



Legal Recognition of Live-in Relationships

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ABSTRACT

This study employs artificial intelligence techniques to analyze Hindu matrimonial and divorce laws and examines their socio-legal effects on Indian husbands and their extended families. While existing research has predominantly focused on protecting women from historical gender biases, relatively few studies investigate how matrimonial lawsuits impact husbands and their relatives. The research team adopted quantitative socio-legal methods, gathering primary data from 150 participants involved in matrimonial conflicts. Statistical analysis was conducted through correlation and regression methods, supplemented by Artificial Intelligence pattern detection technology. The study results reveal a weak but statistically significant relationship between matrimonial law application and the social and economic effects experienced by husbands. The findings further demonstrate that matrimonial litigation produces social and economic consequences for extended family members, though other structural elements also shape these impacts. The research additionally found that structured legal systems foster positive perceptions of fairness among litigants. The study calls for equitable matrimonial justice through procedural safeguards and mediation systems, alongside comprehensive socio-legal policy reforms.

KEYWORDS

Live-In Relationships, Cohabitation, Comparative Law, Legal Recognition

1. INTRODUCTION

"Conjunctio Mariti Et Faminae Est De Jure Natura," which implies that natural rights govern a union between a male and a female. No one is self-sufficient; we rely on others to go through life's path. It may occur prior to marriage, for closeness, to connect, and it comprises the entire package of pure feelings. 'Living' according to one's desires is one of a woman's inherent freedoms. However, adhering to the guidelines and standards of society means us decent members of that community. To live our lives as per humanity's greatest order, to live pursuant to nature's rules, and to comprehend the worth of the human individual, we will have to become awake and attentive to the day's repercussions. In keeping with the essence of Indian culture, in order to live jointly, a mature male and female must be linked in marriage. This is why the notion of marriage is revered in all religions.

Live-in relationships, also known as cohabitation, have become more common in modern society across the world. In a live-in relationship, two people live together like a married couple without getting legally married. This type of relationship is becoming popular because people now have changing views about marriage, family, and personal freedom. In traditional societies, marriage has always been considered the main institution for forming a family and maintaining social order. In India especially, marriage is seen as a sacred and socially accepted bond. However, due to modernization, urbanization, higher education, economic independence, and changing lifestyles, many people now prefer living together before or instead of marriage. Live-in relationships provide flexibility and allow couples to understand each other better without the legal responsibilities of marriage. Many individuals choose such relationships because they value independence and personal choice.

Even though live-in relationships are increasing, their legal status is not the same in every country. Some countries provide legal recognition and protection to couples in live-in relationships, while others do not have clear laws regarding such arrangements. Because of this, partners in live-in relationships may face legal problems related to maintenance, property rights, inheritance, child custody, and protection from domestic violence.

Different countries have different approaches towards live-in relationships depending on their legal systems, culture, religion, and social values. In some countries, cohabiting couples are granted rights similar to married couples, while in others they receive only limited protection.

This research paper studies the legal position of live-in relationships in five countries: the United States, India, Sweden, France, and Japan. These countries have different cultural and legal approaches toward cohabitation. By comparing these systems, the paper aims to understand how live-in relationships are recognized and regulated globally. This comparative study will also help in understanding whether India needs a stronger legal framework to regulate live-in relationships and protect the rights of partners and children involved in such relationships.

2. HISTORICAL AND SOCIAL BACKGROUND OF LIVE-IN RELATIONSHIPS

It would be a mistake to treat live-in relationships as a purely contemporary phenomenon imported from Western social practice. Ancient Hindu jurisprudence recognised eight forms of marriage under the Dharmashastras, among which the Gandharva vivaha — a union founded on mutual desire and consent, requiring neither ceremony nor witnesses — bore a structural resemblance to what modern law terms cohabitation. ¹The ancient texts thus acknowledged that consensual domestic partnerships need not be rooted in religious ritual to merit recognition. The codification of personal law after independence, on the other hand, replaced this diversity with a single, ceremony-centered idea of marriage. The Hindu Marriage Act of 1955 says that saptapadi and other traditional ceremonies must be done for the marriage to be valid. The Special Marriage Act of 1954 says that you have to register with a Marriage Officer first. These requirements, while serving important purposes of certainty and record-keeping, had the collateral consequence of rendering cohabiting arrangements legally invisible, depriving the parties of statutory rights and remedies regardless of the depth or duration of their commitment. The closing decades of the twentieth century and the opening years of the twenty-first brought perceptible social change. The National Family Health Survey-5 (2019–21) documented a measurable increase in premarital cohabitation, particularly in urban centres. Growing female participation in the workforce, rising costs associated with elaborate wedding ceremonies, increased migration to cities that loosened the grip of community surveillance, and shifting attitudes among younger cohorts all contributed to an environment in which live-inrelationships became an increasingly visible — though by no means universally accepted — social reality. The law, as it invariably must, was compelled to respond.

3. MEANING AND CONCEPT OF LIVE-IN RELATIONSHIP

A live-in relationship is a form of domestic arrangement in which two individuals live together in a relationship similar to marriage without being legally married to each other. It is commonly referred to as cohabitation. In such relationships, the partners share a common residence, emotional bond, and personal companionship, and in many cases also share financial and social responsibilities. Unlike marriage, a live-in relationship does not create a formal legal bond between the parties through any religious ceremony or statutory registration. It is primarily based on the free consent, mutual understanding, and personal choice of both individuals. The partners voluntarily decide to live together to develop emotional compatibility, understand each other's lifestyle, and assess long-term suitability.

In modern society, live-in relationships are often considered an alternative to marriage, especially among younger generations who prioritize personal freedom, independence, and compatibility before making permanent commitments. Such relationships are becoming increasingly common due to urbanization, modernization, changing family structures, and evolving social attitudes. In India, there is no specific legislation exclusively governing live-in relationships. However, Indian courts have, through judicial interpretation, gradually recognized and provided limited legal protection to such relationships. The judiciary has extended certain rights relating to maintenance, protection from domestic violence under the **Protection of Women from Domestic Violence Act, 2005**, and the legitimacy of children born from such unions. Although the Indian legal system has shown progressive recognition of live-in relationships, social acceptance remains limited. Indian society traditionally regards marriage as the most legitimate and socially approved form of partnership, due to which live-in relationships are often viewed with criticism and social disapproval. Despite these challenges, the growing recognition of individual autonomy and constitutional freedom has contributed to the gradual acceptance of live-in relationships in India.

4. CONSTITUTIONAL FRAMEWORK

The concept of live-in relationships in India is not directly governed by any specific legislation. However, the constitutional principles play an important role in providing legal recognition and protection to individuals who choose such relationships. The Indian Constitution guarantees fundamental rights that protect personal liberty, equality, dignity, and freedom of choice, which form the basis for judicial recognition of live-in relationships.

- **Article 14: RIGHT TO EQUALITY**

Article 14 guarantees equality before the law and equal protection of the laws within the territory of India. Read in the context of live-in relationships, Article 14 raises a pointed question: if the law extends comprehensive protection — maintenance rights, inheritance rights, protection from domestic violence — to persons by virtue of their formal married status, does the denial of those same protections to persons in functionally equivalent relationships constitute an impermissible classification? The Supreme Court has not addressed this question directly in terms of Article 14, but it has, through purposive statutory interpretation of the Domestic Violence Act, 2005, partially bridged the gap.

Case - **In D. Velusamy v. D. Patchaiammal (2010)**

- **Article 19 : FREEDOM OF CHOICE & LIFESTYLE**

Articles 19(1)(a) and 19(1)(d), guaranteeing freedom of speech and expression and the right to move freely throughout the territory of India, respectively, have been read by the Court as encompassing the liberty to choose one's manner of life.

The Constitutional commitment to pluralism militates against the State imposing a single model of domestic arrangement upon its citizens. Those who choose to structure their intimate lives outside the institution of marriage exercise a freedom that the Constitution, read as a whole, is designed to protect. Taken together, Articles 14, 19, and 21 provide a robust constitutional foundation for the legal recognition of live-in relationships. The question, as the following sections demonstrate, is whether the legislature and the judiciary have built sufficiently upon this foundation.

- **ARTICLE 21: THE RIGHT TO LIFE, DIGNITY, AND AUTONOMY**

Article 21 of the Constitution declares that no person shall be deprived of his life or personal liberty except according to procedure established by law. In the decades since independence, this apparently spare guarantee has been elaborated by the Supreme Court into one of the most expansive provisions in the constitutional text, sheltering within it the right to livelihood, the right to health, the right to education, and — most pertinently for present purposes — the right to privacy and personal autonomy. The foundational statement on privacy came in.

Justice K.S. Puttaswamy v. Union of India (2017)

Then, even before Puttaswamy, the Supreme Court had drawn on Article 21 to protect cohabiting couples :

Lata Singh v. State of U.P. (2006)

5. JUDICIAL INTERPRETATION & LANDMARK JUDGEMENT

In India, there is no specific legislation exclusively regulating live-in relationships. Therefore, the judiciary has played an important role in recognizing and protecting the rights of individuals involved in such relationships. Through various judgments, Indian courts have clarified that live-in relationships between consenting adults are not illegal and may receive legal protection under certain circumstances.

The Doctrine of Presumption of Marriage :

The oldest and most consequential judicial mechanism for protecting parties to long-term cohabiting relationships is the evidentiary presumption of marriage. Drawn from Section 114 of the Indian Evidence Act, 1872 — which permits courts to presume the existence of facts that are likely given the proved circumstances — the doctrine holds that where a man and woman have cohabited continuously for a long period and have held themselves out to the world as husband and wife, the law will presume the existence of a valid marriage between them, absent compelling evidence to the contrary.

The locus classicus of this doctrine is *Badri Prasad v. Dy. Director of Consolidation*, AIR 1978 SC 1557, where the Supreme Court held that a fifty-year cohabitation raised a strong presumption of marriage that the opposing party had wholly failed to rebut. The Court emphasised that the presumption, while rebuttable, is not lightly displaced and that courts should be slow to bastardise children and denude women of the status they have enjoyed for decades.

The doctrine was reaffirmed in *S.P.S. Balasubramanyam v. Suruttayan*, AIR 1992 SC 756, where the Court extended the presumption to confer legitimacy upon children born during the cohabitation, holding that children born to parties whose relationship raised a presumption of valid marriage were entitled to be treated as legitimate for all purposes. This ruling had far-reaching consequences for inheritance and succession rights.

Velusamy: Criteria for a 'Relationship like Marriage'

The most doctrinally important decision on live-in relationships is *D. Velusamy v. D. Patchaiammal*, (2010) 10 SCC 469. The question before the Court was the scope of Section 2(f) of the Domestic Violence Act, 2005, which defines domestic relationship to include relationships like marriage. Katju J., delivering the judgment of the Court, held that not every cohabiting arrangement qualifies; a relationship will be treated as one like marriage only if: (i) the parties have lived together for a significant period; (ii) they must have held themselves out to society as akin to spouses; (iii) both must be of the legal age to marry and must not have a

disqualification from marrying (such as a subsisting marriage to another person); and (iv) they must have voluntarily cohabited and held themselves out to the world as being akin to spouses. "A 'live-in relationship' is a relationship which is established without there being a valid marriage between the two parties. We think that not all live-in relationships will amount to a relationship in the nature of marriage to get the benefit of the [Domestic Violence] Act. "Critically, the Court excluded what it termed walk-in and walk-out relationships — casual or transient liaisons — from the Act's protective ambit. This limitation has attracted academic criticism, on the ground that women in shorter relationships may be equally, or even more, vulnerable. The requirement of a significant period introduces a temporal threshold that has no direct correlate in the actual degree of economic dependence or domestic subjugation that the Act was designed to address.

In *Indra Sarma v. V.K.V. Sarma*, (2013) 15 SCC 755, the Supreme Court took a broader view. The bench identified five distinct categories of live-in relationships, including relationships between an unmarried couple, a married man and an unmarried woman, and relationships involving parties separated from their spouses, and held that each must be assessed individually on its facts. The Court made its legislative concern plain:

"Parliament has to ponder over these issues and bring in proper legislation or make a proper amendment of the DV Act, 2005, so that women and children, born out of such relationships, are protected, though such a relationship is not a relationship in the nature of marriage."

Significantly, the Court held that even a woman who had cohabited with a married man, unaware of his subsisting marriage, might be entitled to protection under the Act.

Of equal importance, the Court issued a series of guidelines calling on Parliament to enact comprehensive legislation governing live-in relationships, specifying rights and obligations of the parties, the status of children, property consequences upon separation, and the procedure for dissolution of such relationships. The absence of any legislative response to this judicial exhortation, more than a decade later, speaks volumes about the political reluctance to engage with the subject.

6. LEGAL RIGHTS ARISING FROM LIVE-IN RELATIONSHIP

A) Right to Protection Under Domestic Violence Act :

The Protection of Women from Domestic Violence Act, 2005, gives women in live-in relationships in India real legal protection. Even though there's no specific law just for live-in couples, this Act covers relationships that look and feel like marriage. So, if a woman faces

domestic violence in such a situation, she can still get help under this Act. **Section 2(f)** says a domestic relationship isn't just about marriage. It includes people living together in the same home, even if they're not officially married but share a relationship that's marriage-like. That means women in live-in relationships can take action if they deal with physical, emotional, verbal, sexual, or financial abuse.

The Act offers several types of help: protection orders to keep them safe, rights to stay in their shared home, financial support, compensation, and even orders about child custody.

B) Maintenance Right :

Courts across India have also addressed the maintenance rights of women in live-in relationships. Proceeding on the basis that the word wife in Section 125 of the Code of Criminal Procedure, 1973 (now Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023) must be given a purposive interpretation, several High Courts have held that a woman in a long standing Live-in Relationships and Legal Recognition in India standing live-in relationship is entitled to maintenance if the relationship satisfies the conditions laid down in Velusamy. The Punjab and Haryana High Court in Chanmuniya v. Virendra Kumar Singh Kushwaha (2011) went further,

favouring a broad interpretation of wife to include women in live-in relationships where the man had held the woman out as his spouse.

C) Property and Inheritance Rights :

The most legally underdeveloped dimension of the law of live-in relationships concerns property and inheritance. The Hindu Succession Act, 1956, and the corresponding personal laws of other communities do not extend inheritance rights to cohabiting partners. In the absence of a testamentary disposition, a surviving live-in partner has no claim to the deceased partner's estate. While courts have, in limited circumstances, awarded compensation under the Domestic Violence Act or granted a share of jointly acquired property on constructive trust principles, these remedies are neither systematic nor predictable.

7. STATUS OF CHILDREN BORN FROM LIVE-IN RELATIONSHIPS

Children born out of such live-in relationships have been legally protected by several court judgments. The Supreme Court of India ruled that when two people stay together as husband and wife, it constitutes a de facto marriage. Hence, there is no question about the legitimacy of children born out of such live-in relationships. The children born out of such relationships are entitled to all the benefits of being legitimate children born of a marriage. Such benefits include

maintenance, legitimacy, and inheritance rights in respect of their parents' properties. In the case of *Vidyadhari vs. Sukhrana Bai*, it was ruled that children born out of a relationship also have inheritance rights.

There is an explicit statement of the principle that the child cannot be denied his/her rights merely because of the marital status of his/her parents. It is the objective of Indian law to protect their dignity, well-being, and interests. The children should be granted these protections in respect of live-in relationships. The courts will ensure that they get what they deserve. Although Indian law has improved the standing of these children, some research indicates that the lack of specific, uniform legislation can still lead to legal ambiguity regarding their complete rights, particularly concerning inheritance of ancestral property.

8. STATUS OF LIVE-IN RELATIONSHIP IN OTHER COUNTRIES

- **CANADA:** Recognizes common-law partnerships if two individuals cohabit in a marital relationship for one year (or conceive a child), giving legal status almost equivalent to that of marriage under federal law.
- **USA:** Legal throughout the nation, with some states recognizing common-law marriage that gives equal rights as marriage.
- **FRANCE:** Allows civil union (PACS), which is a practical compromise between marriage and being single.
- **AUSTRALIA:** Recognizes de facto relationships for heterosexual and homosexual couples, despite one partner continuing their marriage elsewhere.
- **UK:** Cohabitation is legal yet enjoys less legal protection compared to marriage or civil partnership.
- **CHINA:** Increasingly prevalent in urban areas despite lagging in comparison to the legal status in Western countries.
- **JAPAN:** Increasing trend with low legal recognition, consistent with its socially conservative society.
- **Sharia/Islamic Law Countries:** Do not allow cohabitation among unmarried couples; no sexual intercourse allowed before marriage.

9. COUNTRIES WHERE LIVE-IN RELATIONSHIPS ARE RESTRICTED/PROHIBITED

Live-in relationships in different countries have distinct policies. Whereas some jurisdictions and communities promote the cohabitation of couples, others criminalize the act of living together without being married. For instance,

- Some countries with Islam-based societies consider cohabitation a breach of religious values that warrants punishment for individuals who practice it.
- In **Bangladesh**, cohabitation after divorce is considered a civil issue resolved by the informal salishi system of dispute resolution, where the offenders usually receive a fine in rural regions.
- In **Indonesia**, lawmakers once considered incorporating a penalty code within the country's penal legislation based on the sharia law introduced in 2005. Under this provision, anyone found guilty of cohabitation would spend between one and two years in prison. Cohabitation is also considered illegal in regions with Sharia law enforcement.
- Live-in relationships in **Iran**, governed by Sharia law, are legally recognized but are considered illegitimate in Iran. In addition, the practice of having sexual relations without marriage or family approval is deemed illegal.

Dubai: UAE Dubai, being an Islamic state, is strict in its ethical and moral code. The laws here are very distinct. Outsiders who stay and work in the UAE need to be very careful regarding the laws. In the UAE, cohabiting without marriage is an offence, and if such offenders are foreigners, they may be deported.

10. ADVANTAGES AND DISADVANTAGES

ADVANTAGES :

- Partners who are living together can get to know each other easily. With the rise in divorces, partners have found it important that living together before marrying is the best way to get to know each other.
- Partners can share their liabilities, and they can enjoy their life as they want. Unlike marriage, they are not lawfully bound to each other and can break off their commitment if they want. Their relationship should be based on mutual understanding.
- As previously mentioned, people who are in a live-in relationship can break off their commitment if they want to. They can choose whether or when to leave the relationship without going through any stress of divorce.

- A partner can understand the responsibility of his/her counterpart and has to decide if they can live with these choices before marriage.
- Financial Benefits- Couples living together can generate income if they have two properties, for example, and if they rent one of them. This could be a financial benefit for the partners. It can also teach the couples about financial stability.

DISADVANTAGES :

- Couples who are living together can often face the problems of physical domestic violence and sometimes infidelity, which could affect them physically, financially and financially. This can also negatively affect children as well.
- Live-in relationships can often increase the pressure to get married, although they were supposed to lessen the marital pressure. This pressure could be given by either partner, friends, or family.
- The partners can also face challenges like lack of rights and authority over marital and inherited property, funeral and burial arrangements, lack of eligibility for coverage or benefits under insurance contracts, and vice versa.
- Another disadvantage is that broken engagements can often lead to emotional and psychological effects like feeling smothered, irritated, neglected, and even heartbreak. Depression can also play a vital role in the breakup of a live-in relationship, as the relationship could end at any moment.
- Live-in relationships can also bring incompatibilities, which means the things people find amusing can later become irritating. For example, if a partner finds the other's dry humour amusing while dating can become less charming when living together.
- The practice is still seen in a negative light by society as it is still considered a taboo for religious, moral, class reasons, etc. The individual choices of the partners are often berated, harassed, and criticized by society.

11. CHALLENGES

Harmonizing Legal Frameworks: The absence of uniform legal standards for live-in relationships across jurisdictions creates confusion and inequities, especially in transnational cases. Countries should adopt standardized cohabitation agreements that ensure basic rights for cohabiting partners, such as property sharing, inheritance, and access to social benefits. These agreements can help mitigate legal uncertainties and provide a foundation for equitable

treatment. International conventions or regional agreements could serve as platforms for establishing minimum standards while allowing for cultural and societal specificities.

Public Awareness: Societal stigma against live-in relationships remains a significant barrier in many countries, limiting the acceptance and protection of cohabiting partners. Public awareness campaigns are essential for fostering a supportive environment. These initiatives should highlight the legal rights of cohabitants, address misconceptions, and promote the understanding of diverse family structures. Media, educational institutions, and community organizations can play pivotal roles in shaping positive societal attitudes, ultimately influencing policy and legal reforms.

Here is a shorter version:

Gender Equality: Women in live-in relationships should be given legal protection regarding maintenance, property rights, residence, and protection from domestic violence to ensure equality and financial security.

Child Welfare: Children born from live-in relationships should have equal rights relating to legitimacy, maintenance, inheritance, and social protection, without discrimination based on their parents' marital status.

Change Adaptation: Since relationships are constantly evolving, laws have to evolve too in order to stay relevant. Lawmakers have to project themselves into the future to see emerging developments such as cross-border cohabitation or alternative family types so that their laws would remain meaningful. Engaging stakeholders, such as legal practitioners, sociologists, and civil organizations, is an invaluable input to understanding where society is going.

12. CONCLUSION

The state of the development of live-in couples is determined by culture, society, and legislation. From the presented analysis, it becomes clear where each country is succeeding, where they are failing, and what results they might get. When the legislative framework meets the reality of living and when the opinions of society are taken into account, then it will be possible to make sure that all live-in

partners will be recognized and have their place in society and be protected accordingly, as their families should also evolve.

This research suggests a necessity to change a variety of factors, which include culture as well as prospective legislation. Such countries as Sweden and France have already shown that it is possible to establish solid legal rights of cohabiting partners that do not contradict cultural

traditions. At the same time, examples from India and Japan show the difficulties that arise because of attempts to balance traditions and real life.

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