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LIVE-IN RELATIONSHIPS IN CONTEMPORARY INDIA: A CRITICAL LEGAL ANALYSIS

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Abstract

Live-in relationships have emerged as a significant social and legal phenomenon in contemporary India, reflecting changing attitudes towards marriage, personal autonomy, individual freedom, and intimate relationships. Traditionally, Indian society has regarded marriage as the principal institution governing relationships between couples. However, urbanisation, educational advancement, economic independence, changing gender roles, and evolving social values have contributed to the growing visibility of cohabitation without formal marriage. Although Indian law does not generally prohibit consenting adults from living together, the legal consequences of such relationships remain complex. The Constitution of India protects personal liberty, dignity, privacy, and individual choice, while judicial decisions have progressively acknowledged the rights of adults who choose to establish non-marital relationships. The Protection of Women from Domestic Violence Act, 2005, provides protection to women in qualifying relationships in the nature of marriage. Nevertheless, questions concerning maintenance, residence, property, inheritance, the legitimacy and welfare of children, and the distinction between consensual relationships and sexual relationships induced by deception continue to generate legal debate. This review paper critically examines the constitutional foundations, statutory framework, and judicial developments concerning live-in relationships in India. It evaluates the adequacy of existing legal safeguards and identifies gaps in the protection of vulnerable partners. The paper argues that Indian law should reconcile individual autonomy with gender justice, social responsibility, and the welfare of children through a coherent and rights-based legal framework.

Keywords: Live-in Relationships, Indian Constitution, Personal Liberty, Article 21, Domestic Violence, Women's Rights, Judicial Pronouncements, Maintenance, Children's Rights, Legal Reform.

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Introduction

The institution of marriage has traditionally occupied a central position in Indian society. It has been associated with family formation, social recognition, economic cooperation, inheritance, and the upbringing of children. In many communities, marriage continues to be regarded as the socially accepted foundation of intimate relationships. Nevertheless, contemporary Indian society is experiencing considerable changes in family structures and interpersonal relationships.

Live-in relationships, commonly understood as arrangements in which two adults voluntarily cohabit without formally solemnising their relationship as a marriage, have become increasingly visible in public discussion. Changing lifestyles, migration for education and employment, financial independence, urbanisation, and greater awareness of individual rights have contributed to the recognition of alternative forms of companionship.

The legal significance of live-in relationships arises from the distinction between the freedom to enter into a relationship and the legal consequences that follow from it. While consenting adults may choose to live together, their relationship does not automatically acquire every legal consequence associated with a valid marriage. The rights and liabilities of the parties depend on the applicable statutory provisions, the nature and duration of their relationship, the circumstances of cohabitation, and relevant judicial precedents.

The Indian judiciary has played a significant role in clarifying this legal position. Courts have recognised that the decision to marry or not to marry falls within the sphere of personal choice, subject to constitutional and legal limitations. At the same time, judicial decisions have distinguished ordinary cohabitation from relationships that possess the characteristics of marriage.

The Protection of Women from Domestic Violence Act, 2005, represents an important legislative development because it expressly includes a relationship in the nature of marriage within the definition of a domestic relationship under Section 2(f). This provision enables qualifying women to seek statutory protection against domestic violence, although it does not confer automatic marital status upon every live-in relationship.

Despite these developments, significant challenges remain. Women may experience economic dependence, abandonment, domestic abuse, or difficulty establishing their eligibility for legal remedies. Children born from such relationships may face disputes concerning maintenance, parentage, inheritance, or family recognition. Disagreements may also arise concerning jointly acquired property, shared accommodation, and the financial consequences of separation. This paper therefore examines the legal position of live-in relationships in

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contemporary India through constitutional principles, statutory provisions, judicial interpretation, and a critical assessment of existing safeguards.

Concept and Nature of Live-In Relationships

A live-in relationship is generally understood as a relationship in which two adults voluntarily live together in a domestic arrangement without entering into a formally recognised marriage. Unlike marriage, cohabitation does not necessarily require solemnisation through a religious ceremony, registration under marriage legislation, or compliance with all formalities applicable to a legally valid marriage.

However, the expression *live-in relationship* does not describe a single uniform legal category. Relationships may differ considerably in their duration, emotional commitment, financial arrangements, domestic responsibilities, and intentions regarding the future. Some couples may share accommodation temporarily, while others may establish a stable household, combine their finances, assume mutual responsibilities, and raise children together. These differences are legally significant because the existence of cohabitation alone does not establish that every relationship qualifies as a relationship in the nature of marriage under the Protection of Women from Domestic Violence Act, 2005.

In *D. Velusamy v. D. Patchaiammal*, the Supreme Court examined the meaning of a relationship in the nature of marriage and emphasised the distinction between a marriage-like relationship and a casual or otherwise non-qualifying relationship. Subsequently, in *Indra Sarma v. V.K.V. Sarma*, the Court elaborated on the circumstances relevant to determining whether a relationship falls within the statutory definition. Relevant considerations may include:

- The duration and continuity of cohabitation.
- The existence of a shared household.
- The nature of financial arrangements and pooling of resources.
- The assumption of domestic responsibilities.
- The existence and upbringing of children.
- The manner in which the parties represent their relationship to society.
- The intentions, conduct, and circumstances of the parties.

These considerations must be evaluated collectively and in context. No single factor necessarily determines the legal character of every relationship.

The distinction is important because Indian law does not simply equate all live-in relationships with marriage. Instead, it recognises particular legal consequences where the

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requirements of the relevant statute or judicially developed principles are satisfied.

Constitutional Framework Governing Live-In Relationships

Article 14: Equality Before the Law

Article 14 of the Constitution guarantees equality before the law and equal protection of the laws. It provides a constitutional basis for examining whether individuals in comparable circumstances receive fair and non-arbitrary treatment. In the context of live-in relationships, equality concerns may arise where a partner experiences violence, economic exploitation, or abandonment merely because the relationship was not formally solemnised as a marriage.

However, Article 14 does not automatically make every non-marital relationship legally identical to marriage. The legislature may distinguish between different legal relationships where the distinction has a constitutionally permissible basis. The central question is whether the distinction is reasonable and consistent with the relevant statutory purpose.

Article 19: Freedom of Choice and Association

Article 19 protects specified freedoms, subject to the constitutional limitations applicable to each freedom. Although the freedom to choose an intimate partner is not expressly enumerated as a standalone right under Article 19, constitutional protections relating to individual liberty and choice contribute to the broader legal understanding of personal relationships.

The freedom of consenting adults to choose their companions must be considered alongside applicable laws, public order requirements, and the rights of others. It cannot be used to justify coercion, exploitation, or violations of criminal law.

Article 21: Life, Liberty, Dignity, and Privacy

Article 21 provides that no person shall be deprived of life or personal liberty except according to procedure established by law. Judicial interpretation has expanded its significance to include dignity, decisional autonomy, and privacy.

The Supreme Court's decision in *Justice K.S. Puttaswamy (Retd.) v. Union of India* recognised privacy as a constitutionally protected right and discussed the importance of personal autonomy and intimate decisions. The judgment provides a significant constitutional foundation for respecting individual choices concerning personal relationships.

Similarly, in *Shafin Jahan v. Asokan K.M.*, the Supreme Court emphasised the importance of individual autonomy in choosing a life partner.[3] Although that case concerned

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marriage and the circumstances surrounding a person's choice of spouse, its broader constitutional reasoning is relevant to the protection of adult autonomy.

The constitutional position, however, requires careful formulation. Article 21 supports the freedom of consenting adults to make personal choices, but it does not create an unconditional right to demand every legal benefit associated with marriage. Nor does it exclude the operation of laws governing consent, domestic violence, maintenance, child welfare, or other legal obligations. Accordingly, constitutional protection for live-in relationships must be understood as protection for personal liberty and dignity within the framework of the law.

Article 15: Prohibition of Discrimination

Article 15 prohibits specified forms of discrimination and authorises particular protective measures for women and children. Its principles are relevant to debates about the treatment of women in non-marital relationships. Women who enter live-in relationships may face social stigma, economic vulnerability, and unequal bargaining power. A gender-sensitive legal framework should therefore ensure that the absence of formal marriage does not automatically deprive a woman of remedies that legislation specifically extends to qualifying domestic relationships. At the same time, legal protection must be based on applicable constitutional and statutory principles rather than on assumptions that every relationship has the same characteristics.

Statutory Framework Governing Live-In Relationships

Protection of Women from Domestic Violence Act, 2005

The Protection of Women from Domestic Violence Act, 2005, is the principal Indian statute expressly addressing certain non-marital domestic relationships. Section 2(f) defines a domestic relationship to include persons who live, or have at any point lived, together in a shared household when they are related by consanguinity, marriage, a relationship in the nature of marriage, adoption, or as members of a joint family.

This provision is significant because it recognises that protection from domestic violence should not be restricted exclusively to legally married women. Section 3 defines domestic violence and covers physical abuse, sexual abuse, verbal and emotional abuse, and economic abuse, subject to the statutory requirements. The Act provides several remedies, including protection orders under Section 18, residence orders under Section 19, monetary relief under Section 20, temporary custody orders under Section 21, and compensation under Section 22.

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These remedies may be available to a woman in a qualifying live-in relationship when the relevant statutory requirements are satisfied. Nevertheless, the Act does not declare every live-in relationship to be a marriage, nor does it automatically confer succession rights or ownership in a partner's property. The legislation's principal contribution is its recognition that domestic violence and economic abuse may occur outside formal marriage. It provides a protective framework without requiring every qualifying relationship to be treated as a legally solemnised marriage.

Maintenance and Financial Support

Maintenance is a significant issue when a live-in relationship ends, particularly where one partner has depended financially on the other. The availability of maintenance depends on the applicable legislation and the facts of the relationship. A person cannot assume that every live-in relationship automatically creates an entitlement equivalent to that of a legally wedded spouse.

The Supreme Court has examined maintenance claims arising from non-marital cohabitation in several cases. In *Chanmuniya v. Virendra Kumar Singh Kushwaha*, the Court considered questions concerning maintenance and relationships in the nature of marriage, highlighting the importance of interpreting protective legislation in a manner responsive to the circumstances of vulnerable women.

The Protection of Women from Domestic Violence Act, 2005, also permits monetary relief under Section 20 where the statutory conditions are satisfied. For proceedings initiated under current criminal procedure law, Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, provides for maintenance of wives, children, and parents within its statutory scope. Whether a particular claimant in a live-in relationship falls within the applicable category must be determined according to the provision's language and relevant judicial interpretation.

Therefore, maintenance claims arising from live-in relationships require a fact-specific assessment. Courts must consider the relevant statutory basis, the character of the relationship, financial circumstances, and the rights of other persons who may have legally recognised maintenance claims.

Property and Residence Rights

Property disputes may arise when couples jointly purchase a house, contribute to rent, acquire assets together, or separate after a period of shared domestic life. The existence of a live-in relationship does not automatically confer ownership of one partner's individually

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owned property upon the other. Property rights ordinarily depend on title, financial contributions, applicable property law, contractual arrangements, and other legally relevant circumstances.

However, residence rights under the Protection of Women from Domestic Violence Act, 2005, must be distinguished from ownership rights. Section 17 recognises a qualifying woman's right to reside in the shared household, subject to the statutory framework. Section 19 empowers the Magistrate to grant appropriate residence orders in accordance with the Act.

In *Satish Chander Ahuja v. Sneha Ahuja*, the Supreme Court adopted a broader interpretation of the expression *shared household* under the Domestic Violence Act and rejected the narrow approach previously taken in *S.R. Batra v. Taruna Batra*. Although the case concerned a matrimonial domestic relationship, its interpretation of residence protection is relevant to understanding the statutory concept of a shared household.

The decision does not mean that every person in a live-in relationship automatically acquires a right to occupy any property associated with the other partner. The relevant domestic relationship and statutory requirements must still be established.

Legitimacy and Rights of Children

The legal status and welfare of children born to couples in live-in relationships raise important questions concerning parentage, maintenance, custody, inheritance, and social security. The Supreme Court has recognised that long-term cohabitation may, in appropriate circumstances, support a rebuttable presumption of marriage. In *Badri Prasad v. Deputy Director of Consolidation*, the Court considered the legal significance of prolonged cohabitation. In *Tulsa v. Durghatiya*, the Court addressed the presumption arising from long-term cohabitation and the legitimacy of children.

These decisions must be understood in their factual and legal context. They do not establish that every child born from every live-in relationship automatically acquires all rights available to a child born within a valid marriage under every applicable personal law. The rights of children must be assessed under the applicable statutory provisions, judicial precedents, and principles governing maintenance, custody, parentage, and succession.

The welfare of the child should remain central to judicial decision-making. Children should not be exposed to avoidable financial insecurity or social disadvantage merely because their parents did not formally marry. At the same time, inheritance claims must be determined according to the relevant law governing the property and the parties concerned.

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Judicial Developments Concerning Live-In Relationships in India

Judicial interpretation has played a decisive role in defining the legal position of live-in relationships. The Supreme Court has generally recognised the freedom of consenting adults to choose their relationships while maintaining distinctions between cohabitation, a relationship in the nature of marriage, and a legally valid marriage.

1 *S. Khushboo v. Kanniammal* (2010)

In *S. Khushboo v. Kanniammal*, the Supreme Court considered criminal proceedings arising from public statements concerning premarital sex and live-in relationships. The Court emphasised the importance of constitutional freedoms and cautioned against using criminal law merely to enforce social or moral disapproval.

The decision is significant because it distinguishes social controversy from criminal wrongdoing. A relationship or personal choice does not become criminal merely because it is considered unacceptable by sections of society. However, the decision should not be interpreted as exempting intimate relationships from applicable criminal laws. Consent, coercion, age, deception, and other legally relevant circumstances remain important.

2 *D. Velusamy v. D. Patchaiammal* (2010)

In *D. Velusamy v. D. Patchaiammal*, the Supreme Court examined the expression *relationship in the nature of marriage* under the Domestic Violence Act. The Court distinguished relationships resembling marriage from casual relationships and discussed factors relevant to determining whether a relationship falls within the statutory category. These included the parties' legal capacity to marry, their conduct, and the nature and duration of cohabitation.

The decision is important because it demonstrates that the legal consequences of cohabitation depend on the particular relationship and the applicable statutory requirements. A critical concern, however, is that restrictive or rigid application of judicial criteria may make it difficult for some vulnerable women to establish their entitlement to protection. Courts must therefore assess all relevant evidence fairly and avoid treating any single factor as automatically conclusive where the law requires a broader evaluation.

3 *Indra Sarma v. V.K. Sarma* (2013)

The Supreme Court's judgment in *Indra Sarma v. V.K. Sarma* is one of the leading decisions on the legal treatment of live-in relationships. The Court considered whether the relationship between the parties qualified as a relationship in the nature of marriage under Section 2(f) of the Domestic Violence Act. The appellant had entered into a relationship with a man whom she knew was already married and had children.

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The Court held that not every live-in relationship qualifies as a relationship in the nature of marriage. It discussed factors such as duration, shared accommodation, financial arrangements, domestic responsibilities, children, public representation of the relationship, and the parties' intentions and conduct. The judgment recognised the need to distinguish relationships that possess the essential characteristics of marriage from arrangements that do not satisfy the statutory requirements.

From a critical perspective, the judgment also illustrates the difficulty of balancing competing interests. A court must consider the protection of a vulnerable woman without disregarding the legal rights and legitimate interests of an existing spouse and children. The decision's continuing significance lies in its structured approach to identifying qualifying relationships. Nevertheless, its factors should be applied contextually rather than mechanically.

4 *Shafin Jahan v. Asokan K.M.* (2018)

In *Shafin Jahan v. Asokan K.M.*, the Supreme Court emphasised the autonomy of an adult in choosing a life partner and rejected unjustified interference with that choice. Although the case was not principally a live-in relationship dispute, it is relevant to the broader constitutional principle that decisions concerning intimate relationships fall within an individual's sphere of autonomy.

The judgment reinforces the proposition that families, communities, and public authorities cannot ordinarily substitute their preferences for the lawful choices of competent adults. This principle provides important constitutional context for discussions about cohabitation outside marriage, while leaving the specific legal consequences of such cohabitation to applicable legislation and judicial interpretation.

5 *Nandakumar v. State of Kerala* (2018)

In *Nandakumar v. State of Kerala*, the Supreme Court addressed the position of adults who wished to live together despite an objection based on their inability to contract a valid marriage under the applicable personal law at that time. The Court's reasoning affirmed that the ability to marry and the freedom of adults to live together are not necessarily identical legal questions.

The decision is relevant because it recognises that the absence of a valid marriage does not, by itself, establish that the cohabitation of adults is unlawful. It also demonstrates the need to distinguish between the legal requirements governing marriage and the constitutional considerations relevant to personal liberty.

6 *Pradeep Kumar v. State of Haryana* and the Broader Protection of Adult Choice

Indian courts have repeatedly addressed disputes in which consenting adults seek

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protection from interference by family members or others who oppose their relationships. The legal position in such cases depends on the facts, the applicable law, and the precise judicial decision. For academic accuracy, individual judgments should be cited by their verified case names, dates, and reported citations rather than by broad descriptions of judicial trends. The general principle emerging from Supreme Court jurisprudence is that lawful personal choices deserve constitutional respect, while claims for particular statutory benefits must independently satisfy the governing legal requirements.

Emerging Judicial Concerns: Consent and Promises of Marriage

A further issue arises when a person alleges that a sexual relationship was established through a false promise of marriage. Such cases cannot be resolved merely by establishing that the parties were in a live-in relationship. Courts must examine the evidence, the nature and timing of the alleged promise, the circumstances of consent, and the applicable criminal law.

In *Ravish Singh Rana v. State of Uttarakhand*, decided in 2025, the Supreme Court considered allegations concerning a sexual relationship and a subsequent refusal to marry. The Court examined the particular circumstances, including the duration of cohabitation, the parties' conduct, and the material available in the case.

The decision should not be understood as establishing that a long-term live-in relationship automatically defeats an allegation of sexual wrongdoing. The legal assessment depends on the evidence and the elements of the alleged offence. The broader lesson is that courts must avoid both extremes: treating every failed relationship as a criminal offence and assuming that the existence of a live-in relationship necessarily establishes valid consent in every relevant circumstance.

Major Findings of the Study

The principal findings emerging from this doctrinal review are as follows:

- The freedom of consenting adults to make personal relationship choices receives constitutional support through the principles of liberty, privacy, dignity, and autonomy.
- Indian law does not generally treat every live-in relationship as equivalent to a legally valid marriage. The legal consequences depend on the particular statute, the nature of the relationship, and the facts of the case.

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- The Protection of Women from Domestic Violence Act, 2005, provides an important statutory mechanism for protecting women in qualifying relationships in the nature of marriage.
- The Supreme Court has progressively clarified the distinction between ordinary cohabitation and a relationship in the nature of marriage. Decisions such as *D. Velusamy* and *Indra Sarma* remain important to this analysis.
- Maintenance and monetary relief depend on the applicable statutory provisions and the circumstances of the parties. Neither should be assumed to follow automatically from cohabitation alone.
- Residence rights under domestic violence legislation must be distinguished from ownership and inheritance rights. A right to reside in a shared household does not automatically establish title to that property.
- Children require particular legal protection concerning maintenance, custody, parentage, and succession. Their interests must be considered under the applicable law without assuming that every issue is resolved identically across all family-law contexts.
- The existing framework would benefit from greater legal clarity, improved public awareness, accessible legal assistance, and consistent judicial application of protective provisions.

Suggestions and Recommendations

Develop a Clearer Legal Framework: The legislature should consider whether additional statutory clarification is necessary to address recurring disputes arising from live-in relationships. Any reform should distinguish between recognising adult autonomy and automatically equating cohabitation with marriage. A carefully drafted framework could clarify the circumstances in which particular remedies are available, while preserving the fact-specific approach necessary for different relationships.

Strengthen Protection Against Domestic Violence: Implementation of the Protection of Women from Domestic Violence Act, 2005, should be strengthened through accessible legal aid, effective protection orders, appropriate shelter facilities, and timely assistance from designated authorities. Women should receive clear information about the evidence required to establish a qualifying domestic relationship and the remedies available under the Act.

Clarify Maintenance and Economic Protection: Further legal examination is needed concerning the economic consequences of separation, especially where one partner has relied on the other financially or undertaken substantial unpaid domestic responsibilities. The legal

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framework should provide clear information about available maintenance and monetary-relief remedies. Any proposed expansion of legal protection should be carefully reconciled with existing statutory obligations and the rights of dependent children and other legally entitled persons.

Improve Clarity Concerning Property and Residence: Legal awareness programmes should explain the difference between ownership, contractual contributions, and residence rights under domestic violence legislation. Where disputes arise, courts should examine documentary evidence, financial contributions, applicable property law, and the relevant statutory provisions. Greater clarity would help prevent both the denial of lawful remedies and unsupported claims to property.

Protect the Rights and Welfare of Children: The welfare of children should remain central to decisions concerning maintenance, custody, education, and care. Authorities should ensure that parents understand their legal responsibilities and that children can access the protections available under the relevant laws. Questions of inheritance and succession should be addressed according to the applicable legal framework.

Promote Legal Awareness: Universities, legal services authorities, civil-society organisations, and government agencies should promote awareness of the rights and responsibilities associated with domestic relationships. Awareness initiatives should address consent, domestic violence, financial responsibilities, legal remedies, child welfare, and access to legal assistance.

Encourage Further Empirical Research: Future researchers should examine court judgments, legal-aid records, and anonymised case data to assess the practical operation of existing laws. Field studies could investigate the awareness of legal remedies among affected individuals, the difficulties encountered in obtaining protection, and the extent to which judicial decisions produce consistent outcomes. Such research would complement doctrinal analysis and assist policymakers in identifying reforms supported by evidence.

Conclusion

Live-in relationships have become an important subject of legal discussion in contemporary India because they raise fundamental questions concerning personal liberty, constitutional autonomy, gender justice, and the changing nature of family relationships. The Indian judiciary has played a significant role in recognising the freedom of consenting adults to choose their relationships. Constitutional principles associated with privacy, dignity, and personal liberty provide a foundation for protecting individual choice against arbitrary

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interference.

At the statutory level, the Protection of Women from Domestic Violence Act, 2005, is particularly important because it recognises relationships in the nature of marriage and provides remedies against domestic violence. Nevertheless, the legislation does not automatically confer the complete legal status of marriage upon all cohabiting couples.

Judicial decisions such as *D. Velusamy v. D. Patchaiammal* and *Indra Sarma v. V.K. Sarma* have clarified the importance of examining the nature and circumstances of the relationship. Other decisions have addressed the constitutional significance of personal autonomy, the rights of children, and the legal consequences of long-term cohabitation. Despite these developments, uncertainty remains concerning eligibility for particular remedies, maintenance, economic dependence, residence, ownership, and succession. The fragmented nature of the legal framework may make it difficult for vulnerable individuals to understand and enforce their rights.

A balanced approach is therefore necessary. The law should respect the freedom of consenting adults without imposing unnecessary restrictions on private life. At the same time, it must ensure that autonomy does not become a justification for domestic abuse, economic exploitation, or neglect of children's welfare. The appropriate way forward is to strengthen existing protective legislation, improve access to justice, clarify legal consequences where necessary, and encourage evidence-based law reform. Such an approach would help reconcile individual freedom with social responsibility, equality, dignity, and effective legal protection in contemporary India.

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