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LEGAL ASPECTS OF LIVE -IN RELATIONSHIPS IN INDIA

~ *Pretty Bhatia*

ABSTRACT

Live in relationships which were considered odd earlier in India, Now have progressively received legal acceptance. This paper will explain about the growth of Live -in relationships in India. Which includes legal status, right of individuals, society point of view, and problems. The research will give a complete knowledge of the legal governing live-in relationships & it will emphasize on historic court judgements & statutory legislation.

This research paper critically examines the legal aspects of live in relationships , especially with a focus on the Indian Legal Framework. It focuses on the courts emphasis on interpreted constitutional rights & existing regulations to provide legal safeguards for people involved in live in relationships particularly women & children . despite the absence of specific legislation , judicial announcements under Article 21 of the Indian constitution & the protection of women from domestic violence Act , 2005 have played an important role in recognizing the validity & rights of live -in partners.

• **KEYWORDS :-**

- Live-in Relationships
- Indian Legal System
- Domestic Violence Act, 2005
- Cohabitation Law
- Constitutional Rights
- Women's Legal Protection
- Judicial Interpretation
- Social Stigma
- Legal Reform
- Non-Marital Union

INTRODUCTION

India ' Legal system which was earlier deeply rooted in traditional values , has long viewed marriage as a sacred relationship. However, as society standards shift & individuals Gain More liberty. Live-in -relationships have evolved as an alternative to traditional marriage. A live-in relationship is one in which two people opt to formal marriage, and live together as partners rather than marrying.

While Live -in relationships are common in many areas of the world , their acceptability in India has been met with opposition owing to cultural & religious differences. Despite this, the Judiciary has played a pivotal role in recognizing & protecting the rights of people in live-in relationships , upsetting established conventions. Live-in relationships in India have been typically viewed as suspicion & moral criticism due to the country's deeply rooted cultural & religious beliefs around marriage & family. However the legal system , particularly the court has increasingly developed to recognize & safeguard individuals rights in such situations. This has resulted in a shift in the legal environment , which prompts a deeper look at the rights , duties & issues connected with non-marital cohabitation.

Although the Article 21 of the Indian constitution guarantees the right to life & personal liberty which has been interpreted by the courts and most importantly to include the right of consenting Adults to live together.

Despite this acceptance, the lack of codified law governing live-in relationships has resulted in ambiguity about problems such as property rights, maintenance , domestic violence protection & the validity & inheritance rights of children born from such relationships.

LITERATURE REVIEW

The problem of live -in relationships has sparked much scholarly & judicial debate in recent decades , notably in India , where changing social norms are testing the conventional & legal Framework.

This literature review will have a focus on key studies, legal commentaries & judicial interpretations which are relevant in order to understand the legal status & its implications which talk about live in relationships.

• SCHOLARLY PERSPECTIVES OF LIVE -IN RELATIONSHIPS

Numerous legal scholars have realized the rising importance of live -in relationships as a reflection of shifting society norms. **DR R.V. KELKAR** In his research stated that voluntary cohabitation among adults cannot be considered as unlawful or immoral in a democratic society ruled by a liberal constitution.

Scholars such as **FLAVIA AGNES** have also focused on gendered vulnerabilities in such relationships , advocating for more legal safeguards for women & children , especially in the lack of married status.

• JUDICIAL COMMENTARY & INTERPRETATION

The Indian judiciary plays an important role in recognizing & developing the rights of persons in live -in relationships. Landmark rulings have helped to widen the scope of legal recognition :-

In the case of **LATA SINGH VS STATE OF UTTAR PRADESH 2006** – The Supreme Court recognized consenting adults freedom to live together outside marriage stating that such an arrangement is neither unlawful nor a criminal violation.

In **S KHUSHBOO VS KANNIAMMAL 2010**- The court confirmed the constitutionality of live-in relationships which emphasizes that public morality cannot limit human liberty under Article 21 of the constitution.

In the case of **INDRA SARMA VS V.K.V SARMA 2013**- In this case judgement was given for defining and gave emphasis on what constitutes a relationship in the nature of marriage . the Court developed a series of criteria to decide whether a live -in- relationship is eligible for legal protection under the Protection Of Women From Domestic Violence Act of 2005.

• **4.3 LEGISLATIVE SILENCE & THE NEED FOR REFORM**

Despite strong Court Support , an annual subject in legal literature is the absence of legislative recognition for live-in relationships. Scholars argue that relying on Judicial discretion creates ambiguity & unequal legal protections . there is a majority that India need a codified legal system that addresses:-

The definition & registration of live-in relationships

Maintenance rights

Property claims

Rights of children born out of such relationships

• **4.4 INTERNATIONAL COMPARISONS IN LEGAL LITERATURE**

According to comparative research , some nations have passed laws to recognize couples who live together . for example – In the United Kingdom , live-in partners can claim some rights under common law theories.

If a cohabiting partner lives in Australia or Canada For a set period of time, they have legal rights to property, spousal support , & custody.

➤ **LEGAL RECOGNITION OF LIVE -IN RELATIONSHIPS**

➤ **JUDICIAL PRONOUNCEMENTS**

The Indian Judiciary has gradually recognized live -in relationships through many important decisions :-

S.P. S. Balasubramanyan Vs Suruttayan (1994)- The Supreme Court ruled that if a man and women live together for an extended period of time. There is a presumption of marriage & children born from such relationships are not illegitimate.

Indra sarma vs V.K.V Sarma (2013)- The supreme court divided live-in relationships into five categories clarifying the legal position of a women in such positions under the Protection Of Women From Domestic Violence Act of 2005.

PAYAL SHARMA VS N. TALWAR -(2018)- The Delhi High Court Ruled That a woman in a Live in – Relationship is entitled to support under the Hindu Adoption & Support Act , 1956 , Just like a Lawfully Married Wife.

Tulsa vs Durghatiya 2008- The Court emphasized that children born from Live -in relationships are legal if the couple has been living together for a long time.

➤ **STATUTORY PROVISIONS**

There are various statutes which provide legal protection to the persons involved in Live-in-relationships

- **PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE , ACT , 2005-** section 2(f) defines “domestic relationship “ to include Live -in -relationships allowing women in such situations protection against Domestic Violence.
- **HINDU ADOPTION & MAINTENANCE ACT , 1956-** Recognizes the right of children born out of live -in relationships to claim maintenance.
- **RIGHTS OF INDIVIDUALS IN LIVE -IN RELATIONSHIPS**
- **MAINTENANCE RIGHTS**

Women in live in relationships are entitled to maintenance under section 125 of crpc as long as they can demonstrate that they were in a relationship similar to marriage.

➤ **PROPERTY RIGHTS**

The Supreme Court in the case of Revanasiddappa v. Mallikarjun (2011) gave a judgement that children born from live -in relationships have the right to inherit their parents property however they don't have any right to ancestral property unless it is self acquired.

➤ **LEGITIMACY OF CHILDREN**

Children born from live in relationships are considered legitimate if the couple has been living together for a longer period of time.

CHALLENGES IN LEGAL RECOGNITION OF LIVE IN RELATIONSHIPS IN INDIA

• **LACK OF STATUTORY DEFINITION**

There is no complete definition of a live in relationship under Indian law including BNSS.

Most of the legal recognition is based on court judgements which may vary from case to case , resulting in legal ambiguity.

• **NO UNIFORM MAINTENANCE LAW FOR LIVE -IN PARTNERS**

Section 144 of BNSS 2023 describes about the support of spouses , children & parents . but does not specifically mention about women who are into live -in relationships.

- **PROOF OF COHABITATION**

In order to claim rights a woman in live-in relationship must prove

Continuous Cohabitation

Relationship in the nature of marriage

- **CHILDREN INHERITANCE RIGHTS**

Children born out from live-in relationships are considered legitimate as per supreme court rulings

However they may face practical challenges in inheriting their ancestral property due to lack of legal documentation.

- **SOCIAL STIGMA & MORALITY POLICING**

In many parts of the world live-in relationships are considered as unethical.

Police, landlords, & even family members often harass couples.

Recent initiatives, such as Uttarakhand's Uniform Civil Code, require registration, which some see as invasive and unneeded government control.

- **LACK OF CLARITY IN DOMESTIC VIOLENCE LAWS**

Since the protection of women from domestic violence act, 2005 recognizes women involved in relationship in a nature of marriage but it does not provide duration, proof, or scope of entitlements clearly.

- **ABSENCE OF RIGHTS FOR MALE PARTNERS**

Legal rights & remedies for live-in relationships are primarily focused on women

Male partners, particularly in situations of domestic violence or false charges have barely or are left with no remedies.

- **PROPERTY & SUCCESSION ISSUES**

There are no specific regulations governing the separation of jointly acquired property in a live-in relationship.

In the absence of the will, succession is uncertain, especially if the connection has not been formally acknowledged.

- **MAINTENANCE & FINANCIAL SUPPORT ISSUES**

Women involved in live-in relationships can claim maintenance under section 144 of BNSS Only if they prove :-

The couple has been living together for a longer period of time

The relationship resembled a valid marriage

This also creates challenges:-

Short term or unstable relationships are not included

The burden of proof lies on the woman

No provision for shared property division.

- **HOUSING & RESIDENCY DISCRIMINATION**

Couples often face challenges especially for the housing purpose:-

Landlords denies the accommodation

Harassment by police or landlords

Moral policy by neighbors and resident welfare association

- **LACK OF LEGAL UNIFORMITY**

Women are largely dependent on judicial discretion since there is no proper legislation covering live-in relationships it differs from case to case.

- **HYPOTHESIS**

The present research is based on the following hypothesis

Primary Hypothesis H1 – Although Live-in Relationships are permissible as per Law but there is lack of legislative recognition which results in varied legal safeguards & court outcomes.

Secondary hypothesis H2- Judicial Activism has expanded legal protections for persons Live-in Relationships , notably through the Constitution & protection Of Women From Domestic Violence Act , 2005

H3- The lack of a codified legal framework disproportionately impacts Women & children in live-in relationships , particularly in situations of maintenance , property disputes & inheritance claims.

H4 – Despite Constitutional Provisions societal stigma & traditional expectations still prevent persons involved in live in relationships to exercise their right fully.

H5- Legal Models from other countries that recognizes cohabitation through statutory measures and provide potential frameworks for reforming the Indian Legal System.

- **OBJECTIVES OF THE STUDY**

The primary objective of this research is to critically examine the legislative framework which governs live-in relationships in India & to analyze the effectiveness of safeguards provided to individuals , particularly women and children involved in such relationships. The Study focuses on both legal & sociological issues & propose reforms for a more inclusive & integrated legal approach.

Following are the objectives: _

- To analyze the legal status of live-in relationships in India
- To explore the rights & protections available to individuals involved in live-in relationships
- To identify the legal challenges faced by live-in partners
- To evaluate the role of judicial decisions in shaping legal norms
- To understand the impact of social attitudes on the practical enforcement of rights
- To draw comparisons with international legal framework
- To recommend legislative & policy reforms

RESEARCH QUESTIONS

- What is the legal status of live-in relationships in India and how has the Judicial interpreted and developed this in the absence of direct legislation ?
- What are the legal protections & rights available to live in partners?
- What are the legal challenges faced by women & children to prove the existence & legitimacy of a live-in relationships in court?
- What are the necessary reforms in order to give a equitable protection for individuals in live -in relationships?

RESEARCH METHODOLOGY

This study includes a qualitative & doctrinal research technique with an emphasis on evaluating legal concepts , legislative interpretations , & judicial discretions about live -in relationships in India The main focus of this research is to understand the evolution, scope & challenges of the legal framework which governs such relationships & to propose recommendations for reform.

This research is primarily based on

Doctrinal – it involves the study of statutes, constitutional provisions, case law & legal commentary related to live-in relationships.

Qualitative- it focuses on understanding legal concepts, social implications & judicial reasoning rather than statistical data.

• FINDINGS

Based on the analysis of statutory provisions , judicial decisions , & comparative legal practices , the research presents the following key findings :-

Absence of statutory provisions:- live -in relationships are not governed by any specific legislation in India. As a result, the legal recognition & rights of persons in such relationships rely heavily on court interpretation. This creates uncertainty & inconsistency in the protection of rights.

Judicial activism has filled the legal gap:- The Indian Courts, particularly the Supreme Court have played an important role in developing the legal acceptance of live-in relationships. Live -in relationships are not unlawful according to judgements which were given in the case of Indra Sarma vs V.K.V Sarma & in the case of S Khushboo vs Kanniammal. They also fall under the jurisdiction under Article 21 of the Constitution [Right To life & Liberty].

Limited yet significant legal protections:- while there is no universal legal code, various safeguards are provided under:-

The protection of women from domestic violence act , 2005 applies to women in relationships that are ‘ nature of marriage’.

Women involved in live-in relationships can claim support & residency under specific conditions , according to Judicial Judgements.

Vulnerability of women & children :- Women in live-in relationships have higher legal & social vulnerability than married women. Maintenance , property rights, & legal protection are not ensured. Children from such relationships are normally regarded as legal , although they may suffer inheritance & social recognition challenges until paternity is confirmed.

Social stigma & discrimination continues :- Despite legal acceptance , live-in relationships continue to be seen poorly in most of Indian society , particularly in traditional & rural areas. This stigma frequently hinders the actual enjoyment of rights, including access to housing , employment & legal remedies.

Need for legislative clarity :- There is significant unity in academic & legal circles on the necessity for an comprehensive legal framework that :-

- Clearly specify live -in relationships
- Establishes rights & obligations of partners
- Provides legal remedies without excessive dependence on judicial discretion
- Protects the interests of women & children.

Comparative jurisdictions provide useful methods

Countries like as the United Kingdom, Canada , & Australia have passed legislation that recognizes cohabitation & grants legal rights to partners in such relationships . these models offer valuable insights that can be adapted to the Indian Legal context.

Need for policy & legislative reform

There is an urgent need for legal reform to ensure that live-in relationships are :-

- Clearly defined & Optionally registrable
- Protected under a uniform legal framework
- Recognized for the purpose of property rights, maintenance & child support .

Legal protections are unequally applied across jurisdictions

The interpretation of live -in relationships varies among Indian courts , with different High courts adopting different standards . various Courts have different methods & have refused to give relief because of insufficient proof or short duration of the relationship. While many Courts Grants relief on the basis of sufficient proof & gave numerous benefits such as Maintenance , inheritance , and protection of eviction.

This judicial inconsistency creates ambiguity & provides the necessity to protect vulnerable individuals involved in such relationships.

Comparative legal models provide stronger protection

Various countries such as Canada, Australia & United Kingdom have already offered the legal recognition to individuals who are involved in such relationships. But India has not officially recognized this is not covered in any statutory provision or constitutional provision. This creates ambiguity in our system. And due to this in India people involved in live-in relationships faced various challenges especially women & children.

• CONCLUSION

Live-in relationships, once considered taboo in Indian society, have increasingly emerged as a significant aspect of modern cohabitation & personal choice. Their increasing use reflects shifting societal norms and a greater assertion of personal liberty, particularly in metropolitan areas. However, legal reforms have not kept pace with societal growth, leaving the environment confusing & fragmented.

The Indian Judiciary has taken a proactive & frequently progressive approach to expanding constitutional rights to those involved in live-in relationships. The Supreme Court issued landmark decisions establishing that such partnerships are not unlawful and are protected under Article 21 of the constitution. The Protection of Women from Domestic Violence Act of 2005 established a limited legal framework for protecting women in such arrangements, but only if the partnership is formal and substantively similar to marriage. Despite these court developments, the lack of exact law persists.

The research states that women & children are especially vulnerable in live-in situations, which often encounter legal uncertainty & societal discrimination. Women often seek claims for support, housing, & protection which are routinely refused due to their personal understanding of unclear legal norms.

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