
LIVE-IN RELATIONSHIP JUDICIAL RECOGNITION: A CONSTITUTIONAL PERSPECTIVE

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ABSTRACT

Live-in relationships are a social occurrence in India that have challenged and transformed many traditional views on marriage. The judiciary in India, particularly the Supreme Court and the High Courts, has played a significant role in shaping the legal framework surrounding live-in relationships. Their rulings and decisions have helped define and clarify the legal implications and limits of such relationships. Therefore, when considering live-in relationships, the Indian judiciary refers to the right to life and personal liberty outlined in Article 21 of the Constitution of India, recognizing it as a fundamental right. The Protection of Women from Domestic Violence Act, 2005 was introduced to protect the rights of live-in partners, although courts still need to determine issues like the legitimacy of children, maintenance, and other matters related to domestic violence in these relationships. The courts often emphasize that not all live-in relationships are legally recognized, meaning only those that resemble marriage are covered under the law. Overall, the judiciary's decisions contribute to the progressive evolution of Indian laws regarding families and relationships.

INTRODUCTION

Live-in relationships have evolved from a practice that was previously considered unacceptable to a subject now openly discussed in contemporary Indian society. The growing trend of couples choosing to live together without formal marriage has become more widespread, driven by greater social freedom, the empowerment of women, and an emphasis on personal choices. As marriage is no longer perceived as an essential requirement, there remains ambiguity in the legal framework surrounding live-in relationships, which has prompted discussions on the rights and responsibilities of those involved. The judiciary plays a significant role in balancing individual freedoms with traditional values and in interpreting laws to provide legal protection for couples in such relationships. This paper aims to examine how Indian courts deal with the rights of individuals in live-in relationships and how they address conflicts and ensure accountability. At first, the judiciary has viewed the right to live together as connected to the rights to life and personal liberty as outlined in the Indian Constitution. Therefore, it is important to understand how courts link live-in relationships to these fundamental rights. Moreover, certain legal provisions, such as the Protection of Women from Domestic Violence Act, 2005 (PWDVA), provide legal support to those in live-in relationships. Courts have interpreted the rules and conditions for live-in partners, making it clear what is necessary to access legal help. The matter of children born in live-in relationships is also significant, as courts hold individuals to high standards when it comes to their upbringing. The analysis of judicial handling of live-in relationships will be conducted through normative research methods. This article employs a doctrinal and normative approach, reviewing relevant court rulings. It identifies common themes in the judgments, such as the acknowledgment of personal liberty, the notion that live-in relationships are "in the nature of marriage," the protection of the vulnerable, and the welfare of children. The article then critically evaluates these positions, highlighting some contradictions and limitations in the case law. It also addresses the challenges that lead to an inconsistent judicial approach in dealing with de facto unions. Finally, the paper concludes by recommending the need for legislative guidelines to resolve the identified inconsistencies.

CONSTITUTIONAL PERSPECTIVE

ARTICLE 21: RIGHT TO LIFE AND PERSONAL LIBERTY

The law related to live-in relationships mainly comes from the Indian Constitution's Article 21,

which gives people the right to life and personal freedom.

Indian courts have widely interpreted this article and expanded its meaning to cover values that support people's independence, dignity, private life, and sexual orientation. When interpreting Article 21, the Indian Supreme Court has always stressed two main ideas. First, the freedom to choose a partner and the right to associate with someone are part of the right to privacy and personal liberty. Second, the moral values of society or the opinions of the majority cannot stop an individual from enjoying their basic rights.

The Supreme Court and various High Courts have repeatedly said that two people who choose to live together have a fundamental right to do so, and they should not face trouble from the government or be punished just because of how they choose to live.

The courts have seen this right to live together as part of the right to life, which is guaranteed to everyone under Article 21, as explained by the Supreme Court. Additionally, the right to life also includes the right to protect one's dignity and privacy. By having the right to choose who to live with, these rights are naturally protected. This includes the right to safety from harm or violence, the right to ask for support, and the rights of children involved.

JUDICIAL PRECEDENTS

Several court rulings show how the Constitution handles this issue:

S. Khushboo v. Kanniammal, (2010) 5 SCC 600: The Supreme Court said that moral policing is not a good reason to limit people's rights as protected by the Constitution, especially the freedom of choice and personal morality under Article 21. It also said that making any consensual act between adults a crime would break their constitutional rights.

Lata Singh v. State of U.P., (2006) 5 SCC 475: The Supreme Court ruled that adults have the basic right to pick their partner and live together. It also said that neither family members nor the public can stop someone from making this choice, and the state and its agencies must protect people when they are exercising their constitutional rights.

Indra Sarma v. V.K.V. Sarma, (2013) 15 SCC 755: The *Indra Sarma* decision said that live-in relationships are part of the right to privacy and are therefore protected under the Constitution. However, it also said that not all such relationships get the same legal protection as marriages.

It suggested a case-by-case look to determine whether a relationship is like a marriage and thus should get the same legal protection under the Protection of Women from Domestic Violence Act, 2005.

STATUTARY FRAMEWORK

Though no law specifically talks about live-in relationships, several laws implicitly cover and protect the rights and interests of the people involved. For instance, the Protection of Women from Domestic Violence Act, 2005 (PWDVA) has a very inclusive definition of the term domestic relationship. It includes relationships “in the nature of marriage,” which means that even live-in relationships can get the benefits brought forth by the act. Other laws such as those related to maintenance, custody, and guardianship have also been used to interpret issues relating to live-in relationships. Therefore, though not specifically mentioned, live-in relationships are covered under the existing laws.

JUDICIAL PRONOUNCEMENT

The presumption of marriage has been made by the Supreme Court. In the case of *Badri Prasad v. Dy. Director of Consolidation*, AIR 1978 SC 527, the Supreme court held that “A Couple who had lived with each other for 50 Years as Husband and Wife constituted a Marriage”.

In the matter of *Tulsia v. Durghatiya*, AIR 2008 SC 520, It was decided that “Children born out of live-in relationships are the legitimate issue of marriage and entitled to share in the property”. Also see *Bharatha Matha v. R. Vijaya Renganathan*, (2010) 11 SCC 483.

Guidelines on determination of maintenance have been provided in the case of *Indra Sarma v. V.K.V. Sarma*, (2013) 15 SCC 755 on whether a live-in relationship is “in the nature of marriage”.

Personal liberty – A man/woman’s Right to be with his/her spouse – In *Nandakumar v. State of Kerala* [(2018) 16 SCC 602] the court once again held that “a man and a woman have the right to live together as a husband and wife irrespective of their inability/unwillingness to get married”.

Recent developments: In *Ridham Verma v. State Of Madhya Pradesh* [WP No. 19028 of 2026, (M.P. HC)] the high Court Of M P ordered that the Police Must Provide Protection To Live-

In-Couple. This Court Was Also Quick To Note That Rights Of Individuals Under Constitution Supersede Any Societal Obligations.

CHALLENGES AND CRITICISM

There are some issues with this method as well.

Firstly, there is no clear law, so we have to look at many examples, but none of these are really correct and can lead to different results.

Also, there are big problems related to social stigma and other connected issues, even though there is some kind of legal protection in courts now.

That is why people face judgment and pressure from others around them, especially in rural areas.

It should be noted that some courts focus too much on certain factors, which shows that they are making decisions based on their own feelings about each case, Because of this, there can be a big problem of gender inequality when it comes to women in live-in relationships, especially because these relationships often last a shorter time and may involve exploitation.

CONCLUSION

The Indian Judiciary has taken a very forward-thinking stance on the idea of live-in relationships, but at the same time, it is a bit careful when it comes to making rules about them. The judiciary has been doing its best to make sure that the constitutional rights of people in these relationships are protected, as well as the rights of vulnerable groups like women and children.

However, because of various reasons, the judiciary can't handle every situation that needs legal action, so there is a need for a well-designed law that includes provisions for constitutional rights and protection for vulnerable groups. Hence, we see that there is no proper law for live-in relationships, and because of this, the burden of dealing with issues from these relationships falls on the judiciary.