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# **EVOLVING JURISPRUDENCE ON LIVE-IN RELATIONSHIPS – A COMPARATIVE LEGAL ANALYSIS**

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I take full responsibility for any errors or omissions in this research paper.

Researched solely by Anjali Rajpoot

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## **MEANING, NATURE & SIGNIFICANCE OF LIVE-IN RELATIONSHIPS**

### **1. INTRODUCTION**

Marriage has long been regarded as the cornerstone of family life in India, closely connected with the country's religious, cultural, and social traditions<sup>1</sup>. However, the forces of urbanization, globalization, and evolving social attitudes have gradually altered the nature of personal relationships in modern India. <sup>2</sup>One significant development is the growing recognition of live-in relationships, where couples choose to live together without entering into a formal marital union. This trend highlights a shift in perspective, especially among urban, educated, and economically independent individuals who view such arrangements as a way to assess compatibility while maintaining personal autonomy<sup>3</sup>.

Historically, Indian society has been guided by deeply rooted religious and cultural values that emphasize the sanctity of marriage. Rather than being merely a union between two individuals, marriage has been perceived as a social institution that brings together families, communities, and sometimes even entire castes. <sup>4</sup>It has served as a fundamental pillar of social order, with considerable importance placed on lineage, rituals, and conformity to established customs.<sup>5</sup> Traditionally, marriages in India have followed a well-defined, arranged framework in which family consent played a decisive role<sup>6</sup>. Individuals were typically expected to marry within their caste, and such unions extended beyond the relationship of two individuals to encompass the alliance of families, often guided by considerations of social status and economic benefit. <sup>7</sup>Although romantic love was not entirely absent, it was usually secondary to practical concerns such as financial stability, familial ties, and societal standing.<sup>8</sup>

Within this setting, the idea of a relationship existing without the formal and socially sanctioned institution of marriage was almost inconceivable.

Living together without being legally married was commonly perceived as contrary to accepted social norms and values. The lack of formal and religious recognition for such relationships

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<sup>1</sup> M.P. Jain, Indian Constitutional Law 135 (8<sup>th</sup> edition Lexis Nexis 2018)

<sup>2</sup> Patricia Uberoi, Family, Kinship and Marriage in India 42 (Oxford Univ. Press 2006)

<sup>3</sup> Ritu Gupta, Live in relationship in India, 5 Indian J. Fam. L. 45 (2020)

<sup>4</sup> Uberoi Supra Note 2, at 30

<sup>5</sup> Id. at 60

<sup>6</sup> Diwan, Supra note 5, at 34

<sup>7</sup> Uberoi, Supra note 2, at 70

<sup>8</sup> Id. at 75

was often linked to perceptions of moral degradation, social dishonor, or irresponsibility.<sup>9</sup> This perspective continued to prevail throughout various stages of India's history, including eras marked by foreign invasions, colonial rule, and evolving social changes.

The legal recognition of live-in relationships in India continues to remain ambiguous, creating challenges for partners who seek legal clarity and protection, despite the growing prevalence of such arrangements in society<sup>10</sup>. Although Article 21 of the Indian Constitution guarantees the fundamental right to life and personal liberty, it does not explicitly acknowledge or regulate socially non-traditional relationships like live-in partnerships<sup>11</sup>. However, under Section 114 of the Indian Evidence Act, 1872, courts may presume the existence of a valid marriage when a man and woman have cohabited for a significant period while presenting themselves as husband and wife.<sup>12</sup>

### **1.1 MEANING**

A live-in relationship is a living arrangement in which an unmarried couple resides together in the same household, maintaining a long-term, close, and often romantic bond without entering into a formal marriage. This arrangement provides individuals with greater personal autonomy and an opportunity to assess compatibility while sharing everyday life. Although it resembles a marital relationship in many respects, it exists without any formal legal, religious, or matrimonial recognition.<sup>13</sup> In India, such relationships are often described as being "in the nature of marriage," meaning the couple shares emotional, physical, and financial aspects of life<sup>14</sup>. However, unlike marriage, partners in a live-in relationship do not automatically get full legal rights and responsibilities unless certain conditions like living together for a long time and being socially recognized as a couple are met, as decided by courts.<sup>15</sup>

### **1.2 NATURE OF LIVE IN RELATIONS**

Live-in relationships in India are essentially characterized by their informal, voluntary, and flexible nature, setting them apart from the legally recognized institution of marriage<sup>16</sup>. These arrangements arise from the mutual consent of two adults who choose to live together and

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<sup>9</sup> Ritu Gupta, Live in relationship in India, 5 Indian J. Fam.L.45,52(2020)

<sup>10</sup> Indra Sharma v. V.K.V. Sarma,(2013)15SCC 755,31

<sup>11</sup> Constitution of India

<sup>12</sup> Indian Evidence Act ,114, Badri Prasad v. Deputy Director of Consolidation ,(1978) 3 SCC 527

<sup>13</sup> Paras Diwan, Modern Hindu Law 38(21<sup>st</sup> ed., Allahabad Law Agency)

<sup>14</sup> Protection of women from Domestic Violence Act, 2(f)

<sup>15</sup> D. Velusamy v. D. Patchaiammal,(2010)10 SCC

<sup>16</sup> Paras Diwan, Modern Hindu Law 40(21<sup>st</sup> ed., Allahabad Law Agency)

maintain a shared household without adhering to any formal legal or religious procedures. While they do not constitute a legally valid marriage, such relationships often mirror marital unions through emotional bonding, social interaction, and financial dependence.<sup>17</sup> One of their defining features is the lack of formal legal duties and obligations, which makes them comparatively easier to begin and terminate. Nonetheless, the judiciary has recognized that certain live-in arrangements may fall within the scope of a “relationship in the nature of marriage,” thereby affording limited legal safeguards especially for women under statutes like the Protection of Women from Domestic Violence Act, 2005<sup>18</sup>. However, in the absence of a well-defined statutory regime, the rights and responsibilities of partners remain uncertain, leaving such relationships in a grey area between individual freedom and prevailing social norms

### **1.3 NEED OF LEGAL RECOGNITION**

In order to address issues like maintenance, property rights, domestic violence, and the legitimacy of children, there is an urgent need for legal recognition due to the increasing number of live-in relationships. Partners, particularly women, frequently experience vulnerability and lack of legal protection in the absence of a clear statutory framework.

### **1.4 SCOPE AND SIGNIFICANCE OF THE STUDY**

Through judicial interpretation and current legislative provisions, this study seeks to investigate the changing legal status of cohabitation in India. It assesses the need for particular legislation, finds gaps in the existing legal framework, and investigates the scope of protection afforded to partners and children. The study's attempt to close the gap between the law and social reality and emphasize the significance of modifying legal systems in response to shifting social norms is what makes it significant. By critically examining the judiciary's influence on this developing field of law, it also advances scholarly discussion.

### **1.5 DISTINCTION BETWEEN MARRIAGE AND LIVE-IN RELATIONSHIPS**

Basis of difference	Marriage	Live-in relationship
Legal Status	It is a legally recognized institution under personal laws and statutes	It is not formally codified and recognized through judicial interpretation

<sup>17</sup> Id.at 49

<sup>18</sup> D. Velusamy v. D. Patchaiammal,(2010)10 SCC 469

Nature of relationship	It is formal, legally binding union	Informal cohabitation based on mutual consent
Formation	It requires ceremonies and registration as per the law	No formal procedure arises from living together
Rights and obligations	It defines rights, duties and obligations (maintenance, inheritance etc.)	Limited rights, mostly derived from judicial decisions
Social acceptance	Widely accepted and socially sanctioned	Partially accepted, more common in urban areas
Dissolution	It requires legal process called divorce	Can be terminated mutually without legal formalities
Maintenance rights	Statutory right to receive maintenance	Limited; may be granted in certain cases under protection of women from domestic violence act, 2005 or code of criminal procedure 1973
Inheritance rights	Spouse have clear maintenance rights	No automatic inheritance rights between partners
Legitimacy of children	Children are automatically legitimate	Children considered legitimate as per judicial rulings
Proof of relationship	It establishes through marriage certificate	Based on evidence like cohabitation, shared household, etc.
Stability	Considered more stable due to legal obligations	Relatively flexible and less stable
Regulation by law	Governed by specific personal laws (Hindu, Muslim, etc.)	No specific law; governed by case law and limited statutes
Protection of women	Social legal safeguards available	Limited but evolving protections through judiciary

## **1.6 HISTORICAL BACKGROUND**

The development of live-in relationships in India signifies a gradual movement away from rigid traditional values toward a more progressive, rights-oriented framework rooted in constitutional principles<sup>19</sup>. Traditionally, Indian society has regarded marriage as the primary basis for both social legitimacy and legal recognition, while relationships outside its ambit were often stigmatized and viewed as immoral. As a result, cohabitation without marriage lacked both social acceptance and legal acknowledgment.

Over time, however, factors such as urbanization, globalization, access to higher education, and growing financial independence particularly among women have contributed to a shift in societal perceptions<sup>20</sup>. The younger population, especially in urban centers, increasingly views live-in relationships as a viable option for companionship, assessing compatibility, or even as an alternative to marriage.

From a legal standpoint, the recognition of live-in relationships in India has evolved mainly through judicial pronouncements rather than legislative enactments.<sup>21</sup> In *Badri Prasad v. Deputy Director of Consolidation*, the Supreme Court acknowledged the presumption of marriage in cases of prolonged cohabitation, marking an important step toward acceptance. This principle was reinforced in *Lata Singh v. State of Uttar Pradesh*, where the Court affirmed the right of consenting adults to live together without marriage.<sup>22</sup>

Later, in *S. Khushboo v. Kanniammal*, the Court clarified that although live-in relationships may be perceived as immoral by certain sections of society, they are not unlawful. A major advancement occurred with the enactment of the Protection of Women from Domestic Violence Act, 2005, which extended legal protection to women involved in relationships resembling marriage.<sup>23</sup>

Further guidance was provided in *D. Velusamy v. D. Patchaiammal* and *Indra Sarma v. V.K.V. Sarma*, where the Supreme Court outlined criteria for identifying such relationships and emphasized safeguarding women from potential exploitation.<sup>24</sup>

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<sup>19</sup> M.P. Jain, *Constitutional Law* 145(8<sup>th</sup> ed., LexisNexis 2018)

<sup>20</sup> Ritu Gupta, *Live in relationship in India*, 5 *Indian J.Fam.L.*45,50(2020)

<sup>21</sup> Gautam Bhatia, *The Transformative Constitution* 210( Harper Collins 2019)

<sup>22</sup> (1978)3SCC 527

<sup>23</sup> (2010)5SCC 475

<sup>24</sup> (2010)10 SCC 469

### **1.7 GROWING ACCEPTANCE IN RURAL & URBAN AREAS**

The acceptance of cohabitation relationships in India has been steadily increasing, though the degree and pace of this acceptance vary significantly between urban and rural areas. This shift reflects broader societal trends influenced by economic advancement, greater educational opportunities, and changing cultural standards<sup>25</sup>.

In urban areas, cohabitation is relatively more embraced, particularly among younger people. Metropolitan areas, featuring varied populations, a degree of anonymity, and access to global cultures, foster a conducive atmosphere for these arrangements<sup>26</sup>. Elements such as increased education levels, focus on careers, financial self-sufficiency, and a propensity to postpone marriage have prompted individuals to pursue relationships beyond the traditional marriage structure. In addition, urban communities frequently emphasize personal liberty and individual choices, while media and online platforms have greatly contributed to the visibility and societal acceptance of live-in relationships.<sup>27</sup>

Conversely, rural regions largely continue to be anchored in conventional values and practices, with marriage regarded as a vital social institution. In these areas, live-in relationships often face doubt and discontent because of deep-rooted cultural beliefs, restricted knowledge, and the impact of tight-knit communities<sup>28</sup>. Issues surrounding social stigma, anxiety about ostracism, and concepts of familial honor persist in obstructing their acceptance. Nonetheless, slow transformations are taking place even in rural areas, influenced by factors like improving literacy rates, urban migration, and greater exposure to contemporary concepts via media and technology.<sup>29</sup>

Despite the differences between urban and rural views, the transition towards greater acceptance of living relationships across the country has generally been gradual. The recognition of the judiciary and the increasing emphasis on personal rights in the constitutional structure have further strengthened their legitimacy. Although urban areas are driving this change, rural communities are also beginning to change, reflecting a broader change in the view of non-conventional approaches.

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<sup>25</sup> Ritu Gupta, Live in relationship in India ,5 Indian J.Fam.L.45,53(2020)

<sup>26</sup> Id.at 105

<sup>27</sup> Id .at 56.

<sup>28</sup> Gupta , Supra note 1,at 62

## **2. REVIEW OF LITERATURE**

The majority of the literature currently in publication focuses on comparisons with Western legal systems, socio-legal concerns, and judicial developments. Arundhati Patra's work, which was published in the *Journal of Family and Adoption Law* in 2020, is a notable contribution in this field. The study investigates how modernization and globalization have affected how Indian society views cohabitation. It notes that while live-in relationships are still socially sensitive, Indian courts have become more progressive, frequently as a result of American legal developments.<sup>30</sup>

Similarly, in perspective of Dr. Sandeep Kumar Sharma and Narendra Bahadur Singh explore the legal ambiguity and cultural resistance to these kinds of relationships in India. Their research shows that, in contrast to nations like the US and France, where cohabitation is more strictly regulated, India still lacks a clear legal framework despite growing social acceptance<sup>31</sup>. The article written by Choudhary Laxmi Narayan and others, which was published in the *Journal of Psychosexual Health*, is another important contribution. Although live-in relationships were once considered taboo, this work examines both psychological and legal aspects, noting that they are gradually becoming more common<sup>32</sup>.

The article) by Choudhary Laxmi Narayan and others, which was published in the *Journal of Psychosexual Health*, is another important contribution. Although live-in relationships were once considered taboo, this work examines both psychological and legal aspects, noting that they are gradually becoming more common. The authors also stress how crucial the judiciary is in creating rules when there isn't any specific legislation.

Additionally, Dr. Priya Sepaha provides a thorough analysis of the legal complexities related to such relationships in her work .The study highlights important gray areas, such as property rights, maintenance, and children's legitimacy, and it makes a compelling case for the necessity of a secular, gender-sensitive legal system.<sup>33</sup>

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<sup>30</sup> Arundhati Patra, *Legality of Live-in Relationships: A Comparative Study between India and USA*, *J. Fam. & Adoption L.* 120 (2020).

<sup>31</sup> *Live in relationship in India ; A comparative study with an international Perspective* (2024)

<sup>32</sup> Choudary Laxmi Narayan et al., *Live in relationships in India – legal and psychological implications*, *J. Psychosexual health* 210(2021)

<sup>33</sup> Priya Sepaha , *live in relationship in India ; laws and challenges* , 8 *indian J.L& legal research*.95(2021)

Pautunthang N. examined the nature and patterns of live-in relationships in metropolitan India, focusing on how evolving social conditions influence their increasing prevalence.<sup>34</sup>

Similarly, Malatesh G. A. and Dhanasree K. (2018) observed that many individuals opt for live-in arrangements due to fewer responsibilities, lower levels of commitment, financial considerations, and a declining trust in the institution of marriage. Their study highlights a growing preference for such relationships among millennials in India<sup>35</sup>.

In the same context, Naik K. and Maley D. G. (2017) pointed out that live-in relationships are<sup>36</sup> generally short-term in nature and may either end quickly or eventually lead to marriage. Unlike marriage, which is usually permanent and legally structured, live-in relationships are more temporary and lack clearly defined rights and obligations.<sup>37</sup>

Additionally, Rajput A. S. (2023) examined the legal ramifications and implications of live-in relationships in India through a socio-legal analysis<sup>38</sup>.

Similarly, Prakash A. S. (2023) examined the legal obstacles that young people in these kinds of relationships must overcome and assessed the Indian legal system that currently governs them

Furthermore, Mehra K. as well as Verma A. (2022) investigated whether live-in relationships are legally recognized in various nations, especially those that allow cohabitation without marriage.<sup>39</sup>

Likewise, Gusain P. (2020) looked at the conflict between social morality and constitutional morality, pointing out that although live-in relationships are protected by Article 21 of the Indian Constitution, they frequently go against accepted social norms<sup>40</sup>.

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<sup>34</sup> Puttenham N., *Live-in Relationships in Metropolitan India: A Socio-Legal Study*, 14 *Indian J. Soc. Stud.* 67 (2024).

<sup>35</sup> Malatesh G. A. & Dhanasree K., *Changing Trends of Marriage and Live-in Relationships in India*, 9 *J. Soc. & Legal Stud.* 112, 115 (2018).

<sup>36</sup> Naik K. & Maley D. G., *A Study on Live-in Relationships in India*, 6 *Int'l J. Adv. Res.* 210, 213 (2017).

<sup>37</sup> Rajput A. S., *Legal Implications of Live-in Relationships in India: A Socio-Legal Analysis*, 11 *Indian J. Legal Stud.* 88 (2023)

<sup>38</sup> Prakash A. S., *Legal Challenges in Live-in Relationships in India*, 10 *J. Indian L. & Soc'y* 134 (2023).

<sup>39</sup> Mehra K. & Verma A., *Legal Recognition of Live-in Relationships: A Comparative Study*, 8 *Int'l Rev. L. & Soc.* 59 (2022)

<sup>40</sup> Gusain P., *Social Morality vs Constitutional Morality in India*, 6 *Indian J. Const. L.* 201, 205 (2020)

According to Ratna Binodini Amiya Priyadarsini Das and Atmajit Manmath Das (2023) a live-in relationship is a long-term partnership-like arrangement in which two people live together without getting married. Live-in partnerships are not subject to legal obligations or commitments, in contrast to traditional marriages.<sup>41</sup>

Atul Anand (2022) talks about how younger generation's view relationships differently than older ones, especially when it comes to live-in relationships. The study emphasizes how younger people typically have different expectations for partners and relationships, which causes some of them to choose to put off or avoid relationships altogether. It highlights that living with a partner of one's choosing is a fund.<sup>42</sup>

According to Naveen Talawa (2021), live-in relationships which were previously considered taboo because of the sanctity of marriage have gradually gained acceptance in India as a result of changing social norms.<sup>43</sup>

Geetika Sachdeva (2021) compares the state of live-in relationships in India with that of major Western nations, with an emphasis on the consequences for unmarried children. It draws attention to the important legal ramifications of a child's legitimacy under Indian law, particularly with regard to inheritance rights, which are affected by a child's status.<sup>44</sup>

With a focus on the ideas of "Mitru Sambandh" and "Gandharv Vivash," which were formerly praised in Indian society as alternatives to traditional marriage, Jolly Singh (2021) examines the conflict between traditional and contemporary perspectives on relationships<sup>45</sup>. Some academics contend that these methods were both economically feasible and an antidote to capitalism, promoting contentment devoid of social pretense. The article emphasizes how marriage was traditionally viewed as a means of guaranteeing safe sex and how relationships were more flexible in early human societies where marriage was not an institution. The author contends that this idea of control has been rigidly altered by contemporary society, particularly with regard to wealth and power relations.

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<sup>41</sup> Ratna Binodini Amiya Priyadarsini Das & Atmajit Manmath Das, Live-in Relationships: A Legal Perspective, 9 Int'l J. L. & Soc. 101, 102 (2023)

<sup>42</sup> Atul Anand, Changing Dimensions of Relationships Among Youth in India, 7 J. Soc. & Legal Stud. 88 (2022).

<sup>43</sup> Naveen Talawa, Legal Status of Live-in Relationships in India, 6 Indian J. Legal Stud. 134 (2021).

<sup>44</sup> Geetika Sachdeva, Live-in Relationships in India: A Comparative Study, 8 J. Fam. L. Stud. 156 (2021).

<sup>45</sup> Jolly Singh, Traditional and Contemporary Perspectives on Relationships in India, 10 Indian J. Soc. & Legal Stud. 75, 78 (2021)

### **3. OBJECTIVES, RESEARCH PROBLEM & HYPOTHESES OF THE STUDY**

#### **3.1 OBJECTIVES OF THE RESEARCH**

- To explore the concept and legal position of live-in relationships in India that is to examine how Indian laws and judicial decisions interpret and acknowledge relationships “in the nature of marriage.”<sup>46</sup>
- To study the changing judicial perspective on live-in relationships including Analyzation of key judicial pronouncements and the role of courts in granting recognition and protection.<sup>47</sup>
- To assess the constitutional aspects of live-in relationships<sup>48</sup>
- To examine the rights and legal safeguards available to partners, particularly women.<sup>49</sup>
- To analyses the legal position and rights of children born from live-in relationships.
- To undertake a comparative study with foreign legal system
- To identify shortcomings and challenges in the present legal framework.
- To examine the tension between social morality and constitutional morality
- To evaluate the necessity for comprehensive legislation in India and to determine whether judicial developments are sufficient or if a dedicated law is required.
- To propose legal reforms and policy suggestions

#### **3.2 RESEARCH PROBLEM**

Indian live-in relations are increasingly part of contemporary social life, but are still operating within a framework of uncertainty and legal ambiguity. Although they have been widely accepted, there is no specific or comprehensive legislation governing such relationships, which leads to confusion about the legal status, rights and obligations of the partners concerned. Although the judiciary played an active role in recognizing live-in relationships as “traditional marriage relationships” and provided limited protection, especially under the Domestic Violence Protection Act, the lack of clear legal provisions led to inconsistent judicial interpretations in 2005. This inconsistency causes uncertainty in important areas such as maintenance, ownership, inheritance, and the legal recognition of children born of these

<sup>46</sup> D Velusamy v D Patchaiammal (2010) 10 SCC 469; Indra Sarma v V.K.V. Sarma (2013) 15 SCC 755.

<sup>47</sup> S Khushboo v Kanniammal (2010) 5 SCC 600; Nandakumar v State of Kerala (2018) 16 SCC 602.

<sup>48</sup> Justice K.S. Puttaswamy (Retd.) v Union of India (2017) 10 SCC 1; Shafin Jahan v Asokan K.M. (2018) 16 SCC 368.

<sup>49</sup> Chanmuniya v Virendra Kumar Singh Kushwaha (2011) 1 SCC 141; Protection of Women from Domestic Violence Act 2005

relationships.

Additionally, there is a clear tension between social morality and constitutional morality, as societal disapproval often conflicts with the protection of individual freedoms under Article 21 of the Constitution. This clash further complicates both the acceptance and legal regulation of live-in relationships.

Compared to countries like the UK, USA, and France, where cohabitation is governed by clearer legal rules, India lacks a well-defined framework, revealing a significant gap in its legal system. Thus, the central research issue is to determine whether reliance on judicial interpretation alone is adequate, or whether there is an urgent need for comprehensive legislation to provide clarity, consistency, and protection of rights in the context of live-in relationships in India.

### **3.3 HYPOTHESES OF THE STUDY**

H1: The evolution of Indian live-in relationship jurisprudence shows a progressive shift toward acknowledging individual autonomy under Article 21, but it is still unfinished because there isn't enough comprehensive legislation.

H2: Judicial interpretation has been crucial in giving live-in relationships in India legal recognition and protection in the absence of specific statutory provisions.

H3: Under current laws like the Protection of Women from Domestic Violence Act, 2005, women in cohabitation are given some protection, but it is still insufficient.

H4: Despite the legal recognition of children born from cohabitation, their rights are not adequately or clearly defined, particularly with regard to inheritance.

H5: When it comes to the acceptance of cohabitation in India, social morality and constitutional morality diverge significantly.

H6: In contrast to nations such as the United Kingdom, the United States, and France. A considerable disparity exists between social morality and constitutional morality regarding the acceptance of live-in relationships in India.

H7: Compared to countries like the UK, USA, and France, India's legal framework for regulating live-in relationships is relatively underdeveloped

## **4. METHORDS AND METHODOLOGY**

Using a doctrinal research methodology, this study investigates the status of cohabitation in India by critically analyzing primary and secondary legal sources. Statutory provisions, constitutional mandates, and significant rulings from Jolly Singh, Live-in Relationship in India:

Supreme Court and several High Courts that have influenced the body of law pertaining to cohabitation outside of marriage. Scholarly articles, commentary, and law commission reports are examples of secondary sources that have been used to contextualize and interpret judicial trends and legislation

#### **4.1 Emergence of live-in relationships in modern India**

The rise of live-in relationships in contemporary India can be attributed to significant social changes brought about by urbanization, globalization, and evolving societal values<sup>50</sup>. Greater access to education, financial independence, and exposure to global cultures particularly among the youth has gradually challenged the traditional belief that marriage is the sole legitimate form of intimate partnership.<sup>51</sup> Urban centers, in particular, have become environments where individuals increasingly value personal choice, compatibility, and professional goals over conventional norms. The growing influence of media, digital platforms, and Western lifestyles has further contributed to the acceptance of cohabitation outside marriage<sup>52</sup>.

Moreover, the constitutional recognition of individual autonomy and dignity under Article 21 has supported the acceptance of such alternative relationship forms<sup>53</sup>. Despite continuing social stigma, especially in rural and conservative communities, live-in relationships are progressively being seen as an expression of personal freedom, thereby gaining gradual acceptance in India's legal and judicial framework.<sup>54</sup>

#### **4.2 Social Acceptance vs Legal Legitimacy**

The contrast between the social acceptance of living relationships in India and the legal recognition of living relationships highlights the significant difference between society's thinking and the legal approach. Although the courts have gradually recognized that living relationships are in the scope of the rights to life and personal freedom, many sections of society, especially in rural and traditional communities, still consider such relationships inappropriate or unacceptable. This difference stems from the long-standing cultural and religious belief that marriage is the only valid form of close partnership. As a result, people who live in relationships are often subject to social aversion, family resistance, and sometimes even threats, even though they enjoy legal protection. Although the judiciary is working to reduce this gap through the promotion of individual freedoms and constitutional values,

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<sup>50</sup> Ritu Gupta, Live-in Relationships in India, 5 Indian J. Fam. L. 45, 58 (2020).

<sup>51</sup> Id. at 60.

<sup>52</sup> Id. at 118.

<sup>53</sup> Lata Singh v. State of Uttar Pradesh, (2006) 5 SCC 475; S. Khushboo v. Kanniammal, (2010) 5 SCC 600.

widespread social acceptance is still under way. As a result, although living relationships have gained legal validity, acceptance in society is still limited and gradually declining.

## **5. IMPACT OF LIVE IN RELATIONSHIPS IN INDIA**

According to Indian culture, the majority of Indians live in a traditional way. Indians have always shared traditional values. In India, marriage is considered customary, and any deviation will be deemed sinful.<sup>55</sup>

The idea of living a relationship is completely contrary to marriage. In fact, couples prefer to live together before marriage to test compatibility, because marriage is a permanent commitment and everyone has the right to choose the best partner for themselves<sup>56</sup>.

However, Indian society believes that couples marry without marriage, only to meet their sexual desires. People must be socially conditioned to adopt this view and accept that together life is perfectly acceptable<sup>57</sup>.

On the other hand, the approval of an unusual concept such as cohabitation would undoubtedly lead to numerous problems. It gives individuals enough time to focus on their careers and personal growth before marrying<sup>58</sup>. The rational thinking and open approach to such matters is definitely a positive sign. Such relationships are accepted in the larger metropolitan areas, but in the small towns they are socially condemned, forcing couples to maintain private relationships.

In India, home relationships are becoming increasingly common, challenging traditional marriage institutions as the only framework for living together. This is particularly true for young people and urban populations. This trend enabled greater personal freedom, autonomy and equality of the sexes, enabling people, particularly women, to make relationship choices without immediate social or legal restrictions.

However, there are also complex social implications, such as the stigma of conservative groups, legal ambiguities concerning property rights, inheritance and maintenance, and difficulties in

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<sup>55</sup> Patricia Uberoi, *Family, Kinship and Marriage in India* 125 (Oxford Univ. Press 2006).

<sup>56</sup> *Lata Singh vs State of Uttar Pradesh* (2006) 5 SCC

<sup>57</sup> *Indra Sarma vs V.K.V. Sarma*

<sup>58</sup> Gautam Bhatia, *The Transformative Constitution* 220 (HarperCollins 2019)

the legitimacy and protection of children born from such associations.

## **6. LEGAL FRAMEWORK GOVERNING LIVE-IN RELATIONSHIPS IN INDIA**

### **6.1 Constitutional Basis**

In India, there is no single law that specifically governs live-in relationships. Instead, their legal standing has been built over time through court rulings, constitutional rights, and existing laws designed to protect vulnerable parties<sup>59</sup>. The primary goal of this evolving framework is to defend the rights of women and children while navigating the country's traditional social values.<sup>60</sup>

The legal support for live-in relationships is rooted in Article 21 of the Constitution, which protects the right to life and personal liberty.<sup>61</sup> The judiciary has expanded this right to cover personal autonomy, dignity, and privacy, meaning adults have the freedom to choose their partners and live together without being legally married<sup>62</sup>. A key turning point was the Justice K.S. Puttaswamy v. Union of India case, which confirmed that personal relationship choices are a private matter. Because of these constitutional protections, living together by choice is considered both legal and a valid exercise of individual freedom.<sup>63</sup>

### **6.2 Judicial Recognition**

#### **6.2.a Presumption of Marriage**

In India, the principle of presumption of marriage applies when a couple has lived together for an extended period in a manner similar to a married life. Courts have held that long-term cohabitation, where the partners publicly present themselves as husband and wife, can lead to a legal presumption of marriage, even without formal registration or ceremonial rituals<sup>64</sup>. This doctrine is intended to safeguard the rights of both partners and their children, ensuring that enduring relationships are not ignored simply because they fall outside statutory marriage provisions. A notable case illustrating this is *Badri Prasad v. Dy. Director of Consolidation*, in which the Supreme Court recognized a live-in relationship spanning several decades as a valid marital union, highlighting the law's emphasis on the stability and legitimacy of long-term

<sup>59</sup> Ritu Gupta, *Live-in Relationships in India*, 5 Indian J. Fam. L. 45, 66 (2020)

<sup>60</sup> *Indra Sarma v. V.K.V. Sarma*, (2013) 15 SCC 755, ¶ 31.

<sup>61</sup> Constitution of India

<sup>62</sup> Gautam Bhatia, *The Transformative Constitution* 225 (HarperCollins 2019)

<sup>63</sup> *S. Khushboo v. Kanniammal*, (2010) 5 SCC 600

<sup>64</sup> Paras Diwan, *Modern Hindu Law* 52 (21st ed., Allahabad Law Agency 2018)

cohabitation. Such judicial acknowledgment enhances legal protection for individuals in

### **6.2.b Legitimacy of Children**

Indian courts have recognized the legitimacy of children born from live-in relationships to protect their rights and welfare<sup>65</sup>. Children of couples in long-term, consensual cohabitation are entitled to claim maintenance and inherit property, regardless of whether their parents are formally married. <sup>66</sup>The judiciary has stressed that children should not suffer any disadvantage due to the marital status of their parents, and their best interests must be prioritized. A notable example is *Bharatha Matha v. R. Vijaya Renganathan*, where the Supreme Court held that children born from live-in relationships have inheritance rights over their parents' self-acquired property, recognizing them as legitimate under the law. This ensures that such children enjoy <sup>67</sup>the same legal protections and safeguards as those born within traditional marriages.<sup>68</sup>

### **6.2.c Concept of “relationship in the nature of marriage”**

The concept of a “relationship in the nature of marriage” refers to a live-in arrangement between two adults that closely resembles a legally recognized marriage, even though no formal registration or ceremonial rituals have taken place. <sup>69</sup>Indian courts have developed this doctrine primarily to extend legal protections under statutes such as the Protection of Women from Domestic Violence Act, 2005, ensuring that women in such relationships are not left vulnerable to abuse. In determining whether a live-in relationship qualifies as a marriage-like relationship.<sup>70</sup>

### **6.2.d Expanded protection under Domestic violence law**

Indian courts have interpreted the Protection of Women from Domestic Violence Act, 2005, to include protections for women in live-in relationships that resemble a marriage. This interpretation allows women in such partnerships to pursue legal action against physical, emotional, verbal, or financial abuse, even if they are not formally married. To assess eligibility, courts examine factors like the duration of cohabitation, shared household management, and public acknowledgment of the relationship.

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<sup>65</sup> Ritu Gupta, *Live-in Relationships in India*, 5 *Indian J. Fam. L.* 45, 68 (2020).

<sup>66</sup> *Id.* at 69.

<sup>67</sup> *Bharatha Matha v. R. Vijaya Renganathan*, (2010) 11 SCC 483

<sup>68</sup> Paras Diwan, *Modern Hindu Law* 55 (21st ed., Allahabad Law Agency 2018)

<sup>69</sup> Protection of Women from Domestic Violence Act, § 2(f).

<sup>70</sup> *Indra Sarma v. V.K.V. Sarma*, (2013) 15 SCC 755, ¶ 38

## **7. STATUTORY FRAMEWORK FOR PROTECTION**

India lacks a dedicated law specifically governing live-in relationships, but several existing legal provisions offer protection and acknowledgment to individuals, especially women and children, involved in such arrangements. The main laws and pertinent sections include:

### **7.1.1 Protection of Women from Domestic Violence Act, 2005**

Section 2(f): Describes a “relationship in the nature of marriage,” thereby extending protection to women in live-in relationships that resemble marriage. Sections 18, 19, and 20: Offer remedies like protection orders, the right to residence, and maintenance for women facing domestic abuse, regardless of their formal marital status.<sup>71</sup>

### **7.1.2 Criminal Procedure Code, 1973 (CrPC)**

Section 125: Enables women, including those in live-in relationships, to seek maintenance from their partner if they cannot support themselves<sup>72</sup>.

### **7.1.3 Indian Evidence Act, 1872**

Section 114: Allows courts to assume the existence of a valid marriage in cases of prolonged cohabitation, particularly when partners publicly present themselves as husband and wife.<sup>73</sup>

### **7.1.4 Hindu Marriage Act, 1955**

Although this Act primarily regulates formal marriages, courts occasionally apply its principles to evaluate the nature of live-in relationships concerning legitimacy, maintenance, or property rights.<sup>74</sup>

### **7.1.5 Indian penal code 1860**

Section 375 (rape), Section 354 (outraging modesty), and Section 498A (harassment or cruelty) of the Indian Penal Code, 1860 (IPC) protect women in cohabitation when consent violations or abuse occur<sup>75</sup>

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<sup>71</sup> Protection of Women from Domestic Violence Act, § 2(f)

<sup>72</sup> Code of Criminal Procedure, § 125; *Chanmuniya v. Virendra Kumar Singh Kushwaha*, (2011) 1 SCC 141.

<sup>73</sup> Indian Evidence Act, § 114; *Badri Prasad v. Deputy Director of Consolidation*, (1978) 3 SCC 527

<sup>74</sup> Hindu Marriage Act; Paras Diwan, *Modern Hindu Law* 58 (21st ed., Allahabad Law Agency 2018).

<sup>75</sup> Indian Penal Code, §§ 354, 375, 498A.

### 7.1.6 Hindu adoption and maintenance act 1956

Courts have interpreted the Hindu Adoption and Maintenance Act, 1956 and Section 125 of the Criminal Procedure Code (CrPC) to permit maintenance claims for women in cohabiting relationships that meet the criteria for being "in the nature of marriage," so long as the relationship is stable and ongoing.<sup>76</sup>

## **7.2 IMPACT OF RECENTLY LAUNCHED UCC BILL (2026)**

The introduction of the Uniform Civil Code (UCC) Bill, 2026, particularly in states such as Uttarakhand, Gujarat, signifies a major transition from judicial acknowledgment to legislative governance of live-in relationships in India. It provides for the following:

- a. Official Legal Acknowledgment- A key consequence is that live-in relationships now receive formal recognition under statutory law, moving beyond mere judicial precedents. The bill categorizes live-in relationships as those "akin to marriage" and incorporates them into a defined legal structure. This shifts live-in relationships from a concept shaped by judges to a legally governed entity.
- b. Compulsory Registration -The UCC Bill mandates that couples must register their live-in relationship with a registrar and also declare its dissolution. Also failure to register could result in penalties, including fines or imprisonment. The authorities are authorized to check age, marital status, and consent before registration.
- c. Safeguarding Women and Children-The bill will strive to enhance gender justice by providing maintenance rights to women in live-in relationships and equal responsibility of both partners for children (e.g., shared childcare duties). Also it recognizes the children born from live-in relationships as legitimate
- d. Criminalization and Sanctions-The UCC enforces strict penalties in certain cases like non-registration of live-in relationships, entering into such relationships through deceit or coercion also it imposes restrictions on relationships involving minors or already married individuals
- e. Consistency Across Communities - The UCC seeks to establish a uniform legal framework regardless of religion, encompassing marriage, divorce, succession, and live-in relationships.
- f. Effect on Personal Autonomy and Privacy-While the law aims to regulate and protect, critics provided that mandatory registration intrudes on personal choice and privacy.

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<sup>76</sup> Hindu Adoption and Maintenance Act; Chanmuniya v. Virendra Kumar Singh Kushwaha, (2011) 1 SCC 141

Also it may conflict with principles established in Justice K.S. Puttaswamy v. Union of India<sup>77</sup>

- g. Transition from Informal to Formal Institution-Historically, live-in relationships were viewed as informal and adaptable arrangements and the UCC transforms them into a regulated legal institution, akin to marriage in many ways.

### **7.3 RELEVANT JUDICIAL GUIDELINES**

Courts consider factors such as duration of cohabitation, shared household responsibilities, financial interdependence, and public acknowledgment to determine rights and protections under these statutes. Landmark cases like *D. Velusamy v. D. Patchaiammal*, *Indra Sarma v. V.K.V. Sarma*,<sup>78</sup> and *Badri Prasad v. Dy. Director of Consolidation*<sup>79</sup> demonstrate how statutory provisions and judicial interpretation together provide legal safeguards for live-in relationships. Thus, the statutory framework, in combination with judicial precedents, ensures limited but significant legal recognition and protection for individuals in live-in relationships, especially focusing on the rights of women and children, while bridging the gap left by the absence of dedicated legislation.

#### **7.3.1 Judicial trends and interpretation**

The judicial perspective on live-in relationships in India has undergone a notable transformation, moving from a traditional moral standpoint to a more progressive, rights-oriented interpretation rooted in constitutional principles. In the absence of specific laws, the courts have been instrumental in defining the legal standing, extent, and protection of these relationships.

#### **7.3.2 From Initial Conservatism to Progressive Acknowledgment**

At first, Indian courts were reluctant to acknowledge live-in relationships due to dominant social and cultural norms that favored marriage. However, as time passed, the judiciary embraced a more open-minded stance, recognizing the need for legal systems to evolve with societal changes. This shift is evident in the case of *Badri Prasad v. Dy. Director of Consolidation*, where the Supreme Court recognized a long-term live-in relationship as a valid marriage, thereby legitimizing such unions. This marked the beginning of doctrinal transition from moral disapproval -legal tolerance to constitutional protection. Courts began prioritizing substance over marital status

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<sup>77</sup> (2017) SC 4161

<sup>78</sup> (2010) 10 SCC 469

<sup>79</sup> AIR 1378 SC 1557

### **7.3.3 Constitutionalization of live in relationships**

In India, the legal recognition of live-in relationships marks a notable judicial evolution, where courts have shifted from assessing these relationships through the prism of social morality to anchoring them in the realm of fundamental rights, particularly under Article 21 of the Indian Constitution. The judiciary, notably the Supreme Court, has consistently affirmed that the right to life and personal liberty encompasses the freedom to select a partner and live together without marriage, as a crucial aspect of individual autonomy, dignity, and privacy. In the case of *S. Khushboo v. Kanniammal*, the Court noted that while live-in relationships may be socially unacceptable to some, they are not illegal and fall within the scope of personal liberty. This stance was further solidified in *Lata Singh v. State of Uttar Pradesh*, where the Court upheld the right of consenting adults to cohabit without interference from family or society, stressing that such decisions are safeguarded under Article 21.

The constitutional safeguarding of live-in relationships was bolstered by the acknowledgment of the right to privacy as a fundamental right in *Justice K.S. Puttaswamy v. Union of India*. This pivotal ruling broadened the interpretation of Article 21 to include decisional autonomy in intimate matters, thereby providing a robust constitutional basis for non-marital cohabitation. Furthermore, in *Shafin Jahan v. Asokan K.M.*, the Court reiterated that the choice of a partner is central to individual liberty and cannot be controlled by societal or parental influence. High Courts, such as the Allahabad High Court in recent years, have echoed this perspective by affirming that live-in relationships even those between different faiths are protected under Articles 14, 19, and 21, reinforcing the notion that constitutional morality should take precedence over social morality.

Through a series of progressive interpretations, Indian courts have effectively enshrined live-in relationships within the Constitution, transforming them from socially contentious arrangements into legally protected expressions of personal freedom. This development signifies a broader shift in Indian constitutional jurisprudence—one that prioritizes individual choice, dignity, and privacy over traditional norms, while also paving the way for future legislative acknowledgment.

### **7.3.4 Development of the 'the relationship in the nature of marriage- doctrine**

The concept of a "relationship in the nature of marriage" is a significant judicial development aimed at offering limited legal protection to partners, particularly women, in live-in relationships without fully equating them to marriage.<sup>80</sup> This idea was clearly defined by the

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<sup>80</sup> Paras Diwan, *Modern Hindu Law* 60 (21st ed., Allahabad Law Agency 2018).

Supreme Court in the case of *D. Velusamy v. D. Patchaiammal*, where it was determined that not all live-in relationships are eligible for legal recognition; only those that closely resemble a marriage in essence are included. The Court established key criteria such as the couple presenting themselves to society as married, being of legal age to marry, willingly living together for a substantial period, and being otherwise eligible to marry legally.<sup>81</sup>

This framework was further elaborated in *Indra Sarma v. V.K.V. Sarma*, where the Court outlined more detailed indicators, including the duration of the relationship, shared living arrangements, pooling of resources, domestic setup, sexual relationship, and social acknowledgment<sup>82</sup>. Crucially, the Court clarified that relationships entered into casually or those involving a married individual (where one party is already legally married) may not be eligible for protection under this doctrine<sup>83</sup>. The main aim of this judicial development was to bring such relationships under the scope of the Protection of Women from Domestic Violence Act, 2005, ensuring that women in stable, marriage-like live-in arrangements are not left without legal recourse. Thus, the doctrine represents a balanced judicial approach, recognizing changing social dynamics while preventing misuse by distinguishing genuine domestic partnerships from fleeting or non-committal relationships<sup>84</sup>.

### **7.3.5 Protection of women Gender -justice orientation**

In India, the judicial stance on live-in relationships reveals a pronounced focus on gender justice, particularly in protecting the rights of women who may find themselves in precarious situations within these partnerships. Acknowledging the socio-economic challenges and power disparities that can arise, the courts have embraced a purposive interpretation of welfare laws, notably the Protection of Women from Domestic Violence Act, 2005, to extend its protections beyond traditional marriages. In the case of *Chanmuniya v. Virendra Kumar Singh Kushwaha*, the Supreme Court stressed that women in live-in relationships should not be deprived of maintenance simply because there is no legally recognized marriage, advocating for a broad and socially aware interpretation of the law. This protective approach was reinforced in *Indra Sarma v. V.K.V. Sarma*, where the Court recognized that women in relationships akin to marriage deserve protection against domestic violence, while also warning against extending such protection to unstable or illegitimate relationships. The judiciary has consistently aimed to prevent exploitation by ensuring rights such as maintenance, residence, and protection from abuse, thereby aligning legal interpretation with the constitutional principles of social justice

<sup>81</sup> *D. Velusamy v. D. Patchaiammal*, (2010) 10 SCC 469, ¶ 33.

<sup>82</sup> *Indra Sarma v. V.K.V. Sarma*, (2013) 15 SCC 755, ¶ 38

<sup>83</sup> *Indra Sarma v. V.K.V. Sarma*, (2013) 15 SCC 755, ¶ 38.

<sup>84</sup> *Id.* ¶ 52.

and gender equality under Articles 14 and 21. This trend signifies a move away from a strictly formalistic view of relationships towards a more substantive justice approach, where the lived experiences of women are prioritized over rigid legal definitions, ensuring that the law evolves alongside changing social norms.

### **7.3.6 Presumption of marriage and Legitimacy of children**

The principle of presuming marriage and the legitimacy of children has played a crucial role in the Indian judiciary's handling of the legal implications of long-term live-in relationships, mainly to protect women and children from injustice<sup>85</sup>. Courts have consistently ruled that when a couple has lived together for a significant duration and portrayed themselves as married, a legal presumption of marriage can be inferred under Section 114 of the Indian Evidence Act.<sup>86</sup> This concept was solidified in the case of *Badri Prasad v. Dy. Director of Consolidation*<sup>87</sup>, where the Supreme Court recognized a 50-year live-in relationship as a legitimate marriage, highlighting the law's preference for legitimacy over illegitimacy.

Similarly, in *Tulsa v. Durghatiya*<sup>88</sup>, the Court determined that children born from prolonged cohabitation should be deemed legitimate, thus securing their rights and social standing. This stance was further affirmed in *Madan Mohan Singh v. Rajni Kant*<sup>89</sup>, where the Court reiterated that ongoing cohabitation creates a strong presumption of marriage unless convincingly disproven. The fundamental aim of this judicial approach is anchored in social justice and welfare, ensuring that innocent children are not denied legitimacy, inheritance rights, or dignity due to their parents' informal relationship

### **7.3.7 Consent and criminal law**

The intersection of consent and criminal law in the context of live-in relationships has been a critical area of judicial interpretation, particularly in cases involving allegations of rape based on a false promise of marriage<sup>90</sup>. Indian courts have increasingly adopted a nuanced approach by distinguishing between consensual relationships that later fail and those where consent was obtained through fraud or misrepresentation from the outset.

In *Uday v. State of Karnataka*<sup>91</sup>, the Supreme Court held that a consensual sexual relationship between adults, even if based on a promise to marry, does not automatically amount to rape unless it is proven that the promise was false and made in bad faith at the very beginning. This

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<sup>85</sup> Paras Diwan, *Modern Hindu Law* 62 (21st ed., Allahabad Law Agency 2018).

<sup>86</sup> Indian Evidence Act, § 114

<sup>87</sup> *Badri Prasad v. Deputy Director of Consolidation*, (1978) 3 SCC 527.

<sup>88</sup> *Tulsa v. Durghatiya*, (2008) 4 SCC 520

<sup>89</sup> *Madan Mohan Singh v. Rajni Kant*, (2010) 9 SCC 209

<sup>90</sup> Gautam Bhatia, *The Transformative Constitution* (HarperCollins, 2019) p. 240

<sup>91</sup> *Uday v. State of Karnataka*, (2003) 4 SCC 46

principle was reaffirmed and refined in *Pramod Suryabhan Pawar v. State of Maharashtra*, where the Court clarified that for consent to be vitiated under Section 90 of the IPC, the promise of marriage must be shown to be illusory and dishonest at the inception, rather than a genuine intention that could not be fulfilled later.<sup>92</sup>

In the context of long-term live-in relationships, courts have often inferred informed and voluntary consent, thereby resisting the tendency to criminalize breakdowns of intimate relationships. This approach reflects a broader judicial trend of protecting individual autonomy while preventing misuse of criminal law, ensuring that the law does not become a tool for retribution in failed relationships but continues to safeguard against genuine cases of exploitation and deceit.<sup>93</sup>

### **7.3.8 Expansion of protection vs emerging contradictions ( recent trends )**

The recent judicial developments regarding live-in relationships in India illustrate both an expansion of protections and the emergence of contradictions, highlighting a legal landscape that is evolving yet remains unsettled.

On one side, courts have increasingly embraced a liberal, rights-focused approach, granting constitutional protection to consenting adults in live-in relationships under Articles 14, 19, and 21, regardless of societal disapproval.

For example, in the case of *Nandakumar v. State of Kerala*<sup>94</sup>, the Supreme Court ruled that even if a couple is not legally eligible to marry, they still have the right to live together, recognizing such relationships as part of personal liberty.

Conversely, a restrictive and inconsistent line of judicial reasoning has also surfaced.

In some instances, courts have refused to protect live-in couples where one or both partners are already married, citing the need to protect the rights of the legally wedded spouse and maintain the sanctity of marriage. This creates a conflict between individual autonomy and existing matrimonial obligations, leading to varied outcomes across different jurisdictions.

Furthermore, while some rulings extend protection even in complex relational contexts, others impose moral or legal restrictions, particularly in cases involving potential bigamy or misuse of legal remedies.

These conflicting approaches underscore the lack of a uniform legal framework, resulting in uncertainty and case-by-case adjudication.

Thus, the current trend reflects a judiciary attempting to balance progressive constitutional

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<sup>92</sup> *Pramod Suryabhan Pawar v. State of Maharashtra*, (2019) 9 SCC 608; Indian Penal Code, 1860, s. 90

<sup>93</sup> Gautam Bhatia, *The Transformative Constitution* (HarperCollins, 2019) p. 243.

<sup>94</sup> *Nandakumar v. State of Kerala*, (2018) 16 SCC 602

values with traditional legal structures, often resulting in inconsistent and fragmented jurisprudence, highlighting the urgent need for comprehensive legislative intervention.

## **8. RIGHTS ARISING FROM LIVE-IN RELATIONSHIPS**

In India, live-in relationships are not governed by a single, all-encompassing law, but they have slowly gained recognition and protection through court rulings, constitutional values, and certain legal provisions. The rights associated with these relationships aim to balance personal freedom with societal norms, largely influenced by decisions from courts like the Supreme Court of India.

### **8.1 Right to life, dignity and Personal Liberty**

The constitutional basis for acknowledging live-in relationships in India is anchored in the right to life, dignity, and personal liberty as stated in Article 21.<sup>95</sup> The Supreme Court of India has broadly interpreted Article 21 to encompass individuals' freedom to make personal choices, including the option to live together without marriage.<sup>96</sup> In the case of *Lata Singh v. State of Uttar Pradesh*,<sup>97</sup> the Court confirmed that consenting adults possess the right to select their partners free from interference by family or society, thus safeguarding personal liberty. Likewise, in *S. Khushboo v. Kanniammal*<sup>98</sup>, it was determined that live-in relationships, despite being frowned upon by some segments of society, are not unlawful and fall within the realm of personal freedom. The acknowledgment of privacy as a fundamental right...

### **8.2 Protection against Domestic Violence**

In addition to married women, Indian legislation also safeguards women in live-in relationships through the Protection of Women From Domestic Violence Act of 2005.<sup>99</sup>

While there are no explicit laws addressing the legal status of live-in relationships in India, the Indian judiciary has shaped jurisprudence over the years through various judgments. These rulings have contributed to establishing multiple rights for women in live-in relationships, with the most notable being the right to protection against domestic violence.<sup>100</sup>

In 2013, the bench headed by Hon'ble Justice K. S. Radhakrishnan established guidelines that

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<sup>95</sup> Constitution of India, art. 21

<sup>96</sup> Gautam Bhatia, *The Transformative Constitution* (HarperCollins, 2019) p. 250.

<sup>97</sup> *Lata Singh v. State of Uttar Pradesh*, (2006) 5 SCC 475

<sup>98</sup> *S. Khushboo v. Kanniammal*, (2010) 5 SCC 600.

<sup>99</sup> Protection of Women from Domestic Violence Act

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encompass live-in relationships under the term relationship in the nature of marriage for the purpose of protecting women from domestic violence. The Supreme Court, in the case of Indra Sarma vs VKV Sarma, ruled on this matter.<sup>101</sup>

### **8.3 Right of Maintenance in live-in relationships – Palimony Can a live-in partner claim property?**

The term “Palimony” was introduced by the California Supreme Court in the case of Marvin v. Marvin in 1976<sup>102</sup>. Palimony pertains to the financial assistance provided to a woman who has cohabitated with a man for a significant duration without formal marriage, and who is subsequently left by him.

The concept of “Palimony” was first addressed in Indian courts in the cases Chanmuniya v. Virendra Kumar Singh Kushwaha and D. Velusamy v. D. Patchaiammal.<sup>103</sup> While there are legal provisions for the maintenance of married women under Section 25 of the Hindu Marriage Act, Section 125 of the Cr.P.C, the Domestic Violence Act of 2005, and Section 37 of the Special Marriage Act of 1954, there is no distinct law governing Palimony in India.<sup>104</sup>

In November 2000, the Home Ministry It implies that if a woman has been in a cohabiting relationship for a reasonable duration, she should possess the legal rights similar to those of a wife and can seek maintenance under Section 125 CrPC.<sup>105</sup> It was observed that when partners cohabit as spouses, a presumption would emerge in support of marriage.

Nevertheless, numerous individuals have challenged this since the Section pertains to legally wed women. According to a report from the Jus Corpus Law Journal, a woman may claim compensation under Section 20(3) of the Protection of Domestic Violence Act of 2005 by proving that her live-in relationship resembled a marriage and constituted a domestic relationship.<sup>106</sup>

### **8.4 Right to share household**

The bench, which included Justice KM Joseph, Justice Uday Umesh Lalit, and former Chief Justice Ranjan Gogoi, noted, "In fact, under the provisions of the DVC Act, 2005 the victim i.

<sup>101</sup> Indra Sarma v. V.K.V. Sarma, (2013) 15 SCC 755

<sup>102</sup> Marvin v. Marvin, 557 P.2d 106 (Cal. 1976)

<sup>103</sup> Changuna v. Virendra Kumar Singh Kushwaha, (2011) 1 SCC 141; D. Velusamy v. D. Pachamama, (2010) 10 SCC 469.

<sup>104</sup> Hindu Marriage Act, 1955, s. 25; Code of Criminal Procedure, 1973, s. 125; Protection of Women from Domestic Violence Act, 2005; Special Marriage Act, 1954, s. 37.

<sup>105</sup> Changuna v. Virendra Kumar Singh Kushwaha, (2011) 1 SCC 141

<sup>106</sup> Protection of Women from Domestic Violence Act, 2005, s.20(3)

and e. In addition to the relief provided by Section 125 of the Code of Criminal Procedure, 1973, estranged wives and live-in partners would also be entitled to a shared household.<sup>107</sup>

### **8.5 Property and inheritance rights of womens**

We have examined the conditions under which a male and female living together as a spouse will be deemed to be married<sup>108</sup>. Now, the issue of a live-in partner's property rights comes up. Political parties and other members have criticized the few rulings that have been favorable. The judges would view the partners as a legally married couple since section 114 of the Indian Evidence Act, 1872, attracts the presumption of marriage. It is the responsibility of the other side to refute this assumption<sup>109</sup>. A live-in partner was therefore deemed entitled to the other's property under this presumption.

Regarding *Vidyadhari v. In Sukhrana Bai*,<sup>110</sup> the judges' decision that partners who have lived together for a reasonable amount of time can inherit each other's property gave many live-in partners hope. However, the court determined that the woman was the live-in male partner in this case because he was already married. The opposing party, who claimed to be the true legal heir, argued that since the couple was never married, the mistress would not be eligible to inherit. The court examined numerous cases where it was decided that live-in partners were presumed to be legally married couples if they shared a home as spouses and had a long-term commitment to one another. The property inherited by the female spouse was deemed legitimate since the opposing party was unable to refute this assumption. The aforementioned case held that a live-in partner can inherit the property of another only on the occasion of his death, even though it did not specify the type of property of the deceased. This case supported the previous decision.

### **8.6 Right to cohabit without criminal liability**

A well-known component of personal liberty in India is the freedom to live together without facing criminal penalties, which guarantees that cohabitation between consenting adults will not result in criminal penalties<sup>111</sup>. Even though these relationships are occasionally seen as socially unusual, the Supreme Court of India has repeatedly upheld that they are not prohibited.

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<sup>107</sup> Protection of Women from Domestic Violence Act, 2005; Code of Criminal Procedure, 1973, s. 125; see also recent Supreme Court observations (bench comprising K. M. Joseph, U. U. Lalit & Ranjan Gogoi).

<sup>108</sup> Indian Evidence Act, 1872, s. 114.

<sup>109</sup> Indian Evidence Act, 1872, s. 114

<sup>110</sup> Ibid

<sup>111</sup> Gautam Bhatia, *The Transformative Constitution* (HarperCollins, 2019) p. 260.

In *S. Khushboo v. In Kanniammal*<sup>112</sup>, the Court unequivocally ruled that cohabitation between two unmarried adults is a matter of personal freedom and cannot be interpreted as a crime. Likewise, in *Lata Singh v. State of Uttar Pradesh*<sup>113</sup>, it was stressed in the State of Uttar Pradesh that adults are free to select their partners and live together without interference from the government or society. This stance represents a change from morality-based limitations to a rights-based strategy based on constitutional principles like autonomy and dignity. Because of this, people who live together are shielded from criminal prosecution.

### **8.7 Right to protection from harassment and honour killing crimes**

For people in live-in relationships, the right to be shielded from harassment and honor crimes is crucial, especially in a society where such unions may encounter social disapproval. Consenting adults who choose to live together are entitled to protection of their life and liberty from threats from family members, community organizations, or extralegal entities like khap panchayats.<sup>114</sup>

According to the Supreme Court of India. *Shakti Vahini v. Union of India*, the Court issued comprehensive guidelines directing state authorities to take preventive, remedial, and punitive measures against honor-based violence, stressing that it is unconstitutional to try to interfere with adults' personal choices. The Court has also reaffirmed that police officers have an obligation to protect couples who are in danger and to prosecute those who engage in harassment or violence.<sup>115</sup> The idea of individual autonomy and dignity is upheld by this body of law.

### **8.8 Sexual autonomy and consent**

Consensual intimate relationships between adults, including those in cohabitation, fall within the protected domain of individual autonomy.

According to the Supreme Court of India. In *Uday v. Karnataka State*<sup>116</sup> and subsequently in *Deepak Gulati v. The State of Haryana*<sup>117</sup> Court held that consent obtained through deception may vitiate consent under criminal law, making a distinction between sexual relationships that are consensual and those that are induced by false promises of marriage.

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<sup>112</sup> *S. Khushboo v. Kanniammal*, (2010) 5 SCC 60

<sup>113</sup> *Lata Singh v. State of Uttar Pradesh*, (2006) 5 SCC 475.

<sup>114</sup> *Ibid*

<sup>115</sup> *Shakti Vahini v. Union of India*, (2018) 7 SCC 192.

<sup>116</sup> *Uday v. State of Karnataka*, (2003) 4 SCC 46;

<sup>117</sup> *Deepak Gulati v. State of Haryana*, (2013) 7 SCC 675

However, courts have warned against abusing rape provisions in situations where a truly consensual relationship later goes awry.<sup>118</sup>

Therefore, the evolving jurisprudence aims to achieve a balance between safeguarding women from exploitation and acknowledging people's agency to have consensual sexual relationships without being unduly criminalized. This is part of a larger movement to recognize sexual autonomy as an essential component of the right to personal liberty, privacy, and dignity<sup>119</sup>

### **8.9 Right to privacy and choice**

A key tenet of India's legal recognition of cohabitation, derived from Article 21 of the Constitution, is the right to privacy and choice. The Indian Supreme Court's historic ruling by Justice K. In S. Puttaswamy versus. The Union of India unequivocally declared that the right to privacy, which includes the freedom to make decisions about matters pertaining to close personal relationships, is fundamental to life and personal liberty. This includes the freedom to select a spouse, the choice to live together without getting married, and the freedom to choose one's lifestyle free from unjustified interference from the government or society. The Court stressed that these private decisions are fundamental to each person's dignity and cannot be restricted based only on social morality. As a result, live-in relationships are safeguarded as a manifestation of personal autonomy and private choice, which strengthens the requirement that the State respect and protect these choices unless they violate any laws.

## **9. LEGAL STATUS AND RIGHTS OF CHILDREN BORN IN LIVE-IN RELATIONSHIPS**

Since live-in relationships are not recognized by Indian legislation and are therefore not defined, the status of a live-in relationship is unknown. As a result, there is uncertainty surrounding the status of children born out of cohabitation. Section 16 of the Hindu Marriage Act, 1955 provides some clarification on this matter by stating that children born out of void or voidable marriages are legitimate children.<sup>120</sup>

However, it should be noted that section 16 of the Hindu Marriage Act is only applicable in situations where a marriage is void or voidable. In live-in relationships, there is a presumption

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<sup>118</sup> Ibid

<sup>119</sup> Gautam Bhatia, *The Transformative Constitution* (HarperCollins, 2019) p. 265

<sup>120</sup> Hindu Marriage Act, 1955, s.16

of marriage that can be overturned if evidence to the contrary is presented.<sup>121</sup>

Through rulings, the courts have provided some clarification regarding cohabitation, stating that unless there is evidence to the contrary, two people who live together for an extended period of time will be assumed to be legally married.

In the case of *SPS Bala Subramanyam v. Suruttayan*<sup>122</sup>, the Supreme Court had to provide clarification on a few points pertaining to the status of children in cohabitation. According to *Suruttayan*, if a man and woman live together for a long time, there is an assumption that they are husband and wife.

Similarly, in *Vidyadhari v. Sukhram Bai*<sup>123</sup>, the Court recognized the children of a live-in relationship as legal heirs, granting them inheritance rights.

However, in *Jinia Kotin v. Kumar Sitaram Manjhi*<sup>124</sup>, a more restrictive view was taken, limiting the inheritance rights of children born outside legally valid marriages.

A significant development occurred in *Revana Siddappa v. Mallikarjun*<sup>125</sup>, where Justice A. K. Ganguly observed that children born from such relationships should not be denied rights in both self-acquired and ancestral property. The Court emphasized that Section 16 of the Hindu Marriage Act does not clearly restrict the meaning of “property” to self-acquired property alone, thereby advocating a broader and more equitable interpretation.<sup>126</sup> However, the matter was referred to a larger bench for authoritative determination.

In addition to property rights, children born into live-in relationships are entitled to: Legitimacy status in law, which eliminates the label of "illegitimacy"; Right to maintenance under applicable statutory provisions; Right to education, identity, and social recognition; protection under constitutional guarantees of equality (Article 14) and dignity (Article 21) Moreover, Indian courts have repeatedly emphasized that the law must put the child's best interests first, in accordance with international principles such as the UN Convention on the Rights of the

<sup>121</sup> Paras Diwan, *Modern Hindu Law* (21st ed., Allahabad Law Agency, 2018) p. 68.

<sup>122</sup> *S.P.S. Bala Subramanyam v. Suruttayan*, (1992) 1 SCC 304

<sup>123</sup> *Vidyadhari v. Sukhrana Bai*, (2008) 2 SCC 238.

<sup>124</sup> *Jinia Keotin v. Kumar Sitaram Manjhi*, (2003) 1 SCC 730

<sup>125</sup> *Revana Siddappa v. Mallikarjun*, (2011) 11 SCC 1.

<sup>126</sup> *Ibid*

Child. This child-centered strategy guarantees that legal benefits won't be withheld just because parents aren't legally married.<sup>127</sup>

### **9.1 Legal position following UCC BILL 2026**

Following the Uniform Civil Code (UCC) (2025–2026 developments), the status of rights resulting from cohabitation reflects a change from judicial recognition to statutory regulation<sup>128</sup>.

The UCC formally recognizes live-in relationships as a legally recognized arrangement, especially in states like Uttarakhand, in contrast to the previous framework, where rights were mainly derived from Supreme Court of India interpretations.<sup>129</sup>

In order to ensure legal certainty and facilitate the enforcement of rights like maintenance, protection, and shared parental responsibilities, it mandates the registration of such relationships.<sup>130</sup>

Additionally, the UCC aims to promote consistency in succession and inheritance matters among communities while bolstering the legitimacy and rights of children born out of such unions. But this change also gives the state more control over interpersonal relationships, which raises privacy and autonomy issues<sup>131</sup>.

## **11. COMPARATIVE ANALYSIS WITH DIFFERENT COUNTRIES**

### **UNITED KINGDOM**

Despite their increasing social acceptance, live-in relationships (cohabitation) in the UK are still not legally recognized as being on par with marriage. There is a widespread misconception about "common-law marriage," but in actuality, couples who live together without formalizing their relationship are not automatically granted legal rights under UK law.

Rather than being governed by a single-family law framework, cohabiting partners are treated as distinct legal individuals, and their rights are only derived from particular laws pertaining to property, trusts, or agreements. Couples can receive legal recognition akin to marriage under the Civil Partnership Act of 2004, but this is only applicable when they formally register their relationship; informal live-in arrangements are not covered. As a result, cohabitants are not

<sup>127</sup> Gautam Bhatia, *The Transformative Constitution* (HarperCollins, 2019) p. 275.

<sup>128</sup> Law Commission of India, *Report on Uniform Civil Code* (2023) p. 112

<sup>129</sup> Uttarakhand Uniform Civil Code Act, 2024 (as implemented 2025–2026)

<sup>130</sup> *Ibid.*, provisions relating to registration of live-in relationships.

<sup>131</sup> *Ibid.*; see also Paras Diwan, *Modern Hindu Law* (21st ed., Allahabad Law Agency, 2018) p. 72.

automatically entitled to inheritance, maintenance, tax advantages, or pension sharing. General property and trust principles, especially the Tr, are used to settle property disputes.

### **11.1 UNITED STATES**

Because of the federal structure of the United States, live-in relationships have a decentralized legal status that differs greatly from state to state<sup>132</sup>. Cohabitation is not governed by a single national law; rather, the rights and responsibilities of partners are set by each state<sup>133</sup>.

An important aspect of the U.S. approach is the idea of common-law marriage, which is accepted in a few states like Iowa, Texas, and Colorado. In these jurisdictions, a couple may be treated as legally married, with rights to property division, inheritance, and spousal support comparable to those of legally married couples, if they live together for a considerable amount of time, present themselves as married, and intend to be married<sup>134</sup>.

Live-in partnerships do not automatically confer marital rights in states that do not recognize common-law marriage. However, partners may still be protected by courts using equitable doctrines and contract law. Couples who live together are welcome.<sup>135</sup>

### **11.2 FRANCE**

France is one of the more progressive countries in this regard because it recognizes live-in relationships through a systematic and legally defined framework. The Pacta Civil de Solidarité (PACS), which was established in 1999, is a formalized civil union that differs from simple cohabitation (concubinage) under French law<sup>136</sup>.

Although concubinage is defined as an unofficial cohabitation without formal legal requirements, it has very little legal ramifications partners are regarded as distinct individuals with no inherent rights to property, inheritance, or financial support<sup>137</sup>.

On the other hand, the PACS offers a compromise between informal cohabitation and marriage. A recognized legal status that confers various rights and obligations is obtained by couples who register a PACS agreement with the authorities. These include mutual support obligations, limited property rights, social security benefits, and tax benefits (like joint taxation). PACS is

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<sup>132</sup> Joanna L. Grossman & Lawrence M. Friedman, *Inside the Castle: Law and the Family in 20th Century America* (Princeton University Press, 2011) p. 210.

<sup>133</sup> Ibid

<sup>134</sup> Ibid

<sup>135</sup> *Marvin v. Marvin*, 557 P.2d 106 (Cal. 1976)

<sup>136</sup> Code Civil (France), provisions relating to PACS (1999).

<sup>137</sup> Ibid.

simpler to start and end than marriage<sup>138</sup>

### **11.3 AUSTRALIA**

Live-in partnerships, also known as de facto partnerships, have significant legal recognition in Australia, putting them on par with marriage in many ways<sup>139</sup>.

The Family Law Act of 1975, which was amended to include de facto couples in the scope of family law protections, provides the majority of the governing framework. When two people live together on a true domestic basis, a relationship is deemed "de facto," taking into consideration things like the length of the relationship, financial interdependence, shared housing, and the presence of children.<sup>140</sup>

According to Australian law, de facto partners heterosexual and same-sex have the same rights as married couples with regard to property division, child custody, and financial support (maintenance), as long as they meet certain requirements (such as living together for at least two years, having a child, or making significant contributions to the relationship). Partners can apply in the event of a separation.<sup>141</sup>

### **11.4 SOUTH AFRICA**

The legal status of cohabitation, or live-in relationships, is still restricted and only partially acknowledged in South Africa, where there is no comprehensive legal framework comparable to that of marriage or civil unions.

In contrast to more progressive nations like Australia or Canada, cohabiting partners are typically not granted automatic legal rights or obligations simply by virtue of living together. Informal live-in arrangements are not protected by the main laws governing formal relationships, such as the Civil Union Act of 2006, which only apply to couples who formally register their union. Courts in South Africa have relied on common law principles, especially the doctrine of universal partnership, to provide relief in specific cases in the absence of specific legislation<sup>142</sup>. If it can be demonstrated that both partners made financial or non-financial contributions to a joint venture with the intention of sharing, a cohabiting partner may be entitled to a portion of the property.

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<sup>138</sup> Anne Barlow, "Regulating Cohabitation in Europe" (2017) *International Journal of Law, Policy and the Family* 45, p. 60

<sup>139</sup> Patrick Parkinson, *Australian Family Law in Context* (Lawbook Co., 2019) p. 320.

<sup>140</sup> Family Law Act 1975 (Australia)

<sup>141</sup> Ibid

<sup>142</sup> Civil Union Act 17 of 2006 (South Africa); *Volks NO v Robinson* 2005 (5) BCLR 446 (CC); J. Heaton, *South African Family Law* (4th edn., LexisNexis 2015) 243–250.

## **11.5 CANADA**

In Canada, living-in relationships commonly known as common-law partnerships are legally recognised and are granted substantial protection, although exact rights vary depending on the province. In general, if a couple has a child together, it is considered to be a marriage of the common law after living together for a specified period (usually one to three years).<sup>143</sup>

Once this threshold has been met, partners can obtain rights similar to those of married spouses, especially in areas such as parental care, child custody and social benefits. Canada's law focuses on functional relations rather than formal status and recognizes the economic and emotional interdependence between partners. Unlike marriage, however, property division is not uniformly administered at federal level and depends heavily on provincial legislation. In many provinces, common law partners do not automatically have the right to a fair division of property after separation, but courts can apply equitable remedies such as unfair enrichment to ensure fairness. Nevertheless, children born in such a relationship have full legal recognition and protection, including the right to support and inheritance.

## **12. CRITICAL ANALYSIS (PRE UCC BILL 2026)**

### **12.1 FROM SOCIAL TABOO TO JUDICIAL LEGITIMACY**

In India, live-in relationships have evolved from social taboo to judicial legitimacy, signifying a change in both legal theory and public opinion. Traditionally condemned as immoral and contrary to cultural norms, such relationships were stigmatized and lacked any form of legal protection. However, by separating constitutional legality from societal morality, the judiciary gradually destroyed this stigma. *S. Khushboo v. In Kanniammal* (2010), the Supreme Court affirmed that personal decisions in intimate relationships fall under the purview of Article 21 of the Constitution, which guarantees the right to life and personal liberty, by explicitly holding that live-in relationships between consenting adults are not illegal<sup>144</sup>. Later decisions reaffirmed that cohabitation cannot be criminalized solely on the basis of morality since it is a component of personal autonomy, dignity, and privacy. Live-in relationships were successfully transitioned by this judicial approach.

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<sup>143</sup> Government of Canada, About Common-Law Relationships, available at: <https://www.canada.ca> (last visited Apr. 2026); *M. v. H.*, [1999] 2 SCR 3 (Supreme Court of Canada); Nicholas Bala & John-Paul Boyd, *Family Law in Canada* (Irwin Law, 2020).

<sup>144</sup> *S. Khushboo v. Kanniammal*, (2010) 5 SCC 600

## **12.2 CONSTITUTIONALIZATION OF LIVE IN RELATIONS VIA ARTICLE 21**

A significant stage in the legal development of live-in relationships in India was the constitutionalization of such relationships, during which the judiciary transformed them from merely social arrangements to expressions of fundamental rights. Courts, especially the Supreme Court, have consistently interpreted Article 21 of the Indian Constitution to include the right of consenting adults to live together without interference, acknowledging live-in relationships as a component of autonomy, privacy, dignity, and personal liberty. Privacy jurisprudence, particularly in Justice K, strengthened this strategy even more.

The *S. Puttaswamy v. Union of India* (2017), wherein the freedom to make private decisions was deemed essential to constitutional liberty. Additionally, judicial rulings have protected couples from harassment, honor-based violence, and familial coercion by citing constitutional morality over societal morality<sup>145</sup>. Nonetheless, this constitutional acknowledgment is still primarily conceptual and abstract.

## **12.3 CONTRADICTIONS AND JUDICIAL INCONSISTENCY**

It is characterized by notable inconsistencies and judicial inconsistency, indicating a conflict between enduring social conservatism and progressive constitutional values. Although the right of consenting adults to cohabit under Article 21 has been upheld by courts on numerous occasions, this principle has not always been applied consistently.

In certain instances, courts have granted protection to cohabiting couples despite social disapproval, while in other instances, they have refused to recognize them especially when one partner was already married or when the partnership did not satisfy the stringent requirements of a "relationship in the nature of marriage" as established in *D. Velusamy v. D. Patchaiammal* (2010)<sup>146</sup> and expanded upon in *Indra Sarma v. The V. The K. Ver. Sarma* (2013)<sup>147</sup>. Due to this selective recognition, the legal system is now fragmented, giving similarly situated people varying degrees of protection depending on how judges interpret the law. Additionally, courts have alternated between giving constitutional morality priority<sup>148</sup>

## **12.4 ABSENCE OF COMPREHENSIVE LEGISLATION**

A major flaw in the legal recognition of live-in relationships in India before the UCC Bill 2026 was the lack of comprehensive legislation, which led to a disjointed and unclear framework.

<sup>145</sup> *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1

<sup>146</sup> *D. Velusamy v. D. Patchaiammal*, (2010) 10 SCC 469; *Indra Sarma v. V.K.V. Sarma*, (2013) 15 SCC 755

<sup>147</sup> *S. Khushboo v. Kanniammal*, (2010) 5 SCC 600; *Shafin Jahan v. Asokan K.M.*, (2018) 16 SCC 368

<sup>148</sup> 2013 CC

The rights and obligations of partners in such relationships have not been governed by a specific statutory regime, despite the judiciary's proactive role in providing limited protections. In order to provide relief in situations that fall under the specific category of a "relationship in the nature of marriage," courts have instead relied on the piecemeal application of current laws, especially the Protection of Women from Domestic Violence Act, 2005<sup>149</sup>. Because legal recognition frequently relies on judicial interpretation of ambiguous criteria rather than precise legislative standards, this approach has resulted in inconsistency. Important issues like property rights, succession, maintenance, and dissolution are still mostly unregulated, making partners—particularly women—vulnerable to abuse and exploitation.

Therefore pre UCC era have been viewed as progressive but piecemeal, rights-oriented but conditional, and protective but inconsistent. By decriminalizing cohabitation, acknowledging it as a component of personal liberty under Article 21, and progressively expanding limited protections, especially for women and children, the judiciary significantly changed the legal status of such relationships. Courts upheld individual autonomy, dignity, and the freedom to select a spouse outside of the institution of marriage through constitutional interpretation. However, because recognition frequently depended on whether the relationship met judicially developed criteria like a "relationship in the nature of marriage," these developments remained fragmented and conditional. As a result, despite significant advancements, the courts were unable to create a consistent and all-encompassing legal framework, which led to uneven protection in various forms.<sup>150</sup>

### **13. POSITION AFTER POST UCC BILL 2026**

The legal landscape has started to change from flexible judicial recognition to formal statutory regulation with the introduction of state-specific Uniform Civil Code (UCC) bills, such as those in Gujarat and Uttarakhand. In an effort to bring clarity to maintenance, child custody, and property disputes, these bills propose mandatory registration of live-in relationships and specify penalties for non-compliance. The legislative approach raises serious concerns about intrusion into private life, infringement of autonomy, and enforcement of heteronormative definitions that may exclude same-sex or non-traditional partnerships, even though it may provide some protective benefits. This contrast draws attention to a conflict between the UCC's statutory framework, which places an emphasis on formal recognition and state supervision,

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<sup>149</sup> Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005 (India); see also *Chanmuniya v. Virendra Kumar Singh Kushwaha*, (2011) 1 SCC 141.

<sup>150</sup> *Lata Singh v. State of Uttar Pradesh*, (2006) 5 SCC 475; *Tulsa v. Durghatiya*, (2008) 4 SCC 520.

and the judiciary's incremental, rights-based approach, which prioritizes autonomy and privacy. As a result, judicial jurisprudence has promoted advancement.

However it can not be ignored that the constitutional rights to privacy, autonomy, and personal liberty under Article 21 may be violated by mandatory registration and state supervision, which constitute an excessive intrusion into the private lives of consenting adults. They argue that the UCC's codification runs the risk of imposing strict, heteronormative definitions that exclude same-sex partnerships, polyamorous arrangements, and non-traditional family structures, even though judicial jurisprudence has developed to protect vulnerable partners, particularly women, through a flexible and rights-based approach. Furthermore, the criminalization of consensual adult behavior could undermine the voluntary and private nature of such relationships if penalties for non-compliance are imposed.

#### **14. SUGGESTION AND RECOMMENDATIONS**

The adoption of the Uniform Civil Code Act (UCC) 2026 marks an important turning point in Indian family law aimed at harmonizing individual laws between religions. While the Bill addresses several inconsistencies in the laws on marriage, inheritance and maintenance, its impact on living relationships remains largely indirect and requires further legislative and judicial attention. The following suggestions are derived from a critical analysis of UCC Bill 2026 in relation to living relationships.

Explicit Recognition of Living Relationships- The UCC should include clear provisions that recognise living relationships as separate from marriage and ensure that adults exercising their own autonomy are legally protected. An explicit recognition would eliminate ambiguities in the courts and standardize the rights of partners regardless of religion or community.

Codification of maintenance and property rights- While the bill harmonizes family law, it must also codify the rights to maintenance, alimony and property distribution for living partners. Clear legal provisions can prevent the sole reliance on judicial interpretations and ensure uniformity in the jurisdictions.

Protection of Women and vulnerable partners- In light of the legal trends of the 2005 Domestic Violence Protection of Women Act, the United Nations Commission should extend the specific protections to women living in relationships. These include access to protection orders,

financial compensation and legal remedies in the event of abuse or abandonment.

Legitimacy and rights of children The bill should explicitly recognise the rights of children born in living relationships, including inheritance, maintenance and protection against discrimination. A uniform legal standard will conform to the constitutional principles laid down in articles 14 and 21 and prevent marginalisation.

Dispute resolution mechanisms A simplified and accessible dispute resolution framework must be integrated into the CUC, so that the partners living there can resolve disputes relating to property, maintenance or separation without causing lengthy litigation.

Public awareness and legal literacy- The Government should promote awareness programmes that explain the rights and obligations of individuals in the domestic relationship under the UCC. Legal literacy campaigns can reduce social stigma and promote responsible cohabitation.

## **15. CONCLUSION**

From the above research, one can conclude that it is much healthier to live in a relationship than to live in bad marriages and divorce as a result. This concept is being implemented in all parts of the world, including India. But our culture needs legislation to regulate such a growing number of relationships with changes in people's thinking. The Supreme Court tried to protect the rights of living couples and their children through various decisions, but it is clear that Indian law does not properly regulate non-marital or living couples.

According to a study conducted by the Philippines and Scotland, the legislation does not include registration of non-marital relationships compared to France and the United Kingdom, but these countries contain regulations on property related to the home of partners.

The United States recognizes living in relationships legally. India's laws do not recognise the relationship of couples, but the Indian judiciary is trying to adapt the relationship to existing Indian laws. As laws evolve and reform as society evolves, it is necessary in India to regulate the relationship with lawfully the thinking of India's society must adapt to the rapid growth of society to become a regular part of our social standards in India.

Therefore, a comparative study of the socio-legal aspects of other countries that have

recognized “normalised live in relationships” is necessary at present. The study shows that although living in a relationship may have its validity through the Indian judiciary, it is still binding on couples, as there is no exclusive law to legalize it in India.

Depending on the couple's expectations, it may be a benefit or disadvantage. The law does not specify a person's life style, ethics and social standards. Rather, law distinguishes between law and morality, what is not crime can be immoral and what is immoral cannot be punished. For example, if two adults engaged in consenting sexual acts, this was not a crime under the law, but under Indian social standards, the same behavior was considered immoral.

While the UCC bill 2026 is a fundamental step towards legal consolidation, its transformational potential remains dependent on its receptiveness to evolving social institutions. As a result, researchers may conclude that the real measure of the effectiveness of the CUT lies in its ability to bridge the gap between formal legal uniformity and real social justice.

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### **Legislation**

- Constitution of India, 1950 (Article 14, 19, 21)
- Protection of Women from Domestic Violence Act, 2005
- Code of Criminal Procedure, 1973 (Section 125)
- Indian Evidence Act, 1872 (Section 114)
- Hindu Marriage Act, 1955
- Hindu Adoption and Maintenance Act, 1956
- Indian Penal Code, 1860
- Special Marriage Act, 1954
- Uniform Civil Code Bill, 2026 (State enactments such as Uttarakhand, Gujarat)

### **Other sources**

- Jus Corpus Law Journal (for discussion on maintenance rights)
- Law Commission Reports (general reference in methodology)
- UN Convention on the Rights of the Child
- Comparative legal frameworks of UK, USA, France, Australia, South Africa, and Canada

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