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## Live-In Relationships In India: Legal Status And Societal Perception

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**Abstract:** Despite being stigmatized traditionally in India, live-in relationships have become more common in the society and the same is also evident in the evolution of laws in recent decades. This study shall provide an overview at how the legal recognition of live-in relationships have changed over time, as well as significant court rulings, legislative changes, and shifting public perceptions of cohabitation without a marriage. Additionally, it also talks on the rights of partners and their children while emphasizing on the conflict between customs and modern legal interpretations.

### 1. INTRODUCTION

Religious, cultural, and legal frameworks have historically regulated India's family and marriage-based social structure. However, the rise of live-in relationships has questioned the traditional institution of marriage, resulting in huge legal and moral conflicts. However, the Cohabitation without marriage is becoming more and more common, particularly among young people, as concepts like urbanization, individualism, and changing ideals of companionship have huge impact on the youth. This research seeks to deconstruct the multiple features of live-in relationships under the Indian legal framework.

### 2. HISTORICAL AND CULTURAL BACKGROUND

Historically, cohabitation outside without a marriage was not accepted in the Indian society and was considered illegitimate and immoral. Hinduism, which places a strong emphasis on the sacredness of marriage, and other religious beliefs have historically forbidden domestic and sexual relationships without official marriage ceremonies. However, it appears that informal relationship did occur and were occasionally accepted by society throughout the Vedic Period based on classic epics and customs like the Gandharva Vivaha, a form of marriage by mutual consent.

In India, Live-in relationships are not as common in rural areas as much they are common in urban cities. The National Commission for Women on 30<sup>th</sup> June 2008 recommended to the Ministry of Women & Child Development that the definition of 'wife' U/s.125 Code of Criminal Procedure (CrPC), 1973 (now U/s.144 of Bhartiya Nagarik Suraksha Sanhita) should be amended to include women involved in live-in relationships. Supreme Court set up a Malimath's Committee set up by the supported this view and said that 'if a man and a woman live together for a reasonably long time then the man should be deemed to be married to the woman'.

### 3. JUDICIAL RECOGNITION OF LIVE-IN RELATIONSHIPS

#### 3.1 Supreme Court Rulings

- **Badri Prasad v. Dy. Director of Consolidation (1978):** In this case the Hon'ble Supreme Court observed that

“If man and woman who live as husband and wife in society are compelled to prove, after half-a-century of wedlock by eye-witness evidence that they were validly married fifty years earlier, few will succeed. A strong presumption arises in favor of wed-lock where the partners have lived together for a long spell as husband and wife. Although the presumption is rebuttable, a heavy burden lies on him who seeks to deprive the relationship of its legal origin. Law leans in favour of legitimacy and frowns upon bastardy.”

In the present case it was put down by the Supreme Court that if a couple is living together as a husband and wife in the eyes of society than such a relationship is presume to be marriage even if they are not legally not married.

- **D. Velusamy v. D. Patchaiammal (2010):** In the present matter the Hon'ble Supreme Court differentiated between normal relationships and relationships in the nature of marriage, setting out a criterion such as i) shared household ii) duration of such relationship and iii) intention to cohabit as spouses. Further the Supreme Court overturned set aside the decision of the High Court and Family Court, stating that such an order is in violation with the principal of natural justice as the wife in the present matter was not given notice before giving order on her alleged marriage. The case was sent back to the Family Court for fresh consideration, including proper notice to wife and an assessment of whether the appellant and respondent had cohabited long enough to be considered as married couples.
- **Indra Sarma v. V.K.V. Sarma (2013):** In the present case the Hon'ble Supreme Court highlighted that live-in relationships even though not term as marriage, may still be eligible for protection under the Domestic Violence Act, 2005, as long as they are stable and ongoing. In such circumstances it will be the discretion of court to decide if a woman cohabiting in relationship could file a claim under the DV Act. In such a matter the Applicant must prove that the relationship between her partner and her falls within one of the grounds specified in Section 2(f) of PWDVA, 2005, which the Court interpreted as comprehensive. The Supreme Court noted that the term “relationship in the nature of marriage” is not defined in the DV Act. It refers to a relationship possessing certain fundamental traits of marriage, even though legally not recognized as marriage.

#### 3.2 Domestic Violence Act, 2005.

U/s. Section 2(f) of the Protection of Women from Domestic Violence Act, 2005 (PWDVA, 2005), defines the meaning of Domestic Relationship which is one of the most important attribute for an aggrieved women to seek relief under the PWDVA, 2005

“2(f) "domestic relationship" means a relationship between two persons who live or lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family.”

The people who are related by marriage, blood, or adoption, but also those in a " through a relationship in the nature of marriage is defined as ‘domestic relationship’ in the Act, does not only include ". This section protects the interest of women in live – in relation and allows them access the remedy of legal protection from domestic violence, by recognizing such a relationship, despite not being legally recognized however, it still can reflect the characteristics and obligations of a marriage.

To seek relief under PWDVA, 2005 the aggrieved person needs to fulfill following conditions i) living together in a shared household for prominent period of time, ii) emotional and financial dependence on each other iii) the society shall assume that the said relationship is similar to that of a married couple, and iv) a desire to coexist as

partners. This legal acknowledgment reflects the changing nature of close relationships in contemporary society and guarantees that women have remedies available to them, even if their relationship does not fit the conventional model of marriage.

By including live-in partnerships similar to marriage in the legal definition of domestic relationships, Section 2(f) acts as a forward-thinking legal protection. It enables women in these partnerships to seek relief and protection from abuse—be it physical, emotional, sexual, verbal, or economic—equal to that provided to legally married spouses, assuming the relationship meets the criteria of being “in the nature of marriage.”

## 4. RIGHTS ARISING FROM LIVE-IN RELATIONSHIPS

### 4.1 Women's Rights

- The women's involved in live-in relationships like marriage may pursue maintenance U/s.125 of the Criminal Procedure Code (CrPC) or under the Protection of Women from Domestic Violence Act of 2005. These laws acknowledge that even without a legal marriage, a woman in a who is in relationship like marriage should not face discrimination or lack legal recourse especially if she is dependent on her partner economically.
- However, to obtain relief under the above section the courts typically demand reliable evidence that such relationship had the fundamentals of a marriage. This includes living together in shared household, dependency on each other both emotionally and financially and a clear intention to establish a family unit. Judicial systems frequently seek signs like cohabitation, combined finances, public recognition of the partnership, and enduring dedication to differentiate authentic domestic partnerships from informal or temporary setups

### 4.2 Children's Rights

- In the case of *Revanasiddappa v. Mallikarjun* (2011), the Hon'ble Supreme Court of India stated that the children born out of live-in relationships cannot be considered "illegitimate" and such children born out of live – in relationship are also entitled to inherit property from their parents. Further, the Hon'ble Court also focused on the need to interpret the existing laws in such a way that it shall upholds the dignity and rights of children, irrespective of their parents marital status as per the constitutional principles of equality and social justice.
- However, when it comes to inheritance of ancestral property under Hindu law, the scope of such rights remains limited. Unless the live-in relationship is proven to be a valid marriage under Hindu personal law or other personal law, the children born out of such a marriage may not have a legal claim to coparcenary or ancestral property. The burden of proof lies on establishing that the relationship met the essential requirements of a Hindu marriage—such as ceremonies, rituals, and intention to marry—which can be legally complex.

## 5. SOCIETAL ATTITUDES AND CULTURAL RESISTANCE

Though there are judicial decision recognizing the concept of live-in relationships, the entrenched societal stigma still exist due to as a major obstacle that is the acceptance of such kind of relationship in the society, especially in conservative and rural areas of India. Such relations are usually assumed immoral and seen as dangers to concept of family or indicative of an alleged deterioration in cultural and societal values. As in various communities, such a relationship is associated with immorality or promiscuity, which results in social isolation, familial disapproval, and, in severe situations, violence.

Women in cohabiting relationships often suffer the most from this stigma. They might be categorized as lacking character or "accessible," and in certain situations, experience harassment, workplace discrimination, or social exclusion. Landlords frequently deny rental agreements to unmarried couples, worried about public reaction or

presuming the relationship lacks legitimacy. Occurrences of moral policing—by neighbors, resident welfare groups, or even local authorities—are quite frequent, particularly in smaller communities.

However, gradually the change in society is seen, especially in urban areas and among the educated young people that they have started accepting the concept of live – in relationship. In cities like Delhi, Mumbai, Bengaluru, and Pune, live-in relationships are positively viewed as a practical way to assess the compatibility between the two partners prior to marriage or even as a way of living for few people who doesn't aspire to get married. The influence of worldwide cultures, enhanced financial independency and improved access to education and media have significantly contributed to the development of more liberal and individualistic values.

Although full societal acceptance might still be far off, these evolving perceptions in urban India indicate the onset of a cultural and generational shift. As legal structures gain inclusivity and progressiveness, societal narratives are also being reshaped—though gradually—showing an increasing recognition of individual autonomy and varied relationship types.

## 6. COMPARATIVE LEGAL PERSPECTIVES

Nations like the United States, Canada, and various European countries have established well-defined legal systems for acknowledging live-in partnerships—often called "common-law marriage" or cohabitation rights. These systems offer reliable legal safeguards and rights to partners opting to cohabit without formalizing their relationship through marriage, demonstrating a more structured recognition of various family structures.

## 7. GLOBAL MODELS:

In the United States, majority of the states has recognized common-law marriage, which recognized the couple to be deemed to be legally married without a formal ceremony or license, as long as they fit in the specific criteria i.e, i) living together for a certain duration, ii) publicly identifying as a married couple, and iii) shared intention to marry. Such type of marriage grants them a equivalent rights to those of legally married couples, such as inheritance, spousal support, and tax advantages.

In Canada, the common-law marriage is not recognized legally, however, the live – in partners do receive legal rights through family and property regulations, particularly in provinces such as Ontario and British Columbia. These rights includes spousal support, child custody, and asset division following a separation, which depends on the duration of cohabitation and mutual responsibilities.

In the European countries like Sweden, the Netherlands, and the UK, they all have a established civil partnership laws or cohabitation agreements that enable couples to officially register their relationships and such laws also protect the interest of Live-in partners further, providing them with legal protections like to those enjoyed by married couples. Such laws of the country clarifies and specifies about the right to inheritance, custody of children, and division of property.

Rulings from the Supreme Court and different High Courts have progressively broadened the range of protections, especially for women and children born from live-in relationships. Nevertheless, these decisions frequently differ in their understanding of what defines a legitimate live-in relationship, leading to inconsistencies and legal ambiguity.

Outcomes of the Ad Hoc Method:

Uncertainty regarding property rights, upkeep, and succession.

Inconsistent safeguards for women, particularly in brief or unrecognized living arrangements.

Uncertainty in parental rights and child custody.

Reliance on judicial discretion, which could result in unforeseen results.

## 8. SUMMARY:

As Indian legal principles develop to embrace non-conventional partnerships, the lack of a formal, statutory structure leaves those in live-in relationships in a vulnerable legal state. A shift towards organized legislation, based on lessons from global examples, could offer more consistency, protection, and dignity to these relationships within the Indian framework.

## 9. REFERENCES

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5. The Protection of Women from Domestic Violence Act, 2005
6. Code of Criminal Procedure, 1973 – Section 125
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