



The legal status of live-in relationships in India: evolution and judicial recognition

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Abstract

Live-in relationships have emerged as a significant social phenomenon in India reflecting changing attitudes toward personal autonomy along with gender equality and traditional family structures. This paper examines the historical evolution of cohabitation outside marriage while tracing its gradual acceptance from social taboo to a subject of legislative plus judicial attention. The study explores societal perceptions along with their impact on couples who choose non marital cohabitation while highlighting challenges related to social stigma, economic vulnerability and the protection of individual rights. It then evaluates the current legal status of live-in partnerships under Indian law while noting key statutory provisions such as the Protection of Women from Domestic Violence Act and the lacunae where formal recognition remains absent. A comparative analysis with jurisdictions like the United Kingdom and Australia reveals diverse approaches to cohabitation rights along with inheritance and maintenance, while offering valuable lessons for potential legislative reforms in India. The paper reviews landmark judgments from the Supreme Court plus various high courts including *Gurwinder Singh & Anr. v. State of Punjab*, *ABC v. State of Maharashtra* and *X v. Y* which collectively affirm the right of consenting adults to privacy plus personal liberty under Article 21 of the Constitution. These rulings underscore the judiciary's role in safeguarding individual freedoms while simultaneously drawing attention to the need for a comprehensive statutory framework to address inheritance, maintenance and protection against abuse. The study underscores that judicial pronouncements have provided essential protection to live-in partners, yet gaps in statutory recognition continue to leave couples vulnerable. The paper recommends that Parliament enact dedicated legislation to define the rights, obligations of live-in partners while encompassing property rights, maintenance and mechanisms for redressal of domestic violence. It also suggests public awareness campaigns to reduce societal stigma while promoting understanding of personal autonomy. By bridging legal lacunae plus encouraging social acceptance, India can ensure that individuals in live-in relationships enjoy security, equality and dignity in accordance with constitutional values.

Keywords: live-in relationship, society, privacy, individual rights, equality

Introduction

The legal status of live-in relationships in India has made significant progress in recent years, becoming an important topic in courts and society. The Indian judiciary has increasingly recognised live-in relationships as valid personal choices protected under constitutional rights like privacy, dignity, and freedom. This recognition does not mean live-in relationships are the same as marriage, but it does highlight the protection of individuals, especially women and children, who form family ties without formal marriage. Courts have carefully managed the balance between protecting these rights and respecting social sensitivities, pointing out that adults who choose to live together should not be punished just because they are not married. This change shows that live-in relationships are not strange or illegal but worthy of legal protection against harm and unfair treatment. Courts have made clear that live-in relationships can be legally recognised under certain conditions, such as when a couple lives together openly like spouses and both are free to marry. This detailed recognition has grown through rulings that protect people in live-in relationships from domestic violence and ensure maintenance rights similar to those in marriage. The courts have moved away from old ideas that live-in relationships are immoral or unlawful, instead viewing them as an exercise of personal freedom under the law. The rights of children born in such relationships are also protected, granting them status and rights much like children born in marriage. These legal steps show that even without

marriage, the law aims to prevent injustice for those in non-traditional family arrangements^[1]. A relevant case on this topic is *P. Jayachandran v. A. Yesurathinam*^[2], the Madras High Court dealt with whether a live-in relationship between a married man and an unmarried woman could be treated like a marriage that gives property rights. The court looked at the fact that the man was still legally married and had not divorced, so the woman could not be treated as his wife under the law. The judgment said live-in relationships can only have legal protections like marriage if both partners are legally free to marry, meaning unmarried or divorced under the law. This case clearly defines the limits of such relationships and stresses that live-in arrangements cannot be used to avoid fundamental legal rules such as monogamy.

Although courts have made important legal progress, the lack of clear laws on live-in relationships causes many uncertainties. Judges depend on partial interpretations from existing rights and protective laws, making case decisions inconsistent and varied. This creates confusion on important issues like maintenance, inheritance, and parental duties for live-in partners. While courts have provided relief in many cases, the absence of full legal clarity means many people remain unsure about their rights and protections. Thus, there is a strong need for specific laws to give clear, fair, and consistent guidance for live-in relationships. The way courts have developed recognition of live-in relationships marks an important step in understanding that family life cannot be limited to marriage alone. By expanding constitutional

protections of equality and dignity, judges have extended rights to people living together outside marriage. This is especially important in a diverse society like India, where social customs vary and modern family forms are emerging. The courts support protects live-in partners from losing basic rights like support, safety, and legitimacy for their children. This legal acceptance both reflects changing social values and shows how the law upholds personal freedom within constitutional limits.

Evolution of Live-In Relationships in India

The evolution of the legal status of live-in relationships in India is deeply intertwined with the social and cultural fabric of Indian society, where marriage and family have traditionally held a central place in defining personal and social identities. Indian culture has long viewed marriage as the foundation of family life, where sexual relationships between two individuals gain recognition and legitimacy. While live-in relationships have been historically prevalent in other parts of the world, their acceptance and legal recognition in India have been gradual and complex. Interestingly, India's ancient Vedic society recognised a form of relationship similar to today's live-in relationship, known as the Gandharva marriage. This was essentially a marriage based on mutual consent without the need for parental or societal approval, where partners chose to live together. However, such practices declined over time due to invasions and the imposition of moral perspectives that emphasised parental consent and formal ceremonies. Modern Indian society often struggles to accept partnerships where couples live together without formal acknowledgement, partly due to the strong influence of social and religious norms. Nonetheless, live-in relationships involve two consenting adults who decide to live together and share an intimate relationship, sometimes raising children ^[3]. These relationships may serve as a way for partners to test their compatibility or establish stability before making formal commitments like marriage. Factors such as social restrictions on intercommunity marriages, religious prohibitions on premarital intimacy, and personal choices contribute to why many choose live-in relationships over marriage. The longstanding restrictions and social taboos attached to marriage in India have thus played a role in shaping the emergence and acceptance of live-in relationships in recent times ^[4].

The evolution of live-in relationships in India reflects a shift in both social perceptions and legal approaches toward personal relationships outside formal marriage. Historically, the family has been the primary institution transmitting cultural values, with marriage regarded as essential within this framework. Over time, different forms of relationships have evolved, including live-in arrangements, which echo early human social behaviours observed globally. Ancient Indian texts like Manu Smriti acknowledge premarital relationships, and the Gandharva marriage exemplifies consensual unions without rituals but with commitment and responsibility akin to formal marriages. During medieval times, concubinage, a form of cohabitation without marriage, was also practised in some cultures, serving social purposes such as ensuring offspring when a wife could not bear children. The social status of concubines varied widely, ranging from marginalised positions to arrangements resembling common-law marriages. The British colonial period introduced legal systems that discouraged

relationships outside formal marriage, significantly affecting the practice and recognition of live-in relationships in India. Even after independence, remnants of these views persisted, although social changes and urbanisation have seen a rise in live-in partnerships. In some cases, informal agreements known as friendship contracts have been used to define the relationship parameters without imposing legal responsibilities beyond companionship. Judicial interventions and evolving societal attitudes have contributed to gradually reshaping how live-in relationships are understood and responded to legally, although statutory clarity remains limited. This ongoing evolution highlights the complexities of aligning India's deeply rooted cultural values with emerging social realities of personal freedom and companionship. Over the years, significant changes have come about in the recognition and acceptance of live-in relationships. Judicial pronouncements have acknowledged that such relationships, while not equivalent to marriage, deserve protection, especially for women and children involved. The courts have begun to address issues of maintenance, protection from domestic violence, and inheritance rights in these contexts, marking progress toward safeguarding individuals who choose non-traditional family arrangements. However, many challenges persist, including the absence of comprehensive laws that uniformly regulate the rights and duties of live-in partners. What remains essential is further legislative action aimed at providing clear and consistent legal frameworks that respect personal choices, protect vulnerable parties, and harmonize with India's social values. The evolving understanding of live-in relationships calls for reforms that balance constitutional freedoms with societal norms, ensuring dignity and justice for all individuals in these partnerships ^[5].

Societal Perspectives on Live-in Relationships and their Impact on Cohabiting Couples

Indian society demonstrates a complex and largely contradictory attitude toward live-in relationships, despite their legal recognition by the Supreme Court, creating significant challenges for couples who choose this form of cohabitation. While the judiciary has established that live-in relationships between consenting adults are not illegal and fall under the fundamental right to life and personal liberty guaranteed by Article 21 of the Constitution, societal acceptance remains deeply fragmented and largely negative, particularly in middle-class and traditional communities. The prevailing social stigma stems from India's deeply rooted cultural emphasis on marriage as a sacred institution, where traditional family values and religious perspectives continue to view live-in arrangements as morally and ethically unacceptable. Research studies indicate a significant urban-rural divide in acceptance patterns, with metropolitan cities like Delhi, Mumbai, and Bangalore showing greater tolerance compared to rural areas and smaller towns, where such relationships face widespread condemnation. The legal framework, though providing some protection through judicial interpretations of the Protection of Women from Domestic Violence Act, 2005, and Section 125 of the Criminal Procedure Code for maintenance rights, remains incomplete, ambiguous, leaving couples in a precarious position where they face social ostracism, difficulty in finding rental accommodation, workplace discrimination and family rejection. Women in

live-in relationships bear a disproportionate burden of social consequences, as recent judicial observations indicate that while men can easily move on and marry after such relationships end, women face significant difficulties in finding suitable life partners due to societal prejudices ^[6]. The impact on couples includes denial of official recognition for joint accounts, insurance, visas, other legal documentation, forcing them to navigate daily life without the institutional support available to married couples. Children born from such relationships, while legally recognized as legitimate under judicial precedents, still face social challenges, uncertain inheritance rights regarding ancestral property. The recent implementation of Uttarakhand's Uniform Civil Code, making registration of live-in relationships mandatory, has sparked fresh debates about individual liberty, privacy rights, and state intervention in personal relationships. Current legal developments show conflicting judicial approaches, with some courts granting protection to live-in couples facing threats while others refuse such protection, particularly when one partner is already married, highlighting the ongoing tension between constitutional rights and traditional social values that continues to shape the lived experiences of couples choosing this alternative form of relationship ^[7]. In the significant case of *Shane Alam v. State of Uttar Pradesh* ^[8] decided by the Allahabad High Court in June 2024, the court made controversial observations while granting bail to an accused charged with sexual exploitation under false marriage promises. Justice Siddharth remarked that since the Supreme Court legalized live-in relationships, courts have been "fed up" with such cases because "the concept of live-in relationship is against the settled law in the Indian Middle Class Society". The court observed that live-in relationships disproportionately harm women, stating "a man can marry even after a live-in relationship a woman or number of women, but it is difficult for the women to find a life partner after a breakup". This case reflects the judiciary's growing concern about the practical consequences of live-in relationships in Indian society, despite their legal validity, and highlights how traditional social values continue to influence judicial perspectives on modern relationship choices.

Legislative Framework of Live-in Relationships

The Protection of Women from Domestic Violence Act, 2005 serves as the primary legislative framework recognizing live-in relationships in India through its comprehensive definition of domestic relationships under Section 2(f), which encompasses relationships between two persons who live or have lived together in a shared household when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption, or as family members in a joint family. The legislative intent behind using the phrase "relationship in the nature of marriage" was to widen the scope of legally recognised domestic relationships beyond traditional marriage, providing protection to women in heterogeneous arrangements that resemble marital relationships without formal recognition. The Supreme Court has established specific conditions for determining whether a live-in relationship qualifies as being "in the nature of marriage," including that couples must present themselves to society as akin to spouses, be of legal marriageable age, qualify to enter legal marriage, including being unmarried and have

voluntarily cohabited for a significant period in a shared household. Section 144 of Bharatiya Nagarik Suraksha Sanhita, 2023, provides maintenance provisions that have been judicially interpreted to extend protection to women in live-in relationships under specific circumstances, though the statutory definition of "wife" traditionally encompasses only legally married or divorced women who have not remarried. The Bharatiya Sakshya Adhiniyam, 2023, through Section 114, establishes the legal presumption that when couples have lived together for a significant period as husband and wife, they will be presumed to be married unless evidence to the contrary is presented, with this presumption serving as a crucial tool for protecting the rights of parties in long-term cohabiting relationships. The constitutional framework under Articles 14 and 21 of the Indian Constitution provides fundamental protection to live-in relationships as part of the right to life and personal liberty, with courts recognising that the choice to cohabit without formal marriage is a fundamental right that cannot be denied to consenting adults of legal age ^[9]. Recent legal reforms have modernised India's framework for cohabitation by replacing outdated statutes and expanding protections for live-in partners. Despite these advances, further clarity is required to define the minimum cohabitation period for presumption, harmonise maintenance standards across states, and incorporate live-in partners under schemes like social security, inheritance, and tenancy laws to eliminate ambiguity and ensure uniform protection nationwide.

Judicial Recognition

The Supreme Court and high courts in India have consistently affirmed that consenting adults in live-in relationships are entitled to fundamental rights under Article 21 of the Constitution, which guarantees the right to life and personal liberty. In *Gurwinder Singh & Anr. v. State of Punjab & Ors* ^[10], the Supreme Court overturned the Punjab and Haryana High Court's refusal to provide police protection to a live-in couple, holding that the state has a duty to safeguard individual liberty regardless of societal disapproval. Similarly, in *ABC v. State of Maharashtra*, ^[11] the Bombay High Court granted a writ of habeas corpus directing the release of a woman detained by her parents for choosing to cohabit with her partner, emphasizing that an adult's decision to live together cannot be curtailed by familial or social pressures. In *Aaftab Amin Poonawala v. State Govt. of NCT of Delhi*, ^[12] while the Delhi High Court denied bail in a criminal matter involving violence, it expressly recognised the vulnerability of individuals in live-in relationships and underscored the pressing need for clear legal protections to prevent misuse of criminal law in cases involving consensual cohabitation.

Despite these protective pronouncements, courts have also highlighted gaps where statutory recognition remains absent. In *P. Jayachandran v. Margarete Arulmozhi*, ^[13] the Madras High Court refused to extend inheritance rights to a live-in partner for lack of evidence demonstrating a marriage-like relationship, urging the legislature to clarify the status of non-marital cohabitation. The Delhi High Court in *X v. Y* ^[14] quashed an FIR under Section 376 IPC, reiterating that consensual live-in relationships cannot be treated as criminal, yet lamenting the absence of explicit legal frameworks to govern such unions. Most recently, the

Supreme Court in the interfaith couple case ^[15] recognised a joint plea for protection from societal hostility and granted bail, marking another step toward safeguarding personal autonomy in relationships crossing cultural and religious boundaries. These decisions collectively reflect the judiciary's evolving approach, affirming fundamental rights for live-in partners while calling upon Parliament to enact legislation that provides comprehensive recognition and remedies for non-marital cohabitation.

Comparative Legal Frameworks Governing Live-In Relationships

Live-in relationships in India, while increasingly acknowledged by courts for purposes of maintenance and property claims, lack a comprehensive statutory framework akin to those in several other jurisdictions. In the United Kingdom, couples cohabiting in a stable, marriage like relationship are not granted automatic legal status but may formalize their rights through civil partnership registration under the Civil Partnership Act 2004, provided both parties are over eighteen, not closely related and neither already married or in a civil partnership, this registration confers rights equivalent to marriage in areas such as inheritance and pension benefits and applies to same-sex and opposite-sex couples since the 2023 amendments. Scotland's Family Law (Scotland) Act 2006 expressly defines "cohabitants" as partners who live together as if married and grants them limited remedies on relationship breakdown, including claims for financial provision and equal shares in household goods acquired during cohabitation, while permitting the court to make child care orders when children are involved. France administers non marital partnerships through the Pacte civil de solidarité (PACS), a contractual arrangement open to opposite sex and same sex couples over eighteen that formalizes mutual obligations such as housing rights, joint taxation after three years, and social benefits, although unregistered partnerships receive fewer protections and maintenance is discretionary based on need rather than guaranteed ^[16].

By contrast, common law relationships in Canada acquire legal recognition when partners cohabit in a conjugal relationship for at least twelve continuous months or meet specified criteria related to parenthood, allowing access to federal spousal benefits, provincial property regimes that often mirror marital rights, including presumptive equal division of property acquired during cohabitation, entitlement to spousal support under statutes such as Canada's Family Maintenance Act. In Australia, the Family Law Act 1975, state legislation uniformly recognize de facto relationships between same-sex or opposite sex partners living together on a genuine domestic basis with eligibility for property settlement, spousal maintenance after two years of cohabitation or on footing of caring for a child, courts possess the power to adjudicate financial and parenting disputes on the same principles applied to married couples. These frameworks illustrate that, unlike India's reliance on judicial precedents to grant piecemeal protections, jurisdictions such as the UK, Scotland, France, Canada, and Australia provide statutory clarity, defined procedural mechanisms to regulate live-in partnerships, ensuring

equitable treatment in property, maintenance and child welfare matters.

Challenges

1. Deeply entrenched social stigma labels live-in couples as morally objectionable, leading to family rejection and community ostracism that undermine mental welfare.
2. Absence of specific statutes forces reliance on fragmented judicial precedents, creating legal ambiguity and costly litigation to secure basic rights.
3. Cohabiting partners lack automatic succession rights, relying on wills to transfer self-acquired property and remaining excluded from ancestral inheritance.
4. Children born in live-in relationships are deemed legitimate legally, yet face hurdles obtaining documents and accessing benefits tied to marital proof.
5. Medical consent regulations restrict decision making to "husband or wife," barring live-in partners from authorising urgent treatment or end of life choices.
6. Landlords and housing societies frequently refuse rentals to unmarried couples, forcing misrepresentation and narrowing accommodation options.
7. Protection under the Domestic Violence Act is limited to relationships akin to marriage, excluding short-term cohabitantes and denying immediate relief to many victims.

Conclusion

An examination of the judicial development regarding live-in relationships in India shows that court rulings have been the main method for granting legal recognition and protection to cohabiting partners in the absence of specific legislation. The Supreme Court has held that relationships showing characteristics of marriage fall under the Protection of Women from Domestic Violence Act, 2005, and that the right to personal liberty under Article 21 of the Constitution includes the freedom of two consenting adults to live together. Later decisions have confirmed that children born to such unions have the same inheritance rights as those born to married parents and that long-term cohabitantes may claim maintenance similar to that available to legally married spouses. Despite these judicial steps, the lack of a complete statutory framework has created gaps in property rights, medical consent authority, access to social benefits, resulting in different judicial outcomes and legal uncertainty across various regions. Legislative hesitation to regulate non marital cohabitation stems from deep rooted social views that regard marriage as the only valid basis for family rights and social standing. However, changing public attitudes and the growing number of live-in arrangements have led the judiciary to interpret existing laws in ways that provide basic protections to unmarried partners. This step by step judicial approach, while flexible, also highlights the need for comprehensive legislation that clearly defines the rights and duties of cohabitantes, sets straightforward enforcement procedures, and gives them the same protections as spouses, such as joint ownership of assets, succession rights, and authority to make medical decisions.

A comparison with the United Kingdom, Canada, and Australia shows that clear laws, whether through civil partnership acts or de facto relationship provisions, greatly reduce disputes, social criticism by clearly defining legal

status and related rights. India's current reliance on judicial interpretation, although innovative, cannot replace the certainty and consistency that dedicated legislation would provide. Adopting a single law would not only bring India in line with international best practices but also protect women and children in informal unions, simplify the resolution of disputes and promote social acceptance through formal recognition. Accordingly, while the judiciary has played a key role in extending essential protections to live-in partners, the changing legal landscape calls for legislative action. Passing a dedicated statute would bring together judicial progress, fill existing gaps, create a clear legal structure that balances individual freedom with community values, thereby ensuring fair treatment for all family arrangements, married or not, in accordance with the Constitution's guarantee of equality and personal liberty.

Recommendations

1. Strengthen statutory guidance by enacting a comprehensive law that clearly defines the rights and obligations of partners in live-in relationships, ensuring parity with matrimonial rights in matters of maintenance, inheritance and property distribution.
2. Introduce mandatory counselling and mediation provisions in family courts to facilitate amicable resolution of disputes arising from live-in relationships, minimising litigation costs and emotional distress for both partners.
3. Expand legal aid and awareness programmes, particularly in rural and semi-urban areas, to inform individuals about judicial precedents and legal remedies available to those in live-in relationships, thereby promoting access to justice.
4. Develop specialised training modules for judges and judicial officers on the socio-legal aspects of live-in relationships, equipping the judiciary with nuanced perspectives to render sensitive and equitable verdicts.
5. Encourage inclusion of live-in relationship scenarios in law school curricula, continuing legal education workshops, ensuring that future lawyers, policymakers appreciate evolving social dynamics and corresponding legal frameworks.
6. Establish a dedicated tribunal or fast-track mechanism within existing family courts to handle cases concerning live-in relationships, reducing delays, delivering timely justice to partners and any dependent children.

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