LIVE-IN RELATIONSHIPS IN INDIA: FROM JUDICIAL RECOGNITION TO STATUTORY REGULATION

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ABSTRACT

Live-in relationships are relationships in which two persons voluntarily choose to live together without getting married and share an intimate relationship under a common roof. Such relationship represents significant development in intimate relationships, raising questions about their privacy and the extent of the State's interference in private matters. Since India lacks central legislation specifically governing live-in relationships, the judiciary has played a crucial role in addressing issues arising from live-in relationships. Through several cases, the Supreme Court of India recognised the right of consenting adults to cohabit and provided legal protection to women and children born out of such relationships if their rights are violated. After several decades of judicial development, the States of Uttarakhand, Gujarat, Assam and Madhya Pradesh have introduced legislative measures within their respective Uniform Civil Code frameworks to regulate live-in relationships. These recent legislative measures at the State level indicate a clear shift from judicial recognition towards formal regulation through the adoption of measures such as registration, maintenance and other safeguards. However, the statutory regulation raises concerns regarding privacy, dignity and the limits of State intervention under Article 21 of the Constitution. This article aims to examine how live-in relationships have evolved from judicial recognition to statutory regulation, with a particular focus on the legal developments in Uttarakhand, Gujarat, Assam and Madhya Pradesh. It also examines the tension between personal autonomy and the State's role in protecting women and children from violence or abandonment. The article argues that regulatory measures should ensure effective legal protection to the vulnerable individuals and avoid imposing unnecessary restrictions on the private affairs of the consenting adults. It also emphasizes the need for a balanced approach that provides protection to vulnerable persons while also respecting the constitutional values of personal liberty, dignity,

privacy and autonomy.[1]

Key Words: - *Live-in Relationships, Uniform Civil Code, Constitutional Values, Judicial Recognition, Statutory Regulation, Consenting Adults, Legislative Measures.*

Introduction

"Can the law regulate the matters of the heart? How far should the State interfere in the private matters of two consenting adults?" Such questions have gained much attention in the present time as more people are choosing live-in relationships within the evolving legal landscape of India.

For centuries, marriage has been regarded as an institution of great social and legal significance that creates a specific framework for regulating the relationship between two people and also serves as an emotional connection and commitment between them. However, society has changed over time, and so have people's attitudes towards marriage. Some people have started preferring to stay in live-in relationships. Such relationships are more commonly seen in metropolitan cities and urban areas, where changing lifestyles, education and exposure to diverse social and cultural values have contributed to their emergence. This has brought live-in relationships within the scope of legal discussion in India.

A relationship can exist even without a marriage certificate, but this does not mean that legal questions concerning the rights, responsibilities and protection of unmarried couples do not arise. Live-in relationships therefore involve questions of individual autonomy as well as the relationship between law and society. The recent shift from judicial recognition towards statutory regulation has given rise to the central research problem of this study, that is, to what extent should the State regulate consensual live-in relationships between unmarried couples without causing excessive interference with their privacy, dignity, liberty and autonomy? The study therefore examines the development of legal recognition of live-in relationships in India and the emerging State-level regulatory approach, with the objective of balancing the need for protection with respect for individual autonomy.

[1]The Constitution of India, art. 21

Research methodology

This article adopts a doctrinal and analytical legal research methodology, focusing on primary and secondary legal sources. Primary sources include the Constitution of India, the Protection of Women from Domestic Violence Act, 2005, judicial decisions, and provisions relating to live-in relationships under the Uniform Civil Code frameworks of Uttarakhand, Gujarat, Assam and Madhya Pradesh. Secondary sources include journal articles and government publications.

Evolution of the legal recognition of live-in relationships in India

Although unmarried couples have lived together in different ways throughout history, live-in relationships have not been accepted uniformly by Indian society. Such cohabitation between unmarried couples was socially disapproved of in conservative sections of Indian society. At that time, the family and the neighbourhood played a considerable role in determining the personal and marital choices of young people. The parents and other family members often played a great role in arranging the marriage of their daughters, leaving them limited opportunities to choose a partner according to their own preferences. Factors such as family background, social status, job, reputation and other considerations were generally taken into account while selecting a suitable suitor. Therefore, choosing a partner by one's own choice and living together without being married was far from being accepted by the people, as such practices were considered against the prevailing cultural norms.

As society changed over time, attitudes towards intimate relationships also transformed. With increasing education, financial independence and greater individual autonomy, people’s perceptions of relationships began to change, and some started to choose relationships outside the institution of marriage. This social change also highlighted the need for a legal system to deal with such relationships.

The legal position of live-in relationships in India has developed gradually through judicial decisions. In the absence of a comprehensive statutory framework, the courts have played a vital role in determining the legal consequences of such relationships

through constitutional principles and existing statutory provisions.[2]The expression "live-in relationship" is of relatively recent usage in legal and public discourse, and in earlier times, it was not commonly used by the courts, which mostly referred to such arrangements as cohabitation between a man and a woman. In one of the early cases, Badri Prasad v. Deputy Director of Consolidation (1978),a man and a woman had lived together and were treated as husband and wife for about 50 years. The Supreme Court held that prolonged cohabitation as husband and wife raised a presumption of marriage unless there is sufficient evidence to rebut that presumption.[3]

In the case of S. Khushboo v. Kanniammal (2010), the Supreme Court held that consensual cohabitation between unmarried couples is not, by itself, a criminal offence, even though certain sections of society may consider such a relationship morally unacceptable and contrary to traditional values.[4]

The Protection of Women from Domestic Violence Act, 2005 was not enacted specifically to regulate live-in relationships; however, it indirectly provided legal protection to women in certain live-in relationships. Section 2(f) of the Act includes a "relationship in the nature of marriage" within the statutory concept of domestic relationship, thereby providing protection to women in live-in relationships that possess the required characteristics.[5] In D. Velusamy v. D. Patchaiammal (2010), the Supreme Court clarified that not every live-in relationship is entitled to protection under the Act. It held that certain factors like legal capacity to marry, voluntary cohabitation for a considerable period, sharing a household and holding out as spouses in the society may be considered in determining whether a relationship is in the nature of marriage.[6]

In Indra Sarma v. V.K.V. Sarma (2013), the Supreme Court reiterated that cohabitation along with several other factors such as the duration of the relationship, the existence of a common household, sharing of finances, mutual commitment, and

[2]Shraddha Suma Sahu, "Live in Relationship in India: A Socio-Legal Study" II The Advocates League (2024)
[3]Badri Prasad v. Deputy Director of Consolidation, (1978) 3 SCC 527.
[4]S. Khushboo v. Kanniammal, (2010) 5 SCC 600.
[5]The Protection of Women from Domestic Violence Act, 2005, Act No. 43 of 2005.
[6]D. Velusamy v. D. Patchaiammal, (2010) 10 SCC 469.

their representation as husband and wife in the society can be considered to characterize a relationship in the nature of marriage. It also emphasised the need for appropriate legislation to protect vulnerable individuals.[7]

In a recent case, Dr. Lokesh B.H. &Ors. V. State of Karnataka &Anr.(2026), the Supreme Court considered whether Section 498A of IPC could apply to a relationship in the nature of marriage. The court distinguished an ordinary live-in relationship from a relationship in the nature of marriage and held that those relationships which possess the requisite characteristics of a relationship in the nature of marriage along with the intention to marry qualify for protection under this Section.[8]Section 498A of IPC has been replaced by Sections 85 and 86 of the Bharatiya Nyaya Sanhita, 2023, this case shows how the judiciary has provided protection to women against cruelty in certain qualifying live-in relationships, while also maintaining safeguards to prevent the misuse of the law.[9]

Such cases reflect the cautious approach of the judiciary while dealing with live-in relationships. The courts have not treated them as equivalent to marriage but have tried to protect the rights and interests of the vulnerable individuals. They have extended protection to the affected persons, mainly the Protection of Women from Domestic Violence Act, 2005, without creating a separate legal institution for live-in relationships. A formal legal approach has thus gradually developed to address the issues arising from such relationships.

Statutory regulation of live-in relationships

- **Uttarakhand: The beginning of statutory regulation**

The enactment of the Uniform Civil Code, Uttarakhand, 2024, made Uttarakhand the first State in India to introduce a comprehensive statutory framework for regulating live-in relationships, while the Uniform Civil Code Rules, Uttarakhand, 2025 were notified to provide the procedural and administrative mechanism for implementing the

[7]Indra Sarma v. V.K.V. Sarma, (2013) 15 SCC 755.
[8]Dr. Lokesh B.H. & Ors. V. State of Karnataka & Anr., 2026 INSC 784.
[9]Bharatiya Nyaya sanhita,2023, ss. 85-86; Dr. Lokesh B.H. & Ors. V. State of Karnataka & Anr., 2026 INSC 784.

provisions of the 2024 Code relating to live-in relationships.[10]

The Code defines the term "live-in relationship" under Section 3(4)(b) as a relationship between a man and a woman who cohabit in a shared household through a relationship in the nature of marriage, subject to the proviso that such relationship is not prohibited under Part III of the Code. Section 378 of the said Code makes it mandatory for the partners of a live-in relationship residing within the territorial limits of the State to submit a statement of their live-in relationship to the concerned Registrar, irrespective of whether they are residents of the State. Such a relationship shall not be registered where either one of the parties is already married or in another live-in relationship, or where either of them is a minor, or where the partners are within the prohibited degrees of relationship, or where consent has been obtained through force, coercion, undue influence, misrepresentation or fraud.[11]

The Registrar is empowered to conduct a summary inquiry to examine the statement submitted by the partners and determine whether the live-in relationship is prohibited under the Code. The 2025 Rules, particularly Rule 15, further provide the procedure for registration of live-in relationships.[12]

Certain legal protections and obligations are also provided. Section 379 provides that a child born to persons in a live-in relationship shall be treated as a legitimate child. Maintenance is also provided to a woman deserted by her live-in partner. Either or both partners may terminate the relationship through a prescribed declaration. The Code also imposes penalties for failure to comply with the registration requirements and for furnishing false information, while the 2025 Rules prescribe detailed procedures concerning termination, appeals and related matters.[13]

- **Subsequent state-level developments: Gujarat, Assam and Madhya Pradesh**

Following Uttarakhand, other States havealso taken similar legislative measures to

[10]*The Uniform Civil Code, Uttarakhand*, 2024(Act No. 3 of 2024); *The Uniform Civil Code Rules, Uttarakhand,* 2025.
[11]*The Uniform Civil Code, Uttarakhand*, 2024 (Act No. 3 of 2024), ss. 3(4)(b), 378.
[12]*The Uniform Civil Code Rules, Uttarakhand,* 2025, r. 15.
[13]*The Uniform Civil Code, Uttarakhand Bill,* 2024 (Act No. 3 of 2024), s. 379.

regulate live-in relationships within their respective Uniform Civil Code frameworks. For instance, the Gujarat Legislative Assembly passed its Uniform Civil Code Bill in March 2026, followed by the Assam Legislative Assembly in May 2026 and the Madhya Pradesh Legislative Assembly in July 2026. These measures show that the regulation of live-in relationships is gradually shifting from judicial recognition to formal regulation at the State level.[14]

The Uniform Civil Code Bill of Gujarat proposes mandatory registration of live-in relationships, a formal procedure for their termination, maintenance to deserted women, and legal recognition of children born out of such relationships. It also requires the parents to be informed about the persons entering into a live-in relationship when they are between eighteen and twenty-one years of age, along with penalties for non-registration and furnishing false information.[15]

Assam's Uniform Civil Code Bill similarly proposes compulsory registration of live-in relationships and provides protection for children and deserted women. It further requires the Sub-Registrar to forward statements of live-in relationships to the local police and, if either partner is below twenty-one years of age, to inform the parents or guardians.[16]

Madhya Pradesh subsequently introduced a similar Bill proposing mandatory registration of live-in relationships within one month from the date of commencement of cohabitation. It recognizes the rights of children born from such live-in relationships and provides maintenance to deserted women, and imposes penalties for failure to register and also for furnishing false information. Moreover, it also provides for parental notification in respect of partners between eighteen and twenty-one years of age.[17]

Although these States differ in certain procedural and administrative aspects, they share a common regulatory approach. Registration, protection of children,

[14]The *Uniform Civil Code, Gujarat Bill*, 2026;*The Uniform Civil Code, Assam Bill*, 2026;*The Uniform CivilCode, Madhya Pradesh Bill*, 2026.
[15]*The Uniform Civil Code, Gujarat Bill*, 2026.
[16]*The Uniform Civil Code, Assam Bill*, 2026.
[17]*The Uniform Civil Code, Madhya Pradesh Bill*, 2026.

maintenance rights and penalties constitute important parts of this emerging framework. The progression from Uttarakhand to Gujarat, Assam and Madhya Pradesh demonstrates a shift from the earlier judicial approach, which primarily protected rights through existing laws, towards a model in which the State seeks to formally identify, regulate and administer live-in relationships.

Constitutional limits on state regulation

As live-in relationships are increasingly being regulated, an important constitutional debate has arisen about how to balance individual freedom with the State's duty to protect vulnerable persons. People who support statutory regulation claim that compulsory registration can provide an official record ofthe existence of acouple as live-in relationship partners. Such registration may also protect women and children from abandonment and exploitation and enable them to approach the appropriate authority or court to seek relief. From this standpoint, State intervention mayserve as a means of providing protection rather than merely interfering in the private lives of consenting adults. However, such regulation must also be examined in light of constitutional principles such as privacy, dignity, personal liberty and individual autonomy under Article 21.[18]

From the social perspective, live-in relationships may still be discouraged in some parts of Indian society. Many couples may not want their parents, relatives or others to know that they are living together without being married, while some may not wish to formally register their live-in relationship. Making registration compulsory may compel couples to disclose a relationship that they have deliberately chosen to keep private. From a constitutional perspective, such compulsory disclosure raises questions under Article 21. Similarly, imposing penalties for non-compliance may be considered somewhat harsh, as the individuals have voluntarily chosen to cohabit and are not entering into a formal marriage where the parties undertake a recognised legal framework of rights and obligations. Such requirements may, in a way, result in

[18]The Constitution of India, art. 21.

excessive State interference in the privacy of consenting adults.[19]

Conclusion

The regulation of live-in relationships is an important development in the legal system governing intimate relationships in India. While the judiciary has dealt with relationships outside formal marriage for several decades, the States of Uttarakhand, Gujarat, Assam and Madhya Pradesh have introduced legislative measures within their respective Uniform Civil Code frameworks to regulate live-in relationships, thereby marking a shift from judicial recognition towards formal statutory regulation. Such regulation may reduce legal uncertainty and provide clarity regarding the rights and remedies available to women and children in cases of abandonment, maintenance and disputes concerning their rights. However, the issue is not whether the State should regulate live-in relationships at all, but how far such regulation should extend. The legal framework should aim to provide protection while also respecting the personal liberty, dignity, privacy and autonomy of consenting adults. Therefore, a balance should be maintained so that regulation protects vulnerable individuals without unnecessarily interfering with their intimate relationships.

References

1. Constitution of India, 1950.
2. *Badri Prasad v. Deputy Director of Consolidation*, (1978) 3 SCC 527.
3. *D. Velusamy v. D. Patchaiammal*, (2010) 10 SCC 469.
4. *S. Khushboo v. Kanniammal,* (2010) 5 SCC 600.
5. *IndraSarma v. V.K.V. Sarma,* (2013) 15 SCC 755.
6. *K.S. Puttaswamy (Retd.) v. Union of India,* (2017) 10 SCC 1.
7. *Dr.Lokesh B.H. &Ors. v. State of Karnataka &Anr.,* (2026) INSC 784.
8. *Protection of Women from Domestic Violence Act,* 2005(Act No. 43 of 2005).
9. *The Uniform Civil Code, Assam Bill,*2026.
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12. *The Uniform Civil Code, Uttarakhand,* 2024 (Act No. 3 of 2024).
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14. Shraddha Suman Sahu, "Live-in Relationship in India: A Socio-Legal Study" 2 *The Advocates League* (2024)