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**LEGAL RECOGNITION OF LIVE-IN RELATIONSHIPS IN INDIA:  
A CRITICAL SOCIO-LEGAL AND CONSTITUTIONAL ANALYSIS**

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**Abstract**

This research paper critically examines the legal recognition of live-in relationships in India within the broader framework of constitutional morality, personal autonomy, gender justice, and changing social realities. The paper explores the historical evolution of cohabitation, the judicial expansion of constitutional protections under Article 21, and the absence of a dedicated statutory framework regulating rights and liabilities arising out of non-marital relationships. Through doctrinal and comparative legal analysis, the study evaluates Indian judicial precedents, including *D. Velusamy v. D. Patchaiammal*, *Indra Sarma v. V.K.V. Sarma*, and *S. Khushboo v. Kanniammal*. The paper further analyses maintenance rights, domestic violence protections, legitimacy of children, inheritance disputes, and property rights associated with live-in relationships. Comparative models from France, Canada, Australia, and the United States are examined to identify possible reforms for India. The study concludes that despite progressive judicial interpretation, India's fragmented legal approach creates uncertainty and disproportionately affects women and economically vulnerable partners. A comprehensive cohabitation statute is therefore recommended to harmonize constitutional values with evolving social realities.

**Keywords**

Live-in relationships, Cohabitation, Constitutional morality, Family law, Domestic violence, Gender justice, Article 21, India

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## 1. Introduction

Marriage has historically occupied a sacred and legally privileged position within Indian society. Indian family law systems, whether based on Hindu, Muslim, Christian, or secular legal traditions, have consistently treated marriage as the primary institution governing intimate relationships, legitimacy, inheritance, and family structure. However, rapid modernization, urbanization, migration, higher educational access, digital culture, and economic independence have significantly transformed relationship patterns in India.

One of the most visible outcomes of this transformation is the emergence of live-in relationships, commonly understood as cohabitation between two consenting adults without formal marriage. Although such relationships remain socially controversial in many regions of India, they are increasingly visible among younger urban populations. The Indian judiciary has repeatedly clarified that consensual cohabitation between adults is neither illegal nor immoral.

Despite this social and judicial recognition, India lacks a codified legal framework regulating live-in relationships. This legal vacuum creates uncertainty concerning maintenance, domestic violence protection, inheritance, succession, legitimacy of children, and property rights. Courts have attempted to bridge these gaps through constitutional interpretation and expansive judicial reasoning, but the absence of legislation results in inconsistent outcomes.

This paper seeks to critically analyse the legal recognition of live-in relationships in India and assess whether the existing framework adequately protects individuals involved in such relationships.

## 2. Historical Evolution of Live-in Relationships in India

Historically, Indian society viewed marriage as both a sacramental and social institution essential to maintaining family lineage, religious obligations, and community order. For general queries or to submit your research for publication, kindly email us at [ijalr.editorial@gmail.com](mailto:ijalr.editorial@gmail.com)

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Ancient Hindu texts such as the Manusmriti and Dharmashastras emphasized marital duty and condemned relationships outside marriage. Similar conservative approaches existed within Islamic and Christian traditions in India.

The colonial period reinforced formal marriage structures through codification of personal laws. British legal administration introduced legal formalities relating to marriage, divorce, legitimacy, and succession. Consequently, cohabitation outside marriage remained largely invisible within formal legal systems.

The post-independence constitutional framework gradually shifted emphasis from social morality toward individual liberty. Economic liberalization during the 1990s accelerated exposure to global cultural influences. Urban migration, delayed marriages, career priorities, and changing perceptions of compatibility contributed to the rise of live-in relationships.

Today, metropolitan centres such as Delhi, Mumbai, Bengaluru, Pune, and Hyderabad have witnessed increasing acceptance of cohabitation. Nevertheless, conservative attitudes continue to dominate large sections of Indian society, particularly in rural and semi-urban regions.

### **3. Constitutional Framework and Personal Autonomy**

The constitutional legitimacy of live-in relationships in India is primarily rooted in Article 21 of the Constitution, which guarantees the right to life and personal liberty. Judicial interpretation has expanded Article 21 to include dignity, privacy, decisional autonomy, and freedom of intimate association.

In Justice K.S. Puttaswamy v. Union of India (2017), the Supreme Court recognized privacy as a fundamental right and emphasized that intimate personal decisions form an integral part of individual liberty. This constitutional reasoning strengthened protection for consensual adult relationships outside marriage.

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In *Lata Singh v. State of Uttar Pradesh* (2006), the Court affirmed that adults possess the right to choose their partners without societal or state interference. Similarly, in *S. Khushboo v. Kanniammal* (2010), the Supreme Court held that live-in relationships may be considered socially unacceptable by some groups, but morality cannot become the basis for criminalization.

The constitutional shift from “social morality” to “constitutional morality” has become central to judicial recognition of cohabitation. Constitutional morality prioritizes dignity, equality, liberty, and autonomy over majoritarian social beliefs.

#### 4. Judicial Recognition of Live-in Relationships

Indian courts have played a transformative role in recognizing and regulating live-in relationships in the absence of legislation.

In *Badri Prasad v. Dy. Director of Consolidation* (1978), the Supreme Court recognized a presumption of marriage after long-term cohabitation. The Court emphasized that stable cohabitation should not be treated as illegitimate.

A major breakthrough came in *D. Velusamy v. D. Patchaiammal* (2010), where the Supreme Court laid down criteria for determining whether a live-in relationship qualifies as a “relationship in the nature of marriage.” These criteria include:

- Long-term cohabitation,
- Shared household,
- Legal age to marry,
- Voluntary relationship,
- Public representation as spouses.

The Court attempted to distinguish genuine domestic partnerships from casual or For general queries or to submit your research for publication, kindly email us at [ijalr.editorial@gmail.com](mailto:ijalr.editorial@gmail.com)

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transient

relationships.

In *Indra Sarma v. V.K.V. Sarma* (2013), the Court acknowledged the vulnerability faced by women in live-in relationships and highlighted the urgent need for legislative intervention. The Court recognized that changing social realities required adaptation within family law jurisprudence.

Collectively, these decisions demonstrate judicial willingness to expand legal protection while simultaneously exposing the limitations of relying solely on case-by-case adjudication.

## **5. Protection under the Domestic Violence Act, 2005**

The Protection of Women from Domestic Violence Act, 2005 (PWDVA) represents one of the most significant statutory developments affecting live-in relationships. Section 2(f) of the Act extends protection to women in “relationships in the nature of marriage.”

The judiciary has interpreted this phrase broadly to include certain cohabiting relationships. Women subjected to physical, emotional, verbal, sexual, or economic abuse may seek protection orders, maintenance, residence rights, and compensation.

However, courts frequently apply restrictive tests before granting protection. Women must often prove duration of cohabitation, shared residence, social recognition, and marital-like stability. Such requirements create barriers for women in shorter or less socially visible relationships.

Critics argue that conditional recognition under the PWDVA undermines the broader objective of gender justice. Domestic violence protection should ideally depend on the existence of abuse rather than the degree to which a relationship resembles marriage.

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## 6. Maintenance, Inheritance, and Property Rights

One of the most problematic areas concerning live-in relationships is the absence of comprehensive economic rights.

Section 125 of the Criminal Procedure Code permits maintenance claims by wives unable to maintain themselves. Courts have occasionally interpreted this provision liberally in favour of women from long-term live-in relationships. Nevertheless, outcomes remain inconsistent due to absence of explicit statutory recognition.

Inheritance rights present even greater complexity. Although children born from stable live-in relationships have increasingly been recognized as legitimate, partners themselves generally do not enjoy automatic inheritance rights comparable to spouses.

Property disputes are similarly uncertain. Married spouses often enjoy presumptive rights relating to matrimonial property, but live-in partners must independently establish ownership or financial contribution. This disproportionately affects women engaged in unpaid domestic labour.

The absence of economic protections can leave vulnerable partners financially insecure after separation, thereby undermining substantive equality.

## 7. Gender Justice and Feminist Critique

Feminist legal theory provides an important framework for analysing live-in relationships. Scholars argue that legal systems historically privilege marriage while marginalizing alternative forms of companionship.

Women in live-in relationships often contribute emotionally, domestically, and financially without receiving equivalent legal security. When relationships break down, women may face abandonment, social stigma, economic instability, and legal uncertainty.

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Patriarchal assumptions within family law continue to influence judicial interpretation. Courts sometimes assess cohabitation using moralistic standards rather than focusing on rights and vulnerabilities.

Feminist scholars therefore advocate gender-sensitive legislation that prioritizes substantive equality over formal marital status. Legal protection should depend upon dependency, contribution, and vulnerability rather than ceremonial marriage alone.

## **8. Comparative Legal Perspectives**

Several countries have adopted statutory mechanisms recognizing cohabitation.

France introduced the Pacte Civil de Solidarité (PACS), granting cohabiting couples legal recognition regarding taxation, property, and social welfare.

Australia recognizes de facto relationships under family law legislation. Couples who cohabit for a specified duration acquire rights relating to maintenance, property division, and child custody.

Canadian provinces similarly recognize common-law partnerships after continuous cohabitation. Courts may award financial support and property rights based on equitable considerations.

In contrast, the United States follows a fragmented approach where recognition of common-law marriages depends upon state law.

Comparative models demonstrate that legal recognition of cohabitation does not necessarily undermine marriage. Instead, it enhances certainty and protects vulnerable individuals.

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## 9. Socio-Legal Challenges in India

Despite increasing visibility, live-in relationships continue to face intense social stigma in India. Couples often experience discrimination in housing, employment, and community interactions.

Women bear disproportionate social consequences because patriarchal norms continue to equate female respectability with marriage. Honour-based violence and family coercion remain serious concerns in certain regions.

Another challenge is the absence of reliable statistical data. Since cohabitation lacks formal registration mechanisms, accurate demographic assessment remains difficult.

Furthermore, legal awareness is extremely limited. Many individuals remain unaware of available remedies under statutes such as the PWDVA. Access to justice is therefore constrained by social, educational, and economic inequalities.

## 10. Need for Legislative Reform

The current legal framework governing live-in relationships in India remains fragmented, uncertain, and overly dependent on judicial interpretation. Legislative reform is therefore essential.

A comprehensive cohabitation statute should include:

- Clear definition of live-in relationships,
- Optional registration mechanisms,
- Maintenance and financial support provisions,
- Residence and domestic violence protections,
- Property-sharing principles,

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- Child custody and legitimacy safeguards,
- Procedures for dissolution and dispute resolution.

Such legislation would not undermine marriage. Rather, it would acknowledge social realities and ensure constitutional protection for vulnerable individuals. Importantly, reform should remain secular and gender-sensitive while accommodating diverse family structures.

## 11. Recommendations

1. Parliament should enact a dedicated Cohabitation Rights Act.
2. Domestic violence protections should apply irrespective of marital-like status tests.
3. Long-term cohabiting partners should receive limited inheritance protections.
4. Property-sharing principles should recognize unpaid domestic labour.
5. Awareness campaigns should educate citizens regarding rights and legal remedies.
6. Courts should adopt uniform standards to reduce contradictory judgments.
7. Legal reforms should align with constitutional morality and international human rights principles.

## 12. Conclusion

Live-in relationships represent one of the most significant socio-legal transformations in contemporary India. The rise of cohabitation reflects changing ideas concerning intimacy, autonomy, and family life. Indian courts have progressively recognized the rights of cohabiting partners through constitutional interpretation and purposive statutory reading.

Nevertheless, judicial recognition alone cannot substitute comprehensive legislation. The absence of a codified framework creates uncertainty concerning maintenance, inheritance, domestic violence protection, and property rights. Women and economically vulnerable partners remain particularly disadvantaged.

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Comparative legal systems demonstrate that cohabitation can be regulated without weakening marriage as a social institution. India must therefore adopt a balanced legal framework capable of harmonizing constitutional values with changing social realities.

Ultimately, the law must evolve in response to lived realities rather than remain confined within rigid traditional structures. Legal recognition of live-in relationships is not merely a question of social acceptance but also one of constitutional justice, dignity, equality, and human rights.

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