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LIVE-IN RELATIONSHIPS IN INDIA: CONSTITUTIONAL RECOGNITION, JUDICIAL EVOLUTION, AND THE NEED FOR A COMPREHENSIVE LEGAL FRAMEWORK

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ABSTRACT

Every action of our lives touches on some chord that will vibrate in eternity.

~ Edwin Hubbel Chapin

Live-in relationships have become a major social feature in present-day India and have raised complex legal issues regarding how they should be recognized and regulated. There is no express definition or legislation of 'live-in relationships' in Indian law. However, courts have addressed various issues arising from these relationships, including women's rights, children's legitimacy, and maintenance. In this context, the judiciary has interpreted the right to life, liberty, and dignity guaranteed under Article 21 of the Indian Constitution to encompass the interests of individuals in live-in relationships. This paper deals with concepts such as what is called a live-in relationship, the legal definition of "relationship like marriage", the protection given under the Protection of Women from Domestic Violence Act, 2005, and the extent of maintenance and succession claims.

The article examines the constitutional, statutory, and judicial development concerning live-in relationships in India. It offers a significant analysis of the current legislation, identifies inconsistencies and several practical challenges in the current situation, and suggests a discrete legislative solution.

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INTRODUCTION

Live-in relationships occur when two individuals cohabit as a couple for an extended period while remaining unmarried. The couple can be described as cohabiting with each other as if they were married,² yet not being legally recognized as such. The legal position of live-in couples in the Indian context has improved considerably over the last few years and has become quite the talking point in courts and societies.³ The Indian judiciary has already started treating live-in relationships as personal choices to be safeguarded under the constitutional guarantees of privacy, dignity, and liberty. Women who lived in such arrangements in the past have had a disadvantaged position both socially and legally because their choices were often considered immoral, and they never really had any rights or options available to them in cases of trouble.⁴

A live-in relationship means that two individuals reside in the same residence without getting married and forming a legal marriage bond.⁵ These types of relationships used to be frowned upon in earlier days, but nowadays, their prevalence is seen in cities across the country. Due to various concerns like monetary support, domestic violence, property rights, and child custody, courts of law have started to take notice of these relationships.

The judiciary has been a crucial institution in the constitutional law of live-in relationships because of constitutional jurisprudence theories such as personal liberty and dignity. A wide interpretation of Article 21 of the Indian Constitution has allowed courts to restate the right of adults to freely select their partner and live together outside of marriage without interference by the government.⁶

CONSTITUTIONAL PERSPECTIVE: RIGHT TO LIFE AND PERSONAL LIBERTY

² Anand Singh Prakash, *Legal Conundrum of Live-in Relationship in India: A Judicial Approach*, 9(26) Int'l J. for Multidisciplinary Research (2023).

³ Sh Kumar, *The Legal Status of Live-in Relationships in India: Evolution and Judicial Recognition*, 6 Int'l J. L. Pol'y & Soc. Rev. 114 (2024).

⁴ Soumya Yadav, *Live-in Relationships in India: What Rights Does a Woman Really Have?*, SCC Online Blog (Feb. 17, 2026), <https://www.scconline.com/blog/post/2026/02/17/womens-rights-in-live-in-relationships-in-india/>.

⁵ Choudhary Laxmi Narayan, Mridula Narayan & Mridul Deepanshu, *Live-In Relationships in India—Legal and Psychological Implications*, 3 J. Psychosexual Health 18 (2021).

⁶ Satyendra Pal Sharma & Priyanka Gehlot, *Live-in Relationships in India: Legal Recognition and Judicial Approach*, 4 Int'l J. Novel Trends & Innovation 557 (2026).

Right to Life and Personal Liberty in India. However, constitutional principles have been used to provide the basis for their indirect recognition. The right to choose a partner and to live with them in an intimate relationship without state interference is now seen as part of the dignity and privacy of the individual and thus protected under Article 21 of the Constitution.⁷ The right to choose a partner and to live in an intimate relationship without the interference of the State is now recognized as part of the dignity and privacy of an individual.⁸

Article 14, which guarantees equality before the law, also supports this argument, as it prohibits any discrimination based exclusively on marital status. Article 14, which guarantees equality before the law, also reinforces this argument by barring any discrimination based exclusively on marital status.⁹

There is no specific mention of ‘living with a partner’ in any law in India. However, even in the absence of statutory recognition, such arrangements have been upheld as lawful under judicial interpretation and the principles of the Constitution, where they are based on consenting adults,¹⁰ e.g., the DV Act, Section 2(f), which refers to a “like marriage” relationship. Even if not expressly recognized, it has been accepted as lawful under judicial interpretation and principles of the Constitution when the relationship is based on consenting adults, such as the DV Act, Section 2(f), which refers to a “like marriage” relationship.¹¹

Note: The Code of Criminal Procedure, 1973 has been suspended by *Bharatiya Nagarik Suraksha Sanhita, 2023*, which came into force from 1st July 2024. Section 125 of CrPC has been substantially reproduced as Section 144 of BNSS. Judicial precedents built under Section 125 of CrPC remain applicable and shall be used by the court under the transitional regime

JUDICIAL RECOGNITION OF LIVE-IN RELATIONSHIP: A JURISPRUDENTIAL ANALYSIS

Under the previous law in India, only formal marriages were recognized, and no other kind of relationship was recognized. Later, judicial rulings have upheld live-in relationships under the

⁷ India Const. art. 21

⁸ Shreya S, *Legal Recognition of Live-in Relationships in India: A Constitutional and Judicial Perspective*, Record of Law (May 24, 2026), <https://recordoflaw.in/legal-recognition-of-live-in-relationships-in-india-a-constitutional-and-judicial-perspective/>.

⁹ India Const. art. 14.

¹⁰ Yadav, *supra* note 4.

¹¹ *Morality and Cruelty in Live-In-Relationship: Indian Scenario*, 2 Jus Corpus L.J. 1289 (2022).

umbrella of fundamental rights, especially Article 21, which have helped to afford them legal recognition and helped to alleviate them from social stigma.¹²

Judicial decisions have greatly influenced live-in relationships. The Supreme Court decided the case of *Lata Singh v. State of U.P* and it held that two consenting adults can live together without it being illegal and also that personal autonomy about intimate relationships is to be respected.¹³ The case dealt with inter-caste marriage, but the reasoning of the Supreme Court had a resonance on the principle of personal autonomy in intimate relationships.¹³

D. Velusamy v. D. Patchaiammal¹⁴ In this case, the Supreme Court made it clear the requirements for the recognition of live-in relationships under the Protection of Women from Domestic Violence Act, 2005 (PWDVA). The Court established a “relationship like marriage” concept and thus gave certain legal protection to women who were in such a relationship.

That not every live-in relationship constitutes “like marriage” was a theme that came through loud and clear in *Indra Sarma (supra)*.¹⁵ The legal recognition is not intended to authorize all non-marital couples, but instead to recognize relationships - close in nature and stability- that are analogous to marriage.

As a result, the judiciary has progressively created a framework of protection, yet has not considered the relationship of living together in the same house as marriage in all aspects.¹⁶

THE LEGAL ASPECTS OF LIVE-IN RELATIONSHIPS IN INDIA.

A live-in relationship is a consensual relationship between two adults living together without being married, and the partners may have rights to maintenance, protection, and childcare.

a. RIGHT TO MAINTENANCE

The provisions of Section 125 (1) (a) of the Criminal Procedure Code, 1973, regarding the right to maintenance, apply to a live-in relationship.¹⁷ The right to maintenance is mentioned in Section 125 (1) (a) of the Criminal Procedure Code, 1973, and it can be seen that they have been framed to enable the grant of monetary assistance to a wife, child, or parents.

¹² Sharma & Gehlot, supra note 6.

¹³ *Lata Singh v. State of U.P.*, (2006) 5 S.C.C. 475.

¹⁴ *D. Velusamy v. D. Patchaiammal*, (2010) 10 S.C.C. 469.

¹⁵ *Indra Sarma v. V.K.V. Sarma*, (2013) 15 S.C.C. 755.

¹⁶ Shreya S., supra note 8.

¹⁷ Code of Criminal Procedure, 1973, § 125(1)(a) (India).

b. RIGHT TO PROTECTION AGAINST DOMESTIC VIOLENCE

Women in live-in relationships that are akin to marriage are covered under the DV Act. There are several forms of domestic abuse: physical, emotional, verbal, sexual, and economic abuse¹⁸. Under the court's protection order¹⁹ residence order,²⁰ and monetary order,²¹ courts may provide protection and security regardless of the couple's marital status, provided they show stability and commitment to each other. Even if the couple is not married, protection orders, residence orders, and monetary relief may be granted to ensure the safety and security of the couple.

c. THE CHILD'S RIGHT TO CUSTODY AND SUPPORT.

When a child is born of long-term live-in relationships, both parents have a responsibility for their maintenance, care, and support. Where the relationship is akin to marriage, courts have recognized that such children have valid claims. In the event of a dissolution of the relationship, custody and guardianship are determined by what's in the child's best interests, and the court may designate a guardian when needed. Children also have a right of maintenance and property rights from both parents in accordance with the law.²²

d. RIGHT TO PROPERTY

Live-in relationships do not automatically result in spousal property rights. However, courts may accept claims to property if the relationship is long-term, marriage-like, and with a shared investment in property.²³

e. RIGHT TO SEEK LEGAL ACTION FOR HARASSMENT OR ABUSE.

Women in live-in relationships can pursue civil and criminal actions against harassment, coercion, or violence. This protection is supported by the constitutional rights to dignity, equality, and personal liberty of Articles 14²⁴ and 21 of the Constitution, respectively²⁵ and the provisions of the DV Act.

PRESENT LEGAL POSITION IN INDIA:

¹⁸ Protection of Women from Domestic Violence Act, 2005, § 3 (India).

¹⁹ Protection of Women from Domestic Violence Act, 2005, § 18 (India).

²⁰ Protection of Women from Domestic Violence Act, 2005, § 19 (India).

²¹ Protection of Women from Domestic Violence Act, 2005, § 20 (India).

²² *Live-in Relationship: A Socio-Legal Perspective*, 23 A.L.J. 36 (2015–16).

²³ *Tulsa v. Durghatiya*, (2008) 4 S.C.C. 520.

²⁴ India Const. art. 14.

²⁵ India Const. art. 21.

India does not have any laws against living in relationships. They have been acknowledged by courts within the mandate of personal freedom, and certain legal safeguards have been provided through ongoing legislation. No legislation specifically addresses such relationships; however, rights will be decided on an individual basis²⁶.

At present, the legal situation is as follows:

- i. Live-in relationships are not prohibited.
 - ii. Under the constitutional structure of personal liberty, they are protected.
 - iii. Judicial interpretation and precedents allow for limited rights.
 - iv. The facts and circumstances of each case are taken into account by the courts.
- Concurrently, comprehensive legislation has not been established, and legal protection is not comprehensive, depending on judicial discretion.

GAPS IN THE EXISTING FRAMEWORK

In the absence of a specific law, the situation of ‘live-in relationships’ in India is fragmented and uncertain. This means that partners have to rely on different court decisions and only a few aspects of the law, leaving many questions of property division, inheritance, and financial security unsolved.

The current law is still inadequate. The PWDVA has been enacted to provide relief from domestic violence, but it fails to adequately take into account other important aspects of women’s rights in a live-in relationship, such as property rights, alimony and inheritance. Furthermore, because the term “relationship like marriage” is not legally defined, it can be interpreted in various ways, which puts women in difficult situations.²⁷

Even in light of judicial advances, custody disputes are still lacking for children of relationships between parents in “live-in” relationships remain underperforming. Since these parents are not officially recognised, custody decisions are determined case by case, which means that these factors can lead to varying outcomes. Lack of a clear legal definition of parental responsibility also hampers the implementation of child support and child protection laws.

Most women in live-in relationships face a lack of statutory alimony or maintenance protections that could protect them financially in case such a relationship breaks up. Although

²⁶ Sharma & Gehlot, *supra* note 6.

²⁷ Avirup Dutta & Debashree Chakraborty, *The Evolving Concept of Live-in Relationships in India: Legal Recognition and the Need for Regulation*, 7 Indian J.L. & Legal Rsch. (2025).

in some cases, the court applies and interprets the laws that already exist to give maintenance awards to those women, the results vary and are inconsistent, depending on the case.

The stigma that surrounds live-in relationships prevents legal reforms from being successfully put into practice. Even when the courts tend to accept the legitimacy of live-in relationships under specific conditions, social and cultural resistance can overshadow the meaning of the court ruling.

In summary, one of the major weaknesses of the current legislation is that there are only acknowledgments but no certainties regarding the status of the relationships. Even though some courts might accept the idea of a live-in relationship, no clear legal framework is available to direct the actions of the courts.

LEGAL REFORMS ARE NECESSARY

To overcome the downsides of the existing legislation, it is important to implement comprehensive reforms. Among possible methods of enhancing legal protections for those who are in relationships of that kind, the following measures could be suggested:

- I. Laws must be created to ensure that persons in live-in relationships can assert their right to property and inheritance, especially in cases where they have played an active role in the maintenance of the household. The law should also specify how property is split in case of a breakup.
- II. Legal measures must be implemented to protect children born to couples in live-in relationships, especially in cases of divorce. Custody policies must prioritize children's welfare as well as equal treatment of kids born out of wedlock.
- III. A properly elaborated legal system must be established to outline precisely the rights and obligations of partners in live-in relationships in connection with maintenance, inheritance, and property division.
- IV. Public awareness campaigns should be arranged to eliminate the social stigma regarding live-in relationships.

SUGGESTIONS

To establish a just and hospitable legal framework that acknowledges the dignity, liberty, and welfare of persons in live-in agreements, the following actions are recommended.

- a) Formulating clear legislation that will guarantee that persons in live-in arrangements enjoy the same rights and obligations as spouses in marriages, especially in terms of sustenance, property sharing, and succession law.
- b) Revising current family laws to clearly state and acknowledge live-in arrangements. The new law must acknowledge live-in arrangements as an established legitimate relationship State legal and financial rights and obligations of the partners. - Provide the procedures for dissolution and protection against injustices and abuse.
- c) Enhancing the legal aid and dissemination of information centers, particularly in rural and semi-urban areas, so that more people can learn about the court decisions and their legal options.
- d) The Supreme Court can make standard rules for all High Courts to follow. This would help ensure that people get comparable assistance, security, and treatment in comparable situations and are not subject to disparate treatment depending on their geographic location or beliefs.
- e) Establish a special court or fast track within the existing family courts to deal with cases involving live-in relationships. This will help reduce delays and ensure that partners and any children they're responsible for get justice on time.

CHALLENGES

- 1. There are significant social taboos surrounding cohabiting couples that cause individuals to alienate such couples from their community or family.
- 2. Judges have to base their evaluations of cohabiting couples on legal precedents rather than direct legal provisions, complicating the whole process.
- 3. Cohabiting partners are unable to inherit property from each other, necessitating the creation of a will to establish ownership of property.
- 4. The children born from cohabiting unions are considered legitimate but might experience various challenges in obtaining documents and benefits.
- 5. Medical consent laws comply with the traditional notion of husband and wife and do not grant partners the authority to make medical decisions.
- 6. Landlords frequently refuse to lease their properties to unmarried couples, reducing their options.
- 7. The Domestic Violence Act is limited in scope as it applies only to certain relationships similar to marriage.

CONCLUSION

Overall, it can be said that these relationships show how society as a whole evolves. The growing number of people who prefer to enjoy their freedom and get respect from others is evident. The rights of the individuals who are part of these relationships have been recognized by some legal authorities, yet the situation remains confused due to the absence of regulations that would clarify the state of affairs. Major aspects such as responsibilities, property division, inheritance, and child custody depend on judicial discretion. Consequently, the demand for adequate legislation that aims at safeguarding the rights of vulnerable categories is huge, thus making people no longer afraid of the legal implications of their actions.