



Live-in relationship and law in India: A study of judicial decisions

Dr. Gurdeep Kaur*

Assistant Professor, School of Law, Maharaja Agrasen University, Baddi, Himachal Pradesh, India

Abstract

Living together without marriage raises unique legal issues in India. This article examines how Indian law treats such partnerships and how major cases have addressed them. It discusses live-in partnerships, why there are no clear regulations, and how courts have interpreted present laws to protect partners and children. The Supreme Court of India has declared that live-in partnerships are protected under the right to life and liberty, but they also distinguish them from marriage. Live-in couples have been protected from domestic violence and supported, and their children have legal and property rights. In the meantime, courts have set limits. Married partners cannot get official advantages. This article examines Supreme Court and High Court case law to demonstrate how live-in relationships have altered in a society that balances contemporary liberties with traditional restrictions. Using judicial developments as a foundation, the conclusion thoughtfully argues for improved regulations in this area.

Keywords: Live-in relationships, Indian judiciary, cohabitation, case law

Introduction

In India, a “live-in relationship” refers to an arrangement where an unmarried couple lives together in a relationship akin to marriage, without formally marrying. These kinds of relationships used to be frowned upon, but now they're more common because of changing social norms, more people living in cities, and younger people's changing views. People choose to live together for personal reasons, like to see if they are compatible, to enjoy their own freedom, or to avoid the formal ties of marriage. But this kind of living together without a marriage license has been going on for a long time in India, where marriage is very important. Traditionally, Indian law did not explicitly recognize live-in relationships^[1], as marriage has been the cornerstone for defining family, legitimacy of children, and spousal rights^[2].

This raises important questions:

- What is the legal status of partners in a live-in relationship?
- Do they enjoy any rights or protection under Indian law?
- What about the children born from such unions?

These questions have come before Indian courts over the past few decades due to the increasing prevalence of live-in relationships. In the absence of specific legislation, the judiciary has taken the lead in shaping the legal concept of live-in relationships. The Indian Constitution guarantees the right to life and personal liberty (Article 21)^[3], which has been interpreted to include the freedom to choose one's partner and way of life. At the same time, many personal and social support rules are based on the idea that people are married. This difference means that even though there isn't a rule that specifically forbids adults living together, many legal perks and safeguards are only available to married couples.

In this situation, the role of the courts has been very important. The Indian High Courts have favoured live-in partnerships, arguing adults should be free to choose and protected from assault and harassment. In religiously

charged or socially sensitive matters, some benches remain ethically concerned. The trend supports constitutional freedom and dignity, but legal certainty is essential. This paper describes those changes in the law in great detail. First, it talks about the laws (or lack of laws) that apply to live-in relationships in India right now. Then it talks about how judges, especially the Supreme Court of India, have read and applied the law in well-known cases, giving live-in relationships some authority and safety. It also looks at decisions from the High Court to show how judges' views have changed over time at different levels. The study stays on Indian law and court decisions, giving a clear picture of where live-in relationships stand in India's legal system right now.

Laws Relating to Live-in Relationships in India

No Explicit Statute: To date, the Indian Parliament has not enacted a dedicated law defining or regulating live-in relationships. Unlike some countries that confer legal status to unregistered cohabitation (common-law marriage), India has no such general statute. Consequently, live-in partners do not enjoy an automatic legal status equivalent to married spouses. However, important legal provisions in existing laws have been interpreted to encompass live-in partners in certain contexts.

▪ Constitutional Rights

The legal foundation for live-in relationships in India rests upon Article 21 of the Constitution, which guarantees the right to life and personal liberty. The Supreme Court has consistently held that consenting adults have the freedom to choose their partner and living arrangement. In *Lata Singh v. State of U.P.* (2006)^[4], though the issue involved inter-caste marriage, the Court emphasized that once an individual attains majority, they may marry or live with anyone they choose. This reasoning extends to live-in arrangements, affirming them as constitutionally protected. Later judgments, such as *S. Khushboo v. Kanniammal* (2010)^[5], explicitly recognized that two adults cohabiting cannot be criminalized or deemed unlawful. Any state

action or societal interference in such consensual unions is, therefore, an affront to personal liberty unless justified by compelling necessity.

■ **Protection of Women from Domestic Violence**

The Protection of Women from Domestic Violence Act, 2005 (PWDVA) was a milestone in extending legal protections beyond formal marriages. Section 2(f) defines “domestic relationship” to include not just familial or marital ties but also “a relationship in the nature of marriage [6].” While the Act does not directly mention live-in partnerships, its scope clearly covers women cohabiting in marriage-like arrangements. This provision empowers women in live-in relationships to seek protection orders, residence rights, or financial relief if subjected to abuse. However, not every cohabitation automatically qualifies. Courts have stressed the need to establish marriage-like features such as stability, shared household, and mutual dependence before extending PWDVA protections. In this way, the Act prevents exploitation while filtering out casual or transient associations.

■ **Maintenance Rights**

Traditionally, maintenance under Section 125 of the Code of Criminal Procedure, 1973 [7] was confined to legally wedded wives. Yet, in *Chanmuniya v. Virendra Singh* (2011) [8], the Supreme Court urged a broader reading, noting that women deserted after long cohabitation should not be left remediless. The Court recommended legislative amendments to cover live-in partners, emphasizing social justice and gender equity. Although Section 125 has not been amended, courts now adopt a liberal interpretation: women who can prove long-term, socially recognized cohabitation may claim maintenance [9]. This ensures that men cannot evade responsibility by exploiting the technical absence of marriage. The judiciary thus acts as a safety net, extending economic protection to women in genuine live-in unions.

■ **Presumption of marriage – Evidence Act**

Section 114 of the Indian Evidence Act, 1872 [10] allows courts to presume facts that naturally follow from circumstances. Applying this principle, long cohabitation is presumed to be valid marriage, unless disproved. This presumption upholds the legal maxim that the law favors legitimacy and rejects bastardy. For couples living together for decades and presenting themselves as married, courts lean toward recognizing the union, particularly to protect children. However, this presumption is rebuttable with evidence that no marriage occurred. Importantly, it applies mainly where one partner or their children assert marriage to claim rights such as inheritance. It is not a blanket recognition of all cohabitations but a pragmatic tool to prevent injustice in long-standing domestic arrangements.

■ **Legitimacy and Inheritance of Children**

Indian law has advanced significantly in protecting children born out of live-in relationships. The Supreme Court in *Tulsa v. Durghatiya* (2008) declared that children of parents who cohabit and present themselves as married are legitimate [11]. Section 16 of the Hindu Marriage Act, 1955 [12] further provides that children of void or voidable marriages are legitimate, which by extension benefits

offspring of many live-in unions. These children can inherit property from their parents, removing the stigma of illegitimacy. This progressive stance reflects a consistent judicial principle: children must not suffer for the status of their parents’ relationship. Today, children from live-in partnerships enjoy nearly equal recognition and rights as those born in wedlock, especially in inheritance matters.

■ **Other Legal Contexts**

Live-in relationships also intersect with criminal law. Until 2018, Section 497 of the IPC criminalized adultery, indirectly stigmatizing extramarital live-ins. The landmark ruling in *Joseph Shine v. Union of India* (2018) [13] struck down adultery as unconstitutional, decriminalizing consensual adult relationships. However, while decriminalized, live-in arrangements involving a married partner remain outside civil recognition. Courts have explicitly excluded adulterous relationships from the category of “relationship in the nature of marriage” under the PWDVA, thereby denying such partners legal protections. This distinction underscores judicial caution—while protecting legitimate cohabitations, courts avoid undermining the rights of legal spouses and children in subsisting marriages.

In the absence of comprehensive legislation, Indian law on live-in relationships has developed through constitutional interpretation and judicial creativity. Article 21 ensures the liberty of adults to cohabit, while the PWDVA, Evidence Act, and judicial expansion of maintenance laws provide protective frameworks. The judiciary has balanced progressive rights with social sensitivities—protecting partners and children in stable, marriage-like live-ins, but excluding casual or adulterous unions. Together, these measures form the patchwork of legal recognition governing live-in relationships today.

Judicial Interpretations and Landmark Cases Supreme Court on Live-in Relationships

The Supreme Court of India has progressively shaped the legal understanding of live-in relationships. Its judgments reflect an effort to balance evolving constitutional freedoms with the traditional institution of marriage. Below is a condensed account of key cases showing this trajectory.

■ **Presumption in favor of marriage – Badri Prasad (1978):** This case involved a couple cohabiting for over fifty years [14]. The Supreme Court held that such prolonged cohabitation gives rise to a strong presumption of marriage, placing the burden on challengers to prove otherwise. Justice Krishna Iyer emphasized that the law favors legitimacy and frowns upon labeling long-standing unions as “illicit.” This decision gave respectability to non-formal unions, protecting the surviving partner and children. Though not directly addressing modern live-in partnerships, *Badri Prasad* set an early precedent for recognizing substance over form in intimate relationships.

■ **Legitimacy of children – S.P.S. Balasubramanyam (1994):** The Court extended the presumption principle to children’s rights, ruling that long cohabitation implies valid marriage, making children legitimate. Under Section 114 of the Evidence Act, the Court recognized the right of children born from such unions

to inherit from their father ^[15]. This ruling was crucial in removing the stigma of illegitimacy for children of long-term live-in partners, ensuring their legal equality with children of formally wedded couples.

- **Adult freedom and legality of live-in – Lata Singh (2006) & S. Khushboo (2010):** In *Lata Singh*, though dealing with inter-caste marriage ^[16], the Court affirmed that any adult is free to choose their partner and live with them. This principle indirectly legitimized live-in relationships under Article 21. In *S. Khushboo*, the Court went further, quashing criminal charges against an actress for advocating premarital cohabitation. The judgment declared that what is immoral to some is not necessarily illegal, and consensual cohabitation is not a crime. This landmark ruling constitutionally legitimized live-in relationships as protected personal choices, pushing society to distinguish morality from legality.
- **Defining “relationship in the nature of marriage” – D. Velusamy (2010):** Faced with a claim for maintenance under Section 125 CrPC, the Court clarified the scope of live-in relationships. It held that only relationships bearing essential features of marriage—public recognition, cohabitation for a significant period, mutual commitment, and absence of legal impediments—qualify for protection under the Domestic Violence Act. Casual affairs or arrangements with a married man were excluded. While criticized for calling some women “mistresses,” the ruling drew an important line: genuine, stable cohabitation may attract legal rights, but transient or adulterous ties do not.
- **Broadening maintenance rights – Chanmuniya (2011):** In this case, the Court stressed that women in live-in relationships should not be denied maintenance merely for lack of formal marriage ^[17]. It recommended legislative changes to include live-in partners within Section 125 CrPC to prevent abandonment. The Court underscored that economic obligations in genuine cohabitations mirror those of marriage, signaling that maintenance is a matter of social justice, not ceremony. Together with *Velusamy*, it highlighted the judiciary’s intent to shield women from exploitation while maintaining doctrinal limits.
- **Limits and guidelines – Indra Sarma (2013):** This case dealt with an 18-year relationship where the man was already married ^[18]. The Court refused protection under the Domestic Violence Act, holding that knowingly entering a relationship with a married man cannot be equated to marriage. However, it acknowledged women deceived into such unions might still deserve protection. Importantly, the Court provided a structured list of factors—duration, shared household, financial arrangements, children, and societal recognition—to assess whether a live-in relationship qualifies as “marriage-like.” It urged Parliament to legislate for such situations, recognizing the growing reality of live-ins. *Indra Sarma* thus crystallized the legal boundaries: safeguarding genuine partnerships while excluding adulterous ones.

- **Right to cohabit outside wedlock – Nandakumar (2018):** Here, the issue was whether a couple could live together when their marriage was invalid due to the man’s age. The Supreme Court overturned the Kerala High Court’s intervention, ruling that two consenting adults, regardless of marital validity, have the right to cohabit ^[19]. The Court famously declared that adults “have the right to live together even outside wedlock.” It also acknowledged legislative recognition of live-in arrangements through the Domestic Violence Act. This case reaffirmed that the essence of live-in rights lies in constitutional liberty, independent of marital status or legality of ceremonies.

Collective Judicial Approach

Across these rulings, the Supreme Court has constructed a cautious but progressive framework. Key features include:

- **Legitimacy & Children’s Rights:** Courts lean towards presuming legitimacy to protect children, eliminating the stigma of illegitimacy.
- **Autonomy & Liberty:** Live-in relationships are consistently upheld as part of adult personal freedom under Article 21.
- **Women’s Protection:** Courts have interpreted maintenance and domestic violence laws to include genuine live-in partners, extending social welfare protections.
- **Clear Boundaries:** Adulterous or casual relationships are excluded, reflecting judicial restraint in equating live-ins entirely with marriage.
- **Legislative Invitation:** The Court repeatedly urged Parliament to enact comprehensive laws addressing property rights, succession, and partner obligations.

The Supreme Court’s jurisprudence on live-in relationships reflects “cautious progressivism.” By recognizing autonomy, protecting vulnerable women, and legitimizing children, the Court has gradually transformed live-in relationships from taboo to a constitutionally protected choice. Yet, by excluding adulterous unions and urging legislative action, it has stopped short of full legal equivalence with marriage. This balance ensures protection against exploitation while respecting social realities, leaving room for future legislation to fill gaps.

High Court Perspectives

High Courts in India, too, have contributed significantly to the discourse on live-in relationships, sometimes taking bolder stances that later percolated up to the Supreme Court’s notice. Since High Courts deal with individual rights on a day-to-day basis, they have encountered numerous petitions by live-in couples – often seeking protection from hostile family or society – and cases by partners seeking maintenance or property rights. The approaches of the High Courts, while broadly aligned with the Supreme Court’s principles, have shown some variation and evolving trends:

- **Early recognition of freedom – Allahabad High Court (2001)**
One of the earliest judicial recognitions of live-in relationships in India came in *Payal Sharma alias Kamla Sharma v. Superintendent, Nari Niketan, Agra (2001)* ^[20].

The case involved a young woman asserting her right to cohabit with a man without marrying him. Justice M. Katju of the Allahabad High Court categorically held that if two adults decide to live together, it cannot be treated as illegal. The court distinguished between societal morality and the rule of law, noting that what might be considered immoral by a segment of society is not necessarily unlawful. The judgment even invoked cultural reference, pointing to the relationship of Radha and Krishna as an example of non-marital companionship in Indian tradition. This case was groundbreaking, as it challenged long-held perceptions and laid the foundation for later judicial acceptance ^[21]. It confirmed that personal disapproval cannot justify state intervention in the private lives of consenting adults.

▪ **Protecting Life and Liberty of Couples**

In the past two decades, High Courts have been frequently approached by live-in couples seeking protection against threats from family or community. Such cases often involve inter-caste or inter-religious couples, whose unions face heightened social opposition. The Punjab and Haryana High Court encountered a wave of petitions in 2020–21. Initially, some benches refused protection when one partner was already married, terming the relationship adulterous. However, this view quickly evolved, with subsequent rulings clarifying that the police have a constitutional duty to protect life and liberty under Article 21, irrespective of the moral standing of the relationship. Orders granting protection do not confer legal recognition upon the partnership but ensure the couple's safety against honor crimes or violence. Many other High Courts have followed this approach, repeatedly affirming that consensual adult cohabitation, even if disapproved socially, cannot justify denial of fundamental rights. This reflects a rights-based, humanitarian stance.

▪ **Conflicting Views and Societal Values**

Although the High Court has produced progressive verdicts, its benches have sometimes made conservative moral pronouncements. The Allahabad High Court rejected live-in relationships in 2025 as against "middle-class values," displaying their unwillingness to adopt modern practices. In 2024, the Chhattisgarh High Court branded live-in partnerships a "stigma" on Indian society for failing to fulfill marriage duties. Although unenforceable, these statements illustrate the court's ongoing disagreement. Courts seldom found the relationship unlawful or imposed fines on the duo; the moral commentary supplemented the ruling. However, these court cases demonstrate the conflict between developing constitutional standards and traditional values. The paradox illustrates that not all judges share the liberal majority view. However, conservative statements are often criticized and overshadowed by higher court judgments that emphasize freedom and personal choice.

▪ **Inter-faith live-in relationships**

Interfaith live-in relationships have been hard, particularly since the Uttar Pradesh Prohibition of Unlawful Conversion Act, 2021, which makes it illegal for anyone to change religions. A Hindu man and a Muslim lady, both previously married, moved in together in 2024, according to a case before the Allahabad High Court. The court not only refused them protection, but also had them pay fees, saying that the connection was a fake one meant to convert others to their

religion. This decision shows how personal laws and new legislation might make it harder to recognize these kinds of unions. If one or both couples are still legally married according to their own laws, courts have declined to safeguard the partnership, saying it is not genuine. However, when both spouses are unmarried but follow different faiths, High Courts have usually upheld their right to live together, even when society doesn't like it. The conflict arises from the ambiguous interplay of constitutional liberties, personal law, and regulatory limitations regarding interfaith cohabitation.

▪ **Same-sex live-in Relationships**

Following the Supreme Court's decision in *Navtej Singh Johar v. Union of India* ^[22], which decriminalized homosexuality, Same-sex couples may now live together without worrying about being arrested. But India still doesn't recognize same-sex marriage or domestic unions, so these kinds of relationships aren't legally recognized. Some High Courts have agreed to hear petitions from same-sex couples who want protection against harassment by family members. This is based on the larger idea that Article 21 gives all consenting adults the right to life and freedom. Most of the time, relief has just meant making sure people are secure, not giving them legal rights like maintenance or domestic abuse help. These cases represent the start of court involvement with same-sex cohabitation, while several issues—including inheritance, property distribution, and spousal rights—persist unsolved. The future of recognizing same-sex couples who live together hinges on changes to the legislation and how judges are becoming more aware of LGBTQ+ rights in family law cases.

The Indian High Courts have mostly backed live-in relationships, saying that adults should be able to make their own decisions and be safe from violence and abuse. Some benches are still ethically worried, especially when there are cases involving faiths that don't get along or when the problem is sensitive to society. The trend is in favor of civil freedom and respect, but the law still needs to be made clear.

Conclusion

In India, live-in relationships are becoming more and more acceptable. Courts have set the rules by saying that letting adults live together voluntarily is a right to life and liberty. Courts have protected women from being exploited through laws against domestic violence and support, and they have also protected children's rights to be born and to receive. Judges have asked Parliament to pass complete rules on partner rights and property transfers that set real, marriage-like relationships apart from casual or adulterous ones. Even though it's socially acceptable, some judges have strict views. Indian law is becoming more realistic and protective of human rights. There are now legal protections for live-in relationships, even if they aren't marriage. The court laid the groundwork for future laws that combine freedom and social order.

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