
LEGAL RECOGNITION OF LIVE-IN RELATIONSHIPS: A STEP TOWARDS PROGRESSIVE FAMILY LAW?

Diya Gour, Bennett University

ABSTRACT

This paper delves into the shifting legal perspectives on live-in relationships within the Indian context, evaluating how these partnerships are acknowledged under current family law provisions. Though Indian family law has long been rooted in the institution of marriage, more couples are now choosing to cohabit without formalizing their union, creating legal grey areas and societal challenges. The study closely reviews key court decisions that have extended limited legal safeguards to such arrangements, especially concerning issues like protection from domestic abuse, financial support, and inheritance. Noteworthy rulings including *Indra Sarma v. V.K.V. Sarma*, *D. Velusamy v. D. Patchaiammal*, and *Chanmuniya v. Virendra Kumar Singh Kushwaha* have contributed to expanding the interpretation of unions resembling marriage. Nonetheless, the absence of specific legal statutes, coupled with prevailing societal biases, continues to hinder the rights of individuals in these relationships. By examining global legislative models and emphasizing the need for comprehensive reform, this article supports the creation of a structured legal approach that affirms the legitimacy and rights of non-marital partnerships, thereby advancing a more progressive and balanced family law system in India.

Introduction

Live-in relationships have become more common in Indian society in recent years. This arrangement allows two people, typically in a romantic relationship, to live together without being legally married or officially recognized as spouses.

A live-in relationship is when a couple chooses to live together without formally getting married. They share a home and often a close personal bond, but they remain legally and financially independent. While their relationship may resemble marriage in terms of commitment and daily life, it does not come with the same legal rights or responsibilities. This growing trend challenges traditional views on marriage and brings up important legal and property-related concerns for those involved.

Despite this societal evolution, live-in relationships remain a grey area in Indian family law, leading to significant legal ambiguities and social dilemmas.

Marriage remains a key foundation of Indian family law, but the legal status and rights of individuals in live-in relationships are still unclear. While court rulings have provided some guidance, the absence of specific laws—and the resulting lack of awareness—leaves this issue in a legal grey area. This article explores the legal standing of live-in relationships in India, examining how existing laws either address or overlook the challenges they present. It also highlights the difficulties and injustices faced by individuals in such relationships and proposes legal reforms to ensure better recognition and protection.

Legal Framework Governing Live-In Relationships In India

In India, the legal recognition of live-in relationships as a valid form of union is currently absent. There is no specific legislation or statute in Indian law that pertains to the regulation of live-in relationships.¹

Live-in relationships, or cohabitation arrangements, are governed by personal laws and largely shaped by judicial interpretation. In India, their legal recognition mainly depends on court rulings and past legal precedents rather than clear statutory provisions. The existing legal framework in India pertaining to cohabitation relationships is predominantly shaped by a

¹ Sanjay K.K., *Live-in Relationship: Laws in India*, Legal Services India, available at <https://www.legalserviceindia.com/legal/article-10718-live-in-relationship-laws-in-india.html>

sequence of comparatively forward-thinking judicial rulings.²

Live-in relationships in India are not explicitly recognized under personal laws that govern marriage, divorce, maintenance, and inheritance. However, judicial pronouncements have provided limited recognition and protection in certain circumstances. The recognition of live-in relationships as a legitimate form of partnership and the provision of specific rights and protections to individuals involved in such relationships have been acknowledged by the Supreme Court of India.

The Hindu Marriage Act (HMA), 1955³, governs marriage, divorce, and related matters for Hindus. It does not provide any recognition or protection for live-in relationships. Since live-in couples do not fulfil the legal requisites of marriage under Section 7 (which mandates solemnization through ceremonies)⁴, they cannot claim rights that are traditionally available to married couples. However, the judiciary has, in some cases, extended legal benefits to partners in long-term live-in relationships, treating them as married for specific legal purposes.

Key Judicial Precedents

The Supreme Court, in the landmark case of *Indra Sarma v. V.K.V. Sarma*⁵, established that live-in relationships fall within the scope of the right to life as outlined in Article 21 of the Constitution. The Court distinguished between a legally valid marriage and a "relationship in the nature of marriage," emphasizing factors such as duration of period of relationship, shared household, pooling of resources and financial arrangements, domestic arrangements, sexual relationship, children, socialisation in public, intention and conduct of parties, and social perception.⁶ This landmark ruling not only acknowledged the importance of live-in relationships but also established a legal framework that recognizes them based on their stability and commitment, similar to traditional marriages.

In the pivotal case of *S. Khushboo v. Kanniammal*⁷, the Supreme Court resolutely upheld the legality and morality of live-in relationships, asserting the fundamental right of adults to

² A. Sattigeri, *Legal Status of Live-in Relationships in India: Mapping Indian Jurisprudence*, Lawctopus, available at <https://www.lawctopus.com/academike/live-in-relationships-in-india/>

³ The Hindu Marriage Act, 1955, No. 25, Acts of Parliament, 1955 (India).

⁴ The Hindu Marriage Act, 1955, § 7, No. 25, Acts of Parliament, 1955 (India).

⁵ *Indra Sarma v. V.K.V. Sarma*, (2013) 15 SCC 755

⁶ *Id.*

⁷ *S. Khushboo v. Kanniammal*, (2010) 5 SCC 600

autonomously select their life partners and cohabit without unwarranted intrusion from either the state or society. The court's landmark ruling dispelled misconceptions about live-in relationships, affirming their legitimacy and upholding the right of consenting adults to choose their own relationships. Central to the ruling was the resounding declaration that the state possesses no authority to criminalize live-in relationships between adults who have willingly chosen to embark on such partnerships.⁸ This significant ruling not only broke away from outdated biases but also reinforced the legal protection of personal choices, paving the way for a more inclusive and progressive legal framework.

The most significant legal recognition of live-in relationships comes from the Prevention of Women from Domestic Violence Act, 2005⁹. Under Section 2(f), the Act includes "relationships in the nature of marriage" within the definition of domestic relationships, allowing partners in such relationships to seek protection from domestic violence and claim maintenance.

In the landmark case of *D. Velusamy v. D. Patchaiammal*¹⁰, the Supreme Court definitively ruled that a "relationship in the nature of marriage" would be classified as a live-in relationship, signifying a significant stride towards recognizing diverse forms of companionship.¹¹ The court's ruling established a clear framework for assessing the nature of live-in relationships, focusing on key criteria. It identified three essential factors to determine whether a relationship closely resembles marriage. These encompassed the duration of the relationship, the establishment of a shared household, and the mutual intention of the involved parties to cohabit as spouses.¹² Hence it clarified that only relationships fulfilling certain criteria, such as social acceptance and long-term cohabitation, could be considered "in the nature of marriage." By setting clear guidelines, the court eliminated uncertainty and strengthened the legal recognition of relationships beyond traditional marriage, emphasizing the role of commitment and context in defining modern partnerships.

Challenges In Claiming Rights?

The Indian succession laws, including the Hindu Succession Act, 1956¹³, and the Indian

⁸ *Id.*

⁹ The Protection of Women from Domestic Violence Act, 2005, No. 43, Acts of Parliament, 2005 (India).

¹⁰ *D. Velusamy v. D. Patchaiammal*, (2010) 10 SCC 469

¹¹ *Id.*

¹² *Id.*

¹³ The Hindu Succession Act, 1956, No. 30, Acts of Parliament, 1956 (India).

Succession Act, 1925¹⁴, do not recognize live-in partners as legal heirs. As a result, individuals in live-in relationships often struggle to claim property or inheritance rights unless outlined in a will or legal agreement. However, certain landmark court rulings have provided a pathway for justice, even in the absence of clear statutory protections.

In the case of *Dhannulal and Others v. Ganeshram and Anr*¹⁵, the top court stated that after the death of a woman's live-in partner, she has the right to inherit property.¹⁶ In this case, the family members of the deceased contended that the woman should not be entitled to inherit property although she was living with the deceased for 20 years because she was not married to the deceased. The bench delivered the judgment considering its earlier decisions that if a man and a woman have been cohabiting for a long time, such a relationship is presumed to be a marriage by the court.¹⁷

Also, the Supreme Court in the January 22, 2008 judgment, *Vidyadhari and Ors v. Sukhrana Bai and Ors*¹⁸, had held that the woman living with a man in a live-in relationship has the right to inherit her partner's property.¹⁹

Under another landmark judgement of *Chanmuniya v. Virendra Kumar Singh Kushwaha* (2011)²⁰, the Supreme Court ruled that women in long-term live-in relationships should be entitled to maintenance²¹ under Section 125 CrPC.²² The ruling stressed the importance of interpreting the term "wife" broadly to prevent injustice, allowing women in live-in relationships to access certain financial protections. The Supreme Court said that even if the parties may not have performed the sanctioned essentials of a valid marriage, but they had entered into this relationship with the animus to marry and to be called as husband and wife before the eyes of the society.²³

Championing a more progressive stance on live-in relationships, proponents assert that adopting a liberal approach holds the potential to offer crucial legal protections and societal

¹⁴ The Indian Succession Act, 1925, No. 39, Acts of Parliament, 1925 (India).

¹⁵ *Dhannulal v. Ganeshram*, (2015) 12 SCC 301

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Vidyadhari v. Sukhrana Bai*, (2008) 2 SCC 238

¹⁹ *Id.*

²⁰ *Chanmuniya v. Virendra Kumar Singh Kushwaha*, (2011) 1 SCC 141

²¹ *Id.*

²² The Code of Criminal Procedure, 1973, § 125, No. 2, Acts of Parliament, 1974 (India).

²³ *supra* note 21.

validation to couples who opt for cohabitation without formal marriage²⁴. Supporters argue that individuals in live-in relationships should have equal legal recognition, with rights and responsibilities similar to those in traditional marriages. This perspective highlights the need for essential protections, including property rights, inheritance claims, and safeguards against domestic violence. Extending these protections not only validates diverse relationship choices but also establishes a strong legal framework that respects individual autonomy. This approach fosters a more inclusive legal system, ensuring the well-being and stability of couples in different relationship dynamics.

As social dynamics continue to evolve, there is growing support for the legal recognition and protection of live-in relationships as a reflection of changing societal norms. Advocates argue that formal acknowledgment under the law would not only provide necessary safeguards but also help reduce the stigma surrounding these relationships, fostering greater social acceptance. Supporters believe that recognizing live-in relationships is essential for breaking away from outdated norms, promoting inclusivity, and fostering a more nuanced view of modern relationships. A progressive legal framework would not only acknowledge diverse personal choices but also help create a more accepting and compassionate society that respects the different paths individuals take in building meaningful partnerships.

Supporters of a more progressive approach to live-in relationships emphasize that legal recognition could greatly empower women by providing essential protections. They argue that without formal acknowledgment, women in such relationships are more vulnerable to exploitation and abuse. By granting legal recognition, advocates believe that women's rights and interests can be better protected, reducing the risk of mistreatment and neglect. A legal framework that safeguards live-in relationships would not only address the challenges women may face but also mark a significant step toward gender equality. It would help create a society where all individuals, regardless of their relationship choices, are assured of their fundamental rights and dignity.

Live-in relationships have been a widely debated topic in India. Although current laws do not explicitly recognize them, the Supreme Court has played a key role in shaping their legal status and defining the rights of individuals in such partnerships. Through its progressive judgements,

²⁴ H. Pawaskar, *Live-in Relationship: Legal Perspective and Problems*, Legal Service India E-Journal, available at <https://www.legalserviceindia.com/legal/article-4562-live-in-relationship-legal-perspective-and-problems.html>

the court has progressively broadened the scope of these relationships and established certain specific parameters for their treatment. Particularly, the Protection of Women from Domestic Violence Act, 2005²⁵, categorizes live-in relationships as a “relationship in the nature of marriage,” extending safeguards to women against domestic violence.

A detailed socio-legal analysis underscores the need for further research into the complexities of live-in relationships in India. The judiciary has taken a progressive and modern approach, recognizing the rights and well-being of individuals in such partnerships. Since India lacks specific laws or established customs for live-in relationships, their legal standing has largely been shaped by court rulings. In this capacity, the courts have acted as enforcers of change, effectively dismantling societal taboos, fostering harmonious coexistence, and advocating for equitable respect within society.²⁶

Social Challenges

Live-in relationships allow couples to understand each other better, but they also come with challenges. The lack of legal commitment can lead to emotional and psychological stress, especially due to limited societal acceptance and legal protection. Women, in particular, face increased risks of vulnerability, exploitation, and abuse, highlighting the urgent need for stronger legal safeguards.

Advocates of a more liberal approach recognize that granting legal recognition to live-in relationships holds the potential to not only safeguard women’s rights but also empower them²⁷. Granting legal recognition and protection to live-in relationships would help create an environment of trust, security, and equality. This would benefit both partners and contribute to a more inclusive and progressive society.

Despite significant judicial progress, individuals in live-in relationships still face various legal and societal challenges;

1. Lack of Clear Legal Status – Without statutory recognition, live-in partners remain

²⁵ *supra* note 9.

²⁶ Y. D. Patil, *Socio-Legal Perspective of Live-in Relationship in India*, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1926477

²⁷ E. Bhargava, *The good and bad of a live-in relationship for your mental health*, Financial Express (21/01/2023), available at <https://www.financialexpress.com/lifestyle/the-good-and-bad-of-a-live-in-relationship-for-your-mental-health/2951445/>

vulnerable, especially in areas like inheritance, adoption, and property division. Unlike married couples, they do not have legal protection under matrimonial laws.

2. **Social Stigma and Discrimination** – Live-in relationships continue to face stigma in conservative Indian society, with women often bearing the brunt of discrimination. In many cases, their relationships are not recognized for legal claims such as maintenance or protection from violence, leaving them without essential safeguards.
3. **Ambiguities in Maintenance and Property Rights** – Although courts have granted maintenance rights to women in live-in relationships, the absence of a clear legal framework and limited awareness of these rulings often result in inconsistent decisions, exploitation, and injustice. Additionally, property rights remain largely unregulated, leaving individuals financially vulnerable after separation.
4. **Custodial and Parental Rights** – Children born from live-in relationships often face legal uncertainty regarding their legitimacy, inheritance rights, and parental responsibilities. While *Revanasiddappa v. Mallikarjun*²⁸ upheld the rights of children born out of live-in relationships, ambiguities persist in areas such as guardianship and custody.²⁹

Comparative Legal Perspective

Many countries have introduced progressive laws to recognize and regulate live-in relationships;

- **France** – The "Pacte Civil de Solidarité (PACS)" grants legal rights to cohabiting couples, including taxation benefits and inheritance rights.
- **United States** – Some states recognize "common-law marriages," granting legal protections akin to formal marriages.
- **United Kingdom** – The concept of "cohabitation rights" allows unmarried partners to claim financial relief and property rights.

India can learn from these models to create a structured legal framework that upholds

²⁸ *Revanasiddappa v. Mallikarjun*, (2011) 11 SCC 1

²⁹ *Id.*

individual freedoms while ensuring necessary legal protections.

Conclusion and Recommendations

The legal status of live-in relationships in India has evolved gradually through court rulings. Over time, judicial decisions have played a crucial role in shaping the recognition and rights of individuals in such relationships. The Supreme Court has played a key role in shaping the legal recognition of live-in relationships, emphasizing the need to protect the rights of those involved. Its rulings have addressed critical issues such as maintenance, property rights, and child custody, highlighting the importance of extending safeguards similar to those granted to married couples.

The legal framework for live-in relationships is still evolving and remains a topic of debate in both legal and social spheres. While some court rulings have taken a progressive approach by recognizing the rights of individuals in such relationships, others have been more conservative, creating uncertainty around their legal status. The contrast in these judgments reflects the broader societal divide on the issue, highlighting the challenges of adapting traditional legal frameworks to modern relationship dynamics.

As discussions on live-in relationships progress, the legal system must balance diverse perspectives. While some rulings have advanced protections and rights for individuals in such relationships, others still reflect outdated norms and biases. This highlights the urgent need for comprehensive legal reforms and open discussions to create a clear and fair legal framework that aligns with the realities of modern relationships in India.

The changing dynamics of family structures call for a legal framework that acknowledges and integrates live-in relationships within India's family law system. The following measures could provide clarity and fairness:

1. **Statutory Recognition** – A specialized legal framework should clearly define and regulate live-in relationships, safeguarding rights related to maintenance, property, and inheritance.
2. **Uniform Civil Code (UCC) Perspective** – The Uniform Civil Code (UCC) could offer a gender-neutral and religion-neutral legal framework, ensuring equal rights and protections for all relationships, including live-in partnerships.

3. Inclusion in Personal Laws – Amendments to existing laws, such as the Hindu Marriage Act and the Indian Succession Act, could grant limited recognition to live-in relationships, ensuring basic legal protections.
4. Strengthening Judicial Guidelines – The Supreme Court should set clear and consistent criteria for recognizing live-in relationships, minimizing arbitrary judicial interpretations and ensuring uniform legal protection.
5. Public Awareness and Legal Literacy – Raising awareness about legal rights in live-in relationships can help reduce social stigma and protect individuals from legal vulnerabilities.

We need to understand that the concept of “society” and everything that comes under it is ever evolving and dynamic. There once was a time where nuclear families, single parents, divorces spouses and etc., were not a concept at all. So as the Indian society continues to evolve, a progressive approach to family law is also essential. Our laws also need to move forward with the times to address the dynamic and ever evolving concept of “families”. Legally recognizing live-in relationships would address existing gaps and promote social justice for those choosing non-traditional partnerships. Through well-structured legal reforms, India can create a more inclusive and equitable family law system.