



INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

FROM SOCIAL TABOO TO CONSTITUTIONAL LEGITIMACY: A CRITICAL ANALYSIS INTO THE EVOLVING JURISPRUDENCE OF LIVE-IN RELATIONSHIP IN INDIA IN THE LIGHT OF MODERNITY

Srija Maiti, B.A. LLB(Hons), Techno India University, Kolkata

ABSTRACT:

In the era of globalization, live-in relationships are a form of non-marital cohabitation form of marriage. It is distinct from the traditional concept of “marriage”. In contemporary India, such relationships have emerged as a product of socio-legal phenomena. And the very concept of live-in relationships is greatly influenced by western cultural dynamics and global exposure. Despite the increasing prevalence of live-in relationships, there is a sharp existence of a sensitive and ambiguous space due to the absence of a robust statutory legal framework. Therefore, this journal critically examines the historical, constitutional, statutory and judicial dimensions and safeguards backed by the constitution of India. This journal minutely analyzes the defining roles of Article 14, 19 and 21 of the Constitution of India¹. By analyzing the articles, it safeguards the individual autonomy, dignity and privacy and at the same time it also evaluates the limited recognition under the Protection of Women from Domestic Violence Act, 2005². Furthermore, it also examines the provisions under Family Law, Inheritance Law, Evidence Law, and Code of Criminal Procedure, 1973. Through this journal, a critical assessment is being conducted to examine the landmark judgements, highlighting the proactive role of the judiciary in extending the legal protection of the women and children born within such relationships³. In addition, it also undertakes a comparative analysis of legal frameworks of foreign countries to bring the much-needed reforms in the Indian context. The journal also identifies the acute gaps, relating in maintenance and recognition of same sex marriage, and argues for framing an inclusive and comprehensive legal framework that finely balances individual dignity and autonomy with social recognition and protection, aligning with constitutional values and morality.

KEYWORDS: Era of Globalization, Live-in relationship, non-marital cohabitation, Individual Dignity, Protection of Women from Domestic Violence Act 2005, Same-Sex Marriage, Article 14, 19 and 21 of the

¹ Constitution of India 1950, arts 14, 19 and 21.

² Protection of Women from Domestic Violence Act 2005, s 2(f).

³ *Tulsa v Durghatiya* (2008) 4 SCC 520; *Revanasiddappa v Mallikarjun* (2023) 14 SCC 171.

Constitution of India, Family Law, Inheritance Law, Evidence Law and Code of Criminal Procedure 1973, Constitutional Values, Constitutional Morality.

INTRODUCTION

Marriage has long been regarded as one of the most important social institutions in India. Beyond being a personal relationship between two individuals, it has traditionally served as the foundation of family life and has been closely regulated by law, religion, and social customs. Over the past few decades, however, Indian society has undergone significant social and economic changes. Urbanization, higher educational attainment, financial independence, changing attitudes towards personal relationships, and the growing recognition of individual choice have contributed to the emergence of alternative forms of companionship. One such form is the live-in relationship, where two consenting adults choose to live together without entering into a formal marriage⁴. Although live-in relationships have become increasingly visible, particularly in urban areas, they continue to occupy an uncertain position within the Indian legal system. Unlike marriage, which is comprehensively governed by personal and statutory laws, there is no legislation in India that exclusively regulates live-in relationships⁵. Consequently, the legal rights and obligations of partners in such relationships have largely evolved through judicial interpretation and the application of existing statutes to specific factual situations. This has resulted in a legal framework that is both evolving and fragmented.

The Constitution of India has played a significant role in shaping the legal discourse surrounding live-in relationships. The guarantees of equality under Article 14, the freedoms protected by Article 19, and the right to life and personal liberty under Article 21 have enabled the judiciary to recognize the autonomy of consenting adults to choose their partners and cohabit without unwarranted interference. Through a series of landmark decisions, the Supreme Court has consistently affirmed that living together outside marriage is not an offence or an illegal act⁶. At the same time, courts have attempted to protect vulnerable partners by extending limited legal safeguards relating to maintenance, protection against domestic violence, and the legitimacy of children born from such relationships. Despite these judicial developments, several important legal issues remain unresolved. There is still no uniform legal test for determining when a live-in relationship should receive legal recognition. Questions concerning property rights, inheritance, succession, financial responsibilities between partners, and the legal status of relationships of shorter duration continue to present significant challenges. Moreover, the absence of a comprehensive legislative framework often results in uncertainty and inconsistent judicial outcomes. These issues are further complicated by the continuing tension between constitutional values that emphasize individual liberty and social attitudes that continue to regard marriage as the only legitimate form of intimate partnership.

The present study examines the legal status of live-in relationships in India from both constitutional and statutory perspectives. It analyses the contribution of judicial decisions in developing the existing legal framework, evaluates the protections currently available to individuals in such relationships, and identifies the gaps that continue to exist in the law. The study also draws comparative insights from selected foreign jurisdictions where cohabitation has received greater legislative recognition, with the objective of identifying principles that may be relevant to the Indian context. As Indian society continues to evolve, the law must respond to changing social realities while remaining faithful to constitutional values of equality, dignity, and personal liberty. A coherent legal framework governing live-in relationships would not undermine the institution of marriage; rather, it would ensure that individuals who choose different forms of companionship are affording appropriate legal protection. By examining the intersection of

⁴ S Khushboo v Kanniammal (2010) 5 SCC 600.

⁵ Indra Sarma v VKV Sarma (2013) 15 SCC 755.

⁶ S Khushboo v Kanniammal (2010) 5 SCC 600; Nandakumar v State of Kerala (2018) 16 SCC 602.

constitutional rights, judicial interpretation, and social change, this study seeks to contribute to the ongoing discourse on the need for a balanced and inclusive legal approach to live-in relationships in India.

HISTORICAL EVOLUTION AND SOCIO-LEGAL PERSPECTIVE OF LIVE-IN-RELATIONSHIPS IN INDIA

In this era of modernization, live-in relationships are evolving more rapidly and is followed by a significant number of persons all over the world, including India also. The concept and origin of live-in relationships are often accompanied and acknowledged by the perception that non-marital cohabitation is merely a western culture and social phenomenon. However, our ancient Indian history presents a more vivid concept and nuanced picture of live-in relationship. Although modern concepts and theories of live-in relationships cannot be directly equated or compared with the ancient forms of marriage and customary rituals.

The ancient classical Hindu traditions recognized eight types of marriages namely, *Brahma*, *Daiva*, *Arsa*, *Prajapatya*, *Asura*, *Gandharva*, *Rakshasa* and *Paisacha*⁷. Among the eight forms of marriages the *Gandharva* marriage is particularly significant because it was the form of marriage that associated with a voluntary union of two partners- *Nari* and *Purusha*, arising from mutual desires, without the participation of their parents and without following the customary rituals of marriage. The *Manusmriti* recognized it as one of the eight forms of marriage⁸. However, in this changing era equating the *Gandharva Vivaha* with the modern form of live-in relationships would be totally inaccurate and irrelevant. Therefore, it has been proved that the concept of live-in relationships is merely not a product of western social phenomena. It has its own cultural, societal and historical roots to India itself.

The beauty and diversified nature of Indian traditions is again reflected in the regional customs, norms and in their ancient literatures and holy books. For example, in ancient Tamil literature and in the Tamilian culture, *Kalavu* is recognized and widely being associated with the premature love and secret relationships. Similarly, in parts of Gujarat, *Maitri Karar*, or in simple terms mutual friendship agreements had historically been associated with the arrangements that involve cohabitation and mutual support to each other. Another different kind of non-martial form of marriage is seen in the parts of Madhya Pradesh and Rajasthan which accommodate certain forms of re-marriages and cohabitation outside the conventional form of matrimonial customs and rituals. Therefore, such marriage forms and practices operate within their own social customary contexts, and these concepts of marriages should not be blindly classified as modern live-in relationships. They just demonstrate that the Indian society and its culture have never been entirely uniform in its so-called concepts of intimate and familial relationships.

Despite of these historical and diverse cultural, marriage has traditionally occupied a central position in Indian social, religious and cultural life. In India, *Vivaha* was not only associated with companionship and to fulfill sexual desires but also with *dharma*, family continuity and social recognitions. Henceforth, the relationships that do not follow or outside the so-called matrimonial customs and norms are generally not accepted by the society and are also legally recognized.

But the evolution of the modern concept of live-in relationship reflects a further change in the social arena. The overt influence of urbanization, women's participation in workforce, westernization, modern education, economic independence, individual autonomy, high career aspirations, concept of mutual benefits and changing attitudes towards marriage have significantly contributed to the increasing visibility of non-martial cohabitations. For many people, living together beyond marriage or without marriage represents clearly a choice-based decision upon companionship and respecting individual freedom rather than rejection of marriage itself.

However, the Indian jurisprudence has responded to this societal transformation gradually. The courts through judicial interpretation have played a crucial role in determining the legality of such relationships

⁷ Patrick Olivelle (trans), *Manu's Code of Law: A Critical Edition and Translation of the Mānava-Dharmaśāstra* (OUP 2005) 3.20–3.34.

⁸ *Manusmriti* 3.20–3.34.

and also, they have increasingly recognized and respected the autonomy of two adults to choose their partners independently and subjected to law to live together without marriage. This development mirrors the constitutional values and core principles of dignity, privacy, personal liberty and individual choices. As a result, the emergence of live-in relationships in India represents neither a product of westernization nor a complete departure from the traditional roots of India. Rather, it mirrors an everlasting interaction between modernism, historical and cultural pluralism, evolving social dynamics, and the very concept of individualism and self-autonomy.

Therefore, this profound historical and socio-legal emergence of live-in relationship laid the foundation stone for further examining the contemporary legal and societal issues arising from live-in relationships.

CONSTITUTIONAL FRAMEWORK OF LIVE-IN RELATIONSHIPS IN INDIA

The legal recognition of live-in-relationships in India is based in constitutional jurisprudence instead of express statutory enactment. Marriage is such an institution which is governed by codified personal laws and secular legislations whereas live-in-relationships do not enjoy direct legislative recognition under a comprehensive statutory framework. Consequently, the constitutional guarantees enshrined in the Constitution of India have become the core source of protection for individuals cohabiting outside the formal marriage. The judiciary, with the evolved time, has purposefully and progressively interpreted the true meaning of the Fundamental Rights and has expanded its claws in the ambit of liberty, privacy, equality and dignity to accommodate the fast-changing social realities and evolving notions of personal relationships. The constitutional validity and protection of live-in-relationships are must be examined through Article 14, Article 15, Article 19 and Article 21 of the Constitution along with the Doctrines of Constitutional Morality, transformative constitutionalism and decisional autonomy in which Article 14 clearly states Equality before Law and Equal Protection of Laws. It also guarantees that "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India". This Article embodies two dimensions: Equality before law, a negative concept derived from the Doctrine of Rule of Law and the equal protection of laws is a positive obligation derived from the American Constitution. The first part highlights the absence of arbitrary privilege in favor of any individual, while the second part requires the state to treat similarly situated person alike and to ensure fairness in legal protection. In the context of live-in-relationships, Article 14 plays a vital role as individuals in such relationships often face different treatment in matters of maintenance according to Section 24 and 25 of Hindu Marriage Act, Sections 18, 19, 20, 21, 22, 23, 24 and 25 of Hindu Adoption and Maintenance Act, Section 144 of BNSS (Section 125 of CrPC), Section 36 and 37 of Special Marriage Act Section 20 of Hindu Divorce Act. inheritance according to Hindu Succession Act, legitimacy of children, housing and social welfare benefits according to Hindu Marriage Act. Women in live-in-relationships are often denied legal remedies solely as they fail to prove themselves as legal "wives" as one would say in the strict legal sense. Children born out of such relationships also have faced questions about legitimacy and inheritance. Thus, Article 14 constitutionally concerns of such discriminatory treatment raised out of the live-in-relationships. The Supreme Court has repeatedly held that arbitrariness is anti-thetical to equality. In the case of *E.P.Royappa v State of Tamil Nadu*⁹, the court held that equality and arbitrariness are sworn enemies. Justice Bhagwati observed that if an act is arbitrary, it is inherently unequal and violative of Article 14. Similarly, in *Ajay Hasia v Khalid Mujib Sehravardi*¹⁰, the court reiterated that arbitrariness in state action is impermissible. Article 14 further expanded its jurisprudential scope in the case of *Maneka Gandhi v Union of India*¹¹, where the highest apex court stated that any law affecting personal liberty must comply with the test of fairness, reasonableness and non-arbitrariness. Thus, any denial by the state or legal framework to the protection of women and children arising out of such relationships without reasonable classification will be considered constitutionally invalid under Article 14 of the Constitution.

Similarly, Article 15 states the Prohibition of Discrimination. Article 15(1) provides that "The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them". These provisions of the Constitution ensure equal social and legal status by eliminating discriminatory treatment. Women often experience various forms of social, economic and legal

⁹ EP Royappa v State of Tamil Nadu (1974) 4 SCC 3.

¹⁰ Ajay Hasia v Khalid Mujib Sehravardi (1981) 1 SCC 722.

¹¹ Maneka Gandhi v Union of India (1978) 1 SCC 248.

discrimination in live-in-relationships and face abandonment without maintenance, lack of legal recognition, denial of inheritance and exclusion from social legitimacy. Such disadvantages mostly take birth due to patriarchal norms that legal protection should only flow from traditional marriage ideology. Article 15 becomes relevant in projecting gender-based discrimination arising from such norms. Article 15(3) further empowers the state to make special provisions for women and children. This clause is intended to protect the vulnerable party in such relationships to provide constitutional legitimacy to welfare-oriented legislation. For instance, the Protection of Women from Domestic Violence Act, 2005¹² intends protection to women in "relationships in nature of marriage." Thus Article 15(3) is a beneficial legislation as it provides constitutional support which is derived from it. The Supreme Court has upheld ample number of times regarding protective discrimination where it promotes substantive equality. Henceforth, Article 15 not only prohibits the concept of discrimination but also provides mandatory affirmative protection for women and children in vulnerable domestic arrangements.

Article 19 states Freedom and Individual Choice. It guarantees freedom to collectively protect individual autonomy and self-expression. The relevant clauses include Article 19(1)(a) which states freedom of speech and expression, Article 19(1)(d) which states freedom to move freely throughout India, Article 19(1)(e) which states freedom to reside and settle in any part of India and Article 19(1)(g) which states the freedom to practice any profession or occupation. The consent to enter a live-in relationship should be viewed as an exercise of personal choice, expression, and residence. Two consenting adults' cohabiting are exercising their personal autonomy over their lifestyle and personal relationships. In the case of *Khushboo v Kanniammal*¹³, the Supreme Court recognized that overriding constitutional freedoms cannot correspond to the notions of social morality. It also stated that cohabiting together falls within the domain of personal liberty and is not considered an offence. This highlights the constitutional protection of unconventional choices. Thus, Article 19 indirectly protects the consent to cohabit as part of the right to freedom of expression and residence.

Article 21 notes Right to Life and Personal Liberty. It is the most important constitutional provision administering live-in-relationships and provides "No person shall be deprived of his life or personal liberty except according to procedure established by law." Initially, Article 21 was narrowly interpreted in *A.K. Gopalan v State of Madras*¹⁴, where the court adopted a formalistic interpretation. Later it was expanded in the case of *Maneka Gandhi v Union of India*. The court held that "procedure established by law"¹⁵ must be fair, just, reasonable and not arbitrary, fanciful or oppressive. This case thus transformed Article 21 into the vault of multiple unenumerated rights, and the Supreme Court hence interpreted this Article 21 and included in it the right to live with dignity, right to privacy, right to bodily autonomy, right to sexual autonomy, right to choose one's partner, right to reproductive autonomy and right to emotional companionship. In the case of *Lata Singh v State of Uttar Pradesh*¹⁶, the highest apex court held that a woman who is above the age of 18 years has the right to marry or live with anyone of her choice. Honour-based violence and familial interference were condemned by the court. The Court reaffirmed that the choice of a partner is intrinsic to Article 21 in the case of *Shafin Jahan v Asokan K.M.*¹⁷. Hence, the court emphasized that someone's right to choose their life partner solely lies within their core zone of privacy. In the case of *K.S. Puttaswamy v Union of India*¹⁸, privacy as a fundamental right was recognized and the constitutional basis for live-in-relationships was also strengthened. Privacy includes decisional autonomy over intimate personal matters was also held by the Court. Thus, the confidential decisions concerning cohabitation fall within the shielded sphere of privacy and dignity.

The Doctrine of Constitutional Morality has solely concentrated on arbitrating issues related to personal relationships and social morality. Constitutional morality requires compliance with constitutional values like liberty, dignity, equality, fraternity, and justice. It acts as a resistance against majoritarian morality and social conservatism. Constitutional morality must prevail over social morality; it was held by the Supreme Court in the case of *Navtej Singh Johar v Union of India*¹⁹. Under Section 377 of Indian Penal Code, 1860 it is stated that consensual same-sex relations were decriminalized by the Court. The Court struck down adultery law under Section 497 IPC as unconstitutional and emphasized on dignity, sexual autonomy and

¹² Protection of Women from Domestic Violence Act 2005, s 2(f).

¹³ S Khushboo v Kanniammal (2010) 5 SCC 600.

¹⁴ AK Gopalan v State of Madras (1950) SCR 88.

¹⁵ Maneka Gandhi v Union of India (1978) 1 SCC 248.

¹⁶ Lata Singh v State of Uttar Pradesh (2006) 5 SCC 475.

¹⁷ Shafin Jahan v Asokan KM (2018) 16 SCC 368.

¹⁸ K S Puttaswamy v Union of India (2017) 10 SCC 1.

¹⁹ Navtej Singh Johar v Union of India (2018) 10 SCC 1.

privacy in the case of *Joseph Shine v Union of India*²⁰. Thus, these principles are directly pertinent to live-in relationships. The Doctrine of transformative constitutionalism are increasingly followed and viewed as an instrument of social transformation by the Indian Constitutional Jurisprudence. It aims to dismantle oppressive social structures and expand individual freedom. Hence, a transformative approach reflects vividly in the recognition given to the live-in relationships. Same-sex relationships gained constitutional protection after the case of *Navtej Singh Johar v Union of India*. Same-sex marriages though remain legally unresolved, same-sex cohabitation can claim protection under Articles 14, 19 and 21. Intimate relationships has been increasingly recognized as matters of personal liberty, dignity and autonomy rather than public morality and social approval by the constitutional framework in India. Henceforth, the foundation for judicial recognition of live-in-relationships has been laid by the constitutional evolution despite legislative silence.

STATUTORY FRAMEWORK GOVERNING LIVE-IN-RELATIONSHIPS IN INDIA

Unlike marriage, live-in-relationships in India do not have a dedicated or codified statutory framework which is comprehensively regulated under various personal laws and secular enactments. The omission of a specific legislation exclusively administering the concept of living together has created a fragmented legal landscape, where rights and obligations emerging from such relationships are administered indirectly through scattered statutory provisions and judicial interpretations. Subsequently, the live-in-relationships in India are statutorily recognized as limited, conditional and largely dependent upon judicial construction of existing laws. Though there are some legislative vacuum, still specific statutes have played a vital role in extending partial protection to individuals, especially women and children, emerging out of these live-in-relationships. The Protection of Women from Domestic Violence Act, 2005 represents a progressive departure from traditional marriage-centric legal frameworks and is the most important among the rest. The Protection of Women from Domestic Violence Act, 2005 is also known as "DV Act" and significantly aims at the statutory development in recognizing and protecting women in live-in-relationships. Enacted as a civil law, the act adopts a vast and inclusive definition of domestic relationships and primarily targets at providing immediate and effective remedies. Section 2(f) defines Domestic Relationship as a relationship between two persons who live or have lived together in a shared household, when they are related by consanguinity, marriage or through a relationship in marriage. The phrase "relationship in the nature of marriage"²¹ is of remarkable legal significance as it extends its ambit of protection of the act beyond socially married couples to include women in live-in-relationships. However, this act though leaves its interpretation to the judicial determination does not define this phrase exhaustively. Section 2(s) states the concept of shared household and elaborates it as a household where the aggrieved person lives or has lived in a domestic relationship and at the simultaneously ensures that women in live-in-relationships cannot be coercively or unlawfully uprooted from their residence²², thus providing them with their right to shelter. Section 3 defines Domestic Violence and fosters a vast and inclusive definition of it, incorporating areas like physical abuse, sexual abuse, verbal, emotional abuse and economic abuse. Economic Abuse includes deprivation of oneself from their financial resources, proposing denial of their maintenance, and arbitrarily dispossessing them from their shared property²³ and the whole of Section 3 is particularly relevant to those women in live-in-relationships who may face abandonment and financial insecurity. The act provides a wide range of civil remedies such as Section 18 states Protection of Orders, Section 19 states Residence Orders, Section 20 states Monetary Relief, Section 21 states Custody Orders, Section 22 states Compensation and Damages. A protective legal framework for women in live-in-relationships resembling marriage is collectively created by these provisions. In the case of *D. Velusamy v D. Patchaiammal*²⁴, the scope of "relationship in the nature of marriage" has been

²⁰ *Joseph Shine v Union of India* (2019) 3 SCC 39.

²¹ Protection of Women from Domestic Violence Act 2005, s 2(f); *D Velusamy v D Patchaiammal* (2010) 10 SCC 469.

²² Protection of Women from Domestic Violence Act 2005, s 2(s).

²³ Protection of Women from Domestic Violence Act 2005, s 3, Explanation I(iv).

²⁴ *D Velusamy v D Patchaiammal* (2010) 10 SCC 469.

clarified. In this case the Supreme Court uphold certain criteria like the couple must hold themselves out to society as spouses, they must attain the legal age to marry, they must be qualified to enter into a legal marriage, they must have voluntarily cohabited for a significant period. The concept was further elaborated in the case of *Indra Sarma v V.K.V.Sarma*, where the Court emphasized that not all relationships would be considered to be protected under the DV Act and it is also clarified the different categories of live-in relationships. Though this Act showcases a progressive endeavor but its applications in many cases exclude certain women, especially those who are in relationships created by bigamy or deceit. Section 125 of the Code of Criminal Procedure, 1973²⁵ clearly elaborates that maintenance as an aid aimed at preventing vagrancy and destitution and highlights that a person who have sufficient means must maintain his wife (who is legally tied in a matrimonial knot), his children, and his parents. In certain cases of live-in relationships, courts with evolving time have fostered a purposive interpretation. The Supreme Court in the case of *Chanmuniya v Virendra Kumar Singh Kushwaha*²⁶ has prescribed that the meaning of the term "wife" should be extended in such a way so that it can cover women in relationships akin to marriage, with a broader aim to initiate advancement in the objective of social justice. Although this view reflects a judicial willingness to extend the rights to have maintenance beyond the ambit of formal marriage, it has not been uniformly applied. Nevertheless, the omission of explicit statutory recognition continues to create contradiction and uncertainty in maintenance of assertions stemming from live-in relationships. The greatest critical legal concern is the legitimacy of children born out of live-in relationships. Section 16 of Hindu Marriage Act, 1955²⁷ has resolved the issue of legitimacy of children and states that children born from void or voidable marriage shall be considered legitimate. Although the provisions specifically refer to marriages, judicial interpretation has also been extended and provided similar protection to children born from long term cohabiting couples. The Supreme Court held that children born out of protracting live-in relationships are considered to be legitimate and are entitled to inheritance rights in the case of *Tulsa v Durghatiya*²⁸. The judicial approach aligns with the principle that no child should suffer due to the nature of the relationship between parents. The limit of inheritance of rights extends particularly in ancestral property, remains subject to legal interpretation and restrictions. In *Badri Prasad v Deputy Direction of Consolidation*²⁹, the highest apex court upheld a 50 year live-in-relationship as a valid marriage for legal objectives. This assumption operates in favor of legitimacy and social harmony. However, it is a refutable presumption and relies on factual state of affairs.

Indian traditional laws persist and revolve around the rigid marriage system. Inheritance of rights under personal laws such as Hindu Succession Act, 1956, Muslim Personal Laws, Indian Succession Act, 1925 cannot be acquired automatically by partners in live-in-relationships. Though the partners themselves lack legal recognition as heirs, still the children born out of such relationships may have certain rights. This reduces the chances of legal uncertainty and financial vulnerability. Indian Courts emphasizes on the welfare of the child principle solely in matters of child custody. Even in cases of live-in relationships, the court prioritizes the welfare of the child to be a matter of prime concern over any other legal status. However, the deficit of properly mentioned statutory provisions may complicate conflicts. Despite judicial and statutory advancement, the present framework suffers several restrictions like absence of a comprehensive legislation, restricted protection for same-sex couples, evidentiary hurdles in proving cohabitation, deficit of rights of succession and property, obscurity in defining "relationship in the nature of marriage", incompatible judicial interpretations. Thus, the statutory framework administering live-in-relationships in India remains segmented, inadequate and largely reliant on judicial interpretation.

²⁵ Code of Criminal Procedure 1973, s 125.

²⁶ *Chanmuniya v Virendra Kumar Singh Kushwaha* (2011) 1 SCC 141.

²⁷ Hindu Marriage Act 1955, s 16.

²⁸ *Tulsa v Durghatiya* (2008) 4 SCC 520.

²⁹ *Badri Prasad v Deputy Director of Consolidation* (1978) 3 SCC 527.

JUDICIAL INTERPRETATION AND LANDMARK JUDGEMENTS

The judiciary has assumed a vital role in shaping the legal status, rights and obligations arising from such relationships in the absence of a comprehensive legislative framework governing live-in-relationships. Through a series of dynamic and teleological interpretations, the courts, particularly the Supreme Court, have gradually extended the scope of constitutional safeguards to include the cohabitation between two consenting adults. Judicial intervention has thus evolved live-in relationships from a social taboo to a legally recognized, though not fully acknowledged, form of intimate partnership. The transformation of judicial jurisprudence in this sphere largely shifted to a right-based approach grounded in constitutional values like dignity, equality, liberty, and autonomy from a morality-based approach. There are some landmark judgements that better elucidate these transformations. First is the presumption of marriage and legitimacy. In the case of *Badri Prasad v Deputy Director of Consolidation*, one of the earliest judicial recognitions of long-term cohabitation is vividly traced. This case was upheld before the Supreme Court, where the dispute concerned the legitimacy of a relationship in which the parties cohabited as husband and wife for nearly fifty years. The Court confronted the presumption of marriage arising from long-term cohabitation and observed that the law identifies it as legitimate instead of considering it illegitimate. It was announced that to oppose such a presumption, strong evidence is required. This judgement may be treated as equivalent to marriage for certain legal purposes if the foundational principle of long-term cohabitation is stable and continuous. It established an important jurisprudential basis for future developments, although not directly addressing modern live-in relationships. Second is the recognition of Right to Cohabit, which is the extension of personal liberty. In the case of *Payal Sharma v Superintendent Nari Niketan*³⁰, the Allahabad High Court held that even without entering into a marriage, a man and women are free to cohabit together if they are consenting adults. The Court observed it not to be illegal though such relationships are often considered immoral by society. Thus, this judgement marked a significant shift by recognizing living together as a matter of personal choice. The right of an adult woman to choose her partner and condemned honor-based violence was explicitly upheld by the Supreme Court in the case of *Lata Singh v State of Uttar Pradesh*. Although the case was of inter-caste marriage, the Court's approval has been extended to all forms of consensual relationships including live-in-relationships. Third is the Freedom of Expression and Decriminalization of Cohabitation which is a major milestone in the path of judicial discourse in matters of live-in-relationships which was found similarly in the case of *Khushboo v Kanniammal*. It was a case where the dispute arises from multiple criminal complaints that are filled against actress Khushboo for her statements passed in public which supported pre-marital sex and live-in-relationships. The Supreme Court held that cohabitating is not considered to be an offence; notions of social morality cannot be imposed through criminal law. Individuals are entitled to express unconventional views and thus quashed all the proceedings. The Court protects personal choices relating to relationships under Article 21 of the Constitution of India. The judgement was pivotal in decriminalizing social attributes towards living together and strengthening constitutional freedom. Fourth, is the legitimacy of children by giving them protection against social stigma. The crucial aspect of judicial intervention is the rights of children born out of live-in relationships. In the case of *Tulsa v Durghatiya*, the Supreme Court entitled legitimacy and legal protection to the children who are born out of prolonged cohabitation. The Court observed that if a man and a woman cohabit for a long term, the law will identify them as married unless proven otherwise and the children born out of such relationships will be protected from social stigma and legal disadvantages, thus reflecting a humane.

Fifth is the defining "Relationship in the Nature of Marriage" under the Protection of Women from Domestic Violence Act, 2005 as one of the most significant contributions of the judiciary in the interpretation of this phrase. The essential criteria for determining such relationships like the couple must hold themselves out to society as spouses, they must be of legal age, must be qualified to marry and they

³⁰ Payal Sharma alias Kamla Sharma v Superintendent, Nari Niketan, Agra and others AIR 2001 All 254.

must be out of their free consent to cohabit for a significant period were laid down by the Supreme Court in the case of *D. Velusamy v D. Patchaiammal*. The Court clarified that live-in relationships with only those resembling marriage in substance would qualify for legal protection. This judgement was criticized for fostering a restrictive approach that omitted certain vulnerable women, particularly those who are unaware of the marital status though it provided sufficient clarity beforehand. The Supreme Court has adopted a more liberal approach in the case of *Chanmuniya v Virendra Kumar Singh Kushwaha*. As recommended by the Court the term "wife" under Section 125 of the Code of Criminal Procedure should be interpreted vastly to include women in relationships akin to marriage. The maintenance laws are social justice measures intended to prevent destitution and should not be interpreted narrowly as highlighted by the judgement. Thus, this case illustrates the Court's endeavor to align statutory illustration with constitutional values of dignity and equality. In the comprehensive classification of live-in-relationships, the most detailed judicial analysis of live-in-relationships is found in the case of *Indra Sarma v V.K.V.Sarma*. The scope of "relationship in the nature of marriage" was examined by the Supreme Court. According to the Supreme Court of India live-in relationships, it includes domestic relationships akin to marriage, relationships entered for financial benefits, relationships involving bigamy and casual relationships. The Court identified the vulnerability of women in such relationships and called for legislative intervention and announced that not all categories would qualify for protection under the DV Act. This judgement not only highlights the limitations of existing legal protections but also represents a comprehensive doctrinal analysis. Right to Privacy and Decisional Autonomy was identified by the highest apex court and it plays a significant constitutional development in the case of *K.S.Puttaswamy v Union of India*. Privacy includes decisional autonomy in subjects of personal relationships as stated by the Court. Thus, the judgement obtained by the above stated case strengthened the constitutional foundation of such relationships by identifying the right of individuals to take intimate choices of their own which will be free from the interference of the state³¹. The Supreme Court decriminalized consensual same-sex relationships and emphasized on constitutional morality over social morality in the case of *Navtej Singh Johar v Union of India*. Similarly in the case of *Joseph Shine v Union of India*, the court recognized sexual autonomy and dignity and struck down the law prevailed for adultery. These judgements have vast implications for such relationships by strengthening the idea that intimate choices of their own are constitutionally protected. The Supreme Court, in the case of *Nandakumar v State of Kerala*³², stated that two consenting adults have the right to cohabit even if the marriage is considered invalid. Moreover, the Court observed that live-in relationships fall under Article 21, which states the concept of personal liberty. The judicial strategy towards such relationships in India is considered as progressive, rational and rights focused. Courts, thus have attempted to balance constitutional principles with social realities by extending protection to women under welfare legislations, protecting the rights of children, identifying cohabitation as part of personal liberty and facilitating constitutional morality over social stigma. However, there are certain limitations of judicial intervention like conditional recognition, insufficiency of uniform standards, inconsistency in analysis, and absence of comprehensive framework of rights. Thus, while the judiciary has served a transformative role, reliance exclusively on judicial pronouncements is not sufficient. Therefore, an extensive framework of legislature remains necessary to ensure clarity, uniformity and efficacious protection of rights.

WOMEN'S RIGHTS AND HUMAN RIGHTS PERSPECTIVES

The deliberation surrounding live-in relationships in India cannot be significantly examined without situating it within the vast framework of rights of the women, gender justice and human rights. The practical applications in this sphere, particularly for women are complex in nature although live-in relationships are often projected as symbols of autonomy and modernity of an individual. In the rigid

³¹ K S Puttaswamy v Union of India (2017) 10 SCC 1.

³² Nandakumar v State of Kerala (2018) 16 SCC 602.

patriarchal society where legal, economic and social protections have been structured historically around the institution of marriage, women devoid of such recognition though living together often discover themselves in precarious and vulnerable state. This exacerbation of vulnerability in live-in relationships is majorly due to the absence of a comprehensive statutory framework. This forces the women in live-in-relationship to face abandonment without financial support, physical and emotional abuse, denial to have maintenance, social stigma and lack of identification of their contributions within the relationship. Live-in relationships heavily rely on judicial interpretation and limited statutory protections, thus creating legal uncertainty where marriage is such an institution where rights and obligations are codified. Gender Vulnerability in live-in relationships is the power dynamics which are often shaped by socio-economic inequalities. Women who are financially dependent or socially belongs from a marginalized area may enter such relationships with an expectation of long-term commitment unlike marriage. Thus, they may be left behind without remedies in cases of desertion or exploitation, in the absence of legal safeguards. The Supreme Court has acknowledged that live-in relationships are not always entered into on equal terms. The Court in the case of *Indra Sarma v V.K.V.Sarma*, identified that emotional and economic exploitation is the main cause of suffering for women in live-in relationships³³, especially where the relationship lacks legal recognition. Thus, the need for legal protection arises not only from the existence of live-in relationships but also from the conditions where the women in such relationships faced structural vulnerabilities. Constitution of India guarantees equality before law and equal protection of laws under Article 14, where the concept of equality under this mentioned Article has evolved to substantive equality from formal equality. It recognizes that to achieve real equality one must require differential treatment under unequal and fragile circumstances. Women in formal marriages gets legal recognition and protection and are different from women in live-in relationships. Thus, denying their remedies exclusively on the basis of marital status leads to inequality. Judicial interpretation emphasized that the law must not only apply neutral rules but also resolve the structural disadvantages. Prohibition of discrimination on the ground of sex is addressed under Article 15 and allows the State to make special provisions for women under Article 15(3). For protective legislation, this constitutional mandate forms the basis as addressed in the Protection of Women from Domestic Violence Act, 2005. The encompassment of "relationships in the nature of marriage" within the DV Act demonstrates an acknowledgement that women in live-in relationships require protection against exploitation and abuse³⁴. Such protective measures are not only instruments for achieving it but also exceptions to equality. Article 21 addresses dignity, autonomy, and protection from exploitation. It also guarantees the right to life and personal liberty, which further elaborates on the right to live with dignity. The dignity encompasses for women in live-in relationships includes freedom from abuse and violence, emotional well-being, economic security respect and recognition of their role in the relationship. Dignity as the core of Article 21 has been consistently held by the Supreme Court. The Court emphasized autonomy in personal decision in the case of *K.S.Puttaswamy v Union of India*. However, autonomy must be accompanied by protection. Recognition of the right to cohabit without ensuring safeguards may leave women vulnerable, is purely a libertarian approach. The imposition of a positive obligation on the State to protect individuals from exploitation within private relationships is addressed under Article 21. A significant statutory advancement in safeguarding women in live-in-relationship is well represented in the Protection of Women from Domestic Violence Act, 2005. The Act expands its civil remedies to women who would otherwise fall outside the ambit of marital protections by recognizing "relationships in the nature of marriage". This Act provides for safeguarding physical, emotional and economic abuse, monetary relief, right to residence, damages and compensation. In the case of *D. Velusamy v D. Patchaiammal*, it is vividly portraits that judicial interpretation has imposed certain qualifications in as such relationships, leading to omission of women of certain categories, especially those who are involved in relationships constituting deceit, bigamy or lack of formal recognition. Thus, as the Act is advancing, its implementation in the practical sphere is revealing in the gaps. Despite

³³ *Indra Sarma v VKV Sarma* (2013) 15 SCC 755.

³⁴ Protection of Women from Domestic Violence Act 2005, s 2(f).

all this, dependency on Maintenance and Economic Justice remains a central unresolved problem. Remedy for maintenance and applicability, which is inconsistent, is addressed in Section 125 of the Code of Criminal Procedure of 1973. The Supreme Court stressed that a liberal interpretation to prevent destitution is stated in the case of *Chanmuniya v Virendra Kumar Singh Kushwaha*. Maintenance is a quite reflection of social justice and economic dignity and not merely a Legal Right. The recognition without financial protection remains incomplete. Human Rights Principles were the major form of international perspective in live-in relationships. The right to dignity, right to privacy and the right to equality before next. Similarly, the convention on the omission of all the forms of discrimination against women in all ambits including family relations and personal relations³⁵. Henceforth it's the duty of India to align domestic laws with these principles and thus the safeguard of women in such relationships has become a part of a vast human rights obligation. Despite of the developments in the constitutional and statutory spheres, several challenges prevail like difficulty in proving the existence of a relationship, deficit of awareness among women about legal remedies, economic dependency, social stigma and moral policing, omission from property rights and inheritance and inconsistent judicial standards, thus elucidating the gap between practical enforcement and legal recognition. The analytical perspective highlights the recognition of such relationships in India, which represents a shift towards individual autonomy and constitutional morality. However, this shift must be associated with a resilient framework for gender justice. Ignoring structural inequalities risks a purely autonomy-based approach, and its over-regulation may curb personal freedom. Thus, a balance between autonomy and protection, liberty and accountability, recognition and regulation must be stroked under the legal framework.

COMPARATIVE INTERNATIONAL PERSPECTIVE

The wide spectrum of approaches ranging from complete non-recognition to comprehensive statutory regulation is revealed by the legal treatment of live-in relationships across jurisdictions. A comprehensive study is essential not merely for elaborative purposes but to comprehend how different legal system resolve individual autonomy with social regulation and how the issues of maintenance, succession, property and child rights arising out of such relationships are dealt with. India is such a place where the scarcity of a dedicated legislative framework has led to the dependence upon judicial interpretation and fragmented statutory protections. Thus, jurisdictions recognizing common law marriage, jurisdictions recognizing “de facto relationships” through statutory frameworks and jurisdictions providing registered partnerships or civil unions are the three categorized models of global legal approaches to live-in relationship. Individual states leading to significant variation in the recognition of non-marital relationships governs family law in the United States of America. Certain states recognize the common law marriage, where the marriage is considered to be legal once the parties involved fulfill certain conditions³⁶ that authorizes a marriage to be valid and the essentials are, parties in marriage should have the capacity to do so, must have their mutual consent or agreement at the time of marriage, need of cohabitation and holding out to public as husband and wife³⁷. Maintenance and support of spouses, inheritance rights and succession and property rights upon separation are included and are recognized in common law marriage that confers rights similar to formal marriage. The legal history of common law marriage lies in the protection of expectations that are legitimate and in the restraint of injustice, particularly in long term relationships where there has not been any solemnization of formal marriage. This divergence highlights a key tension between versatility and legal certainty which is the sole reason why many states have revoked and restricted common law marriage, vividly pronouncing the concerns relating to evidentiary uncertainty and misuse. For India, the

³⁵ Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.

³⁶ National Conference of State Legislatures, ‘Common Law Marriage by State’ (2024).

³⁷ In re Estate of Hall, 56 P 2d 1123 (Or 1936).

applicability of this model lies in its identification of substance over form, though its dependability on proof of intension and public representation may not be easily flexible in the Indian Socio-Cultural context. A more formalized approach through statutory recognition of civil partnerships is adopted by the United Kingdom. A system was introduced by the Civil Partnership Act 2004 which allows couple-initially same-sex and later extended-to register their relationship and obtain rights analogue to marriage³⁸. The idea of a "common law spouse" is an erroneous belief and it is vital to take a note that mere action of living together does not mechanically grant lawful rights in the United Kingdom³⁹. Contractual arrangements, property law principles (such as constructive trusts) and statutory protections concerning children are the essentials on which dwelling partners must rely. Although United Kingdom does not elongate automatic rights to live-in relationships that are unregistered, but it provides a systematic mechanism for identification through registration. For India, this model opines about the probability of introducing a voluntary system of registration that equilibrates legal certainty with autonomy.

'Civil de Solidarite' (PACS) is a legally identified civil contract between two adults-irrespective of their gender-who wishes to organize their joint life without entering a legal marriage⁴⁰ and is a law recognized unique institution in France. The features of PACS are simplified process of registration, taxation and social security rights, mutual obligations of support assistance and flexibility in cessation compared to marriage. The French model provides a middle path between complete non-recognition and full marital status and is particularly significant. While restoring individual autonomy, the French model recognizes cohabitation as a legitimate form of partnership. In India, PACS offers a persuasive model for recognizes an elastic legal framework customized to modern relationships.

One of the most comprehensive statutory frameworks for identifying live-in relationships is provided by Australia. De Facto relationships are lawfully identified if the couple maintains a relationship of a certain duration (approx. 2 years or more)⁴¹, cohabitation on a genuine domestic basis, shares financial and domestic responsibilities mutually under the Australian law. It provides the rights to maintenance of spouses, division of property and child custody, and guardianship⁴². Duration of cohabitation, nature of the relationship, public perception of the relationship and degree of financial independence are the multiple factors that determines the existence of a de facto relationship by the Australian courts⁴³. A rational and inclusive approach that prioritizes functional realities over formal status is being reflected by this model. Statutory identification can lessen the ambiguity while ensuring fairness and protection is well demonstrated in the Australian framework for India.

In Canada, common law partnerships are recognized by several provinces and the tenure of cohabitation required for identification varies⁴⁴ but once established, partners are entitled to certain property rights, parental rights and support of the spouses. The applicability of property division laws varies from couples who are married and who are cohabitating together in live-in relationships. This approach equilibrates recognition with differentiation, acknowledging that while living together may guarantee legal protection, it need not be identified wholly with marriage. A right based constitutional approach is being adopted by South Africa. Courts have widened their protection for live-in partners by referencing constitutional principles of equality and dignity⁴⁵. Even though comprehensive legislation is still developing, judicial intervention has played a vital role in protecting vulnerable partners. India's reliance on constitutional interpretation is juxtaposed in this approach. Live-in relationships are generally not lawfully recognized and are often socially criticized in countries like Bangladesh and Pakistan. Religion and cultural norms

³⁸ Civil Partnership Act 2004.

³⁹ Law Commission, Cohabitation: The Financial Consequences of Relationship Breakdown (Law Com No 307, 2007).

⁴⁰ Code civil [French Civil Code], arts 515-1–515-7-1.

⁴¹ Family Law Act 1975 (Cth) ss 4AA, 90SB.

⁴² Family Law Act 1975 (Cth) pt VIII; pt VII.

⁴³ Family Law Act 1975 (Cth) s 4AA(2).

⁴⁴ Family Law Act, RSO 1990, c F.3, ss 1(1), 29 (Ontario); Family Law Act, SBC 2011, c 25, ss 3, 175 (British Columbia).

⁴⁵ Volks NO v Robinson 2005 (5) BCLR 446 (CC); Constitution of the Republic of South Africa 1996, ss 9, 10.

that influence these jurisdictions reflect a conservative approach. India occupies a relatively evolving position within South Asia due to its constitutional jurisprudence and judicial activism. The contrastive study reveals certain key patterns like jurisdictional spectrum extends from non-acceptance to full legal compatibility with marriage, UK and France have systems require registration, while Australia and Canada identifies cohabitation based on factual backgrounds, shielding of economically weaker partners, especially women is prioritized by most advancing jurisdictions, irrespective of marital identity shielding of children is widely reinforced and modernization of the legal systems aims to equilibrates autonomy of an individual with legal protection. India's recent strategy incarnates a transitional model and is based on judicial elucidation and constrained statutory intrusion. India may consider providing a voluntary mechanism of registration, incorporating a holistic statutory framework, identifying rights relating to economic and property matters, facilitating uniform standards for rights of child and maintenance and expanding safeguard to same-sex residential partnership as suggestions from comparative perspective. Hence, the comparative study reflects a universal trend towards flexible and various forms of cohabiting relationships while guaranteeing dignity, fairness, protection and demonstrates that the identification of such relationships is neither unparalleled nor incongruous with legal systems. In India, the challenge is embedded in transforming from a dispersed, judge-made structure to a congruent statutory arrangement that coincides constitutional values with modern-day realities of the society.

CENTRAL CHALLENGES AND THE NEED FOR LEGAL REFORMS

Challenges

Though the status of live-in relationship in India is judicially recognized but still its definition remains fragmented and insufficient. The existing legal framework for live-in relationships is neither fully legalized like the same legal statuses of marriages, nor is it entirely disregarding the legal consequences arising from them. While the judicial interventions have progressively recognized the individual's autonomy but at the same discourse, it also provided insufficient statutory protection, several economic, property, succession and social hurdles. These things continue to affect those individuals who are in live-in relationships.

1. Absence of a Comprehensive Legislation

One of the most crucial challenges is the absence of a proper dedicated legal statutory framework that will govern the complete provisions for live-in relationships. Although the Protection of Women from Domestic Violence Act, 2005 has been extended to protect women in any relationship but its scope does not fully regulate the rights and obligations arising from non-marital cohabitations. Therefore, the absence of a comprehensive legal statutory framework remains a central obstacle to the legal certainty of live-in relationships.

2. Ambiguity in Defining “Relationship in the Nature of Marriage”

Another problem arises from the concept of “Relationship in the Nature of Marriage” under the provisions of the Domestic Violence Act. In *D. Velusamy v. D. Patchaiammal* and in the case of *Indra Sarma v. V.K.V. Sarma*, the Supreme Court has pointed out various factors which are relevant for determining a relationship possessing the characteristics of a marriage. These judicial criteria and judgements provide insightful guidance to structure a comprehensive framework but, when it comes for implementation, it has too many loopholes. Therefore, a central obstacle has remained legal certainty.

3. Inadequate provisions of Property and Inheritance Rights

Unlike legally recognized spouses, the live-in partners do not have the automatic rights of inheritance⁴⁶. Consequently, it creates economic insecurities, particularly where one partner has contributed major

⁴⁶ *Indra Sarma v VKV Sarma* (2013) 15 SCC 755.

contributions to the household whether in financial or non-financial aspects. The problems become more chaotic when it comes to the unpaid domestic labour during in a relationship. Due to the absence of proper provisions regarding ownership, guardianship, division of property, and recognition of non-monetary contributions, therefore, if separation happens, then it may leave the economically weaker partner in a vulnerable position.

4. Non-Uniformity in Maintenance and Economic Security

The issues of maintenance and financial insecurities further challenge the status of live-in relationships. Although the existing statutory remedies may provide certain safeguards for the partners but only in a limited way and also again in special circumstances. Therefore, the absence of a comprehensive framework governing the post-separation phases of monetary difficulties may bring absolute hardships in the day to day of the weaker partner and thus, the principles of equality and natural justice cannot be applied.

5. Evidentiary Hurdles to Establish a Relationship

The absence of a formal and legal procedure of registration often creates sensitive evidentiary difficulties. Unlike formal marriage registration that generates legal and social ceremonies as a record of evidence, these non-marital cohabitations do not have a proper record of evidence. Therefore, the courts have to give stress to examine the factors such as duration of cohabitation, any physical relation between the partners, financial arrangements, domestic contributions, social recognition and the nature of mutual commitment and, as a result, it may produce inconsistent outcomes.

6. Social Stigma Social Exclusion

This is the major issue that faces the live-in partners in India. Legal and judicial recognition has not completely wiped out the social stigmatization of the live-in partners practicing non-marital cohabitation. Those partners often face family oppositions, threats of honour-based violence, social harassments, difficulties in securing accommodations and moral policing⁴⁷ and in extreme scenarios they often face even death threats. The persistence of these social attitudes and responses pictures the acute gap between constitutional recognition with social acceptance. Therefore, social awareness should be promoted with proper protection from the government.

7. Over Reliance on Judiciary without Parliamentary Backing

Finally, the over dependence on judiciary presents a structural challenge itself. It is true, that the judiciary has played a transformative role in shaping the status of live-in relationships in India. However, the courts can only interpret and develop certain provisions in the existing laws and statutes but cannot substitute without a comprehensive framework backed by the Parliament. It is duty of the Parliament to frame laws on such sensitive and evolving issues to bring accountability, acceptance to the masses and proper implementations. Therefore, to bring long-term resolutions there is an urgent need to balance judicial protection of constitutional rights with legislative provisions to set clear and non-confusing standards.

Need For Legal Reforms

From the above discussed challenges, it clearly points out that there is a compelling need for a coherent and robust legal framework governing the status of live-in relationships in India.

1. Enactment of a Holistic Legislation

A dedicated statute should:

- Clearly define the meaning and nature of live-in relationships;

⁴⁷ S Khushboo v Kanniammal (2010) 5 SCC 600.

- Meticulously specify rights and obligations;
- Address the maintenance, property rights and succession rights;
- Ensure proper protection for women and children.

Such legislation should be flexible enough to accommodate the diverse forms of cohabitation by ensuring legal certainty.

2. Optional Registration Procedure

The introduction of an optional registration system should:

- Ensure evidentiary certainty;
- Establish the inclusive legal recognitions;
- Protect the legal rights of both the partners.

This approach finely balances autonomy with swift regulations.

3. Recognition and Protection of Economic and Property Rights

The law should recognize the contributions and sacrifices made by the partners both in financial and non-financial aspects towards acquisition, preservation, maintenance, and improvements of assets. Therefore, this should include:

- Division of property;
- Compensations for unpaid domestic labor;
- Equitable and proper distribution upon separation.

4. Uniform Maintenance Framework

Maintenance laws should wisely be framed for ensuring smooth and consistent applications across jurisdictions. The definition of “dependent partner” should holistically be broadened for including individuals in live-in relationships.

5. Child-Centric Legal Framework

Children born out from such kind of relationships must be granted:

- Full legitimacy;
- Equal inheritance and property rights;
- Legal access to guardianship and custody protections.

6. Inclusion of Same-Sex Relationships

Any future legislations must adopt and accept a holistic and robust approach that will not only legally recognize the same-sex live-in relationships but also will ensure their legal and constitutional rights. This is essential to align with domestic laws with the principles of constitutional morality, dignity, and justice.

7. Public Awareness and Social Responsiveness

Legal reforms must be accompanied by efforts to:

- Reduce social stigmas;
- Promote the awareness of rights;
- Prevent marginalization and moral policing.

Hence, the proposed reforms should maintain the minute balance between individual autonomy, legal certainty, equality, and social dynamics. An inclusive and robust framework would not only protect the legal rights of the partners and children born from such relationships but also reduce the social and legal ambiguities, judicial inconsistencies and social vulnerabilities that surrounds the live-in relationships in India.

CRITICAL ANALYSIS

The recognition and acceptance of live-in relationships in India a crucial constitutional shift from traditional societal norms and customs toward individual autonomy, dignity and choices. It wisely reflects the dynamic nature of the Indian Constitution according to the changing needs of the society by keep a smooth pace with the modern times without compromising with the fundamental rights, also known as the “Magna Carta of India”. However, this transformation remains incomplete due to inefficient implementations of certain rights and due to loopholes.

The current legal framework still suffers from certain paradoxes:

- In India, live-in relationships are legalized but still it is not fully protected and the partners still not enjoying the proper protection and fundamental rights;
- Though live-in relationships are legally recognized, it is not legislatively codified;
- Live-in relationships are still not socially accepted, and often the partners face crime against them and get marginalized, till now they are humiliated.

These paradoxes create a vulnerable environment where individuals enjoy freedom at the cost of legal certainty. The rift between the constitutional morality and traditional societal norms remains central to this discourse. In Indian context, the society continues to adhere and follow the traditional norms and customs while the Constitution of India wisely mandates the protection of individual choice, freedom and dignity by upholding the principles of Article 21 of the Constitution of India. The judiciary has rightly upheld the constitutional morality and its basic principles, but without proper legislative backing, such protections and the concept of individualism will remain fragmented.

Thus, the very future of live-in relationships in India depends largely on the ability of the legal system of India to harmonize individual autonomy with accountability, freedom with proper protection from arbitrariness and maintaining the minute balance with tradition and modernity without any discrimination.

CONCLUSION

The evolution of live-in relationship in India has marked a profound and exemplary transformation in the legal and social understanding of intimate relationships beyond traditional marriage systems. From a place of huge societal ignorance and disapproval and legal negligence, such relationships have slowly gained legal recognition through judicial interpretation and the effects of globalization, modernization, and westernization. Through the Articles 14,19 and 21 the Constitution of India has gifted a robust and holistic foundation for upholding individual rights, dignity, freedom choice and privacy. The Indian judiciary through its landmark judgements on the cases of *D. Velusamy v D. Patchaiammal*, *Indra Sarma v V.K.V. Sarma*, *K.S. Puttaswamy v Union of India*, and *Navtej Singh Johar v Union of India* has played a pivotal role in expanding the scope and nature of these rights to include and legalize non-marital cohabitations. However, the absence of a holistic statutory framework is continuing to create legal issues relating to maintenance and property rights, succession rights, recognition of the same-sex relationships and moreover, the vulnerability for women and children.

A balanced and inclusive legal yet backed by the parliamentary framework is very crucial to ensure that the law evolves in harmony with changing needs, desires and practical realities of the society while safeguarding the principles of equality and constitutional morality, protecting individual dignity and ensuring true enjoyment of the fundamental rights in reality. Then, only through such a robust framework can promise the full utilization and implementation of the constitutional principles of justice, equality and freedom in the sphere of live-in relationships.

BIBLIOGRAPHY

- Live-in Relationship: Legal Rights of Live-in Partners in India <https://share.google/ZWnDWMLdoYP1MtjX2>
- Live-in Relationships: Impacts, Social Significance & Challenges <https://share.google/8p1nVx6NxVuayalN4>
- pahujalawacademy.com/status-of-live-in-relationships-in-india <https://share.google/ey6HJk0Y3UfwsAgxk>
- SHRADDHA.pdf <https://share.google/QRkXndFbkFaTraDKC>
- Live-in relationship between consenting adults akin to marriage, parents can't interfere: Delhi HC - The Economic Times <https://share.google/pyZ655tY6iGCmOaos>
- Live-in Relationship | Blogs | AdvocateKhoj <https://share.google/wloCOejM4yT41KWWWe>
- Legal Status of Live-In Relationships <https://share.google/niXwLyBiuLCHF1veN>
- Landmark Supreme Court judgments concerning the legal standing of live-in relationships - iPleaders <https://share.google/yelG9GpX1dcfld4Co>
- Women's Rights in Live-in Relationships in India | SCC Times <https://share.google/qtnWmtk3fWPcn6y5O>
- Indra Sarma vs V.K.V.Sarma on 26 November 2013 <https://share.google/9nQbuPdnhcZzMo6Fe>
- Supreme Court Ruling on Live-In Relationships | PDF | Cohabitation | Legitimacy (Family Law) <https://share.google/m0Wc3mQjHv8v4Ww3x>
- Legal status of Live-in Relationships in India: Mapping Indian Jurisprudence - Academike <https://share.google/xqUmrJfs3TSBkcLVw>
- India v USA: Legality of Live-in Relationships <https://share.google/jmtuNCeCDZSE5Mrj1>
- (PDF) Legal Standings of Live-In Relationships in India: Analysis of Recent Rajasthan High Court Judgement <https://share.google/09vC0a3aWYyJDn7fq>
- Rights of women in live in relationships in India : r/LegalAdviceIndia <https://share.google/z5TVUylK1fb30sXvF>
- LEGAL STATUS OF LIVE-IN RELATIONSHIP IN OTHER COUNTRIES (By- Shikha Bhatnagar & Dr. Sarika Tyagi) | International Journal for Legal Research and Analysis <https://share.google/qi4A22FsRQrXOtZYu>
- LEGAL CONUNDRUM OF LIVE-IN RELATIONSHIP IN INDIA: A JUDICIAL APPROACH | Law and world <https://share.google/h9F2xEtQ3Un7vcZnC>