

Live - In Relationships Under Indian Law: A Socio - Legal Analysis

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Abstract- Live-in relationships in India represent a shift from traditional marital norms towards individual autonomy and personal choice. Although not expressly codified, such relationships have received judicial recognition under Article 21 of the Constitution of India. However, this recognition coexists with persistent social stigma, creating a tension between constitutional morality and societal values. Judicial interpretation, particularly in D. Velusamy v. D. Patchaiammal and Indra Sarma v. V.K.V. Sarma, has defined the scope of “relationships in the nature of marriage” and extended protection under the Protection of Women from Domestic Violence Act, 2005. Recent High Court judgments (2020–2025) further reinforce the right of consenting adults to cohabit. This paper critically examines whether the existing legal framework adequately protects individuals, particularly women, and highlights the need for a comprehensive statutory regime.

I. INTRODUCTION

Live-in relationships refer to a form of cohabitation where two individuals reside together in a domestic arrangement without entering into a formal marital union. Although such relationships are not explicitly recognized under Indian statutory law, the judiciary has progressively acknowledged them within the ambit of Article 21 of the Constitution of India, which guarantees the right to life and personal liberty. Courts have affirmed that the choice to cohabit with a partner is an integral aspect of individual autonomy, dignity, and privacy.

The increasing prevalence of live-in relationships in India reflects broader societal transformations, including urbanization, higher levels of education, economic independence, and a growing emphasis on personal freedom and individual choice. These relationships signify a shift away from traditional marriage-centric norms towards greater individual autonomy. However, they continue to face strong social resistance due to deeply rooted cultural and moral values.

A clear legal distinction exists between marriage and live-in relationships. Marriage creates legally enforceable rights relating to inheritance, maintenance, and succession, whereas live-in relationships do not automatically confer such rights. Limited protection is granted only when such relationships satisfy specific legal criteria, as laid down in *D. Velusamy v. D. Patchaiammal*, leading to ambiguity in their legal status.

Against this backdrop, the present paper seeks to examine three core questions: whether live-in relationships are legally recognized in India, what rights and protections are available to partners, and whether the existing legal framework adequately safeguards women. The central concern of this study is whether the law sufficiently protects vulnerable partners, particularly women, in the absence of a comprehensive statutory framework.

II. CONCEPTUAL AND CONSTITUTIONAL FRAMEWORK

Live-in relationships are legally recognized only when they qualify as “relationships in the nature of marriage,” as clarified in *D. Velusamy v. D. Patchaiammal*.

Their constitutional foundation lies in autonomy and privacy, as affirmed in *Justice K.S. Puttaswamy v. Union of India*. Courts have held that the choice of partner and cohabitation fall within personal liberty under Article 21.

Further, Article 14 ensures equality, and Article 19 protects freedom of choice, reinforcing judicial recognition of non-marital relationships.

III. JUDICIAL RECOGNITION

3.1 Early Approach

In *Badri Prasad v. Deputy Director of Consolidation*, the Court presumed marriage from long cohabitation, indirectly recognizing live-in relationships.

3.2 Landmark Judgments

In *D. Velusamy v. D. Patchaiammal*, the Court laid down criteria such as duration, shared household, and social recognition.

In *Indra Sarma v. V.K.V. Sarma*, the Court categorized relationships and held that only those resembling marriage qualify for legal protection.

Thus, legal recognition is conditional and not universal.

IV. STATUTORY FRAMEWORK AND RIGHTS

The Protection of Women from Domestic Violence Act, 2005 provides limited recognition by including “relationships in the nature of marriage.”

Women are entitled to:

- Protection orders
- Residence rights
- Maintenance

Courts have also expanded maintenance under Section 125 CrPC, as seen in *Chanmuniya v. Virendra Kumar Singh Kushwaha*.

Children born out of such relationships are considered legitimate (*Tulsa v. Durghatiya*), though inheritance rights remain limited.

However, partners do not enjoy automatic marital rights, especially regarding property and succession.

V. RECENT HIGH COURT TRENDS (2020–2025)

High Courts have increasingly upheld live-in relationships as legally valid:

- Allahabad High Court (2025): Right to cohabit protected under Article 21
- Delhi High Court (2026): Protection from threats
- Rajasthan High Court (2025): Adult couples entitled to protection

However, conflicting views exist:

- Protection denied where one partner is married
- Maintenance claims rejected in certain cases

Courts have also clarified:

- Interfaith live-in relationships are lawful
- Failed relationships do not automatically amount to criminal offences

Thus, while recognition is expanding, inconsistency persists.

VI. CRITICAL ANALYSIS

The current legal framework is fragmented and largely judge-made. While autonomy is increasingly protected, conflicts arise between constitutional morality and social norms.

From a feminist perspective, women remain vulnerable due to:

- Lack of inheritance rights
- Limited maintenance
- Economic dependency

As observed in *Indra Sarma v. V.K.V. Sarma*, not all relationships receive protection, leaving many women outside the legal framework.

This reflects a gap between progressive intent and practical protection.

VII. CHALLENGES AND COMPARATIVE PERSPECTIVE

Live-in relationships in India continue to face significant structural and socio-legal challenges despite increasing judicial recognition. The most critical issue is the absence of a codified legal

framework, which results in excessive reliance on judicial interpretation rather than clear statutory guidance. While limited protection is available under the Protection of Women from Domestic Violence Act, 2005, it does not comprehensively regulate rights relating to maintenance, inheritance, or property.

Another major concern is the ambiguity in defining “relationship in the nature of marriage”, as highlighted in *D. Velusamy v. D. Patchaiammal* and *Indra Sarma v. V.K.V. Sarma*. The lack of precise statutory criteria leads to inconsistent judicial outcomes and uncertainty for individuals seeking protection.

Further, social stigma remains a significant barrier, as live-in relationships are often viewed as contrary to traditional Indian values. This results in family opposition, social exclusion, and reluctance to approach legal institutions. The problem is compounded by judicial inconsistency, particularly in cases involving married individuals or maintenance claims, where different courts have adopted divergent approaches.

From a comparative perspective, other jurisdictions offer more structured legal frameworks. In the United States, several states recognize cohabitation through doctrines such as common law marriage and enforceable cohabitation agreements, thereby granting partners rights similar to marriage in certain circumstances. The United Kingdom, although socially accepting of cohabitation, provides only limited legal protection, with partners lacking automatic rights unless formal agreements are made.

France presents a more balanced model through the *Pacte Civil de Solidarité (PACS)*, a legally recognized civil union that provides partners with rights relating to taxation, property, and social security without requiring formal marriage. This structured alternative demonstrates how a middle-ground legal framework can effectively balance autonomy with protection. Thus, compared to jurisdictions like France, India’s approach remains fragmented and underdeveloped, highlighting the urgent need for comprehensive legislation to address both legal uncertainty and social realities.

VIII. RECOMMENDATIONS

In order to address the existing legal ambiguities and inconsistencies surrounding live-in relationships in India, the enactment of specific legislation is imperative. A comprehensive statutory framework should be introduced to clearly regulate the rights and obligations of partners, rather than relying solely on judicial interpretation. Such legislation must provide a clear and uniform definition of “relationship in the nature of marriage,” building upon the criteria laid down in *D. Velusamy v. D. Patchaiammal* and *Indra Sarma v. V.K.V. Sarma*, to eliminate ambiguity and ensure consistent application across cases.

Further, there is a need to develop uniform judicial guidelines to minimize conflicting decisions, particularly in cases involving married individuals, maintenance claims, and protection orders. Standardized principles would enhance predictability and fairness in judicial

outcomes. Equally important is the strengthening of women’s rights, especially in areas such as maintenance, residence, and financial security, by expanding the scope of protections available under the Protection of Women from Domestic Violence Act, 2005 and introducing additional safeguards where necessary.

Additionally, legal awareness programs must be promoted to educate individuals about their rights and remedies within live-in relationships, thereby reducing exploitation and encouraging access to justice. Awareness at both societal and institutional levels can also help in reducing stigma and fostering acceptance.

Collectively, these measures are essential to create a balanced legal framework that ensures consistency, protects individual autonomy, and safeguards vulnerable partners, particularly women, in live-in relationships.

IX. CONCLUSION

Live-in relationships in India have gradually evolved from being socially stigmatized arrangements to judicially recognized forms of intimate partnerships,

primarily protected under Article 21 of the Constitution of India. Courts have consistently upheld the principles of personal autonomy, dignity, and the right of consenting adults to choose their partners and cohabit without interference. This reflects a progressive shift towards constitutional morality, where individual freedoms are prioritized over traditional societal norms.

However, despite this growing judicial acceptance, the legal regulation of live-in relationships remains fragmented and inconsistent, largely dependent on case-by-case interpretation. Significant gaps continue to exist in crucial areas such as maintenance, property rights, inheritance, and the uniform application of legal principles. Judicial decisions, particularly in cases involving married individuals or non-qualifying relationships, often reflect divergent approaches, leading to uncertainty and unpredictability in the law.

The absence of a comprehensive statutory framework further exacerbates these challenges, leaving individuals especially women legally vulnerable to economic dependency, abandonment, and exploitation. While statutes like the Protection of Women from Domestic Violence Act, 2005 provide limited protection, they fall short of addressing the broader spectrum of rights and liabilities arising from such relationships.

Therefore, there is an urgent need for a clear, comprehensive, and codified legal regime that not only ensures consistency in judicial application but also balances individual autonomy with adequate legal protection. Such a framework is essential to safeguard the rights, dignity, and security of all individuals, particularly women, in live-in relationships in India.

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