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RECOGNITION OF LIVE-IN RELATIONSHIPS IN INDIA: LEGAL STATUS AND MAINTENANCE ENTITLEMENTS

~ *Priyanka Pillay*

INTRODUCTION

Marriage is not just a union of two people, but a meeting of emotions, expectations, fears, and hopes. It grows through understanding and responsibility. India, being a profound land known for its deep-rooted cultural affinity towards matrimonial bonds and religious supremacy, has witnessed a close reformation due to its heterogeneous population. With changing needs and instances, even the law has to be diversified and must be welcoming of varied communities and ideas, which are essential for harmonious living. Though the Indian marriage laws mandates few conditions to be followed, like age limit or saptapadi, in case of Hindu marriages or meher in Muslim marriages, getting married is not a fundamental right but a legal right. Every individual doesn't have to get married and have a family of their own. Nonetheless, who you choose to be your partner and have a peaceful living is a fundamental right in its own. The outcome of rapidly changing social morals has been a peculiarly ambivalent situation in the form of non-marital heterosexual relations (“live-in” relations as they are commonly called). Such relationships among the urban, educated, upper-middle-class and elite young people have emerged towards their independence outlook, aimed at keeping them away from the ‘shackles’ of institutionalized marriage.¹

Live-in relationships, also known as non-marital relationships or informal marriages, are deemed to be marriages where no legally recognized marriage ceremony is performed, or a registration in a civil registry is formalized. In such a relationship, unmarried couples live together in an

¹ Shoma A. Chatterji, *Women in Perspective – Essays on Gender Issues*, p. 168 (2010), Vistas Publishing.

arrangement similar to that of married couples. Although the legal status of live-in relationships in India is unclear, the Hon'ble Supreme Court has observed that any couple living together for a prolonged period of time shall be presumed as legally married for purposes of rights arising from the said relationship unless proved otherwise.²

LEGAL STATUS OF LIVE-IN RELATIONSHIPS IN INDIAN LAW

As relationships like marriage or live-in relations are a modern concept that is quite contrasting to that of Indian culture, there is no explicit provision that deals with rights and obligations catering to this novel idea; however, there are some provisions that indirectly protect the interests of women who are victims of these informal marriages, which are motivated by malicious benefits or desires.³ Over the period of almost a decade, non-marital heterosexual relations have been brought into focus in India through various legal developments. In 2008, the Maharashtra government made a novice attempt to amend Section 125 of the Criminal Procedure Code. The amendment sought to broaden the definition of the term “wife” in this section to include a woman who was living with a man “like his wife” for a reasonably long period. This followed the recommendations of the Malimath Committee in 2003. Second, the Protection of Women from Domestic Violence Act (PWDVA), 2005, is considered to be the first piece of legislation that covers relations “like marriage,”⁴

MALIMATH COMMITTEE- A CATALYST FOR INNOVATIVE REFORMS

In 2000, the NDA government had formed a panel headed by the former Chief Justice of Kerala and Karnataka, Justice V.S. Malimath, to suggest reforms to the century-old criminal justice system. Two years later, the Malimath Committee submitted a report with 158 recommendations. The Committee felt that the existing system “weighed in favor of the accused and did not

² Maintenance in Non-Marital Relationships, IndiaLawOffices.com (Aug. 02, 2024), <https://www.indialawoffices.com/legal-articles/maintenance-in-non-marital-relationships> (last visited Dec. 9, 2025).

³ Section 125 Cr.P.C. is available to all neglected wives, or discarded or divorced wives, abandoned children and hapless parents belonging to any religion against husband, father or son. No other relation can claim maintenance under this provision

⁴ AGRAWAL, ANUJA. “Law and ‘Live-in’ Relationships in India.” *Economic and Political Weekly* 47, no. 39 (2012): 50–56. <http://www.jstor.org/stable/41720191>

adequately focus on justice to the victims of crime.”⁵ The Committee sought to expand the definition of ‘wife’ in Section 125 Cr.P.C. by recommending ‘to include a woman who was living with the man as his wife for a reasonably long period, during the subsistence of the first marriage’.⁶ In Part IV of the report, which determines the offences against women, the committee has addressed this concept of relations like marriage. The Committee made it very clear that when a man commits bigamy, the second marriage holds no validity, and the subsistence of the first wife should not escape his liability to maintain his second wife under Section 125. The Supreme Court has held that, for proving bigamy, the second marriage has to be performed with due rites as specified by either party’s religion or customs. Therefore, the Committee concluded that evidence regarding a man and woman living together for a reasonably long period should be sufficient to draw the presumption.⁷

PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

A woman who experiences cruelty or harassment from her husband or his relatives can only file a complaint under section 498A of the Indian Penal Code, which clearly does not cover all forms of violence against women that take place inside the four walls of the home. Before the PWDV ACT of 2005, no law could address all forms of violence against women. The other key phrase that has been recognized in this Act is a live-in relationship, which was previously not recognized by Indian law. Relationships that have the same legal status as marriage, such as live-in relationships, have also been legalized under various personal laws like the Hindu Marriage Act. Referring to the pertinent definitions of the PWDV ACT 2005, where the term "live-in relationship" received legal sanction, is crucial for a clearer understanding of the term and its legitimacy in India.⁸

⁵ *The Malimath Committee’s Recommendations on Reforms in the Criminal Justice System in 20 Points*, THE HINDU (Apr. 2, 2024), <https://www.thehindu.com/news/national/the-malimath-committees-recommendations-on-reforms-in-the-criminal-justice-system-in-20-points/article61493071.ece> (last visited Dec. 9, 2025).

⁶ Manju Jamwal, *Live-In Relationships and the Law*, RGNUL (2020), <https://www.rgnul.ac.in/PDF/d0fb7efc-5940-42a4-980f-7e5c2d565c44.pdf>

⁷ Ministry of Home Affairs, government of India, committee on Reforms of Criminal justice System 189-94 (2003)

⁸ Domestic Violence in Live-In Relationship: A Judicial Discourse, Dehradun L. Rev. (2023), <https://www.dehradunlawreview.com/wp-content/uploads/2023/02/Paper-7-Domestic-Violence-in-Live-In-Relationship-A-Judicial-Discourse.pdf>

Women who are in "relationships like marriage" are given protection under Section 5, 2(f) of the PWDV Act, 2005⁹, but not all live-in relationships fall under this definition. These relationships are unlawful, and the persons engaged will face consequences in court. The law is also silent about same-sex relationships. Although they are not exhaustive, the Supreme Court has established certain parameters for determining whether a live-in relationship may be considered to be "a partnership like marriage" for heterosexual adults. The key determining factors are: a substantial length of time in the relationship, to be determined subjectively; partners should have lived together as a shared household, as defined in Section 2(s) of the PWDV Act, 2005¹⁰ (Simply dating for one night or spending weekends together is not sufficient); there must be some kind of financial pooling and domestic arrangements, and a reasonable length of relationship. The nature of the relationship is primarily determined by the parties' shared intentions regarding what their relationship is to be and involve, as well as their respective roles and responsibilities. Common intentions include having children and sharing the responsibility for raising and supporting them, portraying themselves publicly as husband and wife, and socializing with friends, relatives, and others as though they are husband and wife. According to the PWDV Act of 2005, women in relationships that have the characteristics of marriage are entitled to protection and maintenance.¹¹

JUDICIAL PRECEDENCE GOVERNING THE LEGAL STATUS OF LIVE -IN

A Dinohamy v. W L Blahamy (1927) was one of the first cases that noted the rise of live-in relationships and considered it to be a valid marriage if the couple lived together and there was no evidence to the contrary.¹² *Mohabbat Ali v. Mohammad Ibrahim Khan(1929)* was a case that held that the number of years of cohabitation is a valid piece of evidence and "relation in nature

⁹ Section 2(f) "Domestic relationship means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family."

¹⁰ "shared household" means a household where the person aggrieved lives or at any stage has lived in a domestic relationship either singly or along with the respondent and includes such a household whether owned or tenanted either jointly by the aggrieved person and the respondent, or owned or tenanted by either of them in respect of which either the aggrieved person or the respondent or both jointly or singly have any right, title, interest or equity and includes such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or the aggrieved person has any right, title or interest in the shared household.

¹¹ Ibid

¹² *Dinohamy V. W.L. Blahamy*, AIR 1927 PC 185

of marriage “ can be ascertained.¹³ Badri Prasad’s case made it clear what constitutes “ a long period of time for cohabitation”. In this case, the cohabitation was persistent for 50 long years, there was a strong presumption of marriage and favor out of wedlock. In such cases, the burden of proof lies upon the person who seeks to deprive the relationship of legal origin.¹⁴

Chellamma v. Tillamma (2009) gave the status of wife to the partner in live-in relationships. Katju J. and Mishra J. stated that, in their opinion, a man and a woman, even without getting married, can live together if they wish to. This may be regarded as immoral by society but is not illegal. There is a difference between law and morality. The Bench went on to state ahead and observed that the children born to a parent would be called legitimate. They have the rights in their parents’ property. There are instances in which the courts have interpreted only one part of the recommendation, ignoring the other relevant one. For instance, in *Chanmuniya v. Virendra Kumar Singh Kushwaha and Another*, Justices G.S. Singhvi and A.K. Ganguly cited the first part of the recommendation of the Malimath Committee to support their case for a broad interpretation of the term ‘wife’.¹⁵ For them, the above recommendation of the Malimath Committee suggested that the “evidence regarding a man and woman living together for a reasonably long period should be sufficient to draw the presumption that the marriage was performed according to the customary rites of the parties.”

MAINTENANCE RIGHTS IN NATURE OF MARRIAGE

The Hon’ble apex court has ascertained that to claim maintenance, a few conditions must be fulfilled. The couple living together must voluntarily cohabit and hold each other as spouses for a long period of time.¹⁶ Both should be of legal age, competent to get married, and eligible to enter a legal marriage. The couple must hold themselves as being akin to spouses in society.¹⁷ Furthermore, the courts have reiterated that the primary purpose of maintenance is to safeguard a woman’s financial stability and uphold her dignity. By adopting a progressive approach, the judiciary has ensured that maintenance laws evolve in accordance with changing social realities

¹³ Mohabhat Ali V. Mohammad Ibrahim Khan, AIR 1929 PC 135

¹⁴ Badri Prasad V. Dy. Director of Consolidation, (1978) 3 SCC 527

¹⁵ Chanmuniya v. Virendra Kumar Singh Kushwaha, (2011) 1 SCC 141

¹⁶ Tulsa v. Durghatiya, (2008) 4 SCC 520

¹⁷ Maintenance in Non-Marital Relationships, India Law Offices (Aug. 2, 2024),

<https://www.indialawoffices.com/legal-articles/maintenance-in-non-marital-relationships> (last visited Dec. 9, 2025).

and continue to offer protection to women in non-traditional relationships. Section 125 of the Criminal Procedure Code, 1973, now, Section 144 of Bharatiya Nagarik Suraksha Sanhita, 2023, provides a significant legal remedy for women and enables a woman to seek monthly financial support upon the existence of such a relationship. The maintenance is to provide the basic amenities like food, shelter, clothing, and healthcare, thereby ensuring financial security and social protection for women who are otherwise left unsupported.

CONCLUSION

It can be well articulated, however, that live-in relationships can be considered as immoral but are not illegal in nature. The law doesn't consider it derogatory or punishable. It is thus seen as a union and also as deemed marriage when the cohabitation is for a longer duration of time, even though the court has derived this through precedents and judicial opinions. Every individual has a right to choose their partner and live in any settlement as per their choice, and this right stands to be fundamental and concrete subjected to no curtailment unless specified by law itself.