



INTERNATIONAL LAW  
JOURNAL

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**WHITE BLACK  
LEGAL LAW  
JOURNAL**  
**ISSN: 2581-  
8503**

*Peer - Reviewed & Refereed Journal*

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

## ***ABOUT US***

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **“LEGAL RECOGNITION OF LIVE-IN RELATIONSHIPS IN INDIA”**

Authored By- Lakshita Sharma

## **ABSTRACT**

This research paper explores the legal recognition of live-in relationships in India. Live-in relationships, defined as cohabitation between two individuals without a formal marriage, have gained increasing prominence in Indian society. However, the legal framework governing such relationships remains uncertain and fragmented. This study examines the existing laws, judicial precedents, and societal attitudes towards live-in relationships in India. It also analyzes the implications of legal recognition and explores potential reforms to provide adequate protection and rights to individuals in live-in relationships.

## **OBJECTIVE**

This research paper aims to examine the legal recognition of live-in relationships in India by addressing the gaps and challenges within the current legal framework. The study's primary objectives are to analyze the existing legal framework surrounding live-in relationships, assess the implications of legal recognition on society, economy, women's rights, and children's welfare, explore the socio-cultural perspectives on live-in relationships including traditional views and changing attitudes, and propose potential reforms and legal measures to bridge the gaps in the current legal framework and ensure adequate protection and rights for individuals in live-in relationships.

## **STATEMENT OF PROBLEM**

The legal recognition of live-in relationships in India requires a comprehensive framework to protect the rights and well-being of individuals involved.

## **RESEARCH METHODOLOGY**

The research methodology employed in this paper is primarily descriptive, analytical, and logical. The content presented in the paper has been gathered from various online sources and articles, which have been duly acknowledged and credited.

## **LITERATURE REVIEW**

- a. Dhingra, P. (2016). "Live-in Relationships in India: A Socio-Legal Perspective." This study examines the socio-legal aspects of live-in relationships in India. It explores the historical background, cultural factors, and societal attitudes towards live-in relationships. The study also discusses the legal recognition and rights of partners in live-in relationships, focusing on landmark court decisions and legislative developments.
- b. Srivastava, A., & Bhattacharya, S. (2019). "Legal Recognition of Live-in Relationships in India: An Analysis of Judicial Trends." This research paper analyzes the evolving judicial trends in India regarding the legal recognition of live-in relationships. It examines notable court cases and their impact on the legal status and rights of partners in live-in relationships. The study also discusses the challenges and debates surrounding the recognition of such relationships.
- c. Deshpande, R., & Alagh, P. (2017). "Live-in Relationships in India: Legal Issues and Judicial Response." This study focuses on the legal issues surrounding live-in relationships in India and analyzes the response of the Indian judiciary. It discusses the recognition of live-in relationships as a valid form of partnership, the rights of partners, and the legal remedies available to individuals in such relationships. The study also examines the implications of judicial decisions on societal attitudes towards live-in relationships.

## **RESEARCH QUESTION**

The research paper seeks to address the following questions:

1. What is the current legal status of live-in relationships in India?
2. What reforms and legal measures can be proposed to ensure adequate protection and rights for individuals in live-in relationships?
3. What are the rights and liabilities of parties involved in a live-in relationship in India?

## **SCOPE OF STUDY**

This research paper aims to provide a comprehensive analysis of the legal recognition of live-in relationships in India. By exploring the current legal status, socio-cultural perspectives, the paper presents a foundation for understanding the complexities surrounding live-in relationships in the Indian context. It further proposes potential reforms to bridge the gaps in the existing legal framework, ensuring the protection of rights and well-being of individuals involved in live-in



relationships. It analyzes relevant constitutional provisions, family laws, judicial interpretations, and societal perspectives to provide a comprehensive understanding of the current status and potential reforms in this context.

## **LIMITATIONS OF STUDY**

This research paper on the legal recognition of live-in relationships in India has a few limitations. Firstly, it primarily focuses on the legal aspects and may not fully capture the entirety of societal perspectives and cultural nuances associated with such relationships. Secondly, the proposed reforms and legal measures are based on analysis and recommendations, and their implementation may face practical challenges and require further deliberation. However, despite these limitations, the research paper aims to enhance understanding, contribute to potential reforms, and protect the rights of individuals involved in live-in relationships in India.

## **INTRODUCTION**

Live-in relationships, where couples live together without formal marriage, have become increasingly common in India, challenging the traditional concept of marriage and prompting discussions about legal recognition and safeguards for individuals involved. This societal shift raises important concerns regarding the legal rights and protection of individuals in such relationships. As a prevalent social phenomenon, it necessitates a reevaluation of the existing legal framework to address the rights and responsibilities of individuals in live-in relationships, including matters related to property, financial support, custody, and overall well-being. The need for legal clarity and protection for individuals in live-in relationships has become an essential aspect of contemporary Indian society.

## **EVOLUTION OF LIVE-IN RELATIONSHIPS IN INDIA**

The evolution of live-in relationships in India can be understood within the broader context of societal, cultural, and economic changes that have taken place over the years. Live-in relationships have emerged as an alternative form of intimate partnership, challenging the traditional institution of marriage.

Traditionally, Indian society has placed significant emphasis on arranged marriages and the sanctity of marital bonds. The concept of marriage was deeply rooted in cultural and religious traditions, and cohabitation outside of marriage was largely frowned upon. However, with the

advent of globalization, urbanization, and changing social attitudes, the perception and acceptance of live-in relationships have undergone a transformation. One factor contributing to the rise of live-in relationships in India is the increased exposure to Western culture through media and globalization. Western concepts of individual freedom, personal choice, and romantic relationships have influenced the younger generation, leading to a reevaluation of traditional norms and practices.

Economic factors have also played a role in the evolution of live-in relationships. As more individuals, particularly women, enter the workforce and gain financial independence, they are increasingly seeking autonomy in their personal relationships. Live-in relationships provide a platform for individuals to test compatibility, establish emotional bonds, and pursue personal fulfillment without the immediate commitment of marriage. Moreover, changing social dynamics, such as the delay in age of marriage, higher education levels, and urban lifestyles, have contributed to the acceptance of live-in relationships. Younger individuals are prioritizing career development, personal growth, and individual aspirations, leading to a shift in their approach to relationships. The media has played a significant role in shaping perceptions of live-in relationships. Films, television shows, and popular culture have portrayed live-in relationships as a modern and acceptable form of companionship, influencing the mindset of the younger generation and challenging societal norms.

While live-in relationships have gained acceptance and popularity in urban areas, they still face resistance and stigma in certain sections of Indian society. Traditional and conservative views continue to exert influence, particularly in rural areas and among older generations. Religious and cultural factors also play a role in shaping attitudes towards live-in relationships, as they are perceived as deviating from traditional moral values.

Overall, the evolution of live-in relationships in India reflects a broader societal shift towards individual autonomy, changing attitudes towards relationships, and a desire for personal freedom and fulfillment. While the acceptance and legal recognition of live-in relationships are still evolving, they represent a significant departure from traditional notions of marriage and offer an alternative path for intimate partnerships in contemporary Indian society.

## **TRADITIONAL MARRIAGE SYSTEM IN INDIA**

The traditional marriage system in India is deeply rooted in cultural, religious, and social practices that have been followed for centuries. It is characterized by arranged marriages, where the families of the prospective bride and groom make the decision of choosing a life partner, rather than the individuals themselves. In this system, families and elders play a central role in the matchmaking process. They consider various factors such as caste, community, social status, and financial background when selecting a suitable partner for their children. The emphasis is placed on maintaining family honor, preserving lineage, and ensuring compatibility between families.

Traditional Indian weddings are elaborate affairs, consisting of multiple rituals and ceremonies that vary across different regions and communities. These ceremonies often involve religious rituals, prayers, feasts, and community participation. The wedding ceremony is seen as a sacred union, not just between two individuals, but also between two families. One significant aspect of the traditional marriage system in India is the dowry system. Dowry refers to the practice of the bride's family giving gifts, cash, or property to the groom and his family as part of the marriage arrangement. However, the dowry system has raised concerns due to its potential for creating financial burdens, perpetuating gender inequality, and even leading to the exploitation of women. Traditional Indian marriages tend to be based on a patriarchal structure, where the husband is considered the head of the family and holds decision-making authority. Gender roles are often defined, with expectations for women to be submissive, obedient, and primarily focused on household duties and raising children. Endogamy, the practice of marrying within one's own caste or community, has traditionally been prevalent in Indian society. Marriages outside the community or caste were often discouraged or even prohibited. This practice helps maintain social and cultural norms, promotes community solidarity, and preserves traditions. While the traditional marriage system continues to have a significant influence in Indian society, it is important to acknowledge that there have been significant shifts and changes in recent times. Factors such as urbanization, globalization, and the influence of Western values have led younger generations to seek more autonomy and agency in choosing their life partners. As a result, there has been a gradual shift from arranged marriages towards love marriages and the acceptance of alternative relationship models, such as live-in relationships.

However, despite these changes, the traditional marriage system still holds strong in many parts of India, particularly in rural areas and among conservative families. It remains an integral part of Indian culture, reflecting the significance of family ties, community bonds, and the preservation

of cultural heritage.

## **RISE OF LIVE-IN RELATIONSHIPS**

The rise of live-in relationships in India can be attributed to various factors that have led to the increasing prevalence and acceptance of cohabitation without a formal marriage. One significant factor is the changing attitudes towards relationships and marriage, where individuals prioritize personal freedom, autonomy, and the pursuit of individual happiness. They seek intimate partnerships based on mutual understanding, compatibility, and emotional fulfillment, rather than conforming to traditional societal expectations. Delayed marriages and a focus on education and career development have also contributed to the rise of live-in relationships, particularly among urban populations. As individuals prioritize their personal growth and professional pursuits, cohabitation provides companionship and emotional support without the immediate commitment of marriage. Socio-economic changes, such as increased urbanization, globalization, and financial independence, have played a role in shaping the acceptance of live-in relationships. Urban areas, with their exposure to diverse cultures and values, have witnessed a greater acceptance and prevalence of cohabitation. Economic independence enables individuals to make choices based on their personal preferences rather than relying solely on familial or societal expectations.

Live-in relationships are often seen to test compatibility before making a formal commitment like marriage. Couples can experience daily life together, understand each other's habits, values, and goals, and determine whether they are compatible for a lifelong partnership. This desire for compatibility testing is particularly prevalent among younger generations who seek more fulfilling and harmonious relationships. The influence of Western culture, including films, television shows, and the Internet, has also played a significant role in shaping societal attitudes towards live-in relationships. Western ideals of individual freedom, personal choice, and alternative relationship models have influenced the younger generation, challenged traditional norms, and increased acceptance of cohabitation as a legitimate form of partnership.

The rise of live-in relationships is not uniform across all sections of society or geographical regions in India. Traditional values, cultural norms, and religious beliefs still hold strong in many communities, leading to varied acceptance and prevalence of cohabitation. However, the overall shift in societal attitudes and the increasing prevalence of live-in relationships highlight a growing recognition of diverse relationship models and individual autonomy in making personal choices.

## **SOCIO-CULTURAL FACTORS INFLUENCING ACCEPTANCE**

The acceptance of live-in relationships in India is influenced by various socio-cultural factors. These factors can vary depending on where you live, what community you belong to, and your age group. One important factor is cultural values and traditions. India has a rich cultural heritage that often emphasizes the importance of family, social harmony, and following cultural norms. Traditional values, like valuing marriage and family honor, can affect how live-in relationships are viewed. In more conservative communities, sticking to cultural and religious traditions may discourage or stigmatize living together without being married. Another factor is generational shifts. Different generations have different attitudes towards live-in relationships. Younger generations, who are exposed to Western culture, globalization, and city life, tend to be more accepting of alternative ways of being in relationships. They prioritize personal freedom, independence, and finding emotional compatibility over sticking to strict societal expectations. Older generations, on the other hand, may hold more traditional views and be less accepting of living together without marriage.

Urbanization and globalization also play a role. In cities, where people have more exposure to diverse cultures and ideas, there tends to be greater acceptance of live-in relationships. Globalization has brought ideas about individual rights and personal choices, which have influenced how relationships are seen. Urban living also provides more economic independence, educational opportunities, and exposure to different perspectives, all of which can affect how live-in relationships are accepted. The media and entertainment industry also has an impact. Movies, TV shows, and the internet shape people's perceptions and attitudes. When live-in relationships are portrayed positively and as normal in popular media, it can influence acceptance levels. Media often reflects the changing dynamics of society and caters to what people want to see, so it can contribute to the acceptance and normalization of living together without being married.

Gender dynamics and women's empowerment are important factors too. As more women gain education, financial independence, and decision-making power, they are asserting their own agency in choosing their life partners. Women's empowerment and the redefinition of traditional gender roles challenge old norms and contribute to accepting different relationship models.

Lastly, social acceptance and peer influence have a role to play. If people around you accept and normalize living together without marriage, you are more likely to consider it a valid way of being in a relationship. On the other hand, if society disapproves or stigmatizes it, individuals might hesitate to enter or openly acknowledge their live-in relationships. These socio-cultural factors are

complex and can vary a lot. Attitudes towards live-in relationships differ from place to place, community to community, and from person to person. While acceptance is generally increasing, there are still parts of society where traditional values and cultural norms are strong, leading to resistance and stigma around living together without being married.

## **LEGAL FRAMEWORK SURROUNDING LIVE-IN RELATIONSHIPS.**

The legal recognition and rights of individuals in live-in relationships are still evolving, and there is no comprehensive legislation specifically addressing live-in relationships in India. The legal framework relies on constitutional rights, judicial decisions, and interpretations to provide some protection and recognition to individuals in such relationships. However, the lack of uniformity and clarity in the legal framework, social stigma, and resistance from conservative sections of society present challenges in achieving comprehensive legal recognition and protection for individuals in live-in relationships.

### **INDIAN CONSTITUTION AND FUNDAMENTAL RIGHTS**

The Indian Constitution guarantees certain fundamental rights that have implications for live-in relationships. These fundamental rights provide the basis for the legal recognition and protection of individuals in such relationships.

The provision of the Indian Constitution and fundamental rights related to live-in relationships:

1. **Right to Equality<sup>1</sup>**: The right to equality ensures that all individuals are equal before the law. It prohibits discrimination on various grounds, including marital status. In the context of live-in relationships, this right guarantees that individuals in such relationships are not treated differently or disadvantaged compared to married couples in matters of rights and entitlements.
2. **Right to Life and Personal Liberty<sup>2</sup>**: This fundamental right guarantees the right to life with dignity and personal liberty. The courts have interpreted Article 21 to include the right to choose a life partner and live together without marriage. This interpretation affords some

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<sup>1</sup> Article 14 of Constitution of India

<sup>2</sup> Article 21 of Constitution of India

protection to individuals in live-in relationships and recognizes their autonomy to make choices regarding their personal relationships.

3. **Right to Freedom of Speech and Expression<sup>3</sup>:** This right protects the freedom of individuals to express their thoughts, opinions, and beliefs openly. It allows for open discussion and advocacy regarding the recognition and acceptance of live-in relationships. Individuals have the freedom to voice their opinions, challenge societal norms, and contribute to the dialogue surrounding live-in relationships.
4. **Right to Privacy:** While the right to privacy is not explicitly mentioned as a fundamental right in the Constitution, the Supreme Court of India has recognized it as an intrinsic part of the right to life and personal liberty under Article 21. The right to privacy includes the right to maintain the confidentiality of personal choices, including the choice to be in a live-in relationship. It protects individuals from unwarranted interference or intrusion into their personal lives.

These fundamental rights provide a constitutional framework for the recognition and protection of individuals in live-in relationships. However, the courts play a significant role in interpreting and applying these rights in specific cases. The interpretation of these rights in the context of live-in relationships has evolved through various judicial decisions, which have recognized the legitimacy and rights of individuals in such relationships.

## **FAMILY LAWS AND MARRIAGE ACT**

Family laws and the Marriage Act in India play a role in shaping the legal framework surrounding live-in relationships. While these laws primarily govern traditional marriages, they also have implications for live-in relationships.

These are the legal framework surrounding live-in relationships in India, focusing on family laws and the Marriage Act:

1. **Hindu Marriage Act, 1955:** The Hindu Marriage Act governs marriages<sup>4</sup> and divorces<sup>5</sup> among Hindus, Buddhists, Sikhs, and Jains. While the Act primarily focuses on traditional marriages, it has been invoked by the courts to address the rights and obligations of individuals in live-in relationships. The courts have recognized the concept of "relationship

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<sup>3</sup> Article 19(1)(a) of Constitution of India

<sup>4</sup> Section 5-8 of Hindu Marriage Act, 1955

<sup>5</sup> Section 13 of Hindu Marriage Act, 1955

in the nature of marriage"<sup>6</sup> and considered it akin to a valid marriage for certain legal purposes. In such cases, the courts have granted rights and remedies like those available to married couples, including maintenance, property rights, and child custody.

2. **Special Marriage Act, 1954:** The Special Marriage Act provides for the registration of marriages and recognizes marriages between individuals of different religions or those who choose not to follow customary rituals. While the Act does not explicitly address live-in relationships, it allows individuals in such relationships to marry under its provisions if they wish to formalize their relationship. By opting for a marriage under the Special Marriage Act, couples can avail legal recognition, social acceptance, and various rights and benefits associated with marriage.
3. **Domestic Violence Act, 2005:** The Protection of Women from Domestic Violence Act recognizes the rights of women in live-in relationships. The Act defines "domestic relationship" broadly, covering relationships where the parties live or have lived together in a shared household, irrespective of marriage. It provides protection and remedies to women facing domestic violence, including those in live-in relationships. The Act enables women in live-in relationships to seek legal protection, file complaints, and obtain orders for protection, residence, and maintenance.
4. **Inheritance Laws:** In the absence of specific laws governing inheritance in live-in relationships, courts have relied on principles of equity and fairness to determine the inheritance rights of partners in such relationships. While the legal framework for inheritance is primarily based on blood relationships and marriage, the courts have recognized the rights of partners in long-term and stable live-in relationships. Factors such as the duration of the relationship, the pooling of resources, and economic interdependence are considered when determining the inheritance rights of partners.

## **JUDICIAL INTERPRETATIONS AND LANDMARK CASES**

Judicial interpretations and landmark cases have played a crucial role in shaping the legal framework surrounding live-in relationships in India. These interpretations and judgments have provided clarity, guidance, and legal recognition to individuals in live-in relationships. Here are some notable judicial interpretations and landmark cases related to live-in relationships:

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<sup>6</sup> A "relationship in the nature of marriage" is a "domestic relationship" u/s 2(f) of the domestic violence Act 2005



1. Velusamy v. D. Patchaiammal<sup>7</sup> (2010): This landmark case by the Supreme Court of India provided important guidelines for determining the validity and legal status of live-in relationships. The court held that a "relationship in the nature of marriage" may be considered a valid marriage for certain legal purposes, even if it is not formally solemnized or registered. The court established certain criteria to determine the nature of a live-in relationship, including:
  - a) The couple must hold themselves out to society as being akin to spouses.
  - b) They must have lived together in a shared household for a significant period.
  - c) They must have voluntarily cohabited and entered a domestic arrangement, which includes financial arrangements and the pooling of resources.
  - d) They must have conducted themselves in a manner consistent with being in a marital relationship.
2. Indra Sarma v. V.K.V. Sarma (2013)<sup>8</sup>: The Supreme Court of India, in this case, upheld the right of individuals to live in a live-in relationship, stating that it is not illegal or immoral. The court emphasized that if two adults willingly live together without any legal impediment, they are free to do so, and their relationship is protected under the right to life and personal liberty guaranteed by the Indian Constitution. This judgment affirmed the autonomy and freedom of individuals to make choices regarding their personal relationships, irrespective of societal norms or traditional notions of marriage.
3. Payal Sharma v. Superintendent, Nari Niketan (2014)<sup>9</sup>: In this case, the Delhi High Court recognized the right of an adult woman to live with a person of her choice, even if it is outside the realm of traditional marriage. The court held that the right to live with dignity and make choices regarding one's personal life should be respected and protected. The judgment emphasized the importance of individual autonomy and the need to move away from societal prejudices and stereotypes.
4. Nandakumar v. State of Kerala (2018): In this case, the Supreme Court clarified that the consent of the parties to live together as husband and wife is sufficient to establish a valid marriage-like relationship. The court held that solemnization or registration of marriage is not mandatory for a relationship to be recognized as a live-in relationship. This judgment reiterated the importance of the intention and conduct of the parties in determining the nature

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<sup>7</sup> D. Velusamy v. D. Patchaiammal, (2010) 10 SCC 469 (India)

<sup>8</sup> Indra Sarma v. V.K.V. Sarma (2013) JT 2013(15) SC 70, Hereinafter Indra Sarma

<sup>9</sup> Payal Sharma v Superintendent, Nari Niketan (2001) 44 ALR 146

of their relationship, emphasizing that societal acceptance or disapproval should not be a determining factor.

These judicial interpretations and landmark cases have been instrumental in shaping the legal framework surrounding live-in relationships in India. They have recognized the rights of individuals in such relationships, provided legal protection, and expanded the scope of fundamental rights to encompass live-in relationships. However, it is important that the specific circumstances of each case and the interpretation of the courts may vary, and the legal landscape surrounding live-in relationships continues to evolve through subsequent judgments and legal debates.

## **JUDICIAL RECOGNITION AND PROTECTION**

Judicial recognition and protection of live-in relationships in India have significantly evolved over the years. The Indian judiciary has played a crucial role in shaping the legal landscape and providing certain rights and protections to individuals in live-in relationships.

Here is an explanation of the judicial recognition and protection of live-in relationships in India:

1. **Validity and legality:** The Indian judiciary has consistently upheld the validity and legality of live-in relationships. The Supreme Court of India has held that live-in relationships are not illegal or immoral and that individuals have the right to live together without marriage. The court has recognized that adults have the freedom to choose their partners and live together based on their own personal choices.
2. **Relationship in marriage:** The concept of a "relationship in the nature of marriage" has been judicially recognized as a category that provides certain rights and protections to individuals in live-in relationships. The Supreme Court has held that if a couple is in a relationship that has the characteristics of a marriage-like commitment, cohabitation, and mutual support, it can be considered equivalent to a marriage for the purpose of certain legal rights and obligations.
3. **Maintenance rights:** Courts have recognized the right of partners in live-in relationships, particularly women, to claim maintenance or financial support from their partners. Although there is no specific legislation governing maintenance in live-in relationships, courts have applied principles of equity and fairness to grant maintenance rights. Factors such as the duration of the relationship, financial interdependence, and the mutual responsibilities of the partners are considered in determining the amount of maintenance.

4. **Property rights:** The issue of property rights in live-in relationships has been subject to judicial interpretation. While there is no specific legislation governing property rights in live-in relationships, courts have recognized the principle of unjust enrichment. In certain cases, partners in long-term and stable live-in relationships have been granted property rights based on their contribution to the acquisition or improvement of property. The courts consider factors such as the duration of the relationship, financial contributions, and the intention of the parties while deciding on property rights.
5. **Child custody and visitation:** The courts have addressed issues of child custody and visitation rights in live-in relationships. The welfare and best interests of the child are given paramount importance in determining custody rights. Factors such as the stability of the relationship, the ability to provide a nurturing environment, and the emotional bonding between the parent and child are considered by the courts while deciding on child custody and visitation rights.

The legal landscape surrounding live-in relationships is dynamic, and judicial interpretations may vary in different cases. Therefore, it is advisable for individuals in live-in relationships to seek legal advice from professionals to understand their specific rights, obligations, and available remedies based on the latest legal developments and precedents in their jurisdiction.

## **RIGHTS AND LIABILITIES OF PARTIES**

In the context of live-in relationships in India, the rights and liabilities of the parties involved can vary depending on various factors, including the duration and nature of the relationship, mutual agreement, and the interpretation of the courts. Here is an overview of the rights and liabilities typically associated with live-in relationships:

1. **Right to live together:** Individuals in a live-in relationship have the right to live together and establish a domestic partnership without being subject to societal or legal interference. This right is protected under the fundamental rights to privacy, dignity, and personal liberty guaranteed by the Indian Constitution.
2. **Right to personal autonomy:** Both partners in a live-in relationship have the right to personal autonomy, which includes the freedom to make decisions regarding their personal lives, finances, and career choices without interference from the other partner or society.
3. **Financial rights and liabilities:** In a live-in relationship, partners may have financial rights and liabilities based on the mutual agreement between them. This can include the responsibility to contribute to household expenses, share financial burdens, and maintain a

certain standard of living. However, the specific financial rights and liabilities can vary depending on the circumstances and the understanding between the partners.

4. **Maintenance rights:** Partners in a live-in relationship, particularly women, may have the right to claim maintenance or financial support from their partners. The principles of equity and fairness are often applied by the courts to determine the amount of maintenance based on factors such as the duration of the relationship, financial interdependence, and the needs of the dependent partner.
5. **Property rights:** In certain cases, partners in long-term and stable live-in relationships may have property rights based on their contribution to the acquisition or improvement of property. The courts have recognized the principle of unjust enrichment and may award a share in the property to the partner who has made substantial contributions.
6. **Parental rights and liabilities:** In cases where the partners in a live-in relationship have children, both parents have the right to the custody and upbringing of their children. The welfare and best interests of the child are given paramount importance in determining custody rights. The parents also have the responsibility to provide for the child's upbringing, education, and well-being.

The rights and liabilities of parties in live-in relationships can be subject to judicial interpretation and may vary depending on the specific circumstances of each case. Additionally, the absence of a comprehensive legal framework for live-in relationships can lead to uncertainties and variations in legal outcomes. Therefore, it is advisable for individuals in live-in relationships to seek legal advice to understand their specific rights, liabilities, and available remedies based on the latest legal developments and precedents in their jurisdiction.

## **PROPOSED REFORMS FOR LEGAL RECOGNITION**

The legal recognition of live-in relationships in India has been a subject of ongoing discussion and debate. While the Indian judiciary has taken steps to recognize and protect the rights of individuals in live-in relationships, there is a need for comprehensive reforms to address the existing gaps and uncertainties within the current legal framework. Proposed reforms aim to provide clarity, consistency, and adequate legal protections for individuals involved in live-in relationships. These reforms seek to introduce specific legislation, registration systems, and enhanced safeguards to ensure the recognition and rights of couples in live-in relationships. By addressing issues such as domestic violence protection, property rights, financial security, and child custody, these reforms aim to establish a more inclusive and equitable legal landscape for live-in relationships in India.

## **Need for Statutory Framework**

The legal recognition of live-in relationships in India necessitates the need for a comprehensive statutory framework. Currently, there is no specific legislation governing such relationships, leading to ambiguity and uncertainty regarding the rights and obligations of partners. A statutory framework would provide clarity, legal protection, and a consistent approach to addressing the various aspects of live-in relationships.

## **Rights and Obligations of Partners**

A key aspect of the proposed reforms would be to establish the rights and obligations of partners in live-in relationships. This would include defining the legal status of the relationship, outlining the rights to inheritance, joint property, and financial support. Clear guidelines on the responsibilities and obligations of partners would ensure fairness and provide a legal framework for resolving disputes that may arise during or after the relationship.

## **Financial and Property Rights**

Another crucial area for reform would be addressing the financial and property rights of partners in live-in relationships. Currently, partners may face challenges in asserting their financial entitlements or claiming a share in jointly acquired assets. A statutory framework should outline the principles of financial contribution, division of assets, and maintenance rights to ensure equitable treatment and financial security for both partners.

## **Protection against Domestic Violence**

Ensuring protection against domestic violence is a vital aspect of legal recognition for live-in relationships. Domestic violence can occur in any relationship, including live-in arrangements, and it is crucial to provide legal remedies and support for victims. A statutory framework should extend the provisions of the Protection of Women from Domestic Violence Act, 2005, to include individuals in live-in relationships, granting them access to legal remedies, protection orders, and support services.

The legal recognition of live-in relationships in India necessitates the enactment of comprehensive legislation to provide clarity, protection, and equal rights for individuals in such unions.

## **CONCLUSION**

In conclusion, the legal recognition of live-in relationships in India has witnessed notable advancements, despite the absence of specific legislation governing these unions. The Indian judiciary has played a crucial role in upholding the rights and protections of individuals involved in live-in relationships through various legal avenues. The Indian Constitution serves as the bedrock for the legal recognition of live-in relationships, as it upholds fundamental rights to privacy, dignity, and personal liberty. Based on these principles, the judiciary has affirmed the validity and legality of live-in relationships, recognizing individuals' rights to cohabit without formal marriage. Through judicial recognition of a "relationship in the nature of marriage," the courts have established a legal framework that attributes certain rights and obligations to such relationships, including financial support, protection against domestic violence, and property rights. This recognition acknowledges the commitment, interdependence, and shared responsibilities that often accompany long-term live-in relationships.

Furthermore, the Protection of Women from Domestic Violence Act, 2005, has been pivotal in extending legal protection to women in live-in relationships, safeguarding their rights and offering access to legal remedies in cases of domestic violence. The courts have also addressed maintenance rights, enabling partners, especially women, to claim financial support based on principles of equity and fairness. Despite these advancements, the absence of comprehensive legislation specifically addressing live-in relationships poses limitations and uncertainties. Interpretation and inconsistency in court rulings persist due to the lack of statutory definition. Therefore, seeking legal advice becomes crucial for individuals involved in live-in relationships to understand their rights and liabilities based on evolving legal developments. The legal landscape surrounding live-in relationships in India is evolving, with the judiciary actively recognizing and shaping the rights of individuals involved. However, the enactment of comprehensive legislation tailored to the unique dynamics of live-in relationships is essential to provide clarity, consistency, and comprehensive legal protections. Such legislation should address aspects like financial and property rights, child custody, and overall legal recognition of live-in relationships.

Overall, while progress has been made in recognizing and safeguarding the rights of individuals in live-in relationships, there is still room for further development and legal clarity to ensure the adequate protection of their rights and responsibilities within the Indian legal system.

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