
LIVE-IN RELATIONSHIPS AND THEIR LEGAL STATUS IN INDIA

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ABSTRACT

A live-in relationship refers to a situation where an unmarried couple lives together in a long-term partnership similar to marriage.¹ In India, where marriage has traditionally been seen as a sacred social institution, live-in relationships reflect a shift in social values influenced by urbanisation, education, economic independence, and globalisation. Although these relationships are not governed by any specific law, courts in India have recognised the right of consenting adults to live together under the constitutional right to personal liberty.²

This paper examines the concept, legal status, judicial interpretation, and social acceptance of live-in relationships in India. It highlights the protection available to women under the Protection of Women from Domestic Violence Act, 2005 and discusses the rights of children born from such relationships. The study also looks at the advantages, challenges, and social stigma linked to live-in arrangements, especially in a society where family approval and marriage norms still dominate.

The study concludes that while live-in relationships are becoming more visible and have gained some legal recognition, they still face social resistance and lack clear legal regulation. As Indian society changes, there is a need for clearer laws to protect the rights of partners while respecting individual freedom of choice.

Keywords: Live-in relationship, legal status, judiciary, women's rights, India.

¹ Live-in relationship, International Journal of Law Management & Humanities, available at: <https://www.ijlmh.com/wp-content/uploads/Live-In-Relationship-The-Legality-of-Unconventional-Relationship-in-India>.

² Lata Singh v. State of Uttar Pradesh, (2006) 5 SCC 475 (India).

Introduction:

In today's fast-changing globalised world, cultural exchange has become common. People are increasingly adopting customs and lifestyles from other regions, even within their own society. Globalisation has brought the world closer, and Western culture has had a strong influence on social practices in India. As a result, many young people are gradually moving away from traditional family values.³

One such change is the growing presence of live-in relationships in Indian society. Although they have not replaced marriage, they are becoming more common. Marriage is a legally recognised union that provides rights and responsibilities, including maintenance and inheritance for the wife and children. However, some couples choose to live together without marriage, sometimes to avoid these legal obligations.

Live-in relationships, or cohabitation, refer to unmarried couples living together in a relationship similar to marriage. Their rise in India is also linked to changing views on compatibility and personal freedom. Many young couples prefer to live together before marriage to better understand each other's habits, values, and expectations.

Despite their growing presence, live-in relationships remain socially controversial in India. A large section of society still sees them as against cultural norms and moral values. From a legal point of view, the judiciary has played an important role in defining their status. Courts have consistently held that living together is not illegal if it involves consenting adults, and such relationships are protected under the right to life and personal liberty. However, partners in live-in relationships do not have the same rights and protections as married couples.

Recognising the risk of exploitation or abandonment, courts have provided some protection to women under existing laws, particularly the Protection of Women from Domestic Violence Act, 2005.⁴ This law recognises relationships "in the nature of marriage"⁵ and offers remedies such as protection orders and financial relief. Children born from such relationships have also been granted legal recognition and rights to maintenance, ensuring they are not disadvantaged because of their parents' status.

³ S. Khushboo v. Kanniammal, (2010) 5 SCC 600 (India).

⁴ Protection of Women from Domestic Violence Act, 2005

⁵ D. Velusamy v. D. Patchaiammal, (2010) 10 SCC 469 (India).

This paper examines live-in relationships in India from both legal and social perspectives. It analyses their meaning, legal status, judicial developments, and the rights of partners and children, along with the challenges and social attitudes surrounding them. The aim is to provide a clear understanding of this changing trend and its impact on Indian society.

Literature review:

Legal scholars in India have studied live-in relationships mainly in terms of constitutional rights and changing social norms. Many believe that the Indian Constitution supports individual freedom and dignity, including the right of adults to make their own choices about relationships.

Academic discussions also point to the role of courts in gradually recognising live-in relationships. Courts have often said that personal morality should not decide whether relationships between consenting adults are legal.

However, scholars also say that court recognition alone is not enough to solve all legal issues related to live-in relationships. The lack of clear laws creates confusion in areas like maintenance, inheritance, and property rights. Women in such relationships may find it difficult to prove their relationship in court.

Therefore, many legal experts believe that India needs clearer laws and greater awareness of the rights of people in live-in relationships.

Objectives of the study:

The main objective of this paper are:

To examine the legal status of live-in relationships in India.

To analyse the role of the judiciary in recognising such relationships.

To understand the legal protection available to women in live-in relationships.

To identify the social and legal challenges related to such relationships.

Research Questions

1. What is the legal position of live-in relationships in India?
2. To what extent do Indian courts support laws related to such relationships?
3. What legal protections are available to women in live-in relationships in India?
4. What challenges faced by individuals socially in live-in relationship?

Discussion

- **Judicial Recognition of Live-in Relationships**

The judiciary has recognised the right of adults voluntarily live together, even though Indian law does not particularly regulate live in relationships. Courts have linked this right under Article 21 of the Indian Constitution. In *Lata Singh v. State of Uttar Pradesh (2006)*, the Supreme Court examined that a live-in relationship between two consenting adults is not illegal. The court specified that if a couple wish to live together then they are free to choose their partner and live together without marriage.

Similarly, in *S. Khushboo v. Kanniammal (2010)*, the supreme court noted that living together without marriage can not be considered as an offence. The Court emphasised that the legality of personal relationships cannot be determined by the society's moral views.

These judgments reflect a broader constitutional approach that protects individual freedom and personal choice.

- **Protection of Women in Live-in Relationships**

One of the most important developments in this field is the interpretation of the Protection of Women from Domestic Violence Act, 2005. This law protects women from domestic violence and abuse.

The Act includes relationships “as a marriage.” within the concept of domestic relationships. This means that if a woman faced physical, emotional, economic, or any kind of abuse in such relationships she may seek protection under this law.

In *D. Velusamy v. D. Patchaiammal* (2010), the Supreme Court explained that not all live-in relationships would qualify for protection under the Act. The court stated that the live-in relationship must be similar to marriage and involve factors like shared household and a stable relationship.

Later, in *Indra Sarma v. V.K.V. Sarma* (2013), the Supreme Court further discussed the conditions under which a live-in relationship could be considered similar to marriage⁶. The Court recognised that women in such relationships may require legal protection to prevent from abuse.

These decisions show that courts are aiming to balance social realities with legal safeguards.

- **Legitimacy and Rights of Children**

Another important issue related to live-in relationships is the status of children born from such relationships. Earlier, children born from such relationships often faces legal and social disadvantage.⁷

However, Indian courts have taken a more innovative approach in recent years. The judiciary has recognised that children should not suffer because of the relationship status of their parents.

In *Tulsa v. Durghatiya* (2008), the Supreme Court stated that child could be treated as lawful, particularly inheritance from parents.

This approach reflects the principle that the welfare and dignity of children must be protected regardless of the marital status of their parents.

- **Social Challenges and Legal Uncertainty**

Although these progressive judicial decisions, in India live-in relationship still facing strong social opposition. Most communities do not consider live-in relationships to be morally acceptable. Couples may face family pressure, social criticism, and discrimination in housing or employment. Women often faces additional challenge in such relationships. Even after ending the relationship, they may find it difficult to prove the nature of their relationship in

⁶ *Indra Sarma v. V.K.V. Sarma*, (2013) 15 SCC 755 (India).

⁷ *Tulsa v. Durghatiya*, (2008) 4 SCC 520 (India).

court in order to claim maintenance or protection.

Another major issue is the absence of comprehensive legislation governing live-in relationships. Since most legal recognition comes from court decisions instead of specific laws, there is often confusion about the rights and duties of partners. There is a need to increase public awareness about legal protections. Many people do not know that they can get help under existing laws.

- **Need for Legal Clarity**

As Indian society changes, the law must keep up to new social realities. Although courts have taken progressive steps in recognising live-in relationships, clearer laws are needed to reduce confusion and provide better protection.

These laws can define the rights and responsibilities of partners, address issues like maintenance and property, and protect women and children. At the same time, increasing social awareness and education can help reduce stigma and encourage respect for personal choices.

- **Changing Social Attitudes and Future Perspectives**

Indian society is slowly changing its views on personal relationships, especially in cities. Education, financial independence, and exposure to global cultures have influenced how young people think about relationships and marriage. As a result, live-in relationships are becoming more common, particularly among young individuals and students living away from their families.

However, society has not fully accepted this change. In many communities, traditional beliefs about marriage and family still dominate. People who choose live-in relationships may face criticism from family, neighbours, and society. Women are often judged more harshly than men, showing that gender bias still exists.⁸

Couples in live-in relationships also face a lack of social and institutional support. For example, some landlords do not rent to unmarried couples, and some workplaces may discourage such

⁸ Shodhganga, Socio-Legal Status of Live-in Relationships in India, available at: <https://shodhganga.inflibnet.ac.in/handle/10603/224850>

relationships. This often forces couples to hide their relationships, causing emotional and psychological stress.

Despite these challenges, personal liberty is an important part of a democratic society. The Constitution of India gives people the freedom to make choices about their personal lives, including choosing their partner. Courts have repeatedly said that adults have the right to live together if they choose, even if society disapproves.

At the same time, the lack of specific laws for live-in relationships creates problems in areas like property rights, financial responsibilities, and separation. Although courts have tried to deal with these issues, clear laws would reduce confusion and better protect the people involved.

Public awareness plays an important role in addressing the challenges of live-in relationships. Many people do not know about the legal protections available under laws such as the Protection of Women from Domestic Violence Act, 2005. Greater awareness can help individuals seek protection when required.

In the future, Indian society may slowly become more accepting of different types of relationships. Legal changes, along with greater awareness and education, can help create a balanced approach that respects both cultural values and individual freedom. Recognising the rights and dignity of people in live-in relationships is an important step towards justice and equality in a changing society.

Conclusion:

Live-in relationships show a change in personal relationships in modern Indian society. Although they are still socially controversial, courts in India have gradually recognised that consenting adults have the right to live together without marriage.

Through various decisions, courts have provided limited protection to people in live-in relationships, especially women who may face abuse or abandonment. Courts have also recognised the rights and dignity of children born from such relationships.

However, the lack of clear laws and continued social stigma still create challenges. For better protection, India needs clearer laws, greater awareness, and more progressive social attitudes.

Recognising and protecting the rights of people in live-in relationships does not weaken marriage. Instead, it reflects the Constitution's commitment to personal liberty, dignity, and equality in a changing society.

Reference

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2. Indra Sarma v. V.K.V. Sarma, (2013) 15 S.C.C. 755 (India)
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8. Tulsa v. Durghatiya, (2008) 4 S.C.C. 520 (India).