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## **LIVE-IN RELATIONSHIPS IN INDIA: LEGAL RECOGNITION AND SOCIAL ACCEPTANCE**

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### **ABSTRACT**

This paper examines the concept, legal recognition, and societal implications of live-in relationships in India. With changing social dynamics, urbanization, and evolving attitudes toward personal relationships, live-in arrangements have increasingly emerged as an alternative to traditional marriage, particularly among younger generations. The paper analyzes the legal position of live-in relationships through landmark judicial pronouncements and discusses issues relating to maintenance, domestic violence protection, property rights, and legitimacy of children born from such relationships.

Further, the paper explores the social stigma and challenges associated with live-in relationships in Indian society while highlighting the legal ambiguities that continue to persist due to the absence of a comprehensive statutory framework. The study concludes that although Indian courts have gradually recognized and protected certain rights arising from live-in relationships, clearer legislative reforms may be necessary to ensure legal certainty and protection for individuals involved in such arrangements.

## **Introduction**

### **Background of Live-in Relationships in India**

Live-in relationships have emerged as a significant social phenomenon in contemporary India. In recent years, such relationships have become increasingly common, particularly in urban areas, due to changing social values, financial independence, increased education, and evolving perspectives regarding marriage and companionship. Although Indian society traditionally recognizes marriage as the foundation of family life, changing societal dynamics have led to growing acceptance of alternative relationship structures.

### **Legal Relevance and Growing Recognition of Live-in Relationships**

In India, marriage has traditionally been recognized as the primary institution governing intimate relationships. However, with the increasing prevalence of live-in relationships, several legal and social questions have emerged regarding the rights and responsibilities of partners involved in such arrangements. Issues relating to maintenance, protection from domestic violence, inheritance, and legitimacy of children born from live-in relationships have required judicial intervention. Consequently, Indian courts have increasingly addressed and clarified the legal status of live-in relationships through various landmark judgments.

### **Meaning and Evolution of Live-in Relationships in India**

#### **Meaning of Live-in Relationships**

Although there is no specific statutory definition of a live-in relationship under Indian law, it generally refers to an arrangement in which two consenting adults reside together in a relationship resembling marriage without undergoing a formal marital ceremony. Such relationships are characterized by emotional companionship, shared domestic responsibilities, and cohabitation over a period of time. The concept differs from casual relationships, as live-in arrangements often involve long-term commitment and mutual interdependence between partners.

In legal discourse, Indian courts have interpreted live-in relationships as relationships “in the nature of marriage” under certain circumstances, particularly in matters concerning maintenance, protection from domestic violence, and the legitimacy of children. Consequently,

while live-in relationships are not formally recognized as marriages under Indian law, they have gradually received judicial acknowledgment and limited legal protection.

### **Evolution of Live-in Relationships**

Traditionally, Indian society has viewed marriage as the only socially and morally accepted framework for intimate relationships. Relationships outside marriage, including live-in arrangements, were generally considered socially unacceptable and inconsistent with cultural norms. However, with the passage of time, social attitudes have gradually evolved, particularly in metropolitan and urban areas.

Factors such as globalization, increased education, financial independence, urbanization, and changing perspectives regarding personal freedom and companionship have contributed to the gradual acceptance of live-in relationships. Younger generations increasingly view cohabitation as a means to understand compatibility before marriage or as an alternative to traditional marital institutions. This gradual social transformation has also influenced judicial attitudes, leading courts to increasingly recognize and address legal concerns arising from live-in relationships.

### **Judicial Recognition of Live-in Relationships**

#### **Role of the Judiciary in Recognizing Live-in Relationships**

For a considerable period, live-in relationships existed in a legal grey area in India, as no specific legislation directly governed such arrangements. In the absence of statutory recognition, the Indian judiciary has played a significant role in determining the legal position of live-in relationships through judicial interpretation. Courts have increasingly recognized that relationships between consenting adults cannot be considered unlawful merely because they exist outside the institution of marriage. Consequently, judicial intervention has contributed substantially to defining the rights, responsibilities, and legal implications arising from such relationships.

#### **Landmark Judicial Decisions on Live-in Relationships**

The legal recognition of live-in relationships in India has evolved primarily through landmark judicial pronouncements. Various courts, particularly the Supreme Court of India, have

clarified the legal status of such relationships while addressing issues concerning legitimacy, maintenance, domestic violence, and social acceptance. Certain landmark judgments have significantly contributed to shaping the legal framework governing live-in relationships.

### **S. Khushboo v. Kanniammal & Anr. (2010)**

In *S. Khushboo v. Kanniammal & Anr.* (2010), the Supreme Court of India held that live-in relationships between consenting adults are not illegal or unlawful. The Court observed that morality and criminality are distinct concepts and emphasized that adults have the right to choose their partners and lifestyle. This judgment played a crucial role in reducing social stigma associated with live-in relationships and reinforced the constitutional right to personal liberty under Article 21 of the Constitution of India.<sup>1</sup>

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

In *D. Velusamy v. D. Patchaiammal* (2010), the Supreme Court clarified the concept of a relationship “in the nature of marriage.” The Court held that not all live-in relationships would qualify for legal protection. For a relationship to receive recognition, it must resemble marriage in essential aspects such as cohabitation for a significant duration, legal age of partners, and voluntary participation. This judgment became significant in determining eligibility for maintenance and legal remedies.<sup>2</sup>

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

In *Indra Sarma v. V.K.V. Sarma* (2013), the Supreme Court extensively discussed the legal position of live-in relationships under the Protection of Women from Domestic Violence Act, 2005. The Court recognized that women in relationships “in the nature of marriage” may seek protection under the Act. However, the Court also emphasized that every live-in relationship would not automatically qualify for legal recognition and laid down certain guidelines to determine whether a relationship resembles marriage. This judgment significantly expanded legal protection for women in such arrangements.<sup>3</sup>

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

<sup>2</sup> *D. Velusamy v. D. Patchaiammal*, (2010) 10 SCC 469

<sup>3</sup> *Indra Sarma v. V.K.V. Sarma*, (2013) 15 SCC 755

**Tulsa & Ors. v. Durghatiya & Ors. (2008)**

In *Tulsa & Ors. v. Durghatiya & Ors.* (2008), the Supreme Court held that children born from long-term live-in relationships cannot be considered illegitimate and are entitled to legal recognition. The Court observed that when a man and woman cohabit for a considerable period, a presumption of marriage may arise in certain circumstances. This judgment played an important role in protecting the rights and dignity of children born from live-in relationships.<sup>4</sup>

**Legal Rights in Live-in Relationships****Right to Maintenance**

One of the significant legal concerns in live-in relationships relates to the right to maintenance, particularly for women. Indian courts have, in certain circumstances, recognized that women in relationships “in the nature of marriage” may claim maintenance if the relationship resembles a marital arrangement. Judicial interpretation has played a crucial role in extending limited legal protection to women who may otherwise be left financially vulnerable after separation.

The Supreme Court in *D. Velusamy v. D. Patchaiammal* (2010) clarified that not every live-in relationship would automatically entitle a partner to maintenance. The Court emphasized that factors such as duration of cohabitation, shared household, and the nature of the relationship are important in determining whether a live-in arrangement qualifies for legal protection.

**Protection under the Domestic Violence Act, 2005**

The Protection of Women from Domestic Violence Act, 2005, marked a significant development in recognizing certain rights of women involved in live-in relationships. The Act extends protection to women who are in relationships “in the nature of marriage,” thereby allowing them to seek remedies against domestic abuse, emotional harassment, economic violence, and physical violence.

In *Indra Sarma v. V.K.V. Sarma* (2013), the Supreme Court clarified that women in qualifying

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

live-in relationships may seek protection under the Domestic Violence Act. However, the Court also stated that the relationship must possess characteristics similar to marriage to attract legal protection under the statute.<sup>5</sup>

### **Property & Inheritance Rights**

Unlike marriage, live-in relationships in India do not automatically confer property or inheritance rights upon partners. Since there is no codified legal framework governing such relationships, partners in live-in arrangements generally cannot claim rights over each other's self-acquired property unless specifically mentioned in legal documents such as wills or joint ownership agreements.

However, courts have recognized that in certain circumstances involving prolonged cohabitation, a presumption of marriage may arise. Despite this, inheritance rights between partners in live-in relationships remain legally uncertain and continue to operate within a grey area of law. Consequently, legal protection in matters of succession and property largely depends on judicial interpretation and factual circumstances.

### **Rights of Children Born from Live-in Relationships**

One of the most important legal developments concerning live-in relationships relates to the rights of children born from such arrangements. Indian courts have consistently emphasized that children should not suffer social or legal disadvantages due to the nature of their parents' relationship.

Indian courts have repeatedly emphasized that children born from live-in relationships should not suffer discrimination due to the marital status of their parents. Judicial interpretations have increasingly recognized the legitimacy and welfare of such children while extending limited inheritance protections in relation to parental property.

This approach reflects an effort to safeguard the dignity and legal rights of children irrespective of the nature of their parents' relationship.

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<sup>5</sup> The Protection of Women from Domestic Violence Act, 2005

## **Social Stigma and Societal Challenges**

### **Social Perception of Live-in Relationships in India**

Despite increasing urban acceptance, live-in relationships continue to face considerable social stigma in India. Indian society has traditionally viewed marriage as the morally and socially acceptable foundation for intimate relationships, and arrangements outside marriage are often met with disapproval. Live-in relationships are frequently perceived as inconsistent with cultural and religious values, particularly in conservative and rural settings.

Societal attitudes toward live-in relationships often result in moral judgment, social criticism, and lack of familial acceptance. Couples in such arrangements may face pressure from family members, community scrutiny, and challenges in securing housing due to social prejudices. Consequently, many individuals prefer to keep their relationships private to avoid societal backlash and public criticism.

### **Gender Bias and Social Challenges Faced by Women**

Women involved in live-in relationships often face greater social scrutiny and criticism as compared to men. Traditional gender expectations in Indian society frequently associate a woman's social respectability with marriage, resulting in women being judged more harshly for choosing alternative relationship arrangements. In many cases, women may also experience emotional vulnerability, financial insecurity, and social isolation following the breakdown of such relationships.

Furthermore, concerns relating to social acceptance, family honor, and societal expectations continue to discourage many individuals from openly engaging in live-in relationships. Although attitudes are gradually evolving among younger generations and in metropolitan cities, widespread acceptance remains limited in several parts of the country.

## **Legal Challenges and Future Scope**

### **Legal Ambiguities in Live-in Relationships**

Despite growing judicial recognition, live-in relationships in India continue to exist within a legal grey area due to the absence of a comprehensive statutory framework. Unlike marriage,

which is governed by personal laws and codified legal provisions, live-in relationships largely depend on judicial interpretation for legal recognition and protection. As a result, uncertainty often arises in matters concerning maintenance, property rights, inheritance, and legal obligations between partners.

Furthermore, courts have adopted a case-by-case approach while determining whether a relationship qualifies as one “in the nature of marriage.” This lack of uniformity sometimes leads to inconsistent outcomes, thereby creating confusion regarding the legal rights and protections available to individuals involved in such arrangements.<sup>6</sup>

### **Need for Legal Reform and Future Scope**

The increasing prevalence of live-in relationships in India highlights the need for clearer legal recognition and regulatory mechanisms. While judicial intervention has provided limited safeguards, reliance solely on court decisions may not adequately address the evolving nature of interpersonal relationships in contemporary society. A well-defined legal framework could provide greater clarity regarding maintenance, property rights, child welfare, and dispute resolution.

At the same time, any legal recognition of live-in relationships must strike a balance between individual autonomy and existing social values. With changing societal attitudes and increasing urban acceptance, it is likely that the legal discourse surrounding live-in relationships will continue to evolve in the coming years. Consequently, legislative reforms may become necessary to ensure legal certainty and protection for individuals involved in such arrangements.

### **Conclusion**

Live-in relationships have emerged as a significant social reality in contemporary India, reflecting changing societal attitudes toward companionship, personal freedom, and intimate relationships. Although Indian society has traditionally emphasized marriage as the primary institution governing personal relationships, increasing urbanization, education, and evolving social values have contributed to the gradual acceptance of alternative relationship structures.

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<sup>6</sup> Constitution of India, 1950

In the absence of specific legislation, the Indian judiciary has played a crucial role in recognizing and protecting certain rights arising from live-in relationships, particularly in matters concerning maintenance, domestic violence, and legitimacy of children. Landmark judicial pronouncements have contributed significantly toward clarifying the legal position of such arrangements. However, several legal ambiguities continue to persist, particularly regarding inheritance, property rights, and uniform legal standards.

Therefore, while live-in relationships have gained limited legal recognition in India, the absence of a comprehensive statutory framework continues to create uncertainty. With changing social dynamics and increasing acceptance among younger generations, it may become necessary for lawmakers to introduce clearer legal guidelines to ensure greater protection, legal certainty, and individual autonomy in such relationships.

## **REFERENCES**

### **Cases Referred**

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

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

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

*Tulsa & Ors. v. Durghatiya & Ors.*, (2008) 4 SCC 520.

### **Statutes Referred**

The Constitution of India, 1950.

The Protection of Women from Domestic Violence Act, 2005.

### **Secondary Sources**

Law Commission of India Reports.

Supreme Court of India Judgments Database.

SCC Online Database.

Manupatra Legal Database.