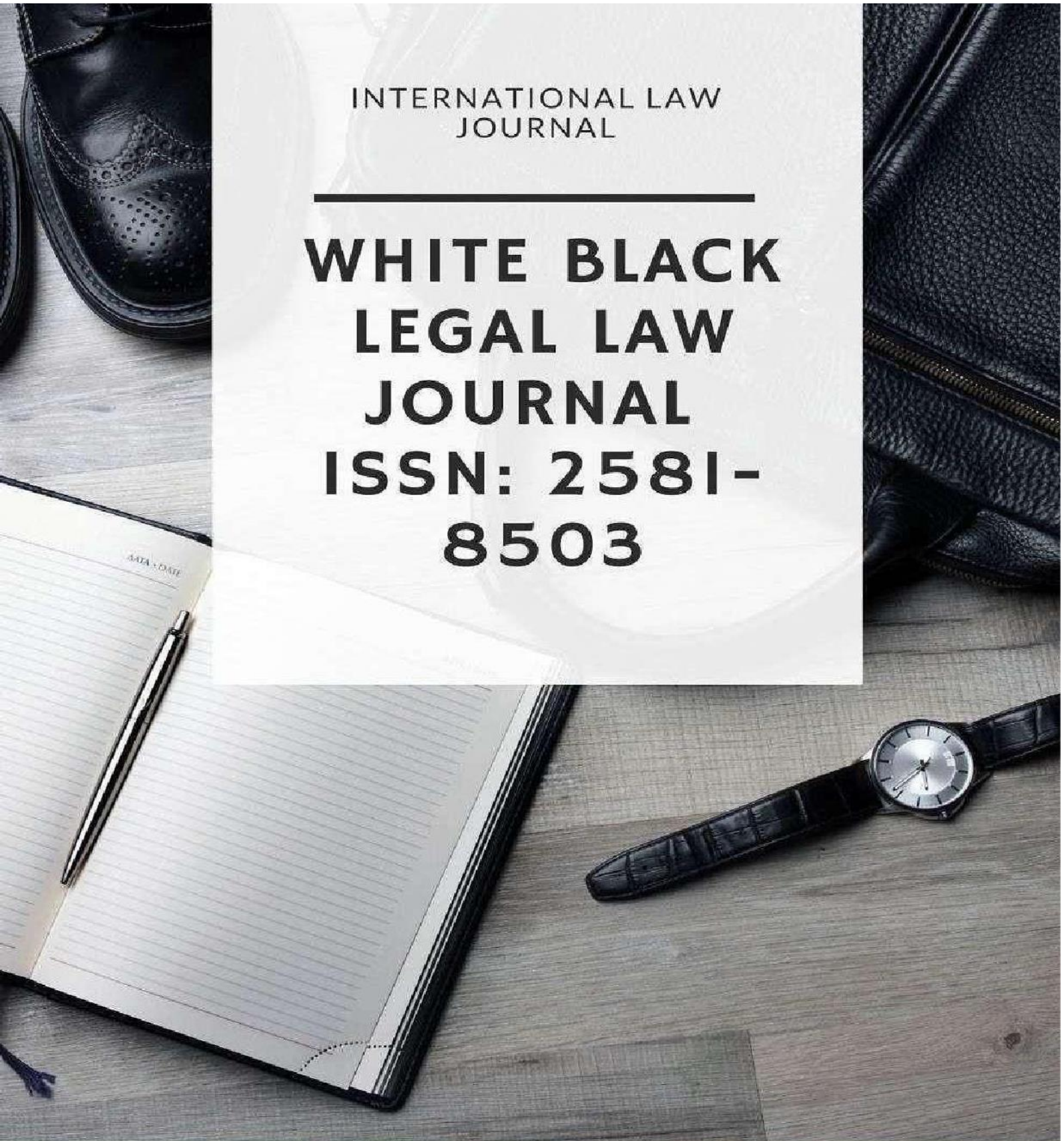




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JUDICIAL RECOGNITION OF LIVE-IN RELATIONSHIPS IN INDIA: NAVIGATING THE SHIFT FROM SOCIAL MORALITY TO CONSTITUTIONAL MORALITY

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Abstract:

The increasing prevalence of live-in relationships in India has challenged traditional understandings of marriage, family, and personal autonomy. Despite growing visibility and acceptance in certain sections of society, such relationships continue to face social stigma and moral condemnation. Lacking any comprehensive statute addressing this issue, the judiciary has been responsible in giving judicial recognition to such relationships based on constitutional principles and judicial precedents. This article investigates the issue of judicial recognition of live-in relationships in India from constitutional jurisprudence, statutory interpretation, judicial cases, and socio-legal literature. It will look at the use of constitutional concepts of dignity, autonomy, liberty, privacy, and equality by the judiciary while dealing with live-in relationships. It will also consider the legal protection that the Indian laws offer to women and children involved in such relationships, especially under the Protection of Women from Domestic Violence Act, 2005. Judicial recognition of live-in relationships is the product of constitutional emphasis on individual dignity, autonomy, and personal liberty. However, the absence of a comprehensive legislative framework continues to create uncertainty regarding the rights and obligations of individuals in such relationships, underscoring the need for a coherent rights-based legal framework.

Keywords:

Live-in Relationships, Constitutional Morality, Social Morality, Women's Rights, Article 21, Judicial Recognition.

Introduction:

For centuries, marriage has occupied a central position within the Indian social and legal framework, serving as the primary institution through which intimate relationships and family life have been recognised. Rooted in religious traditions, cultural norms, and patriarchal values, marriage has long been regarded as the socially legitimate foundation of family and social

order. However, rapid urbanisation, globalisation, increasing educational opportunities, and changing socio-economic conditions have transformed societal attitudes towards intimate relationships. As a result, live-in relationships have emerged as an increasingly visible form of non-marital cohabitation, challenging conventional understandings of marriage and family in contemporary India.¹

Live-in relationships are becoming increasingly common, particularly in urban India; however, they continue to face significant social stigma and moral disapproval. Most of the Indian society believes that cohabitating with someone without marrying them is against cultural family values and the ideas of sacred marriages. But the Indian judiciary has repeatedly stated that cohabiting with someone (when both parties consent) is neither a crime nor illegal. For example, in the case of *S. Khushboo v. Kanniammal*² the Supreme Court held that the right of consenting adults to cohabit is included as part of the right to life and personal liberty (according to Article 21) in the Constitution. Likewise, a growing number of courts have ruled in favor of a couple's right to choose their partners, and thus to cohabit without interference from society.

Judicial views towards cohabitation have moved from being determined by social morality towards being determined by constitutional morality. Although social morality influences the formation of laws, the Constitution itself emphasises individualised dignity, liberty, privacy and autonomy above socially imposed notions of morality. In the landmark cases of *Navtej Singh Johar v. Union of India*³ and *Justice K.S. Puttaswamy v. Union of India*,⁴ the Supreme Court reaffirmed that an individual cannot be denied their constitutional rights simply because some parts of society do not approve of their choices. The judicial adoption of these principles has had an indelible effect on the recognition of cohabitation without marriage.

Furthermore, the question regarding cohabitation goes beyond issues related to personal freedoms; it also touches on issues of women's rights and social justice. In cases of cohabitation without marriage, there is often no legislative framework to create a protective legal environment for cohabiting women, therefore many courts have relied on the broader protective provisions of the Protection of Women from Domestic Violence Act of 2005 where they have

¹ Sukriti Pratap Aakriti, Live-in Relationship: Problems and Perspective, 2 JUS CORPUS L.J. 596 (2022).

² *S. Khushboo v. Kanniammal*, (2010) 5 S.C.C. 600.

³ *Navtej Singh Johar v. Union of India*, (2018) 10 S.C.C. 1.

⁴ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 S.C.C. 1.

determined that the cohabiting woman is entitled to the same rights and remedies as a married woman. The recognition of children's rights and entitlement to financial and social security through the courts is increasingly common with respect to children born to parents in a cohabiting relationship. However, due to the inconsistent nature of judicial interpretations and lack of clarity in legislative standards, legal protection is often inconsistent.

This article adopts a doctrinal and analytical research methodology. It primarily relies upon constitutional jurisprudence, judicial precedents, statutory interpretation, and secondary scholarly literature to examine the evolving legal recognition of live-in relationships in India. The study further analyses the interaction between constitutional morality and prevailing social morality through contemporary judicial developments and socio-legal discourse.

This article analyses how constitutional morality has impacted the legal processes of judicially recognising live in relationships by examining how live in relationships have become recognised by Indian courts. The article will also evaluate judicial reforms as to the impact on women's and children's rights from these reforms and identify the ambiguities and barriers which remain within the legal framework surrounding live-in relationships.

Social Morality and Constitutional Morality: A Constitutional Shift:

Marriage is historically viewed by Indian society as the sole basis for intimate relationships and family life. The social ethics of Indian society derive largely from religious dogmas, cultural traditions (often patriarchal) and societal conformity to marriage-based relationships. Marital relationships are generally viewed as morally acceptable. Conversely, extra-marital relationships are usually considered to be immoral, precarious, and contrary to societal values. As such, live-in relationships, although increasingly evident in contemporary society, continue to face both social disapproval and moral policing, as well as discrimination.⁵

However, under constitutional governance, individual rights must be protected, irrespective of the dominant social attitudes that exist. The concept of constitutional morality, which is very much emphasized in India's constitutional law, affords greater significance to constitutional values (liberty, dignity, equality, privacy, individual autonomy) as opposed to the majority moral judgement. In contrast to social morality, social approval is not the basis of constitutional

⁵ Live-in Relationships Are Not a Crime: Allahabad High Court Steps in to Protect Live-in Couples, TIMES OF INDIA, Dec. 8, 2025, <https://timesofindia.indiatimes.com/>.

morality; rather, the principles as set forth in the Constitution are the basis of constitutional legitimacy.

The Supreme Court of India has consistently recognized and affirmed the significance of constitutional morality in determining the legal norm of personal relationships and the rights of individuals. In *Navtej Singh Johar v. Union of India*,⁶ the Court made it clear that constitutional morality should govern the application of social morality with respect to rights of fundamental nature. The Supreme Court's ruling in *Justice K.S. Puttaswamy v. Union of India*,⁷ which recognized privacy and decisional autonomy as part of Article 21, established a constitutional basis for protection of an individual's right to make decisions regarding personal relationships such as living together (cohabitation) or forming loving relationships (companionship).

The judiciary has broadened its application of the Constitution to include the area of cohabiting. In *S. Khushboo v. Kanniammal*, the Supreme Court found that consenting adult couples can legally live together even if their relationships are disapproved of socially. Similarly, in *Shafin Jahan v. Asokan K.M.*,⁸ the Supreme Court stated that an individual's right to choose a partner is critical to their liberty and dignity.

These cases reflect the slow evolution from society enforcing morals to a Constitutional structure based on personal liberty, autonomy and dignity. However, live-in relationships do not have universal acceptance and even in states where they are legally recognized, restrictive laws remain in place. Therefore, there remains a tension between Constitutional principles and social morality that is often at the forefront of discussions on live-in relationships in India.

Judicial Recognition of Live-in Relationships in India:

In India, live-in relationships are recognised legally mainly through judicial interpretation instead of legislation. The Indian courts have consistently affirmed that a consenting adult couple living together as a couple in a live-in relationship do not commit a criminal offense or act illegally, even if there is no statutory law that governs non-marital cohabitation in India.

One of the first judicial recognitions of adult cohabitation in India occurred in *Badri Prasad v.*

⁶ *Navtej Singh Johar v. Union of India*, (2018) 10 S.C.C. 1.

⁷ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 S.C.C. 1.

⁸ *Shafin Jahan v. Asokan K.M.*, (2018) 16 S.C.C. 368.

Deputy Director of Consolidation,⁹ where the Supreme Court upheld a long-term live-in relationships and found that a presumption of marriage existed due to the ongoing cohabitation. This judicial decision indicates a reluctance to invalidate a stable domestic relationships simply because there is no formal wedding ceremony.

Later in *Lata Singh v. State of Uttar Pradesh*,¹⁰ the Supreme Court reiterated that adult individuals have the right to select a partner without interference from society or family. Although the case dealt with inter caste marriages, the court expressed strong support for consensual relationships between adults, which are protected as personal liberty under Article 21 of the Constitution. In *S. Khushboo vs. Kanniammal*,¹¹ the Court made clear that although some parts of society view live-in relationships as immoral, these types of relationships are not considered illegal or prohibited under the law. The Court also recognized the rights of women and their ability to receive support in a similar way to other types of partnerships.

One way that the courts and the legislature have begun to address some of the legal issues that may arise from these types of relationships is through the passage of the Protection of Women from Domestic Violence Act, 2005.¹² The Act includes the definition of a "relationship in the nature of marriage" in Section 2(f), which allows the courts to now grant some legal protection to women not only in formal marriages but in other types of relationships as well; however, without a statutorily recognized definition, the courts have had to develop their own judicial tests for determining what qualifies as a relationships for the purposes of granting legal protection under the Act.

In *D. Velusamy vs. D. Patchaiammal*,¹³ the Supreme Court created its own definition of a "relationship in the nature of marriage" based on long-term cohabitation, having a shared household, having the ability to marry legally and being held out as husband and wife by the parties to the relationships and/or their families. Critics have pointed out that this decision has the practical effect of narrowly defining what constitutes a live-in relationships while at the same time, applying definitions and standards consistent with a formal marriage to those

⁹ *Badri Prasad v. Dy. Dir. of Consol.*, (1978) 3 S.C.C. 527.

¹⁰ *Lata Singh v. State of U.P.*, (2006) 5 S.C.C. 475.

¹¹ *S. Khushboo v. Kanniammal*, (2010) 5 S.C.C. 600.

¹² Protection of Women from Domestic Violence Act, No. 43 of 2005, § 2(f), INDIA CODE (2005).

¹³ *D. Velusamy v. D. Patchaiammal*, (2010) 10 S.C.C. 469.

relationships.¹⁴

The case *Indra Sarma (Dead) by LRS v. V.K.V. Sarma*,¹⁵ once again raised the question of what constitutes a relationship of the nature of marriage, as well as how that relationship is to be determined. The Court noted the increasing number of live-in relationships; however, the Court refused to grant a woman any protection from her partner because he was married to another woman at the time of the live-in relationship and because the relationship did not meet the criteria set by the courts for a relationship of the nature of marriage. The case highlights the continuing tension within Indian law between the rights of individuals to have relationships that are not necessarily based on marriage and the moral obligations imposed by society to only have relationships based on marriage.

The attitude of the Indian judiciary toward live-in relationships is characterized by cautious constitutional development instead of full legal recognition. Though the courts have progressively acknowledged non-marital couples within the scope of Article 21, the protection extended by the judiciary becomes conditional on the satisfaction of requirements that bear resemblance to those in marriage. This paradox arises from the very constitutionality framework since it recognises the relationship only when it conforms significantly to marriage values.

The decision in *Indra Sarma* represents an increase in the recognition of live-in relationships as being entitled to constitutional protection and in the constitutional recognition of adult autonomy and the right to cohabit. The courts have repeatedly ordered police agencies to provide protection for consenting couples living together in a live-in relationship from being harassed or subjected to interference by their families. These decisions demonstrate how the Courts are beginning to recognize that a live-in relationship is part of a person's right to life and to exercise their personal liberty, even though there continues to be widespread societal disapproval of such relationships.

Despite these positive developments, the law with respect to live-in relationships continues to be disorganized and inconsistent. The courts have been willing to recognize live-in

¹⁴ Shyam Krishan Kaushik, *A relationship in the nature of marriage – Hope and Disappointment*, 53 J. INDIAN L. INST. 474 (2011).

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

relationships as being entitled to constitutional protection; however, this continues to be subject to the Courts' finding that the facts and circumstances surrounding the relationships meet the standards the courts have established. As a result, it is currently difficult to determine what rights and protections are available to individuals in a live-in relationship.

Women's Rights in Live-in Relationships:

In India, live-in relationships present a serious legal concern regarding women's rights as this area falls under many different areas of law and because the Supreme Court has recognised the right to be able to live together as an adult without being married. Even though this acknowledgement is now enshrined in law, many women in live-in relationships continue to face difficulties in accessing resources which provide safety, shelter or support because no comprehensive legal framework protects them. Women in live-in relationships often face challenges regarding maintenance, domestic violence protection, financial dependence, and social recognition. Therefore, much of the intervention by the courts in this area is aimed primarily at preventing women from being vulnerable, exploited or abandoned. Contemporary judicial observations and media discussions have also highlighted increasing concerns regarding emotional exploitation of women through false promises of marriage within live-in relationships, thereby reinforcing the need for stronger legal safeguards.¹⁶

Before the enactment of the Protection of Women from Domestic Violence Act, 2005 (the Domestic Violence Act), there were very limited legal remedies available to women in non-marital relationships. The Domestic Violence Act, which formally separates protection of women from domestic violence to women who are married only, greatly expanded protection to include relationships which were "in the nature of marriage" within Section 2(f) of the Domestic Violence Act.¹⁷ This change in legislation provided recognition that women who are not married also require legal protection against abuse and depriving them of their economic rights.

The Supreme Court ruling in *Chanmuniya v. Virendra Kumar Singh Kushwaha*¹⁸ found a socially beneficial way to interpret maintenance provisions, with the ruling stressing that

¹⁶ "Cultural Shock but Happening Widely": Court on Live-in Relationships, NDTV, Jan. 15, 2025, <https://www.ndtv.com/>.

¹⁷ Protection of Women from Domestic Violence Act, No. 43 of 2005, § 2(f), INDIA CODE (2005).

¹⁸ *Chanmuniya v. Virendra Kumar Singh Kushwaha*, (2011) 1 S.C.C. 141.

women in non-marital relationships should still be able to receive the same type of maintenance as those in marital relationships. The Court was clear that maintenance provisions should be interpreted in connection to social justice concepts as well as the intent of preventing women from becoming destitute.

However, judicial recognition has not always been consistent. The ruling in *D. Velusamy v. D. Patchaiammal*¹⁹ set out several restrictive criteria for determining whether the nature of a live-in relationships constitutes being in a marriage. In that case, the Supreme Court ruled that parties must all identify as spouses, cohabit voluntarily for an extended period, and be legally able to marry or there is no marital entitlement to maintenance. While this standard was established to differentiate stable relationships from casual arrangements, it has been criticised for leading to the exclusion of vulnerable women from statutory protections.²⁰

In the case of *Indra Sarma v V.K.V. Sarma*,²¹ the Supreme Court highlighted the limitations of judicial protection. In that case, a female plaintiff was denied relief from her live-in relationships with a married male defendant, as the court held that the relationships fell outside the scope of being "in the nature of a marriage." Scholars have critiqued this judgment, claiming that by utilizing formal legal standards, the court failed to acknowledge the practical issues of vulnerability faced by women in live-in relationships.²²

Feminist scholars have made similar claims about women engaged in live-in relationships, highlighting that these women often continue to perform unpaid emotional and domestic labour,²³ but do not have the social or legal protections associated with a marriage. For example, in many situations, women in live-in relationships develop a financial dependence on their partners, but do not have any rights that can be enforced regarding property, inheritance, or long-term maintenance. The social stigma associated with non-marital relationships compounds the issue, as it reduces the available social supports and institutional recognitions for these women.

¹⁹ *D. Velusamy v. D. Patchaiammal*, (2010) 10 S.C.C. 469.

²⁰ Shyam Krishan Kaushik, *Relationships in the nature of marriage – Hope and Disappointment*, 53 J. INDIAN L. INST. 474 (2011).

²¹ *Indra Sarma v. V.K.V. Sarma*, (2013) 15 S.C.C. 755.

²² Anupama Goel, *Supreme Court and the Domestic Violence Act: A Critical Comment on Indra Sarma v. V.K.V. Sarma*, 56 J. INDIAN L. INST. 398 (2014).

²³ Marjorie Weinzwieg, *should a Feminist Choose a Marriage-Like Relationship?* 1 HYPATIA 139 (1986).

However, on the other hand, the courts have increasingly recognized that there is a need for an approach in law that is more sensitive towards women in live-in relationships.

Accordingly, although the Indian courts have taken significant steps in terms of protecting women in live-in relationships, the current legal regime lacks clarity and consistency. There still exists a high dependence on very strict criteria to be satisfied before a court can extend any form of legal recognition to women in live-in relationships.

Rights and Legitimacy of Children Born from Live-in Relationships:

Children born because of live-in relationships represent another significant aspect regarding the recognition of live-in relationships by Indian judiciary. It is important to mention that traditionally, only children born from valid marriages were considered legitimate in Indian society, with the result that children born from other than marital relationships used to face various problems both legally and socially. Nevertheless, in consideration of modern social trends, as well as constitutional interpretations made by Indian courts, it becomes clear that a new approach based on the best interests of a child is now adopted.

Specifically, in *S.P.S. Balasubramanyam v. Suruttayan*²⁴ case, the Indian Supreme Court ruled that in a situation where a man and woman lived together for a long time, a presumption of marriage arises, and the children born from such union could be considered legitimate. Moreover, the Supreme Court observed that 'the law presumes in favour of legitimacy rather than illegitimacy'. Furthermore, this statement was confirmed in the *Tulsa v. Durghatiya*²⁵ case as well.

Recognition of legitimacy by the judiciary is part of the constitutional concern for dignity, equality, and safety of those who need it most. The growing trend in the judiciary is that of acknowledging the independence of children from the relationships maintained between their parents. In other words, children cannot be blamed for something their parents did since such an act violates the constitutional objective of dignity regardless of social approval based on the provisions contained in Article 14 and Article 21.

²⁴ *S.P.S. Balasubramanyam v. Suruttayan*, (1994) 1 S.C.C. 460.

²⁵ *Tulsa v. Durghatiya*, (2008) 4 S.C.C. 520.

For example, recent developments regarding the constitutional protection that live-in relationships receive from the judiciary reflect the growing emphasis on adult autonomy and liberty in the face of persistent social resistance. The growing recognition by courts about the nature of live-in relationships indirectly leads to constitutional protection extended to children of such relationships.

On the other hand, there remain some ambiguities concerning the inheritance rights and social acceptance of children born out of live-in relationships, especially in cases concerning ancestral property and personal laws. Lack of a well-developed statute has led to a reliance on the judgment of the judiciary in deciding on the degree of protection that could be provided in each case.

However, the development of the judicial perspective shows a shift from the traditional societal ethics towards constitutionalism based on dignity, welfare, and individual rights. By accepting the children born out of live-in relationships, the Indian judiciary has tried to reduce the societal and legal discrimination associated with non-marital cohabitation.

Challenges and Legal Gaps in the Recognition of Live-in Relationships:

Notwithstanding the considerable judicial progress in accepting live-in relationships in India, the current legal regime on live-in relationships is incomplete and ambiguous. The lack of an all-encompassing law has left much room for judicial interpretation, creating inconsistencies in standards of rights and protection provided to people living together outside of marriage. As such, while there is growing acceptance by the judiciary that live-in relationships fall within the ambit of individual liberty and constitutional autonomy, there are still many legal ambiguities associated with this issue.

The lack of a statutory definition for a live-in relationship is one of the major problems associated with this issue. Even though the Protection of Women from Domestic Violence Act, 2005 recognizes relationships “in the nature of marriage,” there is no precise set of requirements needed to meet this standard. This has forced the courts to develop their own tests for determining what constitutes a live-in relationship. Such tests were developed in landmark judgments like *D. Velusamy v. D. Patchaiammal* and *Indra Sarma v. V.K.V. Sarma*.

Unfortunately, these tests are often seen as too restrictive and unrealistic.²⁶

The necessity of prolonged cohabitation, public perception of each other as spouses, and legality of marriage has been cited by scholars as the reason why certain classes of vulnerable women would not be entitled to legal protection. Thus, women involved in relationships with already married partners, women with economically dependent partners, or women in socially hidden marriages would not be considered under the law even when subjected to domestic violence or desertion.

Another problem lies in the persistence of societal stigma and moral policing. Even though courts have already established that living together does not constitute an unlawful or immoral act, society is still yet to fully accept such unions.²⁷ Cases of discrimination against couples in housing and family pressure to separate show that constitutional acceptance has not yet changed society's attitude.

Reports concerning judicial directions for police protection to consenting live-in couples further demonstrate the continuing conflict between constitutional liberty and prevailing societal morality.²⁸

Furthermore, legal uncertainty also prevails about maintenance, inheritance, property rights, and the evidentiary proof necessary to prove that the couple was living together. In the absence of a standard legal framework on live-in relations, the outcome of the case is dependent on the facts of the matter and subjective interpretation by the judges. Thus, lack of uniformity creates insecurity among people and uncertainty in the judicial process.

There is the possibility of judicial overreach, as well as legislative inaction, as a result of reliance on judicial interpretation. Without intervention from Parliament, the judiciary has become the chief institution responsible for the legal position of cohabitation. While judicial activism has certainly helped to enhance constitutional protections, reliance on judicial activism alone cannot ensure long-term legal certainty.

²⁶ Shyam Krishan Kaushik, A relationships in the nature of marriage – Hope and Disappointment, 53 J. INDIAN L. INST. 474 (2011).

²⁷ Live-in Relationships Are Not a Crime: Allahabad High Court Steps in to Protect Live-in Couples, TIMES OF INDIA, Dec. 8, 2025, <https://timesofindia.indiatimes.com/>.

²⁸ Live-in Relationships Part of Right to Life, Not Illegal: HC Asks Police to Protect Couples, ECONOMIC TIMES, Dec. 9, 2025, <https://economictimes.indiatimes.com/>.

Scholars have further argued that Indian law acknowledges live-in relationships or protects women from exploitation in such relationships.²⁹ This is important to note since judicial approval of live-in relationships does not mean that the society or law accepts such arrangements as an equivalent of marriage. Instead, the law seems more concerned about the problems of women in such relationships.

Thus, even with the progressive nature of the judiciary towards the constitution, there is still an inadequacy in the current legal system dealing with live-in relationships. This inadequacy is illustrated by the lack of legislation, inconsistencies in the courts, and societal opposition. Given the persisting legal vagueness in this regard, there is a dire need for the existence of a proper statute that can provide much-needed clarity and guarantee the protection of individual rights. The dependence on judicial intervention in this regard has led to an unequal standard being set up as far as maintenance, inheritance, domestic violence protection, and relations "in the nature of marriage" are concerned. This could be avoided by the creation of proper legislation regarding the legal implications of a live-in relationship, which will provide for the legal status and requirements of such a relationship.

There is also a need for adequate protection for women and children in live-in relationships. As per the standards currently set by the judiciary, the inclusion of certain restrictive conditions has meant that most vulnerable women find themselves out of bounds when it comes to claiming their rights under the Protection of Women from Domestic Violence Act, 2005. Thus, a legal structure must be created that does not lead to the exploitation, abandonment, and economic vulnerability of women and children.

Moreover, legal reforms need to be supplemented with increased social awareness and sensitisation. While the constitution bench in recent years has increasingly acknowledged individual autonomy and freedom, social stigmatization and moral policing still prevail among those entering non-marital unions. In a constitutional democracy, legal safeguards ought to rest on constitutionality, rather than the adherence of society to its established traditions.

²⁹ Anuja Agrawal, Law and 'Live-in' Relationships in India, 47 ECON. & POL. WKLY. 50 (2012).

Recommendations:

Even though the Indian judiciary has made considerable advances in the legal recognition of live-in relationships, lack of proper legislative framework continues to leave room for uncertainties regarding the rights that such relationships entitle one to. Therefore, it has become even more imperative for the legislature to take steps towards providing legal protection to individuals within such unions by passing legislations for the same.

The first measure should include the introduction of a comprehensive law relating to live-in relationships. Currently, the judicial interpretation leaves much to be desired and fails to provide consistency regarding issues related to maintenance, inheritance, and domestic violence among other matters. Secondly, it has become essential for the legislature to amend the existing laws concerning the protection of the legal status of women in live-in relationships. In cases like *D. Velusamy v. D. Patchaiammal* and *Indra Sarma v. V.K.V. Sarma*, the narrow judicial interpretation has denied women many important benefits under the Protection of Women from Domestic Violence Act, 2005.

Moreover, there is a necessity of clear laws about the rights of children born out of live-in relationships in relation to issues related to inheritance, succession, and social security. Dignity, equality, and the best interests of the child should always play an important role in defining these rights.

Furthermore, along with legal reform, there is a necessity of creating awareness among the general populace and sensitising society about live-in relationships. It is important to note that while courts have been consistent in asserting that consensual cohabitation of adults is neither criminal nor unethical, there still exists a trend of social condemnation and discrimination against live-in couples. In a constitutional democracy, constitutional ethics must trump strict social morals when it comes to personal autonomy and relationships.

Hence, a holistic strategy needs to be implemented to ensure that the constitutional ideals of dignity, freedom, equality, and individual autonomy are preserved in contemporary Indian society.

Conclusion:

The judicial acceptance of live-in relationships in India is an example of how Indian constitutional jurisprudence has been gradually moving away from social morality to constitutional morality.³⁰ Even though Indian society still considers marriage to be the best socially accepted way for adults to have intimate relations, Indian courts have consistently ruled that living together is protected under the Constitution by personal freedom, dignity, and privacy. Cases like *S. Khushboo v. Kanniammal*, *Justice K.S. Puttaswamy v. Union of India*, and *Navtej Singh Johar v. Union of India* are examples of how constitutional rights cannot be curtailed simply because particular social customs or individual freedoms do not conform to societal morality.

At the same time, the judicial effort to deal with the vulnerability that women and children in live-in relationships faced has been another facet of this effort. Through an interpretation of the Protection of Women from Domestic Violence Act, 2005, the judiciary has provided some protection to relationships "in the nature of marriage" to ensure that women were not being exploited and abandoned or left destitute. The constitutional recognition of the legitimacy and the right to welfare of children who are conceived in such relationships shows a commitment towards dignity and equality.

Nevertheless, despite these efforts at legal progress, there are several problems inherent in the legal regime dealing with live-in relationships in India. Restrictive judicial tests, lack of adequate legislative protection, confusion about maintenance and inheritance rights, and social stigma have made it difficult for law to offer any effective legal protection.

It is evident thus, that the constant tug-of-war between constitutional morality and social morality becomes very important within the legal discourse on live-in relationships. Although the constitutional courts have become increasingly sympathetic to constitutional rights of individuals over societal objections, it can be argued that acceptance of live-in relationships as a valid form of family unit within Indian society is far from complete.

In the light of the above discussion, it must be emphasized that when dealing with intimate relationships in contemporary times, a country such as India should use the yardsticks of

³⁰ *Navtej Singh Johar v. Union of India*, (2018) 10 S.C.C. 1.

constitutional morality and not the outdated standards of society. It becomes clear that recognition of live-in relationships marks not only the evolution of family law but also of the Constitution of India.

The recognition of live-in relationships ultimately represents the Constitution's evolving commitment toward protecting personal choice, dignity, and individual autonomy in a transforming society.

