distinguish casual relationships from those that could qualify as being “in the nature of marriage.” The Court outlined specific criteria: the couple must be of legal marriageable age, both must be unmarried, they must cohabit voluntarily and for a significant period, and they must be perceived by society as akin to a married couple. If these conditions are met, the relationship could be given legal status under various laws, particularly the Protection of Women from Domestic Violence Act, 2005 (PWDVA). Section 2(f) of the PWDVA explicitly includes relationships “in the nature of marriage,” thus offering legal recourse to women in live-in relationships who face abuse. Through this provision, courts have granted women the right to seek protection orders, residence rights, and monetary relief, provided the relationship meets the prescribed criteria. However, the lack of clear legislative guidelines often leaves such women vulnerable to discretionary judgments and inconsistencies in legal relief.

Another area where the judiciary has intervened is in granting Maintenance Rights under Section 125 of the Criminal Procedure Code. Courts have, on occasion, allowed women in long-term live-in relationships to claim maintenance, treating their situation as akin to a deserted wife. This was further clarified in cases like *Chanmuniya v. Virendra Kumar Singh Kushwaha* (2011), where the Supreme Court recommended that live-in partners should not be denied maintenance simply due to the absence of a formal marriage.

Additionally, the legitimacy of children born from live-in relationships has been upheld in multiple judgments. The Supreme Court has ruled that children born from prolonged cohabitation are legitimate and entitled to inheritance rights, though interpretations may differ when it comes to ancestral versus self-acquired property.

Challenges & Criticisms

While live-in relationships are gradually gaining visibility and partial legal recognition in India, they continue to face a wide range of challenges and criticisms both from a legal standpoint and within the social and cultural fabric of the country. Despite the progressive judgments by Indian courts and growing awareness among the urban youth, live-in

relationships remain deeply controversial and often misunderstood. The absence of a comprehensive legal framework, coupled with strong cultural resistance, creates a complex environment for individuals who choose to cohabit without marriage. A detailed study of such challenges and criticisms includes:

1. Lack of Legislation

One of the foremost challenges facing live-in couples in India is the lack of legislative clarity. Indian statutes do not formally recognize live-in relationships, and legal protections particularly in matters of maintenance, domestic abuse, child legitimacy, or property rights are extended only in specific contexts, often through judicial discretion. This leads to inconsistency in legal outcomes and leaves live-in partners vulnerable, especially women and children. While the Protection of Women from Domestic Violence Act, 2005, has been interpreted to offer safeguards in “relationships in the nature of marriage,” there are no universal criteria to determine which relationships qualify. As a result, courts evaluate each case individually, sometimes denying protection due to the absence of proof of cohabitation duration or social acknowledgment. This uncertainty not only limits access to justice but also deters many couples from pursuing their rights.

2. Social Stigma and Moral Policing

Another significant issue is the social stigma and moral policing associated with live-in relationships. Indian society, particularly in rural and semi-urban regions, continues to view cohabitation outside marriage as immoral or indecent. Live-in couples especially women often face ostracism, harassment from neighbors, denial of housing, and sometimes even violent retaliation from family members or vigilante groups. Landlords frequently refuse to rent apartments to unmarried couples, citing community backlash or “moral” concerns. Interfaith or intercaste live-in couples face heightened risks, including honor-based violence or forced separation. This societal intolerance discourages individuals from embracing live-in relationships, even when they are legally permissible.

3. Gender Inequality within Live-in Relationships

Furthermore, gender inequality within live-in relationships presents its own set of problems. While these arrangements are assumed to be rooted in equality and freedom, in reality, many replicate patriarchal structures seen in marriage. Women are often expected to perform domestic duties without the legal or financial protections that marriage offers. In cases of abandonment or abuse, women in live-in relationships may find themselves without legal recourse, particularly if their relationship fails to meet the court's standards for protection. Children born from such unions, though considered legitimate by courts in some cases, still face ambiguity in inheritance rights, particularly in relation to ancestral property.

4. Housing and Accommodation Discrimination

Unmarried couples living together often face difficulty finding housing, especially in cities. Landlords frequently refuse to rent to live-in partners due to personal biases, fear of community backlash, or moral policing. Many demand proof of marriage, and some societies have unwritten rules against allowing “non-married” cohabitants, leaving couples with limited and unsafe housing options.

5. Vulnerability of Women

Despite the perception that live-in relationships offer freedom, they often replicate patriarchal patterns seen in marriage. Women may be expected to take on domestic roles without any legal or financial security. In cases of abuse, abandonment, or betrayal, women in live-in relationships may not have access to maintenance, protection, or restitution, especially if the relationship fails to meet legal thresholds.

6. Moral Policing and Legal Overreach

Some recent legal moves, such as Uttarakhand’s Uniform Civil Code, which mandates registration of live-in relationships, have raised alarms. Critics argue such steps are invasive, unconstitutional, and amount to state surveillance of personal lives. It can be particularly dangerous for interfaith, intercaste, or LGBTQ+ couples, who may already be under social pressure.

7. Honor-Based Violence

In extreme cases, especially in rural areas, live-in relationships have triggered honor killings, forced separation, or abductions especially when the relationship involves inter-caste or inter-religious elements. This creates a serious safety threat for couples asserting their right to cohabit.

Suggestions

While the Indian judiciary has made commendable strides in recognizing the legitimacy of live-in relationships, significant legal and societal gaps remain. To ensure equal rights, protection, and dignity for individuals in such partnerships, it is imperative to move beyond piecemeal judicial interventions. A comprehensive, inclusive, and rights-based legislative framework is urgently needed. At the same time, broader societal awareness and cultural sensitivity must be fostered to combat stigma and discrimination. The following suggestions aim to address existing challenges by proposing legal reforms, policy measures, and social initiatives that uphold personal freedom while ensuring fairness and security for all parties involved.

1. Enact a Comprehensive Live-in Relationship Law

India urgently needs a dedicated statute to recognize and regulate live-in relationships. This law should clearly define such relationships, establish criteria (e.g., duration, shared finances, cohabitation), and outline the rights and responsibilities of both partners. It should also include provisions for maintenance, protection from abuse, child custody, and inheritance rights, thereby offering legal clarity and reducing dependence on case-by-case judicial interpretation.

2. Voluntary Registration System

Rather than making registration mandatory, as seen in the Uttarakhand UCC, the government should introduce a voluntary and confidential registration mechanism. This would help partners establish proof of cohabitation if needed (e.g., for maintenance or housing), without infringing on their privacy or autonomy. Registration should be simple, digital, and accessible, avoiding bureaucratic delays or moral scrutiny.

3. Amend Existing Laws

Instead of creating an entirely new code, several existing laws can be amended to include live-in partners:

- **Section 125 of CrPC:** Clarify maintenance rights for partners in long-term cohabitation.
- **Inheritance and Succession Acts:** Include provisions for children born from live-in relationships and their rights to self-acquired and ancestral property.
- **Domestic Violence Act, 2005:** Standardize the criteria for “relationship in the nature of marriage” to ensure consistent protections across courts.

4. Public Awareness Campaigns

Widespread social stigma remains one of the biggest barriers for live-in couples. Governments, civil society, and media platforms must conduct awareness campaigns to educate people about the legal status of such relationships, dispel myths, and promote tolerance. Including discussions about modern relationship choices in school and college curriculum can also promote open-mindedness among youth.

5. Gender-Sensitive Safeguards

Live-in relationships must not become an excuse for exploiting women. Legal mechanisms should ensure that women in such partnerships receive equal property rights (where applicable), protection from abandonment or abuse, legal recognition of their domestic contributions which requires both gender-sensitive policymaking and better access to legal aid and support services.

6. Housing and Rental Reforms

Discrimination against live-in couples in the rental housing market is widespread. State housing boards and private societies should be encouraged or legally bound not to deny housing based on marital status. Anti-discrimination laws in housing or model tenancy agreements should specifically protect live-in couples' right to residence.

7. Judicial Sensitization

Judges, police, and other legal actors must be trained and sensitized about the legal status of live-in relationships to ensure unbiased treatment. Misuse of laws such as false FIRs or harassment by local authorities can be reduced through judicial and police training programs.

8. Protect Interfaith and Marginalized Couples

Special protections should be extended to interfaith, intercaste, LGBTQ+, and tribal couples, who often face double discrimination. Helplines, legal cells, and protective shelters should be established to support such individuals from threats of violence or family retaliation.

Conclusion

The emergence of live-in relationships in India marks a significant shift in societal norms, legal interpretations, and individual choices. As India continues to evolve as a modern democracy, the increasing acceptance of cohabitation outside the bounds of formal marriage represents not only a challenge to traditional values but also an affirmation of personal liberty and autonomy. However, despite some progressive judicial interventions, live-in

relationships in India continue to exist within a legal grey area and a socially conservative environment. The Indian judiciary has played a pivotal role in recognizing the rights of individuals in live-in partnerships, particularly by extending protections under laws like the Protection of Women from Domestic Violence Act, 2005 and by affirming the legitimacy of children born from such unions. Yet, these protections remain inconsistent, often hinging on judicial discretion and varying interpretations of what constitutes a “relationship in the nature of marriage.” The absence of a codified legal framework continues to place live-in partners especially women and children at risk of legal exclusion, economic vulnerability, and social marginalization. On the societal front, live-in relationships are still largely viewed with suspicion, and couples often face stigma, harassment, and even violence, especially in conservative or rural settings. Issues such as housing discrimination, moral policing, and honor-based threats highlight the deeply ingrained resistance to such relationships in large sections of Indian society. Furthermore, women in live-in relationships often face gendered disadvantages, including lack of financial security, social support, and legal recourse in cases of abandonment or abuse. Therefore, moving forward, there is a pressing need for comprehensive legal reform that clearly defines and protects live-in relationships. Legislative measures must safeguard the rights of both partners, ensure maintenance and inheritance protections, and provide legal clarity around child custody and legitimacy. At the same time, societal awareness and education are essential to dismantle regressive attitudes and foster acceptance of diverse relationship choices.

In conclusion, live-in relationships in India reflect the country's ongoing negotiation between tradition and modernity, morality and autonomy, law and liberty. Recognizing and regulating such relationships is not merely a legal necessity but also a moral imperative in a democratic and inclusive society. Only through a balanced approach rooted in human rights, social justice, and equality can India ensure that individuals are free to live with dignity, irrespective of their marital status.

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