



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2025

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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Legal Aspects of Live-in Relationships in India: Evolving Norms and Judicial Perspectives

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Introduction

Live-in relationships, though traditionally viewed with skepticism in Indian society, are becoming increasingly common, especially among urban youth. As societal norms evolve, the legal system has had to address the implications of such relationships, often in the absence of codified laws. Live-in relationships are not a matter of legality, they are a matter of love. The law, at best, can only touch the outer shell of human intimacy the house, not the home. Love is not a contract signed on paper; it is a celebration of freedom. But society in its deep rooted fear of freedom has always tried to chain love, define it, label it. It examines how courts have interpreted constitutional values such as dignity, liberty, and equality to protect the rights of individuals in live-in arrangements.

Judicial Recognition and Landmark Judgments

The judiciary has played a pivotal role in recognizing and defining the legal status of live-in relationships as today's youth is rebelling not just against marriage, but against ownership in relationships. They are seeking love without bondage, togetherness without control. And the law must support this spiritual revolution not suppress it under the weight of outdated morality and the law must evolve to protect freedom, not tradition. Live-in relationships are not against Indian culture; they are against Indian hypocrisy.

1. S. Khushboo v. Kanniammal (2010): The Supreme Court held that living together by consenting adults is not an offense and that moral disapproval cannot be the basis for legal sanction.

2. *D. Velusamy v. D. Patchaiammal* (2010): The Court laid down conditions under which a live-in relationship would be considered "in the nature of marriage," making the partner eligible for relief under the Protection of Women from Domestic Violence Act, 2005.
3. *Indra Sarma v. V.K.V. Sarma* (2013): The Court clarified that a woman knowingly entering a relationship with a married man would not be entitled to protection under the Domestic Violence Act, urging legislative intervention for such vulnerable women.
4. *Tulsa & Ors v. Durghatiya* (2008) and *Dhannulal v. Ganeshram* (2015): These cases affirmed that children born out of live-in relationships are legitimate and entitled to inheritance rights under Hindu law.
5. *Kattukandi Edathil Krishnan v. Edathil Valsan* (2025): The Supreme Court reinforced the principle that long-term cohabitation gives rise to a presumption of marriage, granting inheritance rights to children born in such unions

Instead of asking, "Is live-in legal?", the question should be, "Is it loving? Is it respectful of each other's freedom?" For the law must not become a moral judge; it must simply be a protector of rights. If violence, exploitation, or abandonment happens in a live-in, then yes let the law act. But do not ask the law to become a guardian of culture.

Statutory Protections

Though no dedicated statute exists for live-in relationships, certain laws provide indirect protections:

1. Protection of Women from Domestic Violence Act, 2005: Includes relationships "in the nature of marriage" within the definition of a domestic relationship. Women in such relationships can seek maintenance, protection, residence, and compensation.
2. Criminal Procedure Code, Section 125: Allows maintenance for a woman who can prove she was in a marriage-like relationship.
3. Indian Evidence Act, Section 114: Allows courts to presume a couple is married if they have cohabited for a long time.
4. Hindu Succession Act, 1956: While not directly applicable to live-in partners, courts have used presumptions of marriage to grant inheritance rights to children.

5. Children Born of Live-in Relationships
6. Courts have uniformly held that children born out of live-in relationships are legitimate and entitled to maintenance and inheritance. This progressive stance ensures that the child does not suffer due to the parents' marital status. The Supreme Court has emphasized that the welfare of the child is paramount, and legitimacy must be construed liberally.
7. Property and Succession Rights
8. While cohabiting partners do not have automatic rights to each other's property, courts may recognize joint ownership or contributions in specific cases. However, unless the relationship qualifies as a marriage under personal laws or meets the criteria for presumed marriage, succession rights are limited. Property rights must often be asserted through civil suits based on contribution or resulting trust principles.

Recent Legal Developments and Trends

Recent High Court decisions have shown increasing sensitivity toward the plight of women in live-in relationships. For instance, a 2024 Chhattisgarh High Court ruling awarded maintenance to a woman who was unaware of her partner's existing marriage, distinguishing it from the Indra Sarma case. Modern India stands at a curious crossroad where constitutional liberty meets cultural conservatism. And in the heart of this paradox lies a powerful idea: the live-in relationship. Many call it rebellion, others call it immorality. But I call it an experiment a search for love without ownership, companionship without bondage.

what is immoral in two consenting adults choosing to share a life, a home, a moment? If marriage is sacred because it is based on love, then why is a live-in relationship, which is often born of the same love, treated as a sin?

Moreover, the judiciary has acknowledged the changing social fabric. Courts have observed that live-in relationships are becoming a social reality and must be approached with a pragmatic lens.

Balancing Constitutional Morality and Societal Norms

The Indian judiciary has consistently upheld constitutional morality over societal morality. Live-in relationships, when consensual, are protected under Article 21 (right to life and

personal liberty). In *Navtej Singh Johar v. Union of India* (2018), the Supreme Court reaffirmed that dignity and choice are essential components of personal liberty.

Society wants to recognize it but only by naming it "marriage". But live-in is not marriage. That is its essence. It is a space where love is chosen every day, not bound by rituals or papers. I am not against marriage. But marriage without love is a prison. And love without freedom is a lie. Live-in relationships are not destroying Indian culture; they are exposing its double standards

The law must ensure that a woman in a live-in is protected from abandonment or abuse, children born from such relationships have full legal rights, that society does not criminalize love with labels of morality and the freedom of personal choice is upheld as a fundamental right.

Conclusion

The legal recognition of live-in relationships in India reflects a balancing act between evolving societal values and the need to protect vulnerable individuals. While the absence of codified laws leaves gaps, judicial interpretations grounded in constitutional principles have provided significant relief to cohabiting partners and their children. As awareness and acceptance grow, it is imperative that the legislature steps in to codify protections, ensuring clarity and uniformity. Until then, the courts will continue to play a vital role in shaping the legal contours of live-in relationships in India.

References:

1. *S. Khushboo v. Kanniammal* (2010)
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4. *Tulsa & Ors v. Durghatiya* (2008)
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7. *Navtej Singh Johar v. Union of India* (2018)
8. Protection of Women from Domestic Violence Act, 2005

9. Criminal Procedure Code, Section 125
10. Indian Evidence Act, Section 114
11. Hindu Succession Act, 1956
12. Constitution of India, Article 21