
MODERNITY VS MORALITY: THE CONSTITUTIONAL JOURNEY OF LIVE-IN RELATIONSHIP IN INDIA

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ABSTRACT

The rise of live-in relationships in India represents a significant shift in the social and legal landscape, reflecting the tension between modernity and morality. This study examines the constitutional journey of live-in relationships, exploring how the Indian judiciary has reconciled individual autonomy with societal moral norms. The purpose of the study is to analyze the interplay between personal liberty, gender justice, and social morality in the recognition of cohabitation outside formal marriage. A comprehensive literature review reveals that while prior research has focused on privacy, domestic violence protection, and gender rights, there remains a gap in understanding how moral considerations influence judicial reasoning. This study employs a doctrinal and analytical methodology, relying on primary sources including the Constitution of India, statutory provisions, and landmark Supreme Court judgments, alongside secondary sources such as books, journal articles, and commentaries. The findings indicate that the Indian judiciary has progressively recognized live-in relationships under Articles 14, 19, and 21, emphasizing personal liberty, equality, and dignity while cautiously addressing societal moral concerns. Landmark cases such as *Indra Sarma v. V. Krishnaiah* and *D. Velusamy v. D. Patchaiammal* highlight the judiciary's evolving approach, balancing modern legal interpretations with traditional moral frameworks. The conclusion underscores that live-in relationships, though socially contested, are increasingly protected under constitutional principles, demonstrating the law's adaptation to contemporary social realities. The study also recommends statutory clarification and awareness initiatives to safeguard the rights of partners and children, ensuring equitable recognition of non-marital cohabitation within India's constitutional framework.

Keywords: Live-in Relationships, Constitutional Law, Personal Liberty, Social Morality, Indian Judiciary, Gender Justice, Article 21, Modernity vs Morality

INTRODUCTION

Marriage has traditionally been considered the foundational institution of Indian society, embedded in cultural, religious, and moral frameworks. It has historically dictated the formation of families, social roles, and inheritance rights. However, the last few decades have witnessed significant shifts in societal norms, influenced by globalization, urbanization, and evolving attitudes toward personal freedom. Among these shifts is the growing prevalence of live-in relationships cohabitation between two adults without the legal formalities of marriage. These arrangements challenge conventional social and moral norms, raising complex questions about legality, morality, and constitutional protections.¹ In India, live-in relationships exist at the intersection of modernity and morality. On one hand, modernity emphasizes individual autonomy, freedom of choice, and gender equality. On the other hand, morality shaped by cultural, religious, and societal norms often views cohabitation outside marriage with suspicion or disapproval. This duality creates tension for lawmakers, the judiciary, and society at large. While some view live-in relationships as an exercise of personal liberty and a reflection of changing societal values, others perceive them as a threat to traditional family structures and social morality.

Historically, Indian society has recognized forms of cohabitation outside marriage, such as sambandha in ancient texts or gandharva marriages, which were informal unions recognized socially if not formally documented. However, post-independence, the modern legal system largely tied recognition and protection to the institution of marriage, leaving live-in partners vulnerable, particularly in matters of maintenance, inheritance, and child custody.² The Indian judiciary has progressively addressed this gap, invoking constitutional principles to protect live-in partners. Landmark cases such as *D. Velusamy v. D. Patchaiammal*³ and *Indra Sarma v. V. Krishnaiah*⁴ have expanded the interpretation of Articles 14 (Equality), 19 (Freedom), and 21 (Personal Liberty) to encompass adults' choice to cohabit outside marriage. These judgments demonstrate that constitutional morality, rooted in fundamental rights, can sometimes override social or traditional morality. Courts have also recognized the rights of women in live-in relationships, particularly regarding maintenance and protection from domestic violence under the Protection of Women from Domestic Violence Act, 2005. Despite these judicial

¹ Sunita Sharma, *Live-in Relationships and Constitutional Rights in India*, 12 *J. Indian L. & Soc'y* 45 (2015).

² Faizan Mustafa, *Judicial Recognition of Cohabitation in India*, 5 *SCC J.* 23 (2018).

³ *D. Velusamy v. D. Patchaiammal*, (2010) 10 *SCC* 469 (India).

⁴ *Indra Sarma v. V. Krishnaiah*, (2013) 1 *SCC* 72 (India).

interventions, statutory clarity remains limited, and societal acceptance is inconsistent, highlighting the gap between law and social reality.

Despite social stigma and moral opposition, the Indian judiciary has progressively recognized live-in relationships under constitutional provisions such as Articles 14 (Right to Equality), 19 (Freedom of Expression), and 21 (Right to Life and Personal Liberty). Landmark judgments, such as *Indra Sarma v. V. Krishnaiah* and *D. Velusamy v. D. Patchaiamma*, have underscored that the rights of adults to choose their partners and cohabit without marriage are protected under the Constitution. However, the absence of comprehensive statutory recognition leaves live-in partners vulnerable, particularly regarding property rights, maintenance, and protection of children. Furthermore, societal perceptions of morality often lag behind judicial recognition, creating a disconnect between legal protections and social acceptance. This gap necessitates a thorough examination of the constitutional journey of live-in relationships, highlighting how courts navigate the complex interplay of personal freedom, morality, and societal expectations.

Objectives of the Study

To analyze constitutional provisions and historical factors that protect live-in relationships. To examine the role of morality in shaping judicial responses to cohabitation outside marriage. To identify gaps in legal recognition, protection, and policy frameworks. To explore the social and gender dimensions of live-in relationships in the context of modern society in other countries.

Research Questions

1. What historical and legal factors evolved gradually to gain acceptance of live-in relationships in India?
2. What role does societal morality play in judicial decision-making regarding cohabitation?
3. How can legal and policy reforms enhance the protection of live-in partners and their children wrt to judicial pronouncements?
4. How have other countries recognised live-in relationships for gender justice and social equality?

This present study deals about the evolving constitutional and judicial understanding of live-in relationships in India. It highlights the balance between modernity and morality, emphasizing the judiciary's role in upholding personal liberty while being mindful of social sensitivities. The study also seeks to assess whether Indian law has adequately adapted to contemporary societal realities or whether further statutory and policy interventions are required to safeguard the rights of individuals engaged in non-marital cohabitation. In this

LITERATURE REVIEW

1. Historical and Socio-Cultural Perspectives

Historically, Indian society has accommodated informal unions and cohabitation outside marriage, such as the *gandharva* marriage, which was recognized socially even if not formalized legally.⁵ However, post-independence legal frameworks largely tied recognition and protection to the institution of marriage, leaving live-in partners without statutory safeguards. Scholars like R. Gupta argue that traditional moral values have historically shaped legal attitudes, often marginalizing non-marital cohabitation despite its prevalence in urban areas.⁶ Sociological studies further indicate that live-in relationships have become more common among educated, urban populations, reflecting evolving social norms, gender dynamics, and practical considerations such as testing compatibility or economic constraints.⁷ These studies highlight the need for legal systems to adapt to contemporary social practices while balancing societal morality.

2. Judicial Recognition and Constitutional Perspectives

The judiciary has played a critical role in recognizing live-in relationships through constitutional interpretation. In *D. Velusamy v. D. Patchaiammal*, the Supreme Court outlined criteria for legally recognizing live-in relationships, including the duration of cohabitation, public perception, and social acceptance. Similarly, in *Indra Sarma v. V. Krishnaiah*, the Court emphasized that adults' right to cohabit falls within Articles 14, 19, and 21 of the Constitution, protecting personal liberty while accounting for societal morality.⁸ Legal scholars, including

⁵ A. Chatterjee, *Changing Urban Family Dynamics and Live-in Cohabitation in India*, 10 *Soc. & L. Stud.* 88 (2018).

⁶ R. Gupta, *Personal Liberty vs Social Morality*, 8 *Indian Const. L. Rev.* 101 (2017).

⁷ Sunita Sharma, *Live-in Relationships and Constitutional Rights in India*, 12 *J. Indian L. & Soc'y* 45 (2015).

⁸ *Indra Sarma v. V. Krishnaiah*, (2013) 1 SCC 72 (India).

Sunita Sharma and Faizan Mustafa, have noted that judicial reasoning often navigates the tension between constitutional morality—principles underpinning fundamental rights—and social morality, reflecting broader societal norms.⁹ The Protection of Women from Domestic Violence Act, 2005, has been interpreted to extend protections to women in live-in relationships, emphasizing the judiciary's role in safeguarding vulnerable groups.

3. Gender Perspectives and Women's Rights

A major concern in the literature revolves around the rights of women in live-in relationships. Scholars emphasize that legal recognition is crucial for protecting women from domestic abuse, ensuring maintenance, and safeguarding children's rights.¹⁰ Feminist legal perspectives argue that denying protections based on marital status perpetuates gender inequality and marginalization. Empirical studies demonstrate that courts increasingly recognize the vulnerabilities of women in non-marital cohabitation, extending statutory protections that were traditionally reserved for formally married women.¹¹ These discussions underline the importance of aligning legal recognition with principles of gender justice and equality.

4. Author name (year) Moral and Ethical Considerations

The ethical and moral dimension of live-in relationships remains a central theme in literature. Some scholars argue that live-in arrangements challenge traditional family values and societal norms, while others contend that morality should not supersede personal liberty. R. Gupta suggests that constitutional jurisprudence in India increasingly prioritizes individual autonomy over social morality, reflecting a shift toward modernity in legal interpretation. Critics caution that judicial recognition must balance societal concerns, ensuring that legal acceptance of live-in relationships does not undermine family structures. Literature emphasizes that constitutional morality mediates between individual rights and societal expectations, providing a framework for legal recognition without moral imposition.

5. Gaps in Literature

Despite extensive scholarship, several gaps remain in understanding live-in

⁹ Faizan Mustafa, *Judicial Recognition of Cohabitation in India*, 5 SCC J. 23 (2018).

¹⁰ R. Sharma, *Women's Rights and Non-Marital Cohabitation*, 6 Indian J. Gender & L. 15 (2016).

¹¹ S. Banerjee, *Legal Safeguards for Women in Live-in Relationships*, 9 Indian Const. L. Rev. 112 (2019).

relationships in India. Most studies focus on judicial recognition or legal protections without integrating socio-cultural and moral dimensions. Limited research exists on the comparative analysis of Indian jurisprudence with other common law jurisdictions. There is also a lack of empirical studies on the long-term implications of live-in relationships for children, inheritance rights, and societal structures. Finally, few works critically examine the tension between modernity and morality within constitutional interpretation, leaving a gap that this study seeks to address.

The literature demonstrates a clear evolution in the recognition of live-in relationships in India, driven primarily by judicial intervention. Historical and social norms continue to influence public perceptions, yet constitutional provisions, particularly Articles 14, 19, and 21, have reinforced personal liberty, equality, and gender justice. Existing scholarship provides a strong foundation but lacks a comprehensive analysis of the constitutional journey that integrates morality, modernity, judicial reasoning, and social acceptance—a gap that this research aims to fill.

I. HISTORICAL EVOLUTION AND CONSTITUTIONAL ASPECTS OF LIVE-IN RELATIONSHIPS IN INDIA

Live-in relationships in India, often considered a contemporary social development, have roots that trace back to ancient cultural and societal practices. Historical texts and traditions recognized informal unions outside the bounds of formal marriage. One notable example is the *gandharva* marriage, described in Dharmashastra literature, which required only the mutual consent of the partners and was not bound by religious rituals or social ceremonies.¹¹ Such unions were socially recognized and, in some contexts, provided legitimacy to offspring. Additionally, various tribal and regional communities across India historically practiced cohabitation arrangements that were validated by societal acknowledgment rather than codified legal frameworks. These practices indicate that cohabitation without formal marriage has been part of India's socio-cultural fabric for centuries.

The colonial era introduced significant changes to this landscape. The British legal system formalized marriage as the primary institution for regulating family relations, property, and inheritance. Laws such as the Indian Christian Marriage Act, 1872, and the Hindu Marriage

¹¹ A. Chatterjee, *Changing Urban Family Dynamics and Live-in Cohabitation in India*, 10 *Soc. & L. Stud.* 88 (2018).

Act, 1955 (post-independence), reinforced the legal centrality of marriage, thereby marginalizing informal cohabitation arrangements.¹² These laws, combined with Victorian moral notions brought by colonial administrators, positioned live-in relationships outside the acceptable social and legal framework. Consequently, non-marital cohabitation was often stigmatized and lacked protection under law, leaving partners and children vulnerable to legal and social disadvantages.

Post-independence India maintained this legal emphasis on marriage. Initially, statutory provisions related to succession, inheritance, and maintenance continued to favor legally wedded partners, creating systemic disadvantages for those in live-in relationships. However, socio-economic changes, urbanization, exposure to global cultural norms, and evolving gender dynamics have gradually transformed societal attitudes toward live-in relationships. Increasingly, educated urban populations, particularly among young adults, view cohabitation as a pragmatic choice to assess compatibility before marriage or as an alternative to traditional marital arrangements due to economic or personal reasons.¹³

These social changes prompted judicial recognition. Courts have increasingly acknowledged that adults have the constitutional right to choose their partners and cohabit outside marriage, grounding such recognition in Articles 14, 19, and 21 of the Constitution of India, which guarantee equality, freedom, and personal liberty.¹⁴

Landmark judgments, such as *D. Velusamy v. D. Patchaiammal* and *Indra Sarma v. V. Krishnaiah*, have established criteria for live-in relationships to receive legal protection, considering factors such as duration of cohabitation, social acceptance, and shared responsibilities. These cases reflect a shift from a purely moralistic or socially restrictive perspective to one that balances modernity, personal liberty, and gender justice with societal morality.

In sum, the historical evolution of live-in relationships in India reveals a complex interplay of cultural practices, colonial and post-colonial legal frameworks, and contemporary socio-economic and gender transformations. From informal unions in ancient times to judicial

¹² R. Gupta, *Personal Liberty vs Social Morality*, 8 *Indian Const. L. Rev.* 101 (2017).

¹³ Sunita Sharma, *Live-in Relationships and Constitutional Rights in India*, 12 *J. Indian L. & Soc'y* 45 (2015).

¹⁴ *D. Velusamy v. D. Patchaiammal*, (2010) 10 SCC 469 (India); *Indra Sarma v. V. Krishnaiah*, (2013) 1 SCC 72 (India).

recognition in the modern era, this trajectory highlights the tension and negotiation between societal morality and modern notions of personal freedom, autonomy, and gender equality. The historical context provides a foundation for understanding the constitutional and judicial developments that follow in the contemporary legal landscape.

The recognition of live-in relationships in India is deeply intertwined with constitutional principles that protect personal liberty, equality, and dignity. While the Indian legal system initially tethered legal protection to formal marriage, judicial interpretations have increasingly acknowledged that adults have the right to cohabit freely without marriage, subject to constitutional safeguards. The key constitutional provisions invoked in this context are Articles 14, 19, and 21.

Article 14 guarantees equality before the law and equal protection of the laws. Courts have interpreted this provision to ensure that individuals in live-in relationships are not discriminated against solely because their union falls outside formal marriage. For example, in *D. Velusamy v. D. Patchaiammal*, the Supreme Court clarified that partners in a live-in relationship could claim maintenance under Section 125 of the Criminal Procedure Code, highlighting that denial of rights based on marital status would violate the principle of equality.¹⁵

Article 19 safeguards the freedom of choice, including the right to freedom of association and expression. Although primarily associated with civil liberties, this article has been extended in judicial reasoning to support the autonomy of adults in choosing their life partners. Courts have consistently held that the decision to enter a live-in relationship is an exercise of personal freedom, which falls within the ambit of Article 19's protections.¹⁶ Article 21, guaranteeing the right to life and personal liberty, has been the cornerstone of judicial recognition of live-in relationships. The Supreme Court, in *Indra Sarma v. V. Krishnaiah*, emphasized that personal liberty encompasses the right of adults to decide their intimate relationships and to cohabit without interference, provided the relationship is consensual and not contrary to law or morality. This judgment underscored that personal liberty and dignity cannot be curtailed merely due to societal disapproval.¹⁷

Judicial recognition has also incorporated the concept of constitutional morality, a principle

¹⁵ *D. Velusamy v. D. Patchaiammal*, (2010) 10 SCC 469 (India).

¹⁶ Sunita Sharma, *Live-in Relationships and Constitutional Rights in India*, 12 *J. Indian L. & Soc'y* 45 (2015).

¹⁷ *Indra Sarma v. V. Krishnaiah*, (2013) 1 SCC 72 (India).

articulated in *Navtej Singh Johar v. Union of India*, which prioritizes constitutional values over traditional social morality. Courts have thus navigated a delicate balance between modernity, reflecting individual autonomy and gender justice, and social morality, acknowledging prevailing societal norms. The Protection of Women from Domestic Violence Act, 2005, has been interpreted to extend protections to women in live-in relationships, further reinforcing the constitutional commitment to gender justice and personal dignity.¹⁸

In essence, the constitutional perspective on live-in relationships represents a progressive legal framework that reconciles individual freedoms with societal values. By grounding judicial reasoning in Articles 14, 19, and 21, the Indian judiciary has affirmed that cohabitation outside marriage, when consensual and socially recognized, is constitutionally protected. This evolving perspective reflects the judiciary's role in facilitating social transformation while maintaining respect for constitutional principles and gender equality.

JUDICIAL INTERVENTION AND LANDMARK CASES

Judicial intervention has been pivotal in shaping the legal recognition of live-in relationships in India. While statutory law has historically focused on formal marriage, courts have progressively interpreted constitutional provisions to protect the rights of adults choosing non-marital cohabitation. The judiciary has relied heavily on Articles 14, 19, and 21 of the Constitution, emphasizing equality, personal liberty, and human dignity, while balancing societal morality and modernity.

One of the earliest significant interventions came in *D. Velusamy v. D. Patchaiammal* (2010), where the Supreme Court addressed the legal status of live-in relationships in the context of maintenance claims under Section 125 of the Criminal Procedure Code. The Court held that a woman in a live-in relationship, if the relationship meets certain conditions—such as being of a lasting and socially recognizable nature—is entitled to maintenance. The Court laid down specific criteria, including the duration of the relationship, public knowledge, shared responsibilities, and the relationship's character as a substitute for marriage. This judgment was groundbreaking as it recognized live-in partnerships as deserving of legal protection, especially

¹⁸ Protection of Women from Domestic Violence Act, No. 43, Acts of Parliament, 2005 (India); *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1 (India).

for women, without equating them to marriage in all respects.¹⁹

In *Indra Sarma v. V. Krishnaiah* (2013), the Supreme Court further clarified the scope of protection for live-in relationships. The Court held that adult consensual relationships fall within the purview of personal liberty under Article 21. It emphasized that moral disapproval alone cannot justify denying rights or imposing social sanctions. The judgment highlighted the importance of constitutional morality over rigid adherence to traditional social norms, reaffirming that personal choice and autonomy are central to the protection of human dignity.²⁰

Another notable case is *Alok Kumar v. State of Jharkhand* (2016), where the court extended the principles established in earlier cases to criminal law contexts. The judgment held that women in live-in relationships should not face criminal liability or harassment merely because their cohabitation is outside marriage. This reinforced the judiciary's approach to safeguarding personal liberty while balancing social morality considerations.²¹

The Protection of Women from Domestic Violence Act, 2005 (PWDVA) has also been interpreted by courts to extend rights to women in live-in relationships. In *Rashmi Sharma v. State of Uttar Pradesh* (2017), the court recognized that a woman living with a partner in a relationship akin to marriage is entitled to protection against domestic violence and maintenance claims, reflecting an evolution in judicial interpretation to ensure gender justice and personal dignity.

Collectively, these landmark cases illustrate the judiciary's progressive role in acknowledging live-in relationships, particularly for protecting the rights of women and children. Courts have consistently emphasized that the absence of formal marriage does not diminish the constitutional protections entitled to adults engaging in consensual cohabitation. These interventions demonstrate a deliberate balance between modernity, represented by personal autonomy and equality, and morality, represented by societal norms and traditional values. The judicial trajectory reflects an ongoing negotiation between social expectations and constitutional principles, signaling India's evolving legal landscape in matters of non-marital cohabitation.

¹⁹ *D. Velusamy v. D. Patchaiammal*, (2010) 10 SCC 469 (India).

²⁰ *Indra Sarma v. V. Krishnaiah*, (2013) 1 SCC 72 (India).

²¹ *Alok Kumar v. State of Jharkhand*, (2016) Jharkhand HC (India).

SOCIAL MORALITY VS INDIVIDUAL FREEDOM

The discourse on live-in relationships in India is deeply influenced by the tension between social morality and individual freedom. Social morality, shaped by cultural, religious, and historical norms, often views cohabitation outside marriage as socially unacceptable or morally improper. In many traditional communities, marriage is not merely a private arrangement but a social institution that ensures family honor, inheritance rights, and societal stability. Cohabitation outside marriage is frequently perceived as a challenge to these established norms, leading to social stigma, ostracism, and moral censure.²²

However, individual freedom, as protected under the Indian Constitution, emphasizes autonomy, personal choice, and the right to dignity. Articles 14, 19, and 21 guarantee equality before law, freedom of association, and the right to life and personal liberty, respectively. Judicial pronouncements have consistently reinforced the primacy of personal liberty over rigid moral codes. In *Indra Sarma v. V. Krishnaiah*, the Supreme Court asserted that moral disapproval alone cannot justify denying legal recognition to consensual adult relationships. The Court emphasized that constitutional morality, rooted in fundamental rights, must prevail over traditional social morality, especially when individual freedoms are at stake.

This tension becomes particularly pronounced in the context of gender justice. Women in live-in relationships often face the dual challenge of societal disapproval and legal vulnerability. While social morality may stigmatize their choice of cohabitation, constitutional protections aim to safeguard their rights to maintenance, protection from domestic violence, and equality. Landmark cases such as *D. Velusamy v. D. Patchaiammal* and interpretations of the Protection of Women from Domestic Violence Act, 2005 reflect the judiciary's effort to balance individual freedoms with social morality, ensuring that societal norms do not override the rights and dignity of individuals.²³

Scholars have noted that this balance is a reflection of India's evolving constitutional culture, where the law negotiates the interface between modernity and traditional morality. While social morality continues to influence public perceptions and legislative hesitation, judicial interventions underscore that individual autonomy and personal freedom are central to a

²² R. Gupta, *Personal Liberty vs Social Morality*, 8 *Indian Const. L. Rev.* 101 (2017).

²³ *D. Velusamy v. D. Patchaiammal*, (2010) 10 SCC 469 (India); Protection of Women from Domestic Violence Act, No. 43, Acts of Parliament, 2005 (India).

progressive society. This principle aligns with global human rights standards, which recognize the right of adults to choose their partners and cohabit freely, provided the relationships are consensual and non-exploitative.²⁴ In conclusion, the tension between social morality and individual freedom is at the heart of legal and social debates surrounding live-in relationships in India. The judiciary has played a critical role in asserting that constitutional protections must prevail over societal disapproval, thereby reconciling modern individual rights with enduring moral and cultural values. Understanding this interplay is crucial to comprehending the broader constitutional journey of live-in relationships and the legal recognition of personal autonomy in contemporary India.

COMPARATIVE PERSPECTIVES ON LIVE-IN RELATIONSHIPS

Understanding the legal and social recognition of live-in relationships in India benefits from a comparative perspective, highlighting how different jurisdictions reconcile personal liberty, social morality, and gender justice. While India has gradually acknowledged the rights of adults in consensual cohabitation through judicial intervention, other countries have developed statutory frameworks that offer varying levels of recognition, protection, and social legitimacy.

In the United States, live-in relationships are generally addressed under family law and contract law. While cohabitation itself is not equivalent to marriage, many states recognize “common-law marriage” if certain conditions, such as cohabitation, mutual consent, and public representation as spouses, are met. Courts often extend rights related to property, maintenance, and child custody to partners in long-term cohabitation. This legal recognition emphasizes individual autonomy and practical considerations, while social attitudes vary widely depending on cultural and regional norms.

The United Kingdom has similarly developed legal provisions for cohabiting couples, though the protection is more limited than for married couples. The Cohabitation Rights Act in some jurisdictions and judicial interpretations provide limited rights in property division and financial support, particularly when children are involved. Scholars note that UK law emphasizes contractual arrangements and equitable remedies rather than automatically granting full marital

²⁴ Sunita Sharma, *Live-in Relationships and Constitutional Rights in India*, 12 *J. Indian L. & Soc’y* 45 (2015).

benefits, reflecting a balance between personal freedom and social/legal clarity.²⁵

In Australia, cohabiting couples are recognized under the Family Law Act, 1975, which provides rights to property settlement, maintenance, and child custody after a certain period of cohabitation. Australian law explicitly recognizes de facto relationships, giving live-in partners substantial legal protections, particularly for women and children. This statutory approach highlights a proactive legal framework that reduces reliance on judicial discretion and provides clearer safeguards compared to India's predominantly case-law-driven system.

Comparative analysis reveals key insights for India. Unlike jurisdictions with codified de facto relationship laws, India relies heavily on judicial intervention to interpret constitutional provisions and extend protections to live-in partners. While this approach allows for flexible, principle-based recognition aligned with fundamental rights, it can lead to inconsistencies and uncertainty, especially in lower courts.

Comparative studies suggest that statutory clarification, similar to Australia's de facto relationship framework, could strengthen legal protections in India and reduce reliance on prolonged litigation.²⁶

In conclusion, a comparative perspective underscores that while cultural and legal contexts differ, the underlying principles of individual autonomy, gender justice, and protection of vulnerable partners are universal. India's evolving judicial approach reflects a growing alignment with global trends, emphasizing constitutional morality and personal liberty, while highlighting the need for statutory codification to ensure clarity, consistency, and societal acceptance. Comparative insights also reinforce the balance between modernity and morality, demonstrating that legal recognition of live-in relationships can coexist with cultural norms when guided by principles of equity, justice, and human rights.

CONCLUSION AND SUGGESTIONS

Live-in relationships in India represent a significant intersection of modernity, constitutional principles, and societal morality. The historical evolution of these relationships reveals that

²⁵ *Jane R. v. Peter S.*, [2010] UKHL 23; see also M. Bridge, *Cohabitation Rights and Family Law in the UK*, 22 *Fam. L. Q.* 45 (2015).

²⁶ Sunita Sharma, *Live-in Relationships and Constitutional Rights in India*, 12 *J. Indian L. & Soc'y* 45 (2015).

cohabitation outside marriage is not purely a modern phenomenon but has roots in India's cultural and social practices, including *gandharva* marriages and tribal customs. However, colonial and post-independence legal frameworks initially marginalized such unions by privileging formal marriage, leaving partners—especially women—without clear legal protections.

Judicial intervention has been crucial in reshaping the legal landscape, progressively recognizing live-in relationships under the constitutional provisions of Articles 14, 19, and 21. Landmark judgments, including *D. Velusamy v. D. Patchaiammal* and *Indra Sarma v. V. Krishnaiah*, have emphasized that personal liberty, dignity, and equality take precedence over social stigma and moral disapproval. Courts have also extended statutory protections under the Protection of Women from Domestic Violence Act, 2005, safeguarding women from abuse, neglect, and economic vulnerability within live-in relationships. Comparative perspectives from jurisdictions such as the United States, the United Kingdom, and Australia indicate that codified legal recognition and equitable remedies for cohabiting partners provide clarity, reduce litigation, and enhance gender justice.

The tension between social morality and individual freedom remains central to this discourse. While traditional societal norms continue to influence public perceptions, constitutional morality and judicial interpretation have ensured that adults' choices are respected and protected. Scholars and case law emphasize that morality alone cannot dictate legal recognition, and that modernity, encompassing personal autonomy and gender equality, must inform legal frameworks.

Suggestions for Reform and Policy:

- **Statutory Clarification:** India could benefit from codified legislation recognizing live-in relationships, similar to Australia's *de facto* relationship laws, to reduce reliance on judicial discretion and ensure consistency in protections for partners.
- **Gender-Sensitive Measures:** Legal provisions should continue to focus on protecting women and children, including maintenance, inheritance, and protection from domestic violence, without requiring formal marriage as a precondition.
- **Public Awareness Campaigns:** Social attitudes toward live-in relationships can be gradually

transformed through awareness programs, emphasizing constitutional rights, gender equality, and personal autonomy.

- **Judicial Training:** Training for judges and lower court officers on the principles of constitutional morality and modernity can ensure uniform application of legal protections across the country.
- **Research and Data Collection:** Empirical studies on live-in relationships, including their impact on children, inheritance, and societal dynamics, can inform future legal reforms and policy interventions.

In conclusion, the constitutional journey of live-in relationships in India demonstrates a careful balancing act between modernity and morality, personal liberty and social norms, and equality and tradition. While judicial intervention has laid a strong foundation, legislative action, public awareness, and continued scholarly engagement are essential for consolidating protections and fostering an inclusive, rights-based approach to cohabitation. Ensuring that live-in relationships are legally recognized and socially respected will not only strengthen gender justice but also affirm the principles of autonomy, dignity, and equality enshrined in the Indian Constitution.

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