



## LIVING RELATIONSHIP AND ITS LEGAL POSITION IN INDIA

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### ABSTRACT

*Live-in relationships, where two adults choose to live together without formal marriage, are emerging as a notable social phenomenon in India. These arrangements challenge traditional norms that view marriage as the only acceptable foundation of family life. The rise of urbanisation, changing individual aspirations, and exposure to global lifestyles have contributed to their growing prevalence, particularly in metropolitan areas. This paper examines the social and legal dimensions of live-in relationships in India. It explores the historical context of cohabitation, including influences from the common-law marriage doctrine, and discusses how Indian courts have recognized the rights of partners in long-term relationships. Landmark judgments such as *D. Velusamy v. D. Patchaiammal* (2010), *Indra Sarma v. V.K.V. Sarma* (2013), and *Lalita Toppo v. State of Jharkhand* (2018) have clarified the conditions under which a relationship may be treated as “in the nature of marriage,” extending protections under the Protection of Women from Domestic Violence Act, 2005 and Section 125 CrPC. Despite these judicial safeguards, challenges persist. Legal rights such as maintenance, inheritance, and legitimacy of children require proof of cohabitation, financial interdependence, and social acknowledgment. The paper concludes that a comprehensive legislative framework is necessary to provide clarity, protect vulnerable partners, and balance individual autonomy with social norms. Recognising live-in relationships legally would promote fairness, equality, and dignity while reflecting India’s evolving social landscape.*

### INTRODUCTION

A live-in relationship is when two unmarried partners decide to live together under the same roof, sharing intimacy and domestic responsibilities like a married couple, without being legally married. In India, there is no specific statute regulating such relationships. In several

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regions, live-in relationships are considered taboo and socially sensitive. Society has not fully accepted this concept yet, especially in rural areas, where it is still perceived as morally inappropriate for adults to live together without marriage.

However, in urban areas, particularly in metropolitan cities, live-in relationships have become increasingly visible, reflecting changing lifestyles, globalization, and shifting individual aspirations. The idea is slowly gaining acceptance among younger generations, although the legal position remains complex and courts have offered varying interpretations across communities and cases.

## **HISTORICAL EXPLORATION OF LIVE-IN RELATIONSHIPS**

Although the term live-in relationship is modern, the concept itself dates back to ancient times. Even the story of Adam and Eve can be viewed as the earliest example of cohabitation without formal marriage. Across civilizations, different cultures have developed various systems of partnership and marriage ceremonies.

In modern jurisprudence, the roots of live-in relationships can be traced to the Doctrine of Common Law Marriage, which presumes marriage between a man and woman who live together, present themselves as spouses, and cohabit for a long duration. This doctrine primarily aimed to safeguard women who were economically dependent on their partners at the end of long relationships.

## **THE RISE OF COMMON LAW MARRIAGE**

The American case *Fenton v. Reed* (1809) was pivotal in recognizing informal marriage, holding that mutual consent and cohabitation were sufficient to establish a marital relationship. Later, in *Meister v. Moore* (1877), the U.S. Supreme Court upheld the validity of common-law marriages, granting them recognition even without formal solemnization.

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

In India, live-in relationships are socially stigmatized but legally acknowledged under certain conditions. Although no dedicated law exists, judicial interpretations have extended certain protections under various statutes:

- Protection of Women from Domestic Violence Act, 2005 (PWDVA): Section 2(f) recognizes relationships “in the nature of marriage,” allowing women in live-in relationships to claim protection, maintenance, and residence rights.
- Criminal Procedure Code, 1973: Section 125 extends maintenance rights to women who can prove their live-in relationship falls within the nature of marriage.
- Indian Evidence Act, 1872: Section 114 allows courts to presume marriage if a couple has cohabited for a significant period, thereby enabling maintenance and inheritance claims.

## CONDITIONS FOR LEGAL RECOGNITION

Courts have established certain conditions to determine whether a live-in relationship qualifies as “in the nature of marriage”:

1. **Mutual Consent:** Both partners must voluntarily agree to live together and be of legal age.[8]
2. **Cohabitation:** The couple must have lived together for a considerable time, not as a casual or temporary arrangement.

## RIGHTS UNDER LIVE-IN RELATIONSHIPS

- **Maintenance and Support:** Courts have granted maintenance to women in live-in relationships under Section 125 CrPC, recognizing financial dependency and shared domestic responsibility
- **Property and Inheritance:** Partners in live-in relationships are not automatically entitled to property rights unless a cohabitation agreement specifies such terms.
- **Children’s Legitimacy:** Children born from live-in relationships are considered legitimate and can inherit the self-acquired property of their parents, though they may face limitations regarding ancestral property.

## IMPLICATIONS FOR WOMEN AND VULNERABLE PARTNERS

Women in live-in relationships are often vulnerable to abandonment and exploitation. The PWDVA provides them protection from abuse, maintenance, and residence rights. However,

the lack of uniform standards in recognizing live-in relationships often results in inconsistent judgments and legal uncertainty.

## **LIMITATIONS AND CHALLENGES**

3. Lack of Uniformity: Courts apply different tests—duration of cohabitation, public perception, and financial interdependence—with a uniform standard.
4. No Automatic Rights: Rights like inheritance or maintenance require proof of cohabitation and social recognition.
5. Social Resistance: Live-in couples face discrimination, family opposition, and community stigma, especially in rural India.
6. Burden of Proof: Claimants must establish evidence of cohabitation, shared households, and social acknowledgement, which can be difficult.

## **WHY PEOPLE CHOOSE LIVE-IN RELATIONSHIPS**

Some want to learn about the obligations of marriage prior to getting married, while some want to check compatibility between each other. During this period of time, they ensure that they can live together and maintain their common commitments effectively. With this period, they observe whether they can love happily together or are incompatible; they can break up, whereas others who enjoy being together can have the luxury to marry each other.

For those who belong to the LGBTQ community, discovering themselves through living relationships gives them the luxury to discover their partner without any societal pressure of marriage or gossip and judgments.

A living relationship provides an in-between for those who enjoy the institution of marriage but are cautious about problems related to divorce or betrayal. Moreover, there are several reasons why people opt for live-in relationships. Some like to remain single until they are financially stable or encounter legal or social constraints that render marriage complicated. Some others just don't think that marriage is needed to express love or commitment. Some see it as an escape from the hassle of divorce or the responsibility of being a married person. Many like the togetherness and emotional intimacy of a partner with no official commitments, merely concentrating on individual aspirations or professional development.

Living together may also assist individuals in escaping loneliness without losing their freedom, independence, and privacy.

## **COMPARISON WITH INTERNATIONAL NORMS**

India's approach to living relationships is a mixture of both adhering to societal norms and embracing the urban lifestyle. On the other hand there are some other countries where non marital cohabitation has no legal status at all, India is relatively progressing by providing safeguard to such relationships as it is getting common in most of the places in India by protecting women and children in getting maintenance and self acquired property from the assets of the partners at the time of abandonment from the laws like domestic violence act and various other judicial recognition.

On the other hand, India still lags behind many Western nations where the living partner enjoys the same rights as the married couple, such as automatic inheritance and formal registration of partnership, etc. These rights are not automatic in India; the partner needs to prove their relationship in the court, depending on certain criteria and then get that entitlement. This reflects India's attempt to balance with changing social realities.

## **LANDMARK JUDGMENTS**

- Lalita Toppo v. State of Jharkhand (2018):**

In this case, the Supreme Court held that women who are in long-term living relationships, can claim maintenance and protection under the Domestic Violence Act 2005. This was the major step in recognising women's rights in cases of abuse or abandonment by providing them with financial security and recognising their rights.

- Deepika Singh v Central Administrative Tribunal 2022:**

In this case, the Supreme Court broadened the definition of "family" to include non-traditional units such as live-in partners, single parents and queer couples for welfare benefits, leave policies and social security schemes.

### • **D. Velusamy v D. Patchaiammal 2010**

It is a landmark judgment where the court decides the criteria of the living relationships which come under the "nature of marriage" provided under section 2(f) of the Protection of Women from Domestic Violence Act 2005.

According to the court, the living relationships should have passed certain criteria that make them similar to a marriage.

1. The court holds itself publicly as a spouses
2. Both are of the majority who are of the legal age to get married
3. They were not married before
4. They have voluntarily and consensually cohabited for a significant period of time.

This ruling initiated that long-term marriage can give rise to legal rights to the spouses, like maintenance, protection under the domestic violence act and inheritance of property and assets.

## **OUTCOMES**

Living relationships help couples to live together before marriage freely, with their own choice, without social pressure.

However, in many places in India, it is not accepted by society and faces social pressure as it is against the cultural norms.

It promotes compatibility among the partners, allowing them to live freely before marriage without any stress or pressure.

The living relationships do not have the same rights as compared to married couples, but some of the acts are extended to protect vulnerable groups like women and children.

## **CONCLUSION**

Live-in relationships in India represent one of the most visible signs of a society in transition a society caught between traditional ideals of marriage and the evolving concept of individual freedom and companionship. Although such relationships have become increasingly common

in metropolitan cities, the law has not yet caught up with this social change. India still lacks a specific statute that defines, governs, or protects partners in a live-in relationship. What exists instead is a patchwork of judicial interpretations and case-based protections that extend certain rights to women and children under broader social-welfare legislations such as the Protection of Women from Domestic Violence Act, 2005 and the Code of Criminal Procedure, 1973.

The Indian judiciary has played a crucial role in shaping the legal understanding of live-in relationships. Through landmark judgments such as *D. Velusamy v. D. Patchaiammal* (2010), *Indra Sarma v. V.K.V. Sarma* (2013), and *Lalita Toppo v. State of Jharkhand* (2018), courts have attempted to balance moral considerations with constitutional values of equality and dignity. These decisions acknowledge that a relationship “in the nature of marriage” deserves legal recognition to prevent exploitation and injustice, especially toward women who are financially or emotionally dependent on their partners. The courts have also clarified that children born out of such unions are legitimate and entitled to inherit their parents’ self-acquired property, reflecting a more humane and progressive interpretation of family law.

However, the absence of a clear legislative framework continues to create confusion and inconsistency. Different courts have applied varying criteria to determine what qualifies as a live-in relationship, leading to unpredictable outcomes. The lack of uniformity not only undermines legal certainty but also leaves many vulnerable partners—particularly women—without effective remedies in cases of abandonment, abuse, or financial hardship. Furthermore, the social stigma attached to cohabitation outside marriage remains a major barrier to the full acceptance of such relationships, especially in smaller towns and rural areas where traditional notions of family honour still dominate social thinking.

As India’s social fabric evolves, there is an urgent need to craft a comprehensive law that recognizes live-in relationships within a well-defined legal structure. Such legislation should clearly specify the rights, duties, and responsibilities of partners, ensuring maintenance, property, and child-related protections without undermining the institution of marriage. The objective should not be to encourage or discourage cohabitation but to provide fairness and legal security to individuals who choose to live together by mutual consent.

Ultimately, live-in relationships in India symbolize the growing assertion of personal autonomy in matters of love and companionship. The law must therefore evolve in harmony with social realities, ensuring that modern relationships are not judged solely through the lens of outdated

moral values. A balanced and compassionate legal framework would uphold the constitutional promise of equality, liberty, and dignity for all individuals—married or otherwise—thus promoting a more inclusive understanding of family and partnership in contemporary India.

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