



Live-in Relationships and Their Legal Status in India

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Abstract:

Live-in relationships have gained recognition in India over the years, challenging traditional norms of marriage. This paper explores the legal status, judicial precedents, societal acceptance, and future implications of live-in relationships in India. While the judiciary has provided significant protections, social stigma and legal uncertainties remain.

Key words: Live-in relationships, legal status of live-in relationships, children's rights, rights of women, inheritance and property rights, judicial recognition,

Introduction

A live-in relationship, also known as cohabitation, is when two people who are not married but are romantically involved live together. As Indian society is moving towards modernization, live-in relationships are becoming increasingly common. However, due to the lack of statute governing live-in relationships, the legal and social challenges are rising. These include questions surrounding the rights of partners, the legitimacy of children born from such relationships, protection against abuse, and the recognition of such unions under existing laws. The legal system in India has been gradually adapting to these changes, often relying on judicial interpretations rather than clear statutory provisions.

Evolution of Live-in Relationships in India

The evolution of live-in relationships in India from a historical, cultural and social perspective shows a gradual transformation in attitudes, perspective and practices regarding relationships, marriages and cohabitation. Traditionally, India has a deeply rooted culture and social norms that values marriage as the highest and only source of relationships, while any form of cohabitation outside the marriage is considered a taboo and is unacceptable by the society. However, with time, dynamics of relationships has experienced a transformation. Here's the exploration of evolution of live-in relationships in India from historical and cultural perspective.

Historical Perspective: Cultural and Social Perceptions

Historically, Indian society has immense value for marriage as it is considered a sacred and essential bond for both the individuals and the families involved. Marriage is deeply rooted in tradition, especially in Hinduism, it is considered more of a social duty, with the religious texts such as Manusmriti which emphasize its sanctity. Marriage was not just a union between two people but a means of ensuring the duties of family lineage, social status and religious duties. Consequently, any relationship outside the marriage, including live-in relationships were considered taboo. Through marriage, relationships were formalized and any cohabitation without this institution was morally unacceptable and a challenge to cultural norms. There were occasions where a flexibility in relationship structure was seen such as Gandharva Vivah (a marriage by mutual consent) but these were rare exceptions and was not a widespread practice.

From a social perspective, the evolution of live-in relationships in India has been marked by a strong adherence to family and societal approval. In traditional Indian society, family was the central social unit, and individual relationships were often shaped by family expectations. The thought of living together without being married and being in a romantic relationship was perceived as a disruption in social order, and individuals who pursued such relationships often faced outlash by the society, particularly women. Pre-marital cohabitation was often considered as violation of social norms and culture, which also threatened the sanctity of marriage, which was the core of social norms. As a result, live-in relationships were not practiced and were hidden if practiced in exceptional cases, especially in rural and conservative communities. However, with the initiation of globalisation and urbanisation, particularly in the late 20th century, social perceptions have undergone a meaningful evolution, especially in metropolitan cities.

Increasing prevalence in urban areas

The prevalence of live-in relationships has steadily increased in urban areas of India, particularly since the 1990s, driven by urbanisation, exposure to global culture and shifted social attitudes. Cities like Delhi, Mumbai and Bangalore become the fusion hubs of diverse ideas and lifestyles, younger and educated generation started embracing more flexible relationship models which challenged traditional norms. With the access to education, career opportunities, and a focus on individual freedom, youth started seeing live-in relationships as a opportunity to explore compatibility before formal commitment and an escape from the marriage. The influence of social media, dating apps have normalized such relationships. But the resistance is still seen, especially in older generations, urban cities have marked the reduction in social stigma around it, with a vision of acceptance and practical choice for modern couples.

Changing societal attitudes and the role of social media

Changing societal attitudes in India, particularly in younger generation have played a crucial role in the growing acceptance of live-in relationships, with social media being a influencer for this shift. Social media platforms such as Instagram, Facebook, and Twitter has provided a space for open dialogue and exchange of ideas, which has made progress in viewpoints on diverse relationship models. Younger people, especially in urban areas, increasingly view in live-in relationships as a progressive flow in their venture of personal and emotional fulfilment, often share their experiences online. Social media continues to challenge traditional views as it has played a crucial role in breaking down the stigma surrounding live-in relationships which allows more open conversations and greater normalization of non-marital cohabitation.

Legal Recognition in India

- **Constitutional Perspective:**

The Indian Constitution, under Article 21, guarantees the Right to Life and Personal Liberty, which has been expansively interpreted by the judiciary to include the right to cohabit with a partner of one's choice. Live-in relationships, though not explicitly mentioned in the Constitution or any statute, fall within the ambit of this personal liberty. The Supreme Court has repeatedly held that adults have the autonomy to make personal choices, including the decision to live together without marriage.

However, this individual freedom often finds itself in conflict with prevailing notions of societal morality. While the judiciary has leaned towards protecting personal choice, public perception still oscillates between acceptance and judgment. This tension underscores the fragile balance between constitutional rights and cultural conservatism in India.

- **Protection Under Existing Laws**

Although there is no specific legislation that defines or governs live-in relationships in India, certain laws have been interpreted to extend limited rights and protections:

Protection of Women from Domestic Violence Act, 2005: This Act offers protection to women from abusive relationships, including live-in partnerships. The law recognizes "relationships in the nature of marriage" and allows women to claim maintenance, residence, and protection from abuse under its provisions.

Section 125 of the Criminal Procedure Code (CrPC): This section enables a woman in a live-in relationship to claim maintenance from her partner, provided she can establish the relationship's long-term and stable nature. The judiciary has clarified that women should not be left destitute merely because the relationship lacked legal marriage.

Hindu Succession Act & Property Rights: The status of children born out of live-in relationships has evolved significantly. Courts have held that such children are legitimate and have inheritance rights in the property of their parents. However, ambiguity still remains regarding property rights between live-in partners themselves, especially in the absence of a will or written agreement.

Challenges and limitations

Despite the growing acceptance of live-in relationships, several challenges and limitations persist, particularly in more conservative regions of India. Traditional societal norms continues to impose pressure on couples in live-in relationship, often face social stigma and disapproval from family and community. This is particularly seen in rural areas, where marriage is a highly reversed institution and any kind of deviation from this norm leads to obstacle. Legally, some progressions has been made but still there are uncertainties regarding the rights of individuals in live-in relationships, particularly concerning about property rights, inheritance and the status of children born out of the relationship. Furthermore, gender inequality remains a challenge as women in live-in relationships often faces exploitation or vulnerability, lacking the legal protection that is accessible to married ones.

Legal Ambiguity – no codified law specially for live-in relationships

One of the significant challenges surrounding live-in relationships in India is the legal ambiguity, as there is no codified law specifically governing such relationships. While the Indian judiciary has recognized live-in relationships in certain contexts, particularly in terms of providing legal protection to women under the Domestic Violence Act of 2005, there is no comprehensive legal framework that explicitly addresses the rights and responsibilities of individuals in live-in relationships. The lack of clarity in legal guidelines creates uncertainty, particularly, regarding property rights, inheritance, and the legitimacy of children born in such relationships. In the absence of a formalized structure, couples in live-in relationships may struggle with legal complexities, such as disputes over assets or financial support in the event of separation. The absence of a codified law leaves room for legal battles, where decisions often depend on the discretion of the courts, further complicating the situation for individuals in live-in relationships.

Social Stigma – still forward upon in many parts of India

Social stigma around live-in relationships remains prevalent in many parts of India, particularly in rural and conservative regions, due to deep-rooted traditional values, cultural norms, and religious beliefs that prioritize marriage as a sacred part of the culture and society. Such relationships are often viewed as morally unacceptable and are seen as challenging societal expectations regarding sexuality and family structure. In these areas, individuals face judgements, shunning and resistance from families and communities, with women, in particular, facing harshness of society. While urban areas show growing acceptance, the stigma persists in less progressive parts of the country, where deviations from traditional norms are met with criticism.

Women's Vulnerability – no clear legal standing for maintenance unless proven “marriage-like”

Women in live-in relationships in India face significant vulnerability due to the absence of a clear legal framework governing maintenance rights. Unlike in formal marriages, women in live-in relationships can only claim maintenance if they can prove that the relationship was “marriage-like” in nature, a standard that is subjective and often difficult to establish. This lack of legal clarity leaves many women in precarious positions, particularly when there is no formal documentation or societal recognition of their relationship. As a result, they may struggle to secure financial support or claim alimony in case of separation, with legal outcomes often depending on the discretion of the courts, which adds to their uncertainty and exploitation. This uncertainty not only compromises their financial security but also exposes them to emotional distress in the event of a breakup or dispute.

Property and Succession issues – no automatic inheritance rights

In India, women who are in live-in relationships face significant challenges when it comes to property and succession rights, as there is no automatic inheritance rights in the absence of a formal marriage. In the legal marriage, couples, individuals have a recognized claim to each other's property or assets unless explicitly stated in a will but it is unlike in live-in relationships. This legal gap leaves women vulnerable, especially if they have contributed to household or helped in building assets but have no claim to them because they are not in a formal relationship. In cases, where the relationship ends, the dispute is not resolved for the property because of the legal gap. Moreover, the absence of legal safeguards leaves women vulnerable, both financially and emotionally, in the event of a breakup or their partner's death, creating an environment of uncertainty and distress.

Judicial Discretion – courts assess cases individually, leading to inconsistency

Women living in live-in relationships in India also suffer in addition to judicial discretion, where the courts hear each case differently, resulting in legal inconsistency. In contrast to formal marriages with established legal rights, live-in relationships lack clarity, standardized legal framework. As a result, women seeking maintenance, property rights, or inheritance often find their cases subject to the direction of the courts decision. This leads to unpredictable results with the decisions based on the specific facts of each case and the interpretation of the relationship's “marriage-like” nature. The lack of uniform approach not only complicates legal proceedings but also exposes women to potential exploitations, as judicial outcomes can sometimes be influenced by subjective interpretations rather than a clear codified law.

Comparative Analysis with Other Countries

The global legal landscape on live-in relationships varies significantly, shaped by cultural norms, legal traditions, and evolving social attitudes. A comparative analysis helps contextualize India's position and highlights potential models for reform.

- **United States – Common-law Marriage**

In the United States, the concept of common-law marriage is recognized in a few states. Under this system, a couple may be considered legally married without a formal ceremony or marriage registration, provided they live together for a significant period, present themselves as a married couple, and intend to be married. Such recognition grants partners similar rights and obligations as those in a formally registered marriage, including inheritance, maintenance, and property rights. However, the criteria and recognition vary widely across states.

- **United Kingdom – Cohabitation Rights and Civil Partnerships**

The UK does not recognize common-law marriage, but long-term cohabiting partners are granted certain legal rights under family and property law. More importantly, civil partnerships are available for both same-sex and opposite-sex couples, offering a legal framework similar to marriage. Cohabiting couples may also enter into cohabitation agreements to regulate financial and property matters, offering them a degree of legal security even without formal marriage.

- **France – Pacte Civil de Solidarité (PACS)**

France offers an intermediate legal status for couples through the Pacte Civil de Solidarité (PACS). This is a contractual arrangement between two adults, regardless of gender, to organize their life together. It offers several legal rights, including tax benefits, social security entitlements, and limited inheritance

rights. While PACS does not provide all the rights of marriage, it is a popular alternative among couples who prefer not to marry but seek legal recognition of their relationship.

- **China and Japan – Legal Limitations and Social Attitudes**

In countries like China and Japan, live-in relationships are still largely shaped by traditional cultural expectations and lack formal legal recognition. In China, cohabitation has become more common in urban areas, but legal protection remains minimal, especially for women in such relationships. Similarly, Japan offers little legal security for cohabiting partners, with family law predominantly centered around marriage. Social stigma and a lack of progressive legal frameworks continue to hinder broader acceptance and protection.

Need for legal reforms

In India, live-in relationships despite becoming more common, still there are not well defined laws for it which leaves individuals in vulnerable position, especially women. The lack of legal framework means that the issue such as property rights, inheritance, maintenance and succession are often left unsolved. The result is variable and is dependent on the court's interpretation for the relationship. Women in the relationship face challenges in securing financial and legal protections, particularly when it comes to prove the legitimacy of relationship. Legal reforms are needed to provide clarity, consistency and equal rights for ensuring that individuals in the relationships are not exploited. A structured legal framework would offer the necessary safeguards for men and women both, ensuring fair treatment and security in these relationships.

- **A Comprehensive statute for live-in relationships**

A comprehensive statute for live-in relationships in India is required to address the uncertainties and provide necessary protections. Due to the current status of legal framework for the live-in relationships leave individuals fragile in areas where property rights, maintenance, inheritance and protection against abuse are concerned. A well-defined legally recognize live-in relationships, ensuring automatic rights to property, inheritance, and maintenance, similar to those in formal marriages. It would also provide clearer guidelines for claiming assets accumulated during the relationship and ensure protection against domestic violence. By reducing reliance on judicial discretion and offering a consistent legal approach, such a statute would ensure equality, security, and fair treatment for individuals in live-in relationships, fostering a more just legal environment for non-marital partnerships.

- **Clear definition and classification in family law**

A clear definition and classification of live-in relationships in family law is essential to provide legal clarity and ensure equitable protection for individuals involved in such partnerships. Currently, live-in relationships are not clearly defined under Indian family law, leading to ambiguity and inconsistent judgments in courts. By explicitly recognizing and classifying live-in relationships, the law can establish distinct rights and responsibilities for those involved, particularly in areas like maintenance, property rights, inheritance, and succession. A well-defined legal classification would ensure that individuals in live-in relationships are treated fairly, with clear guidelines for the recognition of their contributions, whether financial or emotional, during the relationship. This would also help prevent exploitation, protect vulnerable individuals, and ensure that their rights are upheld in cases of separation, death, or dispute. Clear legal definitions and classifications would provide much-needed legal security and consistency, reducing dependency on judicial discretion and fostering a more inclusive legal framework.

- **Automatic succession and property rights for long-term partners**

Automatic succession and property rights for long-term partners in live-in relationships are essential to ensure legal equality and security. Currently, in India, long-term live-in partners do not automatically inherit property or assets from each other, unlike married couples, which leaves individuals, particularly women, vulnerable if their partner passes away. If the relationship is not formalized through marriage or a will, the surviving partner has no legal claim to inheritance, regardless of the years spent together or contributions made to the household. A legal provision granting automatic succession and property rights would ensure that long-term partners in live-in relationships are treated equally to married couples in matters of inheritance, preventing exploitation and providing financial security. Such rights would recognize the contributions of both partners to the relationship and the assets accumulated during that time, offering protection in the event of separation or death. Establishing these rights in family law would foster fairness, reduce legal uncertainty, and ensure long-term partners have access to the same protections as those in formal marriages.

- **Improved maintenance rights for women**

Improved maintenance rights for women in live-in relationships are crucial to ensure financial security and fairness in the event of separation or hardship. Currently, women in live-in relationships can only claim maintenance if they prove the relationship was "marriage-like," a subjective standard that is often difficult to establish. This creates uncertainty and leaves many women without the financial support they may need after a breakup. A legal reform to guarantee clear and automatic maintenance rights, similar to those in formal marriages, would ensure that women in long-term live-in relationships are not left financially vulnerable. Such improvements would recognize their contributions to the household, whether financial or otherwise, and provide a more equitable legal framework. Improved maintenance rights would also protect women from exploitation, ensuring they have access to adequate support in the event of separation or during a period of financial instability. This reform would create a fairer, more consistent approach, offering women legal security and reducing their dependence on judicial discretion.

- **Protection of children's rights born from such relationships**

The protection of children's rights born from live-in relationships is a critical aspect that needs to be addressed in Indian family law. Currently, children born in live-in relationships do not always have the same legal recognition or protection as children born in formal marriages. This creates uncertainty regarding their rights to inheritance, maintenance, and custody in the event of separation or dispute. To ensure equality, it is essential to grant children

born from live-in relationships the same rights as those born to married couples, including access to financial support, inheritance, and social security. A legal framework should recognize their legitimacy and guarantee their protection under the law, ensuring they are not deprived of their rights due to the status of their parents' relationship. Clear provisions should be made for their custody, welfare, and property rights, securing their well-being and ensuring they are treated with the same dignity and rights as any other child under Indian law. This would provide children born in live-in relationships with legal security, preventing any potential exploitation or neglect.

Conclusion

Live-in relationships in India, though increasingly visible, remain entangled in legal ambiguity and social conservatism. While judicial pronouncements have attempted to fill the legislative void by upholding individual autonomy and extending certain protections, especially to women, the absence of a clear statutory framework continues to foster inconsistency and vulnerability. As societal norms evolve, there is an urgent need for comprehensive legal reform that balances constitutional rights with cultural sensitivities. Recognizing and regulating live-in relationships through codified law would not only safeguard individual rights but also affirm the legitimacy of diverse forms of companionship in a modern democratic society.

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