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# **JUDICIAL TRANSFORMATION OF HINDU MARRIAGE LAWS: FROM SACRAMENT TO CONTRACTUAL AUTONOMY**

AUTHORED BY - SIMRAN

## **Abstract**

The Hindu concept of marriage has traditionally been understood as an indissoluble samskara (sacrament), not a contract. However, post-independence statutory reform and progressive judicial interpretation have radically transformed this position. The Hindu Marriage Act, 1955 introduced divorce, restitution, judicial separation, and maintenance marking a departure from the rigid Dharmashastric view. In recent years, Indian courts, especially the Supreme Court, have gone further by recognising irretrievable breakdown of marriage, marital privacy, constitutional morality, and gender justice as central guiding principles. Parallely, live-in relationships and autonomy-based companionship are gaining legal recognition. This research paper critically examines how Hindu marriage has gradually shifted — from being a purely religious bond aimed at duty and lineage towards a modern institution grounded in individual choice, dignity, equality, and contractual characteristics. The paper evaluates whether this doctrinal and constitutional transformation marks the beginning of a civil union model within Hindu Law.

## **Keywords**

Hindu Marriage, Sacrament vs. Contract, Irretrievable Breakdown, Constitutional Morality, Live-in Relationships, Gender Justice.

## **Literature Review**

Classical Hindu law texts such as Manusmriti and Yajnavalkya Smriti classified marriage as a permanent religious union, with no scope for dissolution, emphasising duty (dharma) over individual will. Early scholars like Derrett and P.V. Kane have noted that Vedic marriage was meant for spiritual liberation, ritual continuance, and procreation, not companionship or autonomy. However, post-independence scholars such as P.B. Gajendragadkar and A.P. Singh began critiquing the mismatch between religiously rooted marriage laws and the constitutional values of liberty and equality.

Law Commission of India reports particularly the 71st Report (1978) and 217th Report (2009) strongly recommended adding “irretrievable breakdown of marriage” as an independent ground for divorce, observing that marriage cannot be forced by law when it is dead emotionally and practically. Recent scholarship by Flavia Agnes and Prof. Faizan Mustafa argues that constitutional morality is gradually reshaping personal laws, especially where they violate gender equality and autonomy.

Judgments such as *Shafin Jahan v. Asokan (Hadiya case)*<sup>1</sup> and *Navtej Johar*, though not strictly Hindu law, have further accelerated scholarship on whether individual choice must override religious orthodoxy, influencing discourse about Hindu marriage’s future nature.

### **Research Methodology**

This paper adopts a doctrinal and constitutional-analytical approach, examining provisions of the Hindu Marriage Act, 1955, key Supreme Court and High Court judgments, and Law Commission reports. It also incorporates comparative jurisprudence from global jurisdictions and analyses secondary scholarly literature to evaluate whether Hindu marriage has transitioned towards a contract-based autonomous union. The study is purely qualitative, interpretative, and reform-centric.

### **Introduction**

Marriage under traditional Hindu law has always been viewed not as a civil contract but as a sacred *sanskara*, a permanent, spiritual, and duty-bound union aimed at *dharma* (righteousness), *paja* (procreation), and *rati* (companionship) with no scope for dissolution by human will. This perception dominated for centuries, supported by *Dharmashastra* texts and social orthodoxy. However, post-independence constitutional most notably the Hindu Marriage Act, 1955 (HMA) introduced the possibility of divorce, judicial separation, and restitution, signalling a paradigm shift from an entirely sacramental to partially contractual framework.

This transformation accelerated in recent decades when constitutional jurisprudence particularly post-*Maneka Gandhi*, *Puttaswamy*, *Navtej Johar*, and *Joseph Shine* began prioritising individual autonomy, dignity, privacy, and gender equality over religious codes or societal morality. The Supreme Court increasingly adopted irretrievable breakdown of

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<sup>1</sup> *Shafin Jahan v. Asokan K.M.*, (2018) 16 SCC 368.

marriage as a basis for dissolving legally dead unions, even in the absence of explicit statutory provision under Section 13 HMA, thereby expanding judicial discretion in favour of human realities over ritual rigidity.

Simultaneously, live-in relationships, once socially taboo, have gained significant judicial recognition not only under Article 21 for adult autonomy, but even under Protection of Women from Domestic Violence Act, 2005, granting quasi-marital protection. This evolution raises a crucial jurisprudential question: Has Hindu marriage moved from a sacramental institution to one driven by contractual intention and individual autonomy?

### **From Sacrament To Statutory Contract: Codification Under Hma, 1955**

Before 1955, classical Hindu law strictly upheld marriage as a sacrament without exit divorce was unheard of, and separation was socially condemned. The Hindu Marriage Act, 1955, for the first time, disrupted this orthodoxy by:

- Legalising divorce under Section 13 (cruelty, adultery, desertion, etc.)
- Introducing judicial separation (S. 10) as a non-dissolutive exit
- Recognising void and voidable marriages (S. 11 & 12)
- Providing maintenance/alimony (S. 24 & 25)
- Allowing mutual consent divorce (S. 13B) strongly contractual in nature

The introduction of mutual consent divorce in 1976 via amendment was a watershed shift reflecting true contractual autonomy, where marriage could be dissolved not through fault, but through mutual will, undermining the sacramental theory of perpetual bond.

Scholars like Werner Menski and Flavia Agnes argue that the very existence of voluntary exit mechanisms proves that Hindu marriage is no longer purely sacramental, but rather a hybrid of religious symbolism and contractual voluntarism.

The institution of Hindu marriage represents one of the most enduring pillars of Indian social and legal consciousness. Rooted in the Dharmashastric philosophy, marriage was historically conceived not merely as a social contract but as a sacred *samskara* — a spiritual bond uniting two individuals for the fulfilment of *dharma* (duty), *artha* (prosperity), *kama* (desire), and ultimately *moksha* (liberation). Classical texts such as the *Manusmriti*, *Yajnavalkya Smriti*, and *Narada Smriti* describe marriage as an eternal union transcending death and rebirth, where

dissolution by human agency was both legally and morally impermissible. This religious foundation established marriage as an indissoluble social institution serving patriarchal and familial continuity rather than individual choice or emotional companionship.

However, as Indian society evolved under colonial and post-independence influences, this traditional notion faced growing tension with modern conceptions of personal liberty, gender equality, and constitutional justice. The British colonial period marked the first phase of codification in Hindu personal law, which paradoxically sought to preserve religious customs while introducing elements of legal rationalisation. Reforms such as the *Hindu Widow Remarriage Act, 1856*, *Child Marriage Restraint Act, 1929*, and *Hindu Women's Right to Property Act, 1937* reflected early departures from orthodoxy, laying the groundwork for state intervention in personal law. Yet, the idea of divorce remained alien until the post-constitutional era.

The enactment of the *Hindu Marriage Act, 1955* (HMA) was therefore revolutionary. For the first time, the legislature codified provisions for divorce, judicial separation, and maintenance, transforming the ancient religious rite into a statutory relationship regulated by rights, duties, and remedies. This marked a decisive shift from a purely sacramental conception toward a hybrid framework blending tradition with contract-like autonomy. Importantly, the HMA was enacted in the backdrop of the newly adopted Constitution of India, which enshrined principles of equality, liberty, and secularism — all of which demanded reinterpretation of personal laws in light of fundamental rights.

In the decades that followed, the judiciary emerged as the principal architect of reform, progressively aligning Hindu marriage law with constitutional values. From *Naveen Kohli v. Neelu Kohli* to *Shilpa Sailesh v. Varun Sreenivasan*, the Supreme Court has consistently emphasised that marriage is not merely a religious bond but a human relationship that must yield to the realities of dignity, choice, and irretrievable breakdown. Likewise, post-*Maneka Gandhi* jurisprudence, particularly in *Puttaswamy* and *Navtej Johar*, has constitutionalised privacy, decisional autonomy, and gender equality, recasting the marital bond as a voluntary partnership rather than a ritual obligation.

This evolution signals a broader jurisprudential transition in India — from *dharma*-based status to rights-based autonomy. The introduction of mutual consent divorce, recognition of live-in

relationships, and decriminalisation of adultery all indicate that marriage is no longer the exclusive domain of religious sanction but of constitutional morality. Yet, the persistence of patriarchal structures, legislative inertia, and uneven access to judicial remedies suggest that the transformation remains incomplete.

The present research, therefore, examines this trajectory of Hindu marriage — from an indissoluble sacrament to a legally dissoluble and autonomy-oriented institution. It evaluates how statutory reform, judicial innovation, and constitutional principles together have redefined marriage’s legal and moral character. The study further explores whether the ongoing evolution signifies the emergence of a civil-union model within Hindu law — one that respects both tradition and the modern values of equality, dignity, and personal freedom.

### **Judicial Evolution: Irretrievable Breakdown, Autonomy & Gender Justice**

While Parliament did not expressly include “irretrievable breakdown of marriage” as a ground for divorce in Section 13 of the HMA, the Supreme Court gradually assumed a proactive reformist role, expanding personal liberty under Articles 14, 19, and 21 to reinterpret marriage beyond orthodox boundaries.

The Indian judiciary has played a transformative role in shaping the contours of marriage, divorce, and gender justice, particularly through its progressive interpretation of personal laws in consonance with constitutional morality. The concept of *irretrievable breakdown of marriage*—though not formally codified—has emerged as a judicial innovation to ensure that the law does not compel individuals to remain bound in a marriage that has ceased to exist in substance. This judicial shift reflects a broader acknowledgment of autonomy, equality, and dignity as central tenets of personal relationships.

### **Irretrievable Breakdown of Marriage: From Exception to Principle**

The doctrine of *irretrievable breakdown* was first cautiously recognized in *Naveen Kohli v. Neelu Kohli* (2006) 4 SCC 558, where the Supreme Court recommended legislative recognition of the principle to prevent prolonged misery between estranged spouses. Subsequently, in *Samar Ghosh v. Jaya Ghosh* (2007) 4 SCC 511, the Court elaborated upon instances of “mental cruelty” and observed that when the marital bond is beyond repair, it is unjust to compel parties to cohabit under the façade of marriage. The recent Constitution Bench judgment in *Shilpa*

*Sailesh v. Varun Sreenivasan* (2023) 6 SCC 581 further cemented this jurisprudence by holding that the Supreme Court, under Article 142, may grant divorce on the ground of irretrievable breakdown, recognizing marriage as a *voluntary association* that must rest on mutual respect and consent rather than compulsion.

### **Autonomy and Constitutional Morality**

The recognition of irretrievable breakdown aligns with the constitutional commitment to individual autonomy and dignity. In *Joseph Shine v. Union of India* (2019) 3 SCC 39 and *Navtej Singh Johar v. Union of India* (2018) 10 SCC 1, the Supreme Court reiterated that constitutional morality transcends societal morality and safeguards personal liberty within intimate spaces. Extending this logic, the refusal to dissolve a marriage that is emotionally and practically dead amounts to the perpetuation of psychological captivity. Thus, the judiciary's evolving approach signifies a move from *institutional preservation* of marriage to *individual empowerment* within it.

### **Gender Justice and Feminist Interpretation**

From a feminist lens, the recognition of irretrievable breakdown also serves as a corrective to gendered power dynamics within marriage. Historically, women were often compelled to remain in oppressive marital structures due to legal, social, and economic constraints. Judicial acknowledgment of autonomy and dignity as essential marital values provides women with a legal vocabulary to resist coercive endurance of such relationships. However, concerns persist that the doctrine may be misused by more powerful spouses, especially in contexts lacking adequate safeguards for maintenance, custody, and alimony. Hence, the Court's evolving jurisprudence attempts to strike a delicate balance between *freedom from forced association* and *protection from gendered vulnerability*.

The judicial evolution from rigid fault-based divorce towards recognition of irretrievable breakdown marks a paradigm shift in the Indian matrimonial framework. It reflects a conscious movement towards humanizing matrimonial law by embedding the principles of equality, liberty, and gender justice. As courts increasingly harmonize personal laws with constitutional ideals, the discourse on marriage in India is gradually transitioning from *sacrament and social control* to *consent, autonomy, and dignity*.

### **1. Irretrievable Breakdown as Judicial Ground for Divorce**

In *Naveen Kohli v. Neelu Kohli* (2006) and *Samar Ghosh v. Jaya Ghosh* (2007), the Supreme Court declared that marriages that are emotionally dead and beyond repair should not be forcibly preserved in the name of tradition. Though Parliament failed to amend the HMA accordingly, the Court through Article 142 started dissolving such unions by judicial discretion. In *Shilpa Sailesh v. Varun Sreenivasan* (2023)<sup>2</sup>, a Constitution Bench explicitly held that the Supreme Court may dissolve dead marriages under Article 142 without strict statutory requirements, shifting marriage further toward contractual exit logic, not religious permanence.

### **2. Gender Justice & Feminist Reinterpretation**

Earlier judgments heavily prioritised husband's conjugal rights, often permitting misuse of Section 9: Restitution of Conjugal Rights. However, post-*Maneka Gandhi* and *Vishaka*, the Court's approach transformed focusing on autonomy and dignity of the wife. In *Joseph Shine v. Union of India* (2018), adultery was decriminalised, with the Court declaring that a wife is not the property or subservient companion of the husband.

Similarly, in *Satish Chander Ahuja v. Sneha Ahuja* (2020)<sup>3</sup>, the Court allowed a wife to seek residence rights even in property owned by in-laws, recognising marital equality beyond narrow property law.

### **3. Live-in Relationships → Legally Acknowledged Domestic Companionship**

From initial stigma to full constitutional recognition, live-in relationships have emerged as a voluntary contractual alternative to marriage.

- *Indra Sarma v. V.K.V. Sarma* (2013)<sup>4</sup>: SC held that qualifying live-in relationships are “relationship in the nature of marriage” and protected under DV Act.
- *Nandakumar v. State of Kerala* (2018): even adults not legally eligible to marry under HMA have the right to cohabit based on personal autonomy (Article 21).

This reflects a decisive shift companionship and choice are beginning to prevail over caste, ceremony, or scriptural origin.

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<sup>2</sup> *Shilpa Sailesh v. Varun Sreenivasan*, (2023) 7 SCC 1.

<sup>3</sup> *Satish Chander Ahuja v. Sneha Ahuja*, (2021) 1 SCC 414.

<sup>4</sup> *Indra Sarma v. V.K.V. Sarma*, (2013) 15 SCC 755.

## **Constitutional morality vs. Religious morality: autonomy as the new dharma**

The Supreme Court's post-2017 jurisprudence has steadily centred constitutional morality dignity, equality, privacy over religious or societal morality in intimate spheres. Justice K.S. Puttaswamy (2017)<sup>5</sup> constitutionalised privacy as decisional autonomy, directly affecting marital choices (choice of partner, exit, intimacy). Navtej Singh Johar (2018)<sup>6</sup> rejected "majoritarian morality," affirming that adult consensual intimacy is protected by Article 21. Shafin Jahan (Hadiya) (2018) declared that choice of spouse is a core facet of liberty and cannot be supervised by family or society. These doctrines inevitably recalibrate Hindu marriage from a status ordained by community to a union chosen and, when necessary, exited by individuals. The result is a new baseline: sacrality is respected, but autonomy governs. When statutory text (e.g., the absence of "irretrievable breakdown" in Section 13) lags behind lived realities, the Court has invoked Article 142 to dissolve marriages that are civilly dead, aligning outcomes with constitutional morality rather than ritual endurance.

The debate between constitutional morality and religious morality represents one of the most profound tensions in India's legal and social order. While religious morality derives its authority from faith, tradition, and divine sanction, constitutional morality is grounded in the values of liberty, equality, and dignity enshrined in the Constitution. The judiciary, in recent years, has increasingly invoked constitutional morality to challenge entrenched patriarchal and religious hierarchies, particularly in matters relating to marriage, sexuality, and gender rights. This shift reflects a gradual transformation in Indian jurisprudence—from collective control over individual choices to recognition of *autonomy as the new dharma*.

### **The Conceptual Divide: Faith versus Freedom**

Religious morality in India has historically dictated the boundaries of marriage, divorce, sexuality, and gender roles, often viewing these as sacrosanct social institutions. However, constitutional morality, as articulated in *Navtej Singh Johar v. Union of India* (2018) 10 SCC 1, represents a commitment to upholding individual choice and human dignity even in the face of societal disapproval. Justice Chandrachud emphasized that "constitutional morality cannot be martyred at the altar of social morality," reinforcing the idea that personal autonomy must prevail over dogmatic conventions. Similarly, in *Indian Young Lawyers Association v. State of*

<sup>5</sup> Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

<sup>6</sup> Navtej Singh Johar v. Union of India, (2018) 10 SCC 1.

*Kerala* (2019) 11 SCC 1 (the Sabarimala case), the Court reaffirmed that faith cannot be a justification for discrimination or exclusion, underscoring that equality and dignity form the moral core of the Indian Constitution.

### **Autonomy as the New Dharma**

In the evolving jurisprudence, autonomy has emerged as the guiding principle—or the *new dharma*—of constitutional morality. This conception redefines moral duty not as adherence to religious command but as fidelity to human freedom and constitutional values. The right to make intimate personal choices—whether in marriage, divorce, or sexuality—reflects a person’s inherent dignity. In *Shafin Jahan v. Asokan K.M.* (2018) 16 SCC 368 (the Hadiya case), the Supreme Court held that the right to choose one’s partner is intrinsic to the right to privacy and personal liberty under Article 21. Through such judgments, the judiciary has repositioned autonomy as a moral obligation towards oneself—where self-determination becomes both a constitutional right and an ethical imperative.

### **Gender and the Transformation of Morality**

The elevation of autonomy to the status of a constitutional virtue also challenges gendered moral codes historically justified under religious traditions. Laws and customs that once placed women within patriarchal frameworks of obedience and dependence are increasingly being reinterpreted through the prism of equality and consent. The recognition of *irretrievable breakdown of marriage*, decriminalization of adultery and homosexuality, and evolving interpretations of marital rape are all reflections of this moral realignment. The “new dharma,” thus, lies not in preserving social order through religious conformity, but in enabling individuals—especially women—to live with dignity, choice, and freedom from coercion.

The confrontation between constitutional and religious morality is not a conflict between faith and law, but between *collective control* and *individual freedom*. In affirming autonomy as the new dharma, the Indian constitutional vision transcends traditional boundaries and redefines righteousness in human terms—where justice is measured not by conformity to scripture but by respect for self-determination. This transition marks the moral maturity of India’s constitutional democracy, anchoring the future of personal law in the principles of autonomy, equality, and human dignity.

## **Alimony, Conjugal Remedies, And The Shift To Equality**

A crucible for the sacrament-to-contract transition is economic justice on exit. Sections 24 (interim maintenance) and 25 (permanent alimony) of the HMA moved the law away from pure status to remedial contract-like consequences. Contemporary rulings increasingly:

- Assess earning capacity, not just formal employment, and
- Calibrate fair, needs-based maintenance with gender-neutral reasoning (visible in High Court trends post-Rajnish v. Neha guidelines on maintenance harmonisation).

Similarly, Section 9 (Restitution of Conjugal Rights) once a symbol of status enforcement has been read down in practice through privacy and autonomy lenses. Coercing cohabitation clashes with bodily integrity and decisional privacy; thus courts prefer property/maintenance remedies over compelled consortium. The residence rights jurisprudence (e.g., Satish Chander Ahuja v. Sneha Ahuja, 2020) underscores that equality within marriage entails substantive, not merely formal, protections.

## **Live-In Relationships And The Advent Of Companionship-Based Unions**

Acknowledging live-in relationships marks perhaps the clearest movement toward consensual, contract-like companionship. Through Indra Sarma (2013) and Nandakumar (2018), the Court protected adult cohabitation and extended DV Act safeguards to qualifying relationships “in the nature of marriage.” This is not a dilution of Hindu marriage; rather, it is the building of a parallel architecture of autonomy, where individuals may choose ritual marriage, civil marriage, or non-marital cohabitation with baseline protections. The legal system thus recognises choice and consent as primary, with religious form no longer a gatekeeper of rights. The rise of live-in relationships in India signifies a paradigmatic shift in the understanding of intimacy, family, and companionship. Traditionally, marriage was regarded as the only legitimate form of cohabitation, sanctioned both legally and socially. However, with evolving constitutional values and changing societal attitudes, relationships outside the institution of marriage are increasingly viewed through the lens of *choice, autonomy, and mutual respect*. The judiciary, while balancing moral sensibilities and legal realities, has progressively recognized live-in relationships as legitimate expressions of companionship and human freedom.

## Judicial Recognition of Live-In Relationships

The Indian judiciary has played a pioneering role in normalizing live-in relationships within the framework of constitutional rights. In *Lata Singh v. State of Uttar Pradesh* (2006) 5 SCC 475, the Supreme Court affirmed that two consenting adults have the right to live together without marriage, terming it a matter of personal liberty under Article 21. Further, in *Indra Sarma v. V.K.V. Sarma* (2013) 15 SCC 755, the Court acknowledged that not all live-in relationships are “relationships in the nature of marriage,” but emphasized the need to protect women from exploitation in such arrangements under the Protection of Women from Domestic Violence Act, 2005. This judicial balancing act marked a critical transition from moral disapproval to legal acceptance, aligning the concept of companionship with principles of equality and dignity.

### From Marriage-Centric Morality to Companionship-Based Autonomy

The recognition of live-in relationships challenges the traditional, marriage-centric morality that equated legitimacy with matrimony. Modern companionship-based unions redefine intimacy as a voluntary partnership built on emotional and personal compatibility rather than ritualistic or familial obligations. In *D. Velusamy v. D. Patchaiammal* (2010) 10 SCC 469, the Court emphasized that a live-in relationship should not be seen as “sinful or illegal” but rather as a natural reflection of evolving social norms. This recognition underscores a broader shift from societal sanction to individual consent as the foundation of intimate relationships.

### Constitutional Dimensions: Autonomy, Privacy, and Equality

The protection of live-in relationships under the Constitution finds its roots in the right to privacy, autonomy, and equality. The landmark judgment in *Justice K.S. Puttaswamy v. Union of India* (2017) 10 SCC 1 reaffirmed that the right to privacy includes the freedom to choose how one wishes to live and whom one wishes to live with. This constitutional guarantee elevates companionship-based unions to a dignified status, insulating them from intrusive state or societal interference. Moreover, by recognizing women’s rights within such relationships—through maintenance, protection from domestic violence, and inheritance in certain cases—the judiciary has begun to dismantle patriarchal assumptions that confined legitimacy to marital status.

## Social Acceptance and Continuing Stigma

Despite judicial endorsement, live-in relationships continue to face social stigma, particularly in conservative and rural settings. The moral unease stems from deep-rooted cultural perceptions that equate marriage with morality and stability. The coexistence of legal acceptance and social resistance underscores the transitional phase India is undergoing—a conflict between constitutional modernity and traditional morality. However, as urbanization, education, and gender equality advance, companionship-based unions are increasingly viewed as legitimate alternatives to marriage, embodying mutual respect and emotional partnership without institutional constraints.

The advent of live-in relationships represents more than a change in relationship dynamics; it symbolizes the evolution of Indian society toward constitutional morality and individual freedom. These unions foreground companionship over conformity, choice over coercion, and equality over hierarchy. As the judiciary continues to safeguard the autonomy and dignity of individuals in such relationships, live-in companionships stand as expressions of a *new social ethic*—one that values emotional authenticity and personal liberty as the true essence of human connection.

### Critical Perspective: Gaps, Tensions, And The Road Ahead

Despite transformative jurisprudence, key tensions persist:

- 1. Statutory Lag:** Parliament has not yet codified irretrievable breakdown in Section 13, forcing over-reliance on Article 142 (SC-only). This creates access asymmetry: trial and appellate courts cannot grant identical relief.
- 2. Uneven Application:** Maintenance and residence orders vary widely; means-testing and clear matrices (needs, standard of living, duration of marriage, caregiving penalties) are not consistently applied.
- 3. Section 9 RCR & Privacy:** The remedy remains on the statute-book and can be strategically weaponised. A privacy-conform reading or legislative reform is needed to prevent coercive use.
- 4. Pluralism vs. Uniform Autonomy:** Personal laws reflect religious identities. The Court's constitutional-morality turn sometimes triggers pluralism concerns. The path forward is dialogic legislature-led reform that respects belief yet secures autonomy.

- 5. Same-Sex/Non-Heteronormative Unions:** After Navtej, the logic of autonomy points toward recognising companionate unions regardless of gender. Even if marriage recognition awaits legislative action, civil union or cohabitation rights could be expanded to avoid a remedial vacuum.

## Conclusion

Hindu marriage has travelled from indissoluble sacrament to a hybrid institution increasingly shaped by individual consent, equality, and dignity. Codification under the HMA, 1955 introduced dissolubility and monetary remedies; modern constitutional jurisprudence has infused the framework with autonomy and privacy, enabling the Supreme Court to terminate dead marriages and safeguard adult companionship choices. The law today neither abolishes sacrality nor enthrones contract alone; instead, it rebalances the institution so that sacred form coexists with constitutional substance.

For coherence and access, the next steps are clear: (i) Insert “irretrievable breakdown” as an express ground in Section 13 with calibrated safeguards (cooling-off waivers, mediation filters, protection against misuse); (ii) Standardise maintenance/residence matrices to ensure predictable, gender-equal outcomes; (iii) Revisit Section 9 RCR through a privacy-first lens; and (iv) Legislate a civil-union/registered-partnership regime ensuring baseline rights for non-marital companions. Such reforms would complete the doctrinal arc from sacrament-only to autonomy-centred family law, harmonising faith, freedom, and fairness.

The evolving discourse on marriage, autonomy, and gender justice in India reflects a broader transformation of law from a tool of social conformity to an instrument of individual freedom. Judicial interpretation has gradually liberated personal relationships from the rigid confines of religious morality and patriarchal tradition, foregrounding *constitutional morality* as the new guiding force of intimate life. The recognition of *irretrievable breakdown of marriage*, the affirmation of *autonomy as the new dharma*, and the legitimization of *live-in relationships* all mark the law’s journey toward aligning human relationships with principles of dignity, equality, and choice.

Through its progressive rulings, the judiciary has reimagined marriage not as an unbreakable sacrament but as a voluntary partnership rooted in mutual respect and emotional fulfillment. Simultaneously, by recognizing non-marital unions and protecting the rights of individuals

within them, Indian jurisprudence has expanded the meaning of family and companionship beyond traditional frameworks. These developments signify a shift from institution-centered morality to person-centered justice—where the law prioritizes human experience over ritualistic obligation.

However, the journey toward complete gender and personal autonomy remains unfinished. Legislative inertia, social stigma, and unequal access to remedies continue to limit the transformative potential of judicial reform. To realize the constitutional promise of liberty and dignity in the private sphere, lawmaking must evolve alongside judicial innovation—ensuring that all individuals, regardless of gender or marital status, are free to define their own forms of companionship and identity.

Ultimately, the emergence of *autonomy as the new dharma* symbolizes India's constitutional maturity: a moral and legal order where freedom, equality, and respect form the foundation of both law and love.

