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Love Without Labels: Examining the Legal and Social Dimensions of Live-in Relationships

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## LOVE WITHOUT LABELS: EXAMINING THE LEGAL AND SOCIAL DIMENSIONS OF LIVE-IN RELATIONSHIPS

Ansh Priy Srivastava<sup>‡</sup> & Beradar Akash <sup>‡</sup>

**Abstract:** This article delves into the complex, evolving nature of live-in relationships in India. While cohabitation is increasingly common, it remains subject to social stigma and legal ambiguity. The Supreme Court of India has recognised live-in relationships as legal under certain conditions, yet Indian law lacks specific legislation on their rights and protections. This article explores the constitutional rights to privacy, autonomy, and gender equality within such relationships through a comprehensive analysis of legal precedents. Key judgments like *D. Velusamy v. D. Patchaiammal* and *Payal Sharma v. Nari Niketan* have extended limited protections under the Domestic Violence Act, offering some legal security, particularly for women. Social perspectives vary widely, with greater acceptance in urban centres, though traditional norms continue to influence public opinion. By examining both the cultural resistance and gradual shifts toward inclusivity, the article emphasises the need for legal reforms and social awareness. Ultimately, it advocates for a more equitable legal framework that upholds the rights of individuals choosing non-traditional partnerships, aligning with broader goals of privacy, autonomy, and dignity.

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## **I. Introduction**

*“Living together is a right to life, and therefore, it cannot be held illegal.”* - Supreme Court of India<sup>1</sup>

Can love exist in the absence of legal and societal labels? Living together in India requires questioning the existing forms of marriage, personal freedom, gender, and state laws. On one hand, live-in relationships are increasingly common. However, the legal status of couples in such arrangements remains unclear, leading to ongoing social and legal challenges for those in live-in relationships. Even with the varying social attitudes in the changing world, India's framework of law still lacks legislation focused on the rights, protections, and obligations of individuals in such partnerships.

The disparity between legislative restriction and judicial innovation is essential to India's developing discourse on live-in relationships. The judiciary has tentatively

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<sup>1</sup> S. Khushboo v. Kanniammal & Anr., (2010) 5 SCC 600.

acknowledged these partnerships as manifestations of personal autonomy, although the legislature persists in assessing them based on social morality and political acceptability. This contradiction illustrates two conflicting institutional responses to the identical socio-cultural transformation: one based on constitutional morality and the other on normative preservation.

This article aims to analyse the role that India's legal systems and social opinions regarding live-in relationships play in comparison to traditional marriages. This article embarks on a comprehensive examination of legal and sociological aspects of cohabitation unions in India, focusing on important judicial judgments, women's gender rights, and emerging trends of society. It explores constitutional provisions of privacy, autonomy, and gender equality rights for women within such relationships and critically evaluates the ongoing legal and social controversies surrounding the legality, recognition, and protection of live-in relationships. Thus, this article argues that with increasing social acceptance, there is a need for legal enlightenment, rules and regulations, and reforms to safeguard the interest of the parties involved in such relationships.

### A. Definition of Live-in Relationships

A *live-in relationship* can therefore be defined as a cohabiting union or a formed and recognised union of two adults who decide to live together without going through the marriage formalities.<sup>2</sup> These relationships have been voluntarily entered into and involve people sharing their homes and beds without the sanction of civil or religious marriage.<sup>3</sup>

The term live-in relationship has no legal standard definition and is not recognised by the Indian legislature in any fashion. However, the courts of India have repeatedly

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<sup>2</sup> Savita & Khan, A. G., *Studies on Sociological Impact of Live-In Relationship: A Critical Review*, 25(2, Series 3) IOSR J. of Humanities & Soc. Sci. 36–40 (2020).

<sup>3</sup> Pradeep Kumar, *Live in Relationship Neither a Crime nor a Sin: A Study with Reference to Right to Marriage*, 2(2) Journal of Legal Studies 46–61 (2014).

upheld the constitutional correctness of live-in relationships even as they see morality in the law.

### **B. Relevance in Indian Society**

Although live-in relationships were not practised in India in the past, in recent decades, such relationships have become increasingly common in the city centres like Mumbai, Bengaluru and Delhi. A 2021 survey of the Indian National Family Health Study indicates that almost 1.1% of urban couples aged 20-40 said they lived together before marriage - a figure that represents a slow social approval. The rise in educational level, exposure to the world life, and a change in attitude towards individual choice and gender equality are the primary reasons for this trend. Nevertheless, a cohabiting relationship is still a socially stigmatised phenomenon in the countryside and in conservative households, which signifies the conflict between the traditional family order and contemporary life in the city.<sup>4</sup>

## **II. From Stigma to Social Shift: The Nature of Live-In Relationships**

### **A. History: Traditional vs. *Modern Views***

Live-in relationships in India were once considered taboo and immoral, and have now reached the legal level. Traditionally, marriage has been viewed as the primary means of establishing a family and defining social roles in India. Legally married persons are the only people who have been considered as legitimate partners when it comes to procreation, inheritance, and discharge of family responsibilities. Relationships outside marriage existed but were largely hidden and socially condemned. After India's independence, cohabitation was widely condemned; however, with increased globalisation from economic liberalisation in the 1990s, Western ways were introduced, including changing perceptions towards cohabitation, mainly in the urban regions. Modern society is still unclear about the acceptance of alternative forms of partnership

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<sup>4</sup> Indrayani Walokar, *Living Together Before Marriage: What Indian Couples Are Saying*, The Bridge Chronicle (July 1, 2025).

in many societies. Some jurisdictions have even provided legal protections to polygamous families, especially to protect the rights of women and children. However, family life is still regarded in most cultures as being the major structure based on the traditional institution of marriage, and cohabitation outside marriage is still lowly accepted by society. Today, while social acceptance varies, courts have granted legal protections to couples, particularly concerning women's and children's rights. In most developed countries like the United States, the United Kingdom, and most of Europe, cohabitation has legal standing where couples are accorded most of the rights that come with marriage. However, India's legal system has gradually emerged under the pressure of global tendencies and internal social processes.

### **III. Legal Framework Governing Live-S Relationships In India**

#### **A. Absence of Specific Laws**

It is pertinent to note that India does not have a codified law directly on live-in relationships as a form of marriage. However, the judiciary has played an important role in slowly and steadily upholding the rights of live-in couples through some landmark judgments.

#### **B. Key Judicial Precedents: The Evolution of Legal Reasoning**

India has formed its legal policy toward live-in relationships by following judicial interpretations since various legislative attempts to regulate these relationships experienced delays or became incomplete. The justice system currently evaluates live-in relationships through frameworks of constitutional rights, gender justice, and legal protection.

#### **C. Autonomy to Conditional Recognition**

In *Payal Sharma v. Nari Niketan (2001)*,<sup>5</sup> the Court held that a consenting adult had a basic right under Article 21 of the Constitution to live with a person of their choice. It

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<sup>5</sup> Payal Sharma alias Kamla Sharma v. Superintendent, Nari Niketan, Agra & Ors., AIR 2001 All 254.

is believed that a man and a woman may live together without entering into a formal marriage, and that cultural disapproval or moral condemnation of such cohabitation does not constitute it criminal. At the same time, the Court noted that the judgment did not intend to introduce any legislative rights or obligations deriving from live-in relationships. The decision was confined to maintaining that adult cohabitation is not a criminal crime, without extending legal safeguards such as maintenance, inheritance, or property rights to live-in partners.

The scope of legal protection for live-in relationships was further examined in *D. Velusamy v. D. Patchaiammal (2010)*,<sup>6</sup> where the Supreme Court interpreted the expression “*domestic relationship*” under the Protection of Women from Domestic Violence Act, 2005, to include not only legally wedded marriages but also a “*relationship like marriage*.” The Court set out some guidelines for deciding when a live-in relationship could be considered one. These include that the pair must present themselves to society as spouses, be legally able to marry, live together for a long time, and share a home. The Court made it clear that not all live-in relationships are protected by law. For example, casual, short-term, or convenience-based arrangements are not covered by the Act. A woman in a live-in relationship may seek protection or maintenance under domestic abuse legislation if the specified criteria are met; nevertheless, the ruling did not equate all live-in relationships with formal marriages for all legal reasons.

#### **D. Recognising Gender Vulnerability and Legal Protection**

The case between *Indra Sarma and V.K.V. Sarma (2013)*<sup>7</sup> drew attention to the financial and social weaknesses experienced by women in such interpersonal connections. Such relationships cannot equal marriage, but according to the Supreme Court, women in

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<sup>6</sup> D. Velusamy v. D. Patchaiammal, (2010) 10 SCC 469.

<sup>7</sup> Indra Sarma v. V.K.V. Sarma, (2013) 15 SCC 755.

dependent relationships should get legal protection through the Protection of Women from Domestic Violence Act, 2005 (PWDVA).

Live-in or marriage-like relationships are not crimes or sins, but they may be socially unacceptable in this country. The Court held that a "*live-in relationship*" can be considered a "*domestic relationship*" under the PWDVA if it satisfies the criteria of "*relationship in the nature of marriage*." In this case, since the relationship did not meet the criteria for a "*relationship in the nature of marriage*," the woman was found ineligible for relief under the Act.

#### IV. Social Acceptance and Stigma

While cohabitation outside marriage, more commonly known as "*live-in*" relationships, has slowly increased in cities in India, such relationships still carry a lot of social stigma, especially in traditional or rural settings.<sup>8</sup> Many conservative communities perceive live-in relationships as a threat to cultural values and the sanctity of marriage.<sup>9</sup>

As a result, some live-in couples, particularly women, might face social disapproval or family pressure or exclusion, thus creating situations of emotional stress, social isolation, or increased vulnerability to social violence.<sup>10</sup>

At the same time, the judicial decisions like *Payal Sharma v. Nari Niketan (2001)* and *Lata Singh v. State of U.P. (2006)* have held that consenting adults who live together are entitled to the constitutional safeguards of the right to life and personal liberty, and thus such relationships are not criminal.<sup>11</sup> Nonetheless, it is important to note that these

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<sup>8</sup> Sanskar Krishnan & Ishita Srivastava, *Social and Cultural Implications of Live-In Relationships in India*, 6(3) Int'l Journal for Multidisciplinary Research (IJFMR) (2024).

<sup>9</sup> Ritika Khandelwal & Saumya Balyan, *Live-In Relationship: An Indian Perspective*, 5(1) Int'l Journal of Engineering, Management & Humanities 163–168 (2024).

<sup>10</sup> Bandita Abhijita, Ilambaridhi Balasubramanian, Susanta Kumar Padhy & Vikas Menon, *Inception and Evolution of Live-In Relationships in Contemporary India and Its Psychosocial Impact*, 3(3) Int'l Journal of Humanities Social Science & Management 529–533 (2023).

<sup>11</sup> Anand Singh Prakash, *Legal Conundrum of Live-In Relationship in India: A Judicial Approach*, 9(26) Law and World 47–54 (2023).

rulings, although removing the legal penalties, do not guarantee social acceptance of live-in relationships. Many couples still hide their relationship to avoid social backlash, and this is evidence that acceptance is still lagging legal recognition.<sup>12</sup>

### **A. Legislative Response**

Although societal perceptions have posed significant barriers to the acknowledgement of live-in relationships, the response from the legislative front has remained equally cautious. The laws play a major role in creating social norms and protecting vulnerable groups; however, the legislative initiatives concerning live-in partnerships have been scant and inconsistent.

The legislative body has shown minimal concern regarding the moral disgrace associated with cohabitation. There exists no law that recognises or protects live-in partners from social prejudice.<sup>13</sup> Legislation reduces the disadvantages that live-in partners confront because of social discrimination, although laws cannot delete such biases. The Indian judiciary recognised live-in couples, yet no complete legal framework exists to protect them from discrimination when seeking housing or employment or qualifying for social welfare benefits. The *Malimath Committee Report (2003)* introduced legislation to equate long-term live-in relationships to marriage for certain legal purposes, and the *Maharashtra Government Proposal (2008)*<sup>14</sup> worked towards granting maintenance support to partners in live-in relationships.<sup>15</sup> The proposed recommendations for live-in couples remained unimplemented, thus creating a legal uncertainty that harms their status under the law. Social stigma maintains its

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<sup>12</sup> Rajesh Kumar Tiwari, Rajesh Kumar Roy & Ishika Khaitan, *Live-In Relationships in India: Social, Legal, and Psychological Dimensions*, 9(10) Int'l Journal of Novel Research & Development 424–426 (2024).

<sup>13</sup> Anand Singh Prakash, *Legal Conundrum of Live-In Relationship in India: A Judicial Approach*, 9(26) Law and World 47–54 (2023).

<sup>14</sup> Gayathri G., *Explained: The Legal Status of Live-In Relationships in India*, The Analysis (Jan. 7, 2023).

<sup>15</sup> India Today, *Maharashtra Government to Legalise Live-In Relationships*, (Oct. 8, 2008).

practical impact on the rights of people in live-in relationships because there are no legal safeguards to protect them.<sup>16</sup>

The legislature's silence, even after repeated judicial acknowledgement of live-in relationships, signals a deliberate hesitation to formalise what is perceived as a disruptive social trend. Legislative reforms that extend anti-discrimination laws and break marital status dependency in legal rights may decrease the negative consequences faced by live-in couples because of societal discrimination.

## B. Gender Bias

A deep-rooted gender bias exacerbates the stigma against live-in relationships, disproportionately affecting women.<sup>17</sup> People in society judge unmarried women who live together more harshly than married women because they link female virtues to marital status.<sup>18</sup> The families of women in live-in relationships frequently cut ties with them while simultaneously refusing inheritance rights and resorting to violent acts aimed at protecting their honour.

Sexual relationship rights for women in live-in partnerships generally receive inadequate legal protection, according to the Supreme Court in the case of *Indra Sarma v. V.K.V. Sarma (2013)*.<sup>19</sup> The judgment failed to officially parallel live-in relationships to marriage status, so numerous women remain unprotected by legislation.

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<sup>16</sup> Shraddha Suman Sahu, *Live In Relationship in India: A Socio-Legal Study*, 2(1) The Advocates League – (2023).

<sup>17</sup> Vartika Hansaria, *Live-In Relationships and Women: An Analysis*, 3(2) Indian Journal of Integrated Research in Law 17–27 (2023).

<sup>18</sup> Rajesh Kumar Tiwari, Rajesh Kumar Roy & Ishika Khaitan, *Live-In Relationships in India: Social, Legal, and Psychological Dimensions*, 9(10) Int'l Journal of Novel Research & Development 424–426 (2024).

<sup>19</sup> Indra Sarma v. V.K.V. Sarma, (2013) 15 SCC 755.

### C. Legislative Response

The PWDVA allows some protection to women in "relationships like marriage," however, courts use strict eligibility criteria when judging cases. The Act refuses protection to numerous women because their relationships fail to comply with court-defined requirements. The maintenance rights protection under Section 125 of CrPC extends only to legal wives, according to decisions made in *D. Velusamy v. D. Patchaiammal* (2010)<sup>20</sup> despite interpretations allowing live-in partners.

The lack of specific rights allocation for live-in partners by the legislature deepens gender-based discrimination, particularly toward women within these amatory unions.<sup>21</sup> Women who lack statutory protection face continued financial and social weakness while in such relationships.<sup>22</sup>

## V. Legal Rights and Issues That May Be Faced By Live-In Couples

### A. Right to Inheritance

While couples may be cohabiting as partners, the law does not give the cohabiting partners testamentary rights in the property of their partner unless provided in the will. This kind of couple, for one, does not have a legal marital framework to govern their succession and inheritance matters.

In *Vidyadhari v. Sukhrana Bai* 2008,<sup>23</sup> the Supreme Court recognised the children of live-in partners as legal heirs of their parents, although this recognition was already anticipated due to their inheritance rights. In addition, Section 16 of the Hindu Marriage Act, 1955, legalises the children born out of such a relationship.

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<sup>20</sup> D. Velusamy v. D. Patchaiammal, (2010) 10 SCC 469.

<sup>21</sup> Amartya Bag, *Succession Rights in Case of Live-In Relationships: An Analysis in the Indian Context* SSRN, Mar. 30, 2011, pp. 1–11; posted Feb. 27, 2012.

<sup>22</sup> Shalu Nigam, *Violence Against Women in Live-In Relationships and the Legal Safeguards*, IMPRI Impact and Policy Research Institute (Dec. 29, 2022).

<sup>23</sup> Vidyadhari & Ors. v. Sukhrana Bai & Ors., (2008) 2 SCC 238.

## B. Custody of Children

As in the case of children born in a live-in relationship, the custody of children is awarded on the principles of 'in the best interest of the child.' The courts ruled that children born out of wedlock to a couple living together in a relationship are legitimate and therefore entitled to rights under the Hindu Succession Act, 1956.<sup>24</sup>

## C. Right to Property

The partners that live together do not have to inherit property rights, especially those that do not involve the concepts of 'joint ownership' and 'legal' contracts. This situation can lead to complications, particularly when partners separate and have disputes over property ownership.

## D. Lack of Legal Recourse

Legal safeguards and the label of 'living together' often leave live-in relationships in a legal limbo. Solutions do not come easily for circumstances like the sharing of assets, proper rights after a couple breaks up, and children's rights, especially if there is no marriage bond certificate.

Judicial recognition lacks sufficient legal safeguards to protect live-in partners despite societal prejudice that exists against their relationships, especially for the practical needs of female partners. The following part analyses valid property rights together with maintenance and security provisions that Indian law currently lacks.

# VI. Beyond the Marriage Contract: Legal Challenges For Live-In Couples

## A. Marriage and Live-in

Indian law does not recognise live-in relationships as equivalent to formal marriage, and there is currently no comprehensive legislation governing such partnerships. Personal laws, such as the Hindu Marriage Act, 1955, persist in recognising solely marriages that have been legally solemnised. Judicial intervention has consequently played a limited

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<sup>24</sup> Shalu Nigam, *Status of Children Born Out of Live-In Relationship*, The Society for Constitutional Law Discussion (2022).

yet meaningful role in expanding protections for individuals in long-term cohabitation, especially women, within particular statutory frameworks. Notably, courts have interpreted the PWDVA to encompass a "*relationship in the nature of marriage*," thereby permitting claims for protection and maintenance when the relationship is stable, consensual, and meets specific criteria such as cohabitation and public acknowledgement.

Despite these judicial developments, live-in couples do not acquire the automatic legal rights linked to marriage, such as inheritance, combined property rights, or spousal status, unless such rights are explicitly established through legal instruments or judicial decrees. This lack of formal recognition leads to legal ambiguity regarding property rights, maintenance obligations, and long-term security, frequently requiring judicial intervention on an individual basis. The absence of a standardised legal framework thus persists in differentiating live-in relationships from marriage, resulting in unresolved substantive issues concerning rights and obligations.

### **B. Social and cultural norms**

Live-in relationships in India form a very complex, multifaceted pattern with many elements, thus reflecting the complexity of Indian society. Traditional values, religious views, gender dynamics, generational variances, and geographical variations shape the standards. The existence of live-in relationships in India is complicated; hence, knowing and understanding these norms is critical.

Religious or traditional values mould the public's view of cohabiting unions. Hindus make up most of India's population and perceive marriage as a sacred bond. Religious writings advocate conjugal faithfulness, family honour, and childbearing within the marriage bond.<sup>25</sup> Live-in relationships outside of marriage can be viewed as a violation of religious and ethical principles; they attract social ostracism and shame. Indian

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<sup>25</sup> Sanskar Krishnan & Ishita Srivastava, *Social and Cultural Implications of Live-In Relationships in India*, 6(3) Int'l Journal for Multidisciplinary Research (IJFMR) 1–17 (2024).

society is also beset with *Ghosh*, the principle of castes. Such aspects play a significant role in the norms that are part of live-in relationships.<sup>26</sup>

Traditional expectations of gender roles further carve social perceptions toward live-in relationships. Traditional belief works upon patriarchal values wherein men enjoy a greater degree of freedom and autonomy in matters of relationships and sexuality. Women often receive stricter scrutiny and moral judgment, with chastity and virtue directly tied to familial honour and reputation. The gendered double standard further stigmatises women in live-in relationships and leads to the unfair distribution of power within a partnership.<sup>27</sup>

The regional differences in social attitudes toward living in relationships only accentuate the diversity of Indian society. Urban centres, with higher exposure to Western culture and cosmopolitan values, are likely to be liberal about cohabitation. On the contrary, rural and conservative regions probably would stress more traditional values and community norms and therefore resist and condemn cohabitation more.

## VII. Legal Responses And The Gaps That Remain

### A. Recognition of Live-In Relationships as Marriage: *Malimath Committee Report* and *Maharashtra Government Proposal, 2008*

*The Malimath Committee Report*<sup>28</sup>

Former Karnataka & Kerala HC Chief Justice V.S. Malimath's 2003 "*Report of the Committee on Reforms of the Criminal Justice System*" presented major criminal justice reforms for India, based on an analysis. It recommended official acknowledgement of the growing number of unmarried couples who live together. The committee noted that

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<sup>26</sup> NDTV News Desk, *Live-In Relation Still a "Stigma" in Indian Culture: Chhattisgarh High Court* (May 8, 2024).

<sup>27</sup> Alexa Paynter & Campbell Leaper, *Heterosexual Dating Double Standards in Undergraduate Women and Men*, 75(7-8) Sex Roles 393–406 (2016).

<sup>28</sup> Committee on Reforms of Criminal Justice System, *Report of the Committee on Reforms of the Criminal Justice System* (Justice V. S. Malimath, Chair), Ministry of Home Affairs, Government of India, March 2003.

more and more cohabiting couples, without marriage, were increasing in number and hence suggested that their legal position be considered. It recommended that if any man and woman live together in a spousal-like relationship for a long period, it should be recognised as a marriage and provided with the same privileges and position as a marriage.

The Malimath Committee also recommended a change to the *1872 Indian Evidence Act* to enforce this recommendation. The couple would be presumed married if they lived together for two years, per this amendment. If either party denies marriage, the one denying it is bound to prove it. Yet with these concepts in mind, the Malimath Committee's reforms have not made their way to legislation. Marriages and living together remain inconceivable in the eyes of the law. Instead, interpretations of existing laws by courts give rights and benefits to the cohabiting couple and their children without considering them as married couples.

*Maharashtra Government Proposal, 2008*<sup>29</sup>

In 2008, the state of Maharashtra attempted an amendment in Section 125 of the CrPC based on the recommendations of the Malimath Committee. The surge of live-in relationships in Indian society, predominantly among youngsters who preferred live-in heterosexual relationships instead of getting married, compelled this aggressive step. Such an amendment was aimed at simplifying the law on live-in relationships by legalising them and thereby acknowledging the legality of their association in addition to the cognisance of their rights, particularly in cases of cohabitation without marriage.<sup>30</sup>

The Maharashtra administration fought tooth and nail, but the amendment was defeated and put on the back burner, with live-in status left unresolved.

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<sup>29</sup> Maharashtra State Commission for Women, *Maharashtra State Proposal on Women's Safety and Security* (2008).

<sup>30</sup> India Today, *Maharashtra Government to Legalise Live-In Relationships* (Oct. 8, 2008).

### *Impact on Live-in relations brought by BNS, 2023*

Section 69 of Bharatiya Nyaya Sanhita 2023 (BNS)<sup>31</sup> criminalises sexual intercourse that is achieved through deceitful means, like false promises of marriage or employment. Although this section does not explicitly mention anything fundamentally related to live-in relationships, it has the potential to be misused by women, leading to unfair victimisation of men when relationships turn sour. In the recent landmark case of *Jyoti v. The State Government of NCT of Delhi* (2025)<sup>32</sup>, the court discarded the widespread stereotype about physical or mental abuse affecting only women in domestic relationships. It further emphasised that courts must avoid making judgments based on stereotypes since they must deliver fair judicial decisions for both genders.

The above-mentioned section's wide-ranging language creates a multitude of loopholes, potentially giving women an unfair advantage over men and trapping them in lengthy court proceedings disguised as false accusations. The lack of safeguards in the BNS exacerbates the problem.

Although the dictum provides that “*Innocent until proven guilty*” as per this section, the accused is already considered guilty from the beginning. It becomes a hardship for him to prove his innocence in a court of law when his guilt has already been determined without giving significance to any shred of evidence.

### **B. Judicial Evolution: From Scepticism to Conditional Recognition**

The Indian judicial system has performed various roles in shaping the legal framework for live-in relationships, evolving from initial scepticism to granting limited legal recognition under specific conditions. Judicial opinions originating in the past refused

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<sup>31</sup> Vaibhav Gandhi & Muskan Gandhi, *From Promise to Punishment: Analysis of Section 69 of BNS, 2023*, 6(6) Int'l Journal for Multidisciplinary Research (IJFMR) 1–17 (2024).

<sup>32</sup> *Jyoti v. The State Government of NCT of Delhi*, (2025) DHC 352.

to equate live-in relationships completely with marriage, but current judgments have established legal rights for individuals in these arrangements, especially for women.

The Supreme Court validated a live-in relationship through its decision in *Badri Prasad v. Dy. Director of Consolidation* (1978)<sup>33</sup> It was determined that prolonged cohabitation proved its validity. The court introduced a legal presumption about certain enduring partnerships, yet this presumption excluded numerous live-in relationships from its range of acceptance.

As previously discussed, landmark judgments like *Payal Sharma v. Nari Niketan* (2001)<sup>34</sup>, *D. Velusamy v. D. Patchaiammal* (2010)<sup>35</sup>, and *Indra Sarma v. V.K.V. Sarma* (2013)<sup>36</sup> have increasingly defined the legal dialogue on live-in relationships in India in the succeeding years. These were cases representing a shift in the judiciary from moral to rights-based reasoning, with conditional legal recognition for such forms of partnerships and limited protections, especially to women.

However, while these decisions were critical in recognising the social reality of cohabitants, taken together, they point to the judiciary's hesitant, fragmented process. The lack of a uniform legal standard grounded in a rule and a reference to appropriate case-by-case interpretation has led to inconsistent treatment of live-in partners. Such an outcome highlights the urgent necessity for a broad-based legislative reform aimed at bridging the gaps left unattended by the pronouncement of the judiciary and at offering individuals in live-in relations clear and equal rights.

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<sup>33</sup> *Badri Prasad v. Dy. Director of Consolidation & Ors.*, (1978) 3 SCC 527.

<sup>34</sup> *Payal Sharma alias Kamla Sharma v. Superintendent, Nari Niketan, Agra & Ors.*, AIR 2001 All 254 : (2001) 3 CivCC 233.

<sup>35</sup> *D. Velusamy v. D. Patchaiammal*, (2010) 10 SCC 469.

<sup>36</sup> *Indra Sarma v. V.K.V. Sarma*, (2013) 15 SCC 755.

In the recent case of *Prabha Tyagi v. Kamlesh Devi* (2022),<sup>37</sup> the Supreme Court affirmed that PWDVA (*Protection of Women from Domestic Violence Act, 2005*) enables a woman to live in a shared household even if she lacks ownership rights or initial residence in that property, emphasising the Act's intent to safeguard women's interests in domestic relationships.

### C. Judicial vs. Legislative Response: A Persistent Gap

Live-in relationships remain legally ambiguous because judicial and legislative responses to the same social reality differ in manner and consequence. Pleadings for protection, preservation, or recognition have forced the judiciary to interpret constitutional values to cover legislative gaps.

Recent court decisions demonstrate this interpretative shift. The Kerala High Court ruled in *Dr. Aswin v. Nair* (2024)<sup>38</sup> that Section 498A of the IPC cannot be used to punish a live-in partner since "husband" refers only to a legally married spouse. This ruling highlights how courts are altering old definitions to fit modern society, notwithstanding statutory rigidity. The Delhi High Court declared in *Prince Tyagi & Anr v. State of NCT of Delhi & Ors* (2025)<sup>39</sup> that consenting individuals have a right under Article 21 to choose a life partner and live happily, regardless of marital status. These judgments show that the judiciary adapts to changing societal norms and protects autonomy and dignity through constitutional reasoning.

In contrast, the legislature is cautious. Despite repeated court acknowledgement of cohabitation rights, Parliament has not passed a live-in relationship law. Inertia in legislation shows political sensitivity and respect for social norms. The same social anxieties that drive courts toward interpretive protection compel lawmakers toward restraint. Thus, while the judiciary transforms social change into a constitutional

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<sup>37</sup> *Prabha Tyagi v. Kamlesh Devi*, (2022) 8 SCC 90.

<sup>38</sup> *Dr. Aswin v. Nair v. State of Kerala & Ors.*, (2024) Ker 51429.

<sup>39</sup> *Bar & Bench, Family Disapproval Can't Curb Freedom of Two Adults to Choose Each Other as Life Partners: Delhi High Court* (Aug. 16, 2025).

opportunity, the legislature perceives it as a challenge to normative order. To bridge this division, codification must balance constitutional morality with democratic legitimacy and recognise developing relationships through judicial empathy and legislative clarity.

#### **D. Rights of Partners in Live-In relationships**

Intimate partnership in Indian law has evolved, making Indian live-in partners eligible for legal and social rights. Laws and judgments have given cohabiting couples some rights and protection under the law. This knowledge must be given to the non-marital couple seeking legal redress when conflicts arise or the relationship ends.

The right to privacy and dignity is safeguarded in live-in relationships by the Indian Constitution, various laws, and court judgments. Live-in couples are protected from state interference and social stigma so that their rights to quiet and dignified living may not be violated. People living in such non-marital unions should also be aware of and maintain these rights and take recourse under the law whenever they are violated.

This landmark justice ruling of *K.S. Puttaswamy v. Union of India* 2017<sup>40</sup> has established that the right to privacy is incorporated under Article 21 of the Indian Constitution. It implies that the freedom to select a partner and an accommodation without interference from the state or society has major consequences. Privacy includes physical space, human interactions, and choices, as ordained by the court.

Where decisions were made setting individual rights above conventional norms, live-in partners have benefited from much dignity. The courts have been progressive with personal relationships, considering that everybody has dignity, irrespective of whether they are or have been married.

This change, therefore, should, in its achievement, allow live-in partners to articulate rights without mistreatment or alienation in social circles. Legal discourse has adopted

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<sup>40</sup> K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.

the conception of autonomy. It does recognise that humans are capable agents who deserve to choose their partner. Conferral does create an environment where people may enter into a voluntary relationship free from compulsion or social pressure.

### **VIII. The Debate Over The Legalisation of Live-In Relationships**

The debate over individual rights, particularly the right to privacy and self-autonomy, heavily influences the legalisation of live-in relationships. The Supreme Court's judgment in the case of *Khushboo v. Kanniammal* (2010)<sup>41</sup> upheld the concept of live-in relationships, affirming that individuals have the right to choose their living partners. It is, therefore, a personal freedom that makes live-in couples legal.

#### ***Pro-legalization arguments***

1. **Being formalised, the advocates say, would give the partners much-needed legal protection:** This includes property rights, maintenance, and child custody after such a marriage. Legalising the relationship will prevent exploitation and treat the two partners similarly.
2. **Social Acceptance:** Legalisation may ensure greater social acceptance of live-in partnerships. Formalisation of such relationships will reduce the stigma attached and openly deliberate on various forms of relationship patterns in the changing social setup.
3. **Domestic Violence:** This would bring protection under domestic violence laws. Most victims of non-marital relationships cannot obtain legal assistance because the relationship is not legitimate.
4. **Responsible Relationships:** Official recognition might inspire couples to write out agreements stating their rights and responsibilities, contributing to responsibility.

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<sup>41</sup> *Khushboo v. Kanniammal & Anr.*, (2010) 5 SCC 600.

### ***Against-legalization arguments***

1. **Cultural Resistance:** Naysayers argue that allowing live-in relationships violates the traditional culture and tradition that bases family life on marriage. According to them, such changes will disturb the very fabric of society.
2. Legalising live-in relationships may increase the chances of **legalised exploitation of laws** passed to protect individuals from domestic violence and financial exploitation. They argue that this could potentially provide opportunities for unscrupulous partners.
3. **Legal complexity:** Live-in relationship laws may complicate marriage and family law. Complexity may confuse rights and duties.
4. **Societal Impact:** Promoting live-in relationships may decrease marriage rates and alter traditional family structures, which some consider detrimental to society.

Finally, the bringing together of such concepts suggests that there must be a sophisticated approach. Despite the judiciary's progress in protecting the dignity and rights of those in cohabitation agreements, there is no comprehensive legislation that resolves ongoing issues and differing interpretations. Legal reforms that define rights, responsibilities, and protections while also being sensitive to India's diverse social fabric are critical for protecting personal autonomy and promoting social harmony. As the cultural attitudes of society change, a more expansive legal framework can reconcile the ideals of the Constitution with lived realities, thereby safeguarding the privacy and dignity of all individuals participating in non-conventional relationships.

### **IX. Steps Taken By the Uttarakhand Government**

The Uniform Civil Code Bill has been presented by the Bhartiya Janta Party-led government of Uttarakhand to standardise law on marriage, divorce, succession, live-in partnerships, and all related rules. The measure stipulates the minimum marriage age

and regulates live-in partnerships for all localities in the state. If passed, Uttarakhand will be the first Indian state to have such a code.

However, live-in relationship provisions brought privacy problems and attracted flak. Now, let's check the Uttarakhand UCC's live-in relationship policy. The Uttarakhand Uniform Civil Code (UCC) Bill requires live-in couples to file with the state government, as married couples do<sup>42</sup>.

The bill binds a living couple, with or without residence in Uttarakhand, to make a declaration before the Registrar in whose jurisdiction he or she reside. Likewise, a resident of Uttarakhand who cohabits outside the state shall make a declaration before the appropriate Registrar. Simultaneously, the bill declares that children in live-in relationships are legitimate children.

The ongoing debate regarding the UCC extends to its core dimensions since incorporating new rights for live-in couples within a controversial bill itself creates issues with legal clarity. The sustainability of UCC to provide a base for new rights remains in doubt because of its possible influence on religious freedoms alongside diverse customary practices.<sup>43</sup> Using the UCC to protect the rights of people engaged in live-in relationships runs the risk of exposing those rights to fluctuations in the context of the Code's political and social acceptability.

A constitutional amendment that recognises live-in couples and protects their rights would provide a sustainable approach to fostering meaningful change. It would enhance these rights through nationwide protection against ordinary laws while securing their implementation across the country. Although a constitutional amendment presents

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<sup>42</sup> Vasudha Khanna, *Will Uniform Civil Code Unite India?* 8 Indian Politics & Law Review Journal 271–277 (2023).

<sup>43</sup> Tahir Mahmood, *Uniform Civil Code: A Mirage?*, 25(4) Journal of the Indian Law Institute 514–524 (1983).

increased complexity, it manifests strong support for individual autonomy and equality that matches foundational privacy, dignity, and freedoms.

## **X. Recommendations**

A few suggestions can be put forth in the mainstream of promoting equity, equality, and social justice relating to the legal issues of live-in relationships in India and the hurdles the parties concerned would face in being treated justly:

1. **Legislative Reform:** To regulate the rise of live-in relationships, governments would have to enact comprehensive legislation relating to partner rights and responsibilities. The legislation should address property rights, financial responsibilities, inheritance rights, and parental rights to help live-in couples resolve disagreements while also protecting their interests.
2. **Legal Recognition:** Their rights and protection under the eyes of the law should be treated equally, just as those of married individuals, since live-in relationships can receive legal recognition. A registration process or a legal framework that recognises the rights and obligations of live-in partners improves their legal status and guarantees fair treatment according to law.
3. **Awareness:** If the information and education on live-in relationships are spread, then stereotypes, stigma, etc., will be removed, and acceptance of such varied relationship forms will grow. The public and legal experts, through educational initiatives, can open up society to this more inclusive approach and acceptability.
4. **Legal aid and support services:** They empower their members to assert their rights and seek redress against disagreements or discrimination. It may take the form of legal clinics, helplines, or support groups for members of non-marital unions. These could provide legal information and counselling at the rudimentary level while referring members to appointed advocates or lawyers to represent them appropriately in courts if the need arises.

5. **Mediation and Alternative Dispute Resolution:** Since live-in relationships facilitate an amicable and in-time resolution to disputes emerging from such a living situation, mediation centres and family courts can facilitate communication, reconciliation, and agreement between partners outside of marriage through professional services.
6. **Safeguards against domestic violence:** Strengthening the laws and regulations would protect people in live-in relationships against domestic abuse. The laws on domestic abuse would cover partners outside of marriage and provide shelters, counselling, and legal remedies for them, thus protecting vulnerable persons while promoting gender equality in partnerships.

## XI. Conclusion

Live-in relationships in India are a complex and emerging issue that calls for sensitive reflection and action by politicians, lawyers, civil society bodies, and communities.

Despite these negatives, one area of expansion that holds great promise is this. India may well move towards becoming an even more just and egalitarian society that recognises, respects, and protects all unions if it can remove the legal vagaries, social stigma, and structural impediments that live-in couples face today.

Changes in the law are also necessary to bridge the loopholes in the laws governing live-in relationships. There must be apt legislation on aspects such as rights over properties, rights to financial support, rights in case of inheritance, rights over a child, and other similar matters. Such a law must treat and protect live-in partners on par with marriage by granting them similar rights, obligations, and responsibilities.<sup>44</sup>

What is required would be legislation reform, an awareness-raising campaign, support services, and finally, community engagement. By a concerted effort toward solving the

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<sup>44</sup> A. B. Nair & T. Ranjith, *Live in Relationships in Indian Law: Perspectives and Implications from Legal Professionals*, 4(2) GAP Indian Journal of Forensics and Behavioural Sciences 20–24 (2023).

hurdles and barriers facing the constituents of non-marital unions, India will attain its vision of a more inclusive, equitable, and compassionate society where every person, regardless of their marital status, is treated with dignity, respect, and equality under the law.



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