
WITHOUT THE RING, WITHOUT THE LAW - GENDER VULNERABILITY, DOMESTIC VIOLENCE, AND THE LEGAL INVISIBILITY OF COHABITING WOMEN IN INDIA

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ABSTRACT

Marriage has always been at the heart of Indian society, understood across Indic legal traditions as a sacred and near-permanent union. Yet this long-held orthodoxy has been steadily unsettled in recent decades. Rapid urbanisation, growing economic independence among women, and the spread of globalised cultural values have together created conditions in which live-in relationships have emerged as an increasingly visible, if legally ambiguous, form of cohabitation in contemporary India.

This article examines live-in relationships in India across their historical, constitutional, legislative, and judicial dimensions. It situates the Protection of Women from Domestic Violence Act, 2005 as the primary yet structurally strained legislative instrument for cohabiting women, drawing on NCRB Crime in India 2024 and NFHS-5 data to demonstrate that intimate partner violence in live-in relationships remains systematically undercounted and unaddressed.

The article argues that despite progressive constitutional recognition of cohabitation as an exercise of personal liberty under Article 21, India lacks a coherent and gender-sensitive legislative framework for live-in relationships. This absence falls most heavily on women, who face violence and economic abandonment without meaningful legal recourse. Engaging with both social conservative and feminist perspectives, the article concludes by advocating a calibrated national legislative framework drawing on models from France, Sweden, and Canada, and critically evaluating the Uttarakhand Uniform Civil Code Act, 2024 as India's first, imperfect, legislative intervention in this domain.

Keywords: live-in relationships, cohabitation, domestic violence, women's rights, constitutional morality, PWDVA, personal liberty, judicial recognition, NCRB, Uttarakhand UCC.

I. INTRODUCTION

For many centuries, marriage has played a vital role in Indian society.¹ In the many diverse customs in the subcontinent, (Hindu, Muslim, Christian, Tribal, etc.), marriage has served as a religious service, family obligation, and a civil permission for intimate cohabitation and procreation. Breaking this custom would usually result in severe punishment from the community. However, during the last few decades, forms of cohabitation outside of marriage have become more common, especially in urban areas of India. These ‘live-in relationships’ have begun to stimulate a number of important legal, sociological and feminist issues, which this article hopes to answer.²

For the purpose of this article, a live-in relationship is a “voluntary, non-marital domestic arrangement in which two legally competent adults of the opposite sex choose to cohabit, sharing a household and a domestic life approximating those of a married couple, without having undergone legally recognised matrimonial rites.” This definition is influenced greatly by the Supreme Court of India in the *D. Velusamy v. D. Patchaiammal* (2010)³ case and has been used to ensure consistency in analysis throughout this article.

This article argues that Indian law is structurally incapable of safeguarding women in live-in relationships. Although the Indian Constitution is a somewhat progressive document, consider how the Supreme Court has viewed live-in relationships as a part of the right to life and personal liberty in Article 21 of the Indian Constitution⁴ and how live-in relationships should prevail over the morality of the society.⁵ But, on the contrary, women leaving live-in relationships due to abandonment, separation, or domestic violence will have to file a case under the Protection of Women from Domestic Violence Act, 2005, No. 43, Acts of Parliament (PWDVA). This Act is also somewhat inappropriate; additionally, women will have to comply with problematic evidentiary prerequisites that may exclude the most deserving cases of domestic violence. The NCRB Crime in India 2024 Report illustrates that domestic violence comprising cruelty by a husband or his relatives is the most frequent crime against women in India and it accounts for

¹ Paras Diwan, Dr. Paras Diwan on Hindu Law (2d ed., Orient Publishing Co.).

² *D. Velusamy v. D. Patchaiammal*, (2010) 10 SCC 469.

³ *Id.* at paras 33-36.

⁴ India Const. art. 21; *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

⁵ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

27.2% (1,20,227 cases) of the total registered crimes.⁶ This figure, which is shocking, covers only formal relationships, and it is widely believed that it also underreports domestic violence in formal relationships, especially cases of live-in relationships.

The article proceeds as follows. Section II explores the historical context of cohabitation in India. Contemporary sociological aspects of cohabitation are discussed in Section III. The constitutional and judicial frameworks are examined in Sections IV and V. Section VI analyzes the statutory framework based on empirical NCRB data. Section VII addresses the social problems faced by women. Section VIII explores the criminal law framework. Section IX explores feminist views, including critiques. Section X engages in a comparative study, while Section XI examines the Uttarakhand UCC Act 2024. Section XII focuses on the changing meanings of administrative recognition. Section XIII presents an argument for legislative change. Section XIV explores the anticipated jurisprudential outlook, while Section XV provides closing remarks.

II. HISTORICAL EVOLUTION OF NON-MARITAL COHABITATION IN INDIA

The Gandharva Form of Union in Ancient India

The claim that live-in relationships are a Western concept demonstrates a certain misunderstanding of the Indian social order. In ancient Hindu law, there are eight forms of marriage (Ashtavidha Vivah), one of the eight being Gandharva marriages, which is most relevant to this discussion.⁷ These forms of marriage are documented in Manusmriti and the Mahabharata. Essentially, there is no need for parental or social or ceremonial involvement. Kalidasa's *Abhijnanasakuntalam* illustrates the union of Shakuntala and Dushyanta.

The Gandharva form's philosophical significance can be found in its emphasis on the individual's will and emotional bond over the social arrangements and the sanction of the society, and the parallels are clear in the contemporary live-in relationship, where the individual remains the foundational organizing principle. What the historical data indicates is that a simple narrative of Westernization is not correct, and exploring India's ambivalent stance toward

⁶ National Crime Records Bureau, *Crime in India 2024*, Volume I, at 157 (Ministry of Home Affairs, Gov't of India 2026), <https://www.ncrb.gov.in/uploads/files/CrimeinIndia2024-VolumeI1.pdf>.
<https://www.ncrb.gov.in/uploads/files/CrimeinIndia2024-VolumeI1.pdf>

⁷ P.V. KANE, *HISTORY OF DHARMASHASTRA* vol. 2 (Bhandarkar Oriental Research Inst. 1941).

formalized marriage is equally important.

2.2 Medieval Customary Practices and the Status of Women

The medieval period across the globe featured patriarchal social orders and a curtailment of women's relational autonomy. However, the absence of formal marriage in the domestic arrangements of several communities was noticeable. Two of the most important examples are the Friendship Contract or 'Maitri Karar' from several Gujarat communities⁸ that was practiced until the 1970s and 1980s, which allowed for a cohabitation arrangement without a formal marriage contract, and the Nata Pratha system from Rajasthan⁹ that has facilitated a woman to leave her husband and to enter a new cohabitation arrangement with someone else. Both of these customs illustrate that cohabitation outside of a formal marital arrangement exists in Indian society. However, importantly, these customs were all transactional, leaving women with little legal or social autonomy, a condition that, as this paper aims to show, continues to exist in the current legal system as well.

2.3 The Contemporary Social Context

The contemporary rise of live-in relationships in India's metropolitan regions is attributed to the rapid changes in the economy and urban migration. In the cities, the community-driven marriage regulation is replaced by the availability of higher education for women, formal employment for women, marriage being postponed for career purposes, and global media.¹⁰ All of these changes have transformed social relations, and while contested, cohabitation is the new social norm. The NFHS-5 data (2019-2021)¹¹ and the 2026 Census instructions, which ask enumerators to treat 'stable' live-in arrangements as families, signify this change.¹²

III. SOCIOLOGICAL AND CULTURAL DIMENSIONS

3.1 Urbanisation and Shifting Relationship Norms

⁸ Jawale, K. V. (2012). Live-in relationship: Recent development and challenges in India [SSRN Working Paper]. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2046460

⁹ Dr. Rachna Choudhary, Nata Pratha: An Unusual Custom, 2(6) Int'l J. Legal Dev. & Allied Issues 89 (2019).

¹⁰ Abhinav Agrawal, Live-In Relationships in India: Legal, Social and Psychological Dimensions (Academic Publishers 2021).

¹¹ International Institute for Population Sciences (IIPS) & ICF. (2021). National Family Health Survey (NFHS-5) 2019-21: India. IIPS;

¹² 'Stable' Live-in Couples to Be Considered Married in Census 2027, Indian Express (Mar. 30, 2026), <https://indianexpress.com/article/india/census-2027-live-in-couples-married/>.

Urbanization is the most important driver of the new social norm of live-in relationships in India. The migration of young adults from rural to urban areas breaks the community, family, and marriage regulation networks. Cities offer economic self-sufficiency combined with the ability to form relationships with greater personal choice, and greater privacy.¹³

The most impactful urban social change is the economic empowerment of women.¹⁴ With an education and their own finances, women can refuse to comply with arranged marriages and can pursue relationships on a more equitable basis. For some of these women, a live-in relationship is a way to assert their relational autonomy. At the same time, as feminist scholarship has warned, economic independence does not offset the patriarchal dynamics that may exist in cohabiting relationships. This is the tension that Part IX addresses.

3.2 Globalisation, Media, and Cultural Influence

India's increasing participation in global cultural systems has made significant changes to the public discussions on personal relationships. With access to international streaming services, social media, and the ability to work globally, Indian urban populations have been exposed to relationship frameworks that accept premarital cohabitation. There are more depictions of live-in relationships in Indian cinema and television, however, these depictions are not without controversy. More progressive critics argue for the normalizing of cohabitation, while conservative critics argue cohabitation challenges family values.

3.3 Patriarchy and the Gendered Burden of Social Judgment

One of the most visible aspects of the Indian response to live-in relationships is the social judgment that is unevenly applied to the genders. Unlike women, men are generally not subject to social disapproval for living together and women have been socially judged for their perceived promiscuity, disrespect, and for being a threat to social order.¹⁵ This disproportionate response is not only an issue of perception, it has material consequences such as being denied housing, being discriminated against in employment, and being harassed by members of the

¹³ Abhinav Agrawal, *Live-In Relationships in India: Legal, Social and Psychological Dimensions* (Academic Publishers 2021).

¹⁴ Bhalla, K. (2020). *Violence against women in India: A multi-dimensional perspective* (p. 112). Rawat Publications.

¹⁵ Y. Masuma, *The Prevalence and Correlates of Domestic Violence in Live-in Relationships: A Cross-Cultural Perspective*, *J. Fam. & Marriage* (2015).

community, including landlords. Cohabiting women unfairly carry the overwhelming burden of this social response, a trend that intersects and is made worse by the legal gaps.

3.4 Intergenerational Conflict and the Politics of Family

The increase in live-in relationships has strained intergenerational relationships within Indian families. In many older and more conservative segments of society, marriage is much more than a mere contract. It is a sacred and socially-enforced obligation through which the family's honor, lineage, and community's solidarity are preserved. The refusal or putting off marriage is felt as a rejection, not just of the institution, but of an entire moral order. This conflict is mirrored in the country's legal framework. As Parts IV and V will show, the Indian judiciary has had to address this conflict.

IV. CONSTITUTIONAL FRAMEWORK

4.1 Personal Liberty and Article 21

In the Indian Judicial System, the Constitution is the most important legal document, and its value as a legal and normative instrument creates the basis for the legal recognition of live-in relationships by the Courts. The conclusion reached by the Indian Supreme Court in its several vital, leading cases, on the interpretation of Article 21 of the Constitution, holding that every person is entitled to live a life of dignity and liberty, and that every person is entitled to make his or her own decisions in those matters of a personal and of a relational nature and to choose a partner of his or her choice.¹⁶ The Indian Supreme Court, in the *Lata Singh v. State of Uttar Pradesh* case, confirmed that the right to choose to live together is a part of the right to personal liberty and that this right cannot be taken away either by the state or by society.¹⁷

4.2 The Right to Privacy

The recognition of the right to privacy by a nine-judge Constitutional Bench of the Supreme Court of India in the *Justice K.S. Puttaswamy (Retd.) v. Union of India* case of 2017,¹⁸ creates an additional Constitutional protection to persons residing together. The Court in the *Puttaswamy* case held that privacy encompasses the autonomy of individuals to make decisions

¹⁶ India Const. art. 21; *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

¹⁷ *Lata Singh v. State of Uttar Pradesh*, (2006) 5 SCC 475, para 20.

¹⁸ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

regarding their personal and domestic lives, and the decisions of individuals regarding in what manner, and on what basis, and subject to what terms, individuals make their choices regarding to whom they will reside with, and with whom they will make arrangements to live together, and from whom they will choose to discontinue their cohabitation. Privacy serves as a limitation on the legislative and executive powers of the state, which means that the state will not have a right to interfere with the private cohabitation of consenting adults in the absence of a compelling State interest.

4.3 Constitutional Morality Versus Social Morality

The most important new development is with regard to live-in relationships is perhaps the restoration by the Supreme Court of the dominance of the Constitution over the popular morality of the time. While reiterating Dr. Ambedkar's address to the Constituent Assembly, the Court in *Navtej Singh Johar v. Union of India* (2018)¹⁹ explained that even if the social and moral values of the time condemn cohabitation, the legal system will not deny cohabiting people their constitutional rights and freedoms. This is true regardless of how widespread social condemnation may be.

V. JUDICIAL RECOGNITION OF LIVE-IN RELATIONSHIPS

Badri Prasad v. Deputy Director of Consolidation (1978)

The Supreme Court's has a long history of considering live-in relationships even if it is not acknowledged. In *Dy. Director of Consolidation v. Badri Prasad* (1978),²⁰ the Court adopted a legal principle from the common law that, in the case of long-term cohabitation, there is a presumption of a marriage which is rebuttable. The parties in the case had cohabited for around the last fifty years, and the Court observed that such a long-term domestic partnership deserves recognition by the law. This case is the first time the Supreme Court has recognized that it is more important to consider the actual details of a live-in relationship than the technical details of the marriage law.

¹⁹ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

²⁰ *Dy. Director of Consolidation v. Badri Prasad*, (1978) 3 SCC 527.

5.2 Lata Singh v. State of Uttar Pradesh (2006)

The *Lata Singh v. State of Uttar Pradesh* (2006)²¹ case was the first time that the Indian judiciary recognized relational autonomy. This case involved the families of an inter-caste couple attempting to prevent their relationship from developing. The Court stated that relationships involving consenting adults are neither immoral nor illegal and are protected by the right to personal liberty. This ruling instructed police forces to defend the right of couples to live together against the abuse or mistreatment of their families and the public, and made it clear that contempt proceedings would follow in case they fail to do so.

5.3 S. Khushboo v. Kanniammal (2010)

In *S. Khushboo v. Kanniammal* (2010),²² involved the filing of criminal complaints against a movie actress for speaking favorably of pre-marriage cohabitation. The Supreme Court dismissed the complaints, stating that holding a favorable opinion on the matter of consenting cohabitation cannot be lexically deemed to be a criminal act. This ruling stated that there is a great difference between socially negative (or disapproving) and illegal, and stated that in a constitutional democracy, an idea or practice that is socially negative or of low popularity cannot be deemed to be illegal.

5.4 D. Velusamy v. D. Patchaiammal (2010)

The ruling in *D. Velusamy v. D. Patchaiammal* (2010)²³ is the most comprehensive analysis of live-in relationships. In this case, the Supreme Court aimed to define the term ‘relationship in the nature of marriage’ as found in Section 2(f) of the PWDVA and put forth a six-part framework to identify qualifying relationships. These are as follows: “(i) both parties must be of legal age; (ii) both must be unmarried or legally divorced; (iii) they must have lived together in a shared household for a significant period; (iv) they must have presented themselves publicly as a couple akin to spouses; (v) their financial and domestic lives must be substantially integrated; and (vi) the relationship must not be a casual or fleeting one.” Although this framework has provided doctrinal clarity, scholars argue that the stringent nature of the test has the effect of excluding from protection the most vulnerable women, who are in relationships

²¹ *Lata Singh v. State of Uttar Pradesh*, (2006) 5 SCC 475.

²² *S. Khushboo v. Kanniammal*, (2010) 5 SCC 600.

²³ *D. Velusamy v. D. Patchaiammal*, (2010) 10 SCC 469.

that are shorter, less publicly acknowledged, or are economically precarious relationships.²⁴

5.5 Indra Sarma v. V.K.V. Sarma (2013)

In *Indra Sarma v. V.K.V. Sarma* (2013),²⁵ the Supreme Court acknowledged the limitations of judge-made law in this domain. Confronted with a complex factual matrix, the aggrieved woman had entered a long-term cohabiting relationship with a man who concealed his existing marriage. The Court made it very clear that the prevailing state of the law was unable to meet the challenges posed by live-in relationships, particularly with respect to protecting women, who were deserted and battered, and whose relationships failed to meet the Velusamy standards. The Court also identified five categories of live-in relationships and requested the legislature to formulate all-encompassing law. On the national front, this request for law-making by the judiciary remains unaddressed after more than a decade.

5.6 Recent Judicial Developments (2024-2026)

Starting with the year 2024, the judicial protections of women in live-in relationships have expanded in multiple dimensions. In *S. Vijikumari v. Mowneshwarachari C.* (2024),²⁶ the Supreme Court of India, interpreted the remedial character of the Protection of Women from Domestic Violence Act (PWDVA) as a social welfare statute, and held that a maintenance order, validly passed under the Act, cannot be defeated by the respondent's post-facto denial of the relationship's nature. In 2024, the Chhattisgarh High Court also showed a similar trend when it provided PWDVA protection to women, who in this case, entered a relationship in good faith, and who was unaware of the existence of her partner's subsisting marriage. This case demonstrated the judiciary's spirit to look beyond technical matrimonial parameters and to appreciate the equities involved.²⁷

The Supreme Court's 2025 observations on the false promise of marriage cases have also contributed to the refinement of the doctrine. The Court warned that the mere end of a live-in relationship does not, by itself, amount to a criminal offense, and a fact-specific exercise is

²⁴ T. Kaushik, Law and Live-in Relationships, Enroute Indian History (2023), <https://enrouteindianhistory.com/law-and-live-in-relationships/>.

²⁵ *Indra Sarma v. V.K.V. Sarma*, (2013) 15 SCC 755.

²⁶ *S. Vijikumari v. Mowneshwarachari C.*, 2024 INSC 732.

²⁷ Arushi, 'Relationship Was in Nature of Marriage'; Chhattisgarh HC Upholds Maintenance for Woman in Live-in Relationship Unaware of Partner's Existing Marriage, SCC Times (Oct. 18, 2024), <https://www.sconline.com/blog/post/2024/10/16/chc-upholds-maintenance-woman-live-in-relationship-unaware-of-her-partners-already-existing-marriage/>.

required to distinguish a relationship, that has dissolved by mutual consent, from one that essentially induced consent by a false promise.²⁸ The Rajasthan High Court in 2025 also reasoned that the right to cohabit of adults, which is founded on the personal right to liberty, is not dependent on the right to marry; therefore, adults may legally enter into live-in relationships.²⁹ In January 2026, the Supreme Court held again that maintenance could be claimed from even void or invalid marriages, which would also apply to live-in relationships that are of a qualifying nature.³⁰

VI. STATUTORY FRAMEWORK AND ITS LIMITATIONS: AN EMPIRICAL PERSPECTIVE

6.1 The Protection of Women from Domestic Violence Act, 2005(PWDVA)

The PWDVA is the most substantive legislation dealing with the issue of violence in non-marital domestic arrangements. According to Section 2(f) of the Act, it defines ‘domestic relationship’ to encompass a ‘relationship in the nature of marriage’. As such, this Act, which provides for residence orders, protection orders, maintenance orders, and compensation orders, extends its provisions to include, for the first time, cohabiting couples.³¹ This Act marks a significant shift from the past reliance on the notion that domestic violence only occurs in legally recognized marriages. For the first time in Indian law, this Act recognized the existence of violence in informal domestic settings and the need for a legal answer.

6.2 Empirical Data: The Dimension of the Problem

Empirical data starkly highlights the limitations of the PWDVA framework. The NCRB Crime in India 2024 Report released by the Ministry of Home Affairs in May 2026, records 4,41,534 cases of crimes against women in India in 2024, with a very slight decrease of 1.5 percent from

²⁸ Live-ins Presume Consent if Sustained over Time: Supreme Court, Times of India (May 9, 2025), <https://timesofindia.indiatimes.com/india/live-ins-presume-consent-if-sustained-over-time-supreme-court/articleshow/121009911.cms>.

²⁹ Landmark Judgment by Rajasthan HC: Adults Can Be in Live-in Relationship Without Attaining Marriageable Age, Times of India (Dec. 5, 2025), <https://timesofindia.indiatimes.com/life-style/relationships/love-sex/landmark-judgment-by-rajasthan-hc-adults-can-be-in-live-in-relationship-without-attaining-marriageable-age/articleshow/125780443.cms>.

³⁰ V. Chandra, Even if Marriage Never Legally Existed, Maintenance Can Still Follow: Supreme Court, Times of India (Jan. 20, 2026), <https://timesofindia.indiatimes.com/legal/news/even-if-marriage-never-legally-existed-maintenance-can-still-follow-supreme-court/articleshow/126769572.cms>.

³¹ Protection of Women from Domestic Violence Act, No. 43 of 2005, § 2(f) (India).

4,48,211 cases in 2023.³² Of these, the largest single category of crimes against women was cruelty by husband or his relatives, at 1,20,227 cases (27.2 percent of all crimes against women). Dowry deaths were recorded as 5,737 cases.³³

Even though these figures are deeply disturbing, they portray only a small fraction of the actual scenario of intimate partner violence in India. The NFHS-5 (2019-2021) recorded that 29.3 percent of ever married women aged 18-49 (almost one in three) have experienced spousal violence.³⁴ Because of the so-called 'dark figure of crime', this figure is much higher than the number of cases formally reported to the police. The 'dark figure of crime' is the systematic underreporting of domestic violence due to various factors, including social and economic factors, fear of retaliatory violence, and a general distrust of the police. The NFHS-5 identified an 87% non-reporting rate, which means that the formal NCRB figures represent, at best, only 13 percent of the actual number of cases.³⁵

For this article, it is imperative to note that the NCRB categorizes 'cruelty by husband or relatives' as relating only to legally married persons. This is due to the matrimonial language in the Bharatiya Nyaya Sanhita (BNS) provisions (Sections 85-86, taken from Section 498A IPC). Women living in live-in relationships who suffer the same or greater levels of domestic violence are not included in this category and are obliged to seek civil remedies under the PWDVA, remedies that impose a greater burden of proof and lack the deterrent effect of criminal punishment. This structural exclusion basically means that the intensity of intimate partner violence within live-in relationships is overlooked within official crime data.³⁶

The National Commission for Women (NCW) received 25,743 complaints in 2024, including 24% emanating from domestic violence, and 28% concerning the right to live with

³² National Crime Records Bureau, *Crime in India 2024, Volume I* (Ministry of Home Affairs, Gov't of India 2026), <https://www.ncrb.gov.in/uploads/files/CrimeinIndia2024-VolumeI1.pdf>.

³³ *Id.* See also see also NCRB Report Out: Crimes Against Women Saw Minor Dip in 2024, Maximum Cases Were Cruelty by Husband, *The Print* (May 2026), <https://theprint.in/india/ncrb-report-out-crimes-against-women-saw-minor-dip-in-2024-maximum-cases-were-cruelty-by-husband/2924248/>.

³⁴ Int'l Inst. for Population Sciences (IIPS) & ICF, *National Family Health Survey (NFHS-5) 2019-21: India* (IIPS 2021).

³⁵ NCRB *Crime in India 2024 Report Explained*, *Budding Forensic Expert* (May 2026), <https://www.buddingforensicexpert.in/2026/05/ncrb-crime-in-india-2024-report.html>.

³⁶ *Cruelty Law Applies to Void Marriages and Live-in Relationships Too*: Karnataka HC, *Times of India* (Nov. 5, 2025), <https://timesofindia.indiatimes.com/city/bengaluru/cruelty-law-applies-to-void-marriages-and-live-in-relationships-too-karnataka-hc/articleshow/125597454.cms>.

dignity.³⁷ Even this data, which includes complaints from women outside formal marriage, is a significant underreporting of the issue because the challenges to accessing these complaint mechanisms mirror the challenges to accessing the formal justice system.

Data from 2019 to 2024 in Table 1 below, identifies the types of reported crimes against women in India using NCRB Crime in India publications from 2019 to 2024. The data shows that in 2024, the total number of crimes against women reported was slightly lower than in previous years. In its analysis of husband or husband’s relative-related cruelty incidents, the data shows that spousal, partner, and family member-related cruelty incidents consistently remain the largest category of reported crimes against women, indicating that partner violence is recognized in formal domestic relationships, but remains unaddressed and unrecognized within informal domestic relationships, such as live-in relationships. While dowry deaths and reported incidents of sexual assault show a gradual decline, the absence of similar violent behaviors within live-in relationships in the categories or reports remains a concern.

Table 1: NCRB Data - Crimes Against Women in India (2020-2024)

Category	2019	2020	2021	2022	2023	2024
Total crimes against women	4,05,861	3,71,503	4,28,278	4,45,256	4,48,211	4,41,534
Cruelty by husband/relatives	1,25,298	1,11,549	1,36,234	1,40,019	1,33,676	1,20,227
Dowry deaths	7,115	6,966	6,753	6,450	6,156	5,737
Rape cases	32,033	28,046	31,677	31,516	31,516	29,536
Crime rate per lakh women	62.4	56.5	64.5	66.4	66.2	64.6

Source: National Crime Records Bureau (2026). Crime in India 2019-2024 Volume I. Ministry of Home Affairs, Government of India.

Table 2 focuses on a specific sub-category of sexual violence that relates to assaults perpetrated by friends, online acquaintances, live-in partners, and ex-husbands or ex-spouses under the

³⁷ NCRB: Domestic Violence Tops Crimes Against Women in India, Deccan Chron. (May 6, 2025), <https://www.deccanchronicle.com/nation/crime/ncrb-domestic-violence-tops-crimes-against-women-in-india-1877291>.

legal pretext of marriage. It shows that in 2024, this category comprised approximately 3.1% of the total number of crimes against women in India, constituting 13,879 cases of the total number of reported cases against women. Although it appears to be a small percentage of the total number of cases, this category and the reported cases of sexual violence represent a growing trend of relationship-based sexual violence in informal domestic arrangements and violence in a context characterized by severe underreporting.

Table 2: NCRB Data - Sexual Assault by Friends/Online-Friends or Live in Partners on Pretext of Marriage/Separated Husband in India (2020-2024)

Category		2019	2020	2021	2022	2023	2024
Sexual assault (Rape) by Friends/Online-Friends or Live in Partners on Pretext of Marriage / Separated Husband		16,311	10,751	12,951	14,582	14,633	13,879
Total crimes against women	4,05,861	3,71,503	4,28,278	4,45,256	4,48,211	4,41,534	

Source: National Crime Records Bureau (2026). Crime in India 2019-2024 Volume I. Ministry of Home Affairs, Government of India.

A serious data shows that the NCRB does not reduce this category to smaller sub-categories. For this reason, it is impossible to determine from official data how many cases pertained to live-in partners only, as opposed to friends, virtual contacts, or separated husbands. Women in cohabiting relationships remain statistically invisible even within an already under reported data set, as shown above.

This category additionally captures only cases registered under the provisions of sexual assault(rape), which tell us that the other crimes of sexual violence, physical violence, mental violence, or cruelty that women in live-in relationships endure are invisible under any of the NCRB categories. The lack of an integrated category of sexual violence by live-in partners in the Indian crime data highlights a failure to understand the sexual violence in relationships as a specific, identified injury.

It must also be remembered that NCRB data captures only registered FIRs and not complaints that were informally resolved/dismissed at the threshold/or were left unrecorded in the system. The gap is particularly acute for women in live-in relationships, who remain unaware if sexual violence in an informal domestic setting is even a legally cognizable crime. When viewed in conjunction with the 87% non-reporting rate documented in NFHS-5, the data in Table 2 represent, at most, the visible tip of a much larger, iceberg-like problem.

This gap is further deepened due to the absence of NCRB categories for economic violence, emotional and psychological abuse, and abandonment in live-in relationships. These forms of violence are recognized under the PWDVA, but are captured nowhere in official crime records. This lack of evidence does not only frustrate academic interests, but also obstructs the formulation of evidence-based policies and deepens the structural invisibility of cohabiting women in India’s legal and administrative apparatus.

Figure 1 below depicts the annual trends in Crimes of sexual assault by friends, online acquaintances, live-in partners, and separated husbands under the pretext of marriage, for the years 2019 to 2024. The sharp downward trend in 2020 is not due to a genuine decrease in reporting, but the closing of institutional mechanisms for reporting due to the COVID-19 pandemic lockdown. This trend in 2020 also holds true for the rest of the NCRB records. The subsequent increase and relative steadiness of reported cases in 2021 and 2022 assert that relationship-based sexual violence within informal domestic spaces is a persistent and structurally entrenched aspect of crimes against women in India.

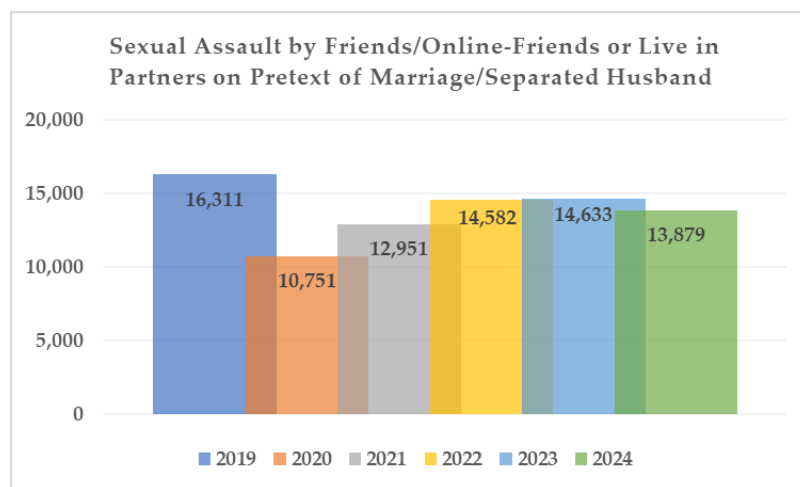


Figure 1: Sexual Assault by Friends/Online-Friends or Live in Partners on Pretext of Marriage/Separated Husband

Notably, the NCRB does not have a specific category for live-in partner homicide. This means shocking incidents like the 2022 murder of Shraddha Walkar³⁸ by her live-in partner fall into broad categories of homicide and are lumped together with stranger-related violence. This leaves policymakers without the evidence to push for much-needed legislative change.

6.3 Maintenance Rights

Maintenance for women leaving live-in relationships is ranked low on the consistency scale. Section 125 of the Code of Criminal Procedure (now Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023) allows for the maintenance of wives, while its applicability to cohabiting partners is a matter of judicial interpretation and is subject to the existence of a court-determined 'relationship in the nature of marriage' considering the Velusamy case parameters.³⁹ Women who are unable to meet the Velusamy case parameters owing to the shorter, less public nature of, or the combination of both, their relationships, are entitled to no maintenance. The 2025 ruling by the Supreme Court pronouncing the right to maintenance in cases of void/invalid marriages is a landmark ruling, but remains to be seen in the light of all live-in relationships.⁴⁰

6.4 Property and Inheritance Rights

Where women in live-in relationships are concerned, cohabiting partners are denied access to inheritance under all systems of personal law. The Hindu Succession Act, 1956 and the Indian Succession Act, 1925, or any other systems of personal law, have not been amended to encompass the situation of cohabiting partners. The right to inherit remains confined to lawfully wedded spouses and blood relatives.⁴¹ An equitable ownership right does not exist for a woman who has been a financial or domestic contributor to a shared household over an extended period. This is an evident shortcoming in succession and family law.

6.5 The Legitimacy and Rights of Children

The Courts view children from live-in relationships more favorably. In *Tulsa v. Durghatiya*

³⁸ *Aqfiab Amin Poonawala v. State Govt. of NCT of Delhi*, 2022 SCC OnLine Del 3770 (Delhi H.C. 2022).

³⁹ *Chanmuniya v. Virendra Kumar Singh Kushwaha*, (2011) 1 SCC 141.

⁴⁰ V. Chandra, Even if Marriage Never Legally Existed, Maintenance Can Still Follow: Supreme Court, Times of India (Jan. 20, 2026), <https://timesofindia.indiatimes.com/legal/news/even-if-marriage-never-legally-existed-maintenance-can-still-follow-supreme-court/articleshow/126769572.cms>.

⁴¹ Hindu Succession Act, No. 30 of 1956 (India); Indian Succession Act, No. 39 of 1925 (India).

(2008),⁴² the Supreme Court opined that children of couples who cohabitated for a significant period should be considered legitimate children and should have the right to inherit from both parents. Even though there has been some consistency in this approach, some conflicts still exist concerning children from interfaith unions and within different personal law jurisdictions.

VII. SOCIAL CHALLENGES FACED BY WOMEN IN LIVE-IN RELATIONSHIPS

7.1 Social Stigma and Moral Policing

Social stigma is the dominant challenge making the lives of women in live-in relationships the most difficult. Within Indian social culture, a woman's respect is derived from being married. Thus, a woman who has not married will have to contend with a range of moral judgments which can lead to ostracization from the family, harassment from the community, and even discrimination at her place of employment. Most landlords refuse to rent to cohabiting couples and relatives or family members fail to justify the exclusion on the basis of 'family honor'. A woman's live-in relationship can lead to adverse action from her employer, especially, if it becomes widely known.

Moral policing is the combined effort of families, caste organizations, and law enforcement (in some regions) to physically and violently enforce the ban on cohabitation, especially against threatened women from inter-caste and interfaith relationships. The Supreme Court's directions in concerning Khap Panchayat violence in *Arumugam Servai v. State of Tamil Nadu* (2011)⁴³ have failed to be effectively enforced. Women, who are disproportionately held socially accountable, pay the steepest price for all of these moral enforcement strategies.

7.2 Domestic Violence and Abuse: The Empirical Dimension

Like formally married relationships, live-in relationships also experience domestic violence of all forms including physical, emotional, economic, and sexual. However, live-in relationships face additional barriers to seeking legal recourse.⁴⁴ Based on NFHS-5 data, 29.3% of ever-married women reported being victims of spousal violence. Since live-in relationships are not recognized under Indian laws, no NFHS data exists to report on the status of women in these

⁴² *Tulsa v. Durghatiya*, (2008) 4 SCC 520

⁴³ *Arumugam Servai v. State of Tamil Nadu*, (2011) 6 SCC 405.

⁴⁴ K. Bhalla, *Violence Against Women in India: A Multi-Dimensional Perspective* 78-95 (Rawat Publications 2020).

relationships. What little survey data exists suggests that the rates of intimate partner violence in informal relationships is comparable to, if not greater than, the rates of partner violence in formally recognized relationships and that a substantially smaller number of women report these crimes or take legal recourse.⁴⁵

The 2022 murder of Shraddha Walkar⁴⁶ by her live-in partner in Delhi crystallized these abstract statistics into a single, documented failure of the protective framework. Prior physical abuse in the relationship had been reported to friends but went unaddressed institutionally. Walkar had distanced herself from her family after they opposed the relationship, leaving her without a support network. The case came to light only six months after her death, when her father filed a missing persons complaint. No mechanism civil, criminal, or institutional had flagged the escalating violence while she was alive. That the national conversation that followed focused substantially on the morality of live-in relationships rather than on the legal void that preceded the violence is, in itself, a measure of where the structural problem lies.

The NFHS-5 data on spousal violence report an 87% rate of non-reporting. In the context of live-in relationships, in addition to the barriers of economic dependence and stigma, there is a fear of not knowing if the violence is a legal wrong, a lack of knowledge on the Protection of Women from Domestic Violence Act and its applicability to cohabiting relationships, and the assumption that the police will consider the violence a ‘private matter’ as is often the case in formally recognized marriages.⁴⁷

7.3 Economic Vulnerability and Abandonment

Women in live-in relationships who have invested several years and often given up professional growth experience extreme economic vulnerability after abandonment.⁴⁸ Compared to married women, they don’t have laws to provide them with financial support. They have no legal recourse to seek their right to property accumulated during the relationship, no access to legal provisions to seek divorce, and no right to seek maintenance.

⁴⁵ Domestic Violence Against Women in Live-in Relationships: A Study of Urban India, Int’l J. Soc. Sci. & Humans. (2016).

⁴⁶ *Aqftab Amin Poonawala v. State Govt. of NCT of Delhi*, 2022 SCC OnLine Del 3770 (Delhi H.C. 2022).

⁴⁷ Int’l Inst. for Population Sciences (IIPS) & ICF, National Family Health Survey (NFHS-5) 2019-21: India (IIPS 2021).

⁴⁸ Abhinav Agrawal, *Live-In Relationships in India: Legal, Social and Psychological Dimensions* (Academic Publishers 2021).

The structural outcome is that a woman who invests years into the domestic and relational labor akin to a wife could leave a live-in relationship with nothing. The outcome is both economically unfair and constitutionally inconsistent in a framework that asserts it protects all.

7.4 Institutional Discrimination

Discrimination against cohabiting couples is institutionalized in structures that are beyond the family and community. A hospital may not recognize a cohabiting partner's right to make personal medical decisions. Insurance may not cover a cohabiting domestic partner. A bank may ask for a marriage certificate to open a joint account. Most social welfare systems use marriage as the basis to determine a household's eligibility. These are not just in the realm of attitudes, but in their structure. The law may have to be changed, but so will the policies and the institutional structures to remove these barriers.

VIII. CRIMINAL LAW AND LIVE-IN RELATIONSHIPS

8.1 False Promise of Marriage Cases

This is a particular and complicated area of criminal law that concerns the issue of whether sexual consent to a cohabiting relationship was secured by a promise of marriage, which was a False Promise, and, therefore, a criminal act. Section 69 of the Bharatiya Nyaya Sanhita, 2023⁴⁹ makes it a criminal act to engage in sexual intercourse after deceiving a person, or by a false Promise of Marriage, and punishes the offender for a term that may extend to ten years and a fine. The provision is aimed at addressing cases of relationship fraud, where one of the parties had no intention of marrying the other party and, therefore, used it as a strategy to coerce the other party to have sexual intercourse.

The goal is to provide a legal theory that differentiates this type of fraud from the voluntary ending of a long-term relationship where the parties have changed over time. The Supreme Court said in 2025 that judges must take a close look at whether the agreement was made in good faith, and that the fact of a long-term relationship ending should not automatically be looked at as grounds for a criminal charge.⁵⁰ While this places a burden of fact-sensitive

⁴⁹ Bharatiya Nyaya Sanhita, No. 45 of 2023, § 69 (India).

⁵⁰ Live-ins Presume Consent if Sustained over Time: Supreme Court, Times of India (May 9, 2025), <https://timesofindia.indiatimes.com/india/live-ins-presume-consent-if-sustained-over-time-supreme-court/articleshow/121009911.cms>.

analysis on criminal law which may be difficult to prove outside of a courtroom, this is an important defense against the potential use of a relationship's dissolution to justify a criminal offense.

8.2 The Structural Exclusion under BNS Sections 85-86

Sections 85 and 86 of the BNS (2023), which replicate Section 498A of the Indian Penal Code almost verbatim, make it an offence for a husband and his relatives to cause cruelty to a woman. While the language is clearly matrimonial, and despite the judicial attempts to broaden the scope of the PWDVA, the provisions on criminal cruelty remain inaccessible for women in live-in relationships, who face similar kinds of abuse.⁵¹ The 2025 decision of the Karnataka High Court, which sought to include 'marriage-like relationships' within the scope of these provisions, has been referred to the Supreme Court for an authoritative decision, which has left the law in a void that adversely affects women who are in the most need of the protection of criminal law.⁵² This referral has become significantly more important because in 2024, the Kerala High Court made a decision in *Dr. Aswin V. Nair v. State of Kerala*⁵³ that is directly opposite. It decided that a live-in partner can never be considered a "husband" under Section 498A, as the provision's irreducible precondition is legal marriage. Because of the presence of the two interpretations that cannot coexist, a cohabiting woman's right to legal protection against cruelty is now dependent upon the jurisdiction in which she lives, a constitutional inconsistency that has left the law not only in a void, but in active contradiction. The move from the IPC to the BNS thus represents a failed opportunity to address the ongoing concern of the structural exclusion of informal domestic partners from provisions on criminal cruelty.

8.3 Honour-Based Violence and State Protection

Cohabitation between partners of different castes or religions is a major reason of family and community honour violence in different regions of India.⁵⁴ The Supreme Court has time and again directed the state to provide protection to couples from this kind of violence and has held that honour-based violence is a violation of the Constitution which warrants a positive response

⁵¹ Bharatiya Nyaya Sanhita, No. 45 of 2023, §§ 85-86 (India).

⁵² Supreme Court to Examine if Section 498A IPC Applies in Live-in Relationships, LiveLaw (2025), <https://www.livelaw.in/top-stories/supreme-court-to-examine-if-section-498a-ipc-applies-in-live-in-relationships-523144>.

⁵³ *Dr. Aswin V. Nair v. State of Kerala*, 2024 KHC 611

⁵⁴ *Arumugam Servai v. State of Tamil Nadu*, (2011) 6 SCC 405.

from the State. While the Judiciary has taken a progressive view, implementation on the ground has been stagnant, especially in the states where community organisations maintain a caste-based control.

IX. FEMINIST PERSPECTIVES ON LIVE-IN RELATIONSHIPS

9.1 Arguments in Support: Cohabitation as Relational Autonomy

The feminist perspective on live-in relationships sees them both as a space of emancipation and a space of gendered inequality.⁵⁵ From this viewpoint, cohabitation is perceived as an affirmation of women's relational autonomy. This means the ability of women to enter, shape, and exit relationships on their own terms, free from the dictates of their family, the community, or the state.⁵⁶ Hence, live-in relationships provide women an avenue to challenge patriarchy within the institution of formal marriage, including the dowry system, the loss of a woman's natal family and identity after marriage, and the social and legal consequences of divorce.

9.2 Feminist Critique and Caution

On the other hand, there is a more critical view, which extends from the work of Ratna Kapur, that sees the celebration of cohabitation as an emancipatory choice as problematic.⁵⁷ In this perspective, the absence of a legal contract does not abolish the unequal patriarchal structures that render marriage an unequal institution. Women in live-in relationships may face the same issues of control, economic dependency, and domestic violence as married women, but without the marriage-related legal protections. The legal system further complicates the situation, as Courts require cohabiting women to prove that their relationships are akin to marriage in order to gain protective legal relief. This, in effect, reinstates the normative structure of live-in relationships that these women wish to oppose.

This tension cannot be resolved theoretically. It requires an approach to law reform where both the value of relational autonomy and the structural vulnerability of women in informal domestic contexts are carefully considered. Legislative design must protect women in all cohabitation arrangements, including those that come closest to formal marriage, and avoid placing all

⁵⁵ Flavia Agnes, *Family Law: Family Laws and Constitutional Claims*, vol. 1 (Oxford Univ. Press 2011).

⁵⁶ *Id.*

⁵⁷ Kapur, R. (2005). *Erotic justice: Law and the new politics of postcolonialism*. Glass House Press.

cohabiting couples under the regulatory constraints of the Uniform Civil Code Rules Uttarakhand, 2025.

X. COMPARATIVE LEGAL PERSPECTIVES

The Indian approach to live-in relationships is best understood when contrasted with systems that have developed an organized legislative framework for cohabitation.

In France, the Pacte Civil de Solidarité (PACS) from 1999⁵⁸ offers registered same-sex and opposite-sex partners statutory rights related to inheritance, property, social security, and taxation. The PACS is an accessible, non-evaluative system which does not necessitate partners to showcase that their relationship is similar to that of a marriage. It offers a unique legal framework for non-marital partnerships, and the rights of which are designed based on the needs of cohabiting partners, as opposed to being an analogy to marital laws.

Canada has taken a provincial stance, through the provinces of British Columbia, Manitoba, and Nova Scotia among others, have offered rights and responsibilities akin to those of married individuals in terms of property disposition, maintenance, and inheritance to common-law partners after a certain duration of cohabitation. This stance brings certainty to the law without an enforced registration and without a mandatory legal determination whether the relationship resembles a marriage.

In the United States, the groundbreaking Californian case *Marvin.v.Marvin*(1976)⁵⁹ affirmed that in the case of non-marital cohabiting partners, both expressed and implied agreements are valid, and that Courts have the authority to create equitable solutions even in the presence of a void agreement. While this is more limited than statutory rights, it offers the Court a flexible structure for dealing with the economic issues that arise from cohabitation.

Sweden's Cohabitees Act (Sambolagen) 2003⁶⁰ bestows upon cohabited couples, automatic rights in the division of their commonly held possessions and their shared residence post-separation, without any registration or prior agreement. This system places a higher value on

⁵⁸ France. (1999). Loi n° 99-944 du 15 novembre 1999 relative au pacte civil de solidarité. Journal Officiel de la République Française, 16 November 1999, p. 17185.

⁵⁹ *Marvin v. Marvin*, 18 Cal. 3d 660 (1976).

⁶⁰ Sambolagen [Cohabitees Act] (SFS 2003:376) (Swed.).

access and an equitable outcome for the economically weaker partner than on the formal obligations for a prior written agreement.

Comparative models show legislative clarity and incorporate accessibility and gender sensitivity as their pillars. These models derive legislative rights for non-marital partners rather than asking them to demonstrate to what extent their relationship resembles a formal marriage in order to be entitled to protection. In contrast to these models, India's judge-made framework is nebulous, inconsistent, and structurally discriminatory to the most disadvantaged women.

XI. THE UTTARAKHAND UNIFORM CIVIL CODE ACT, 2024: PROMISE AND PERIL

The Uniform Civil Code of Uttarakhand Act, 2024⁶¹ is the first Indian legislative enactment to regulate live-in relationships by name, and thus makes Uttarakhand the first Indian state to provide a codified enactment of family law that deals with cohabitation. The Act defines a live-in relationship in S3(4)(b) as “a relationship between a man and a woman (hereinafter referred to as “partners”), who cohabit in a shared household through a relationship in the nature of marriage, provided that such relationship is not prohibited under Part - 3 of this Code;”. This, as is evident, is a definition that is expressly heteronormative and, as a result, completely disregards and excludes same-sex partnerships. All live-in relationships in the state are to be registered, and an absence of registration will result in a criminal fine and/or imprisonment.

The Act's supporters argue that mandatory registration serves as the necessary documentation women require in order to access legal remedies of maintenance, protection order(s), and rights of inheritance, without having to litigate for the purpose of proving the fact of their relationship, which they are required to do at the time of legal crisis. Subsequently, registration, in their view, makes a legally and invisibly private arrangement a domestically visible and state-recognized arrangement.

The Act has many legal criticisms. First, requiring registration of all intimate domestic relationships is a major interference with the right to privacy established in *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017),⁶² where, without a compelling state interest, this intrusion cannot be justified. Second, the definition of live-in-relationships, being as it is, a

⁶¹ Uniform Civil Code of Uttarakhand Act, 2024 (Uttarakhand).

⁶² *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

relationship between a man and a woman, is in direct contradiction with the principles of equality and non-discrimination established in *Navtej Singh Johar v. Union of India* (2018).⁶³ Third, the requirement of registration and notification to the state authorities creates the system of surveillance of intimate relationships, which is a structure of control especially dangerous for couples who face opposition from family, community and/or local authorities, and who will thus find that the registration of their relationship may itself become a means of exposure and harassment rather than protection.

The Uttarakhand legislation signals a meaningful engagement of the legislature in addressing an issue that, up until now, only the Courts have resolved through judicial activism. That legislation exists means that the regulation of live-in relationships is both a political and social reality. The challenge of future national legislation would be to incorporate the protective intent of the Uttarakhand legislation while eliminating the concerns of constitutional compulsion and surveillance.

XII. EVOLVING ADMINISTRATIVE AND CENSUS RECOGNITION

The recognition of cohabiting couples has always been informal, if not nonexistent, in India's administrative frameworks. Census and social welfare systems have always operated on the premise that all households are comprised of legally wedded couples.⁶⁴ The Census 2026 is set to change this for the first time. In March 2026, The Office of the Registrar General and Census Commissioner published FAQs in which they stated that live-in couples, for the purposes of household listing in the Census 2026-27, would be considered married, provided that the couples be 'stable'.⁶⁵ For the first time, the state will consider and recognize cohabiting couples as legitimate households, and will do so without a marriage certificate.

This change has many consequences. Being reported in the census as a household gives you the potential right to household-based welfare. It can also determine the numbers and type of cohabiting household units for the purpose of developing policy.⁶⁶ However, treating a private

⁶³ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

⁶⁴ K.V. Jawale, *Live-in Relationship: Recent Development and Challenges in India* (SSRN Working Paper 2012), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2046460.

⁶⁵ *Census 2026: Will Live-in Couples Be Considered Married?* Govt Releases FAQs, *The Week* (Mar. 30, 2026), <https://www.theweek.in/news/india/2026/03/30/census-2026-will-live-in-couples-be-considered-married-govt-releases-faqs.html>.

⁶⁶ *Live-in Couples to Be Treated as Married*; Govt Releases FAQs, *Bus. Standard* (Mar. 30, 2026), https://www.business-standard.com/india-news/census-2026-live-in-couples-to-be-treated-as-married-govt-releases-faqs-126033000236_1.html.

domestic unit as a countable unit of the state raises the same issues of privacy and surveillance, which are central in the critique of the Uttarakhand registration requirement. The challenge is to include, while employing state administrative recognition, and to mitigate the potential of offering protection on the condition of surveillance and control.

XIII. THE CASE FOR LEGISLATIVE REFORM

13.1 The Need for a Comprehensive National Framework

The above analysis creates an indubitable case for the formulation of a national legislative policy regarding live-in relationships. The current situation, a confluence of a statutory provision that is legislative in purpose, a law based on a judicial pronouncement, and legislative gaps, is inconsistent and constructively inadequate in the protection of the women it seeks to serve. Although the Velusamy case criteria can be useful in the judiciary, they also leave out many of the vulnerable women for whom the PWDVA offers no protection. The law on maintenance is unclear. The law on inheritance is mute. The law on crime is exclusionary by design. A comprehensive national legislative framework should:

- Describe live-in relationships as gender neutral and not as part of marriage;
- Ensure maintenance rights depending on the relationship's time period and its economic effect;
- Ensure property rights to cohabiting partners similar to those provided on divorce with the right to a fair division of the property acquired during the relationship;
- Include the provisions on cruelty in law for cohabiting partners and not require proof of a 'relationship in the nature of marriage';
- Clearly provide succession rights to long-term cohabiting partners;
- Enable the recognition of children from all cohabiting relationships.

13.2 Gender-Sensitive Protections

Any law must ensure that all provisions are gender inclusive.⁶⁷ Maintenance rights after the

⁶⁷ Ratna Kapur, *Erotic Justice: Law and the New Politics of Postcolonialism* (Glass House Press 2005).

relationship, protection from domestic violence, and division of property state law, must, in the vast majority of cohabiting relationships, recognize that women are the economically weaker cohabiting partner. It should be realized that informal cohabiting relationships are not formed for the purpose of creating documentation, and that lack of documentation will create a burden on women seeking protection from law.

13.3 Public Education and Institutional Sensitisation

The change of law must have social cohabiting partners, and end the long-standing stigma of cohabiting relationships. Having law reform alone will not change the stigma. Social cohabiting partners must be included in the long-term investment of public legal education, the outreach of communities, and the sensitivity of police, judiciary, health care workers and social service providers so that changes in law are practical access to cohabiting partners' rights.

13.4 Balancing Protection and Liberty

The situation presented by Uttarakhand demonstrates the authentic conflict that exists between protective legislative regulation and the constitutional right to privacy in intimate relationships. Any national framework that is developed to address the issue should strike this balance in favor of privacy, by providing substantive rights to partners in a cohabiting relationship, without enforced registration or state oversight of their intimate relationship. The comparable models in France, Sweden and Canada demonstrate that this balance can be achieved: rights can be extended to cohabiting partners through the development of legislation, without making registration or disclosure compulsory.

XIV. THE FUTURE TRAJECTORY OF LIVE-IN RELATIONSHIP JURISPRUDENCE

Live-in relationships in India will inevitably see the development of jurisprudence arising from at least four interrelated events. The first spade will be the impact of the Uttarakhand UCC Act and the ensuing constitutional litigation that will challenge the Supreme Court to draw the parameters for state control of the regulation of privacy in the context of the domestic sphere, as espoused by Justice KS Puttaswamy.⁶⁸ This will set the judicial principles that will go far

⁶⁸ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

beyond the boundaries of Uttarakhand.

Second, the Supreme Court's pending examination of whether Sections 85-86 BNS apply to live-in relationships⁶⁹ will determine whether women in informal domestic partnerships are entitled to the criminal law protection currently available only to formally married women. A favourable ruling would represent a significant structural expansion of women's rights in this domain. The Kerala High Court's opposite ruling in 2024 that legal marriage is the irreducible precondition for Section 498A has also increased the urgency of the ruling. This means the Supreme Court now has to resolve what is no longer simply an interpretive question, but a distinct contradiction that is dependent upon different jurisdictions.

Third, after the Navtej Singh Johar ruling, the identification of live-in same-sex relationships in the constitution remains an open question. The Uttarakhand Act's exclusion of same-sex partnerships is a step backwards, and the Courts will be tasked with determining whether the protection of cohabitation mentioned in the constitution would encompass same-sex partnerships.

Fourth, stable live-in unions will be recognized in the 2026 Census for the first time and will provide data to, for the first time, allow the assessment of the empirical existence, levels, and social characteristics of cohabiting couples in India. This data stands to be the first for a positive shift in legislative and policy-making practices.⁷⁰

⁶⁹ LiveLaw. (2025). Supreme Court to examine if Section 498A IPC applies in live-in relationships. <https://www.livelaw.in/top-stories/supreme-court-to-examine-if-section-498a-ipc-applies-in-live-in-relationships-523144>

⁷⁰ 'Stable' Live-in Couples to Be Considered Married in Census 2027, Indian Express (Mar. 30, 2026), <https://indianexpress.com/article/india/census-2027-live-in-couples-married/>.

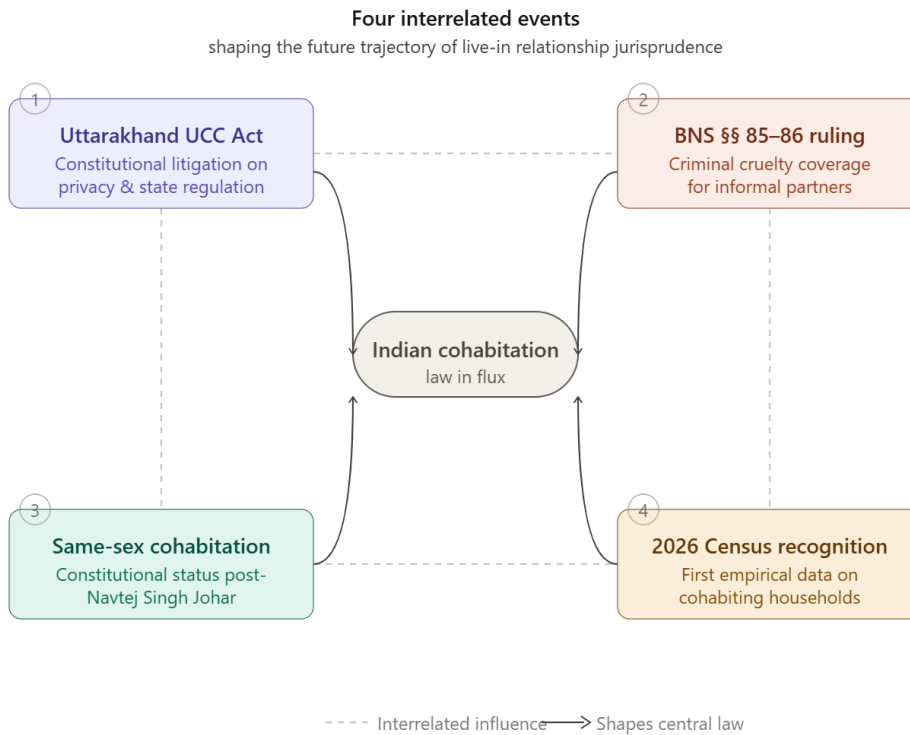


Figure 2: Events shaping Future trajectory of live-in relationship jurisprudence

XV. CONCLUSION

In India, live-in relationships are becoming more common, and as this article highlights, the legal framework surrounding them is antiquated and insufficient. Although some positive progressive laws exist, women sharing a live-in relationship are left to suffer from a legislative inertia.

This article locates three separate, yet mutually interdependent problems, with the present law on live-in relationships in India. First, under the PWDVA, protection is largely dependent on circumstances of the Velusamy case, which excludes a significant number of vulnerable women. Second, women residing in non-marital and non-registered domestic relationships are denied the criminalization of cruelty under the BNS. Third, the situation of no provision with respect to maintenance, property, and the right to inheritance leaves women financially insecure after the termination of a protracted live-in relationship. All of these problems manifest in the NCRB Crime in India 2024 Report, which illustrates that domestic cruelty is the most reported crime against women in India and that the law provides coverage only to

those women who are formally married. In contrast, (unsurprisingly) the reported crime against women in live-in relationships does not appear in the official statistics.

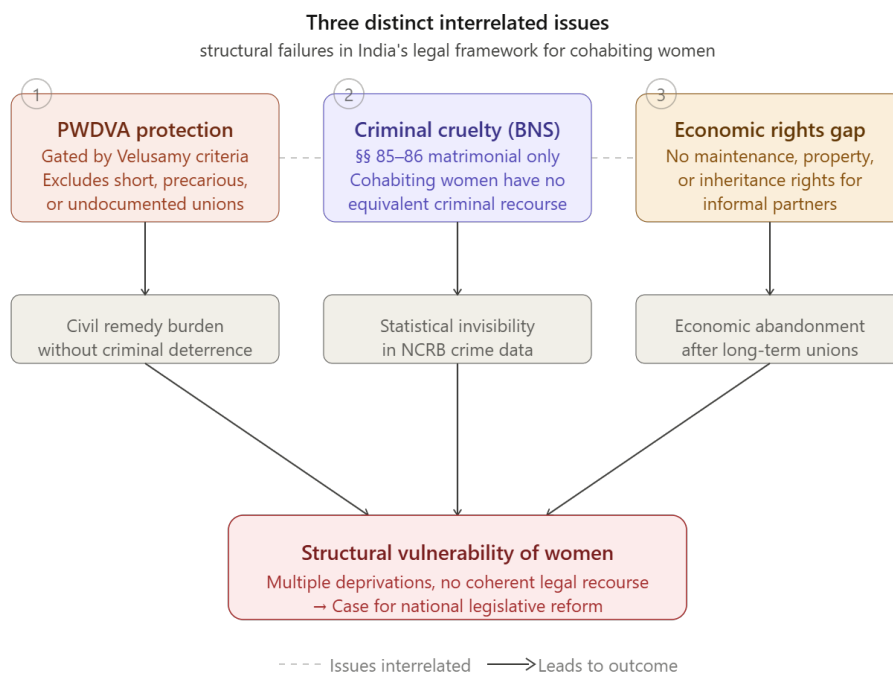


Figure 3: Structural failures in India’s legal framework for cohabiting women

The human cost of this legal absence system needs no imagination. Shraddha Walkar was brutally murdered in 2022. Her relationship was documented, abusive, and unrecognised by any institution as legally punishable. The systemic absence of a protective mechanism for cohabiting women is not a theoretical issue, it is a matter of life and death. The justice system is split on whether the provision for cruelty in the penal code is even applicable to live-in relationships. The contradictory 2024 Kerala and 2025 Karnataka High Court decisions on BNS §§ 85-86 illustrate this. Thus, the law provides women with no answers when she is finally able to demand one.

This article provides answers to both ends of the debate. The first is a traditional, social-conservative position, which argues that live-in relationships undermine the institution of marriage and the family, while the second is an extreme stance occupied by feminist scholars, which argues that a relationship is a form of control and will always be governed by a patriarchal order. The answer for both of these cases is that the legal recognition of cohabiting couples is not the problem, but the problem is the construction of a legal protective framework for the most vulnerable women, which will not perpetuate the marriage institution.

The case studies from France, Canada, Sweden, and evidence from the Uttarakhand UCC Act, 2024, show that regulating cohabitation is both required and feasible. The task is to develop a national model, to be implemented at the earliest, that centers on protection (versus surveillance) of women, is accessible to the women it safeguards, and supports the values of privacy, autonomy, equality and dignity as enshrined in the Constitution of India.

In a constitutional democracy, equal protection is a right of all people, regardless of the character of their interpersonal relationships. India's legal system, as it stands in 2026, provides an almost incomplete engagement with the ideal of justice for live-in relationships. We demand that legislators, the judiciary, and civil society act with the utmost responsibility to address this shortcoming as justice requires.

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