



"BREAKING TABOOS: JUDICIAL RECOGNITION OF LIVE-IN RELATIONSHIPS IN INDIA"

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Abstract

Live-in relationships, once stigmatised as a violation of India's cultural norms, are increasingly recognised legally, especially within constitutional law. The judiciary interprets Article 21 of the Indian Constitution—which guarantees the right to life, liberty, and dignity—providing protection to those in live-in relationships. This article traces the judicial shift from early cases like *S. Khushboo v. Kanniammal* to recent landmark rulings such as *Leela Bishnoi v. State of Rajasthan*, *Manisha Devi v. State of Rajasthan*, *Manisha Rani v. State of Rajasthan*, and *Reena v. State of Rajasthan*. These judgments affirm the rights of consenting adults to cohabit without interference, emphasising constitutional morality over societal disapproval. Supreme Court rulings in *Devu G. Nair v. State of Kerala* further reinforce protections, including rights to maintenance and residence under the Protection of Women from Domestic Violence Act, 2005. These decisions legitimise such relationships, highlighting the courts' role in defending individual rights outside marriage. The analysis shows how courts balance societal morality with constitutional values, emphasising the protection of adult autonomy and personal choice under article , even when challenging traditional norms.

The lack of a specific statutory framework creates legal gaps in maintenance, inheritance, child custody, and domestic violence. While judicial rulings promote personal freedom, legislative measures are needed for consistent protections. The article calls for a culturally sensitive, constitutionally grounded legal approach to uphold cohabitation, especially for vulnerable groups like women facing stigma. It recommends reforms such as codifying rights and raising awareness, emphasising the judiciary's role in normalising live-in relationships. Overall, the paper links personal autonomy, gender equality, and social progress, highlighting a human-centred view of this legal issue evolution.

Keywords: Live-in Relationships, Right to Privacy, Constitutional Morality, Personal autonomy, Societal Morality, Protection of Women from Domestic Violence Act, Societal stigma.

1. Introduction

In Indian society, the concept of a live-in relationship has traditionally been met with suspicion and disapproval. Previously, Hindu Dharma preferred ‘Ekatatni Vrat’, which means ‘one man, one wife,’ as one of the most sacred forms of matrimony. However, people have begun to evolve with time and have started accepting some alternative practices rooted in patriarchal and religious traditions. Society has generally viewed marriage as the only acceptable form of intimate cohabitation. This transformation is especially relevant in India’s rapidly changing social landscape, where urbanisation and economic independence have increased the prevalence of live-in relationships, with approximately 10% of urban couples cohabiting without marriage, according to the Longitudinal Ageing Study in India (LASI) 2021. Nonetheless, the shift is not without challenges. Societal stigma, particularly in rural areas, continues to subject couples to harassment, while legal ambiguities—such as inconsistent criteria for maintenance under the DV Act—leave vulnerable partners, especially women at risk. Although the live-in relationship concept is not recognised as a legal union in India like in some other countries, the Supreme Court of India has stated that a live-in relationship without formal marriage is not a criminal offence or illegal. Partners living together without marriage do not possess the same legal rights as married couples, but they do have legal protection under existing laws. This situation reflects numerous tensions between personal freedom and societal expectations in India, where live-in relationships have historically been stigmatised as “immoral” or “Western.” As a result, individuals in such arrangements often face social ostracism, legal uncertainties, and, in some cases, violence. For many years, these relationships were not only culturally taboo but also considered indefensible under the law. The issue becomes more complex when married individuals cohabit with outside partners, creating ambiguity around the application of Article 21 of the Indian Constitution. In patriarchal societies, men are often encouraged to support women for reasons ranging from sexual satisfaction to emotional companionship. Women in such arrangements face social stigma and prejudice; historically, they are viewed as less valuable than married women. Concubines, for example, face social exclusion, lack legal status and benefits, and cannot have relationships resembling marriage. Inequalities exist within such relationships, and when these break down, women often suffer most. Situations may arise where the parties in a live-in relationship, through joint efforts or otherwise, acquire property, rear children, etc., and disputes can occur if one of them dies intestate. Unfortunately, there is no explicit statutory provision to regulate such relationships upon termination or disruption, since they are not in the nature of marriage.¹ This has accelerated judicial activism in these areas.

Over the past two decades, Indian courts have emerged as champions of individual autonomy, gradually transforming live-in relationships from a social taboo to a legally recognised expression of personal liberty under Article 21 of the Indian Constitution, which guarantees the right to life, liberty, and dignity. However, over this period, Indian courts have progressively shifted their stance on live-in partnerships, moving from tacit acknowledgement to active legal protection. This change has been primarily enabled by a broader interpretation of Article 21, which recognises that the freedom to choose one’s partner and cohabit without marriage falls within this fundamental right. This evolving judicial landscape reflects the growing tension between societal morality, rooted in collective cultural values and traditions, and constitutional morality, which safeguards individual rights and freedoms. Courts have repeatedly held that the expectations of the majority or prevailing social customs cannot override the protection of fundamental rights. The journey towards legal recognition started with early precedents such as *S. Khushboo v. Kanniammal* (2010), where the Supreme Court upheld the validity of live-in relationships, rejecting claims related to obscenity against public endorsements. Subsequent rulings such as *Leela Bishnoi v. State of Rajasthan* (2021), *Manisha Rani v. State of Rajasthan* (2021), *Manisha Devi v. State of Rajasthan* (2023), and *Reena v. State of Rajasthan* (2025), have reinforced this shift by safeguarding couples from familial and societal harassment and recognising maintenance rights for partners in relationships similar to marriage. Decisions by the Supreme Court, including *Devu G. Nair v. State of Kerala* (2023, reaffirmed 2024) and *X v. Y* (2025), have further cemented protections, extending rights to maintenance and residence under the Protection of Women from Domestic Violence Act, 2005 (DV Act). These judicial interventions prioritise constitutional morality—anchored in individual dignity and privacy—over societal disapproval, marking a significant cultural and legal evolution. As the Supreme Court noted in *Navtej Singh Johar v. Union of India*, the role of the Constitution is not to mirror society but to transform it by safeguarding the rights of marginalised groups.² Recent decisions from the Rajasthan High Court—including *Leela Bishnoi v. State of Rajasthan* (2021), *Manisha Devi v. State of Rajasthan* (2023), and *Reena v. State of Rajasthan* (2025)—illustrate this legal progression. These judgments

¹D. Velusamy v. D. Patchaiammal and Indra Sarma v. V.K.V. Sarma.

² Navtej Singh Johar v. Union of India, (2018) 10 S.C.C. 1.

explicitly invoke constitutional values to uphold the rights of live-in couples, particularly those to privacy, dignity, and state protection. Notably, the courts have stressed that even when one or both partners were previously married, the right to protection from harassment remains valid and constitutionally enforceable

Despite these developments, the Indian legal framework still lacks comprehensive legislation governing live-in relationships. The absence of statutory laws leaves partners vulnerable in matters such as inheritance, maintenance, child custody, and protection against domestic abuse. This legal vacuum has prompted calls for legislative reform that strikes a balance between individual freedoms and clarity and security. This article examines the judicial journey of live-in relationships in India, analysing how courts have navigated the tension between tradition and constitutional rights to legitimise these relationships. It addresses four key questions:

In this context, the article seeks to:

- (a) Trace the judicial evolution of live-in relationship recognition in India.
- (b) Analyse key judgments and their implications for constitutional law.
- (c) Identify existing legal lacunae and propose recommendations for a rights-based statutory framework.

This study employs qualitative analysis of landmark case laws, statutory provisions, and reports to emphasise the judiciary's role in promoting social change and pinpoint areas requiring legislative reform. By combining legal insights with human stories, the article seeks to highlight the path toward a more inclusive society, where personal choices, including those of the elderly, are respected and protected.

2. Understanding the Concept of Live-in Relationships

India does not officially recognise live-in relationships and has no specific laws, social rules, or customs governing them. Consequently, the Supreme Court has interpreted these relationships through various judgments and issued guidelines. Without dedicated legislation defining the rights and responsibilities of the involved parties, courts rely heavily on judicial interpretations. The concept of live-in relationships exists within a legally ambiguous and culturally sensitive space in Indian society. While common in urban areas, such relationships face opposition in more traditional regions, mainly due to religious beliefs and patriarchal norms that view marriage as a sacred institution.

A live-in relationship may be defined as "Continuous cohabitation for a significant period of time, between partners who are not married to each other in a legally acceptable way and are sharing a common household." The court considers it involves two people—usually of opposite sexes—living together long-term, resembling marriage but without a formal ceremony or registration under marital law.³ It is described as "an arrangement of living under which couples who are unmarried live together to conduct a long-term relationship, similar to marriage".⁴ Live-in relationships between consenting adults, though perceived as immoral, do not constitute an offence and are not illegal since no law prevented them to lead life of their own choice.⁵

2.1. Live-in Relationship in Other Countries:

Different countries have varying perspectives on Live-in relationships. In countries where Sharia law is implemented, cohabitation is also regarded as illegal. In Bangladesh, cohabiting after divorce is frequently penalised by the *salishi* system of informal courts, especially in rural regions. Similarly, Indonesia's 2005 Islamic penal code suggested that cohabitation might result in up to two years of imprisonment. Conversely,

³ Narayan CL, Narayan M, Deepanshu M. Live-In Relationships in India—Legal and Psychological Implications. *Journal of Psychosexual Health*. 2021;3(1):18-23. doi:10.1177/2631831820974585

⁴ D. Velusamy v. D. Patchaimmal, (2010) 10 SCC 469, ¶ 30.

⁵ Lata Singh vs State of U.P. & Another (AIR 2006 SC 2522). Indian Kanoon website. 2006. <https://indiankanoon.org/doc/1364215/>. Accessed January 31, 2021.

Khushboo vs Kanaimmal and another in 2010 (5 SCC 600 2010). Indian Kanoon website. 2010. <https://indiankanoon.org/doc/1327342/>. Accessed January 31, 2021.

X v. State of Maharashtra, Criminal Writ Petition (ST) No. 24433 of 2024.

many developed nations like the USA, Denmark, Norway, Sweden, and Australia view live-in relationships as common, accepted, and legal.

Scotland

The Family Law (Scotland) Act 2006 was the first legislation to acknowledge and automatically legalize live-in partnerships involving over 150,000 cohabiting couples. Section 25(2) allows courts to consider factors such as the duration of the couple's cohabitation, the nature of their relationship during that time, and their financial arrangements when assessing cohabitation under sections 26 to 29. Additionally, if the relationship ends, section 28 provides cohabiting partners the right to pursue financial support through court proceedings.⁶

United States:

U.S. legal history features multiple laws concerning consensual sex, which have laid the groundwork for cohabitation agreements and prenuptial contracts. Subsequently, the U.S. recognised cohabitation rights comparable to those of married couples, similar to policies in Sweden and Denmark. Nevertheless, cohabiting partners are not legally recognized as a couple parents.

Australia

Section 4AA of the Family Law Act 1957 defines a de facto relationship as a situation where two people who are not married and not related by family are living together genuinely as a couple, considering all relevant circumstances.

Canada:

Cohabiting couples are legally recognized in Canada. Section 54(1) of the Family Law Act, R.S.O. 1990, allows cohabiting or intending-to-cohabit partners to enter agreements outlining rights and obligations regarding property, support, and the education and moral training of children—excluding custody and access. If they marry, the agreement is considered a marriage contract (Section 53, subsection 2).⁷

United Kingdom:

Live-in relationships are primarily governed by the Civil Partnership Act 2004. While people often refer to cohabiting couples as "common law spouses," this term is not legally correct in England and Wales. The UK does not provide automatic ownership rights when couples separate, and courts cannot override property laws in the same way as they do in divorce cases.⁸

France:

In 1999, France enacted the Civil Solidarity Pact, which regulates live-in relationships through a contract that facilitates shared living without requiring marriage or other formal legal ties. This agreement is accessible to adults of any gender, provided they are not under the legal guardianship of another individual.⁹

2.2 Live-in Relationship in India

In India, marriage is widely accepted socially; however, live-in relationships often lack formal recognition. These arrangements can offer both partners a sense of independence and fewer commitments. Unlike marriage, which typically involves shared earnings, joint finances, and family responsibilities, live-in relationships are viewed as a distinct kind of partnership. However, as social norms evolve, the distinction between the two is becoming increasingly blurred. Many couples choose to live together without formal marriage, yet society often views this as taboo, associating it with a decline in moral and traditional values. Despite higher divorce rates and some relationship challenges, marriage remains highly valued by society. Live-in relationships, especially for women, can face significant stigma. Patriarchal norms sometimes unfairly portray women in these situations as morally questionable or more vulnerable to exploitation. The fear of being seen as 'available' or 'less respectable' discourages many women from pursuing this lifestyle openly. Additionally, without legal protections, women may find it difficult to claim rights related to

⁶ Family Law (Scotland) Act 2006

⁷ Family Law Act, R.S.O. 1990

⁸ Civil Partnership Act, 2004 (UK).

⁹ Civil Solidarity Pact 1999

maintenance, property, or protection from domestic violence. Courts have occasionally recognised that women in long-term live-in relationships should have rights similar to those of married women, especially when issues of exploitation or threats to their well-being are involved.¹⁰

3. Evolution of Judicial Recognition in India

The judicial response to live-in relationships in India has demonstrated a gradual yet steadfast shift from traditional legal conservatism towards a more rights-based approach grounded in constitutional principles. In the absence of specific legislation, the Indian judiciary has taken a leading role in defining the legal status, validity, and implications of live-in relationships, primarily through the interpretation of Article 21 of the Constitution, which guarantees the right to life and personal liberty. This development can be seen as a layered process, progressing from passive recognition to proactive protection of those cohabiting.

3.1. Early Recognition: From Presumption to Protection

One of the earliest instances where the Supreme Court acknowledged live-in relationships is in *Badri Prasad v. Dy. Director of Consolidation*, which recognised 50 years of cohabitation as valid evidence of a marriage.¹¹ Although the ruling primarily addressed the presumption of marriage rather than directly endorsing non-marital cohabitation, it set the stage for future legal developments that emphasised the substance of relationships over their formal labels.

In *S. Khushboo v. Kanniammal* (2010), a pivotal case that directly challenged societal stigma.¹² The Court dismissed obscenity charges against actress Khushboo for endorsing live-in relationships, affirming that consenting adults have the right to cohabit under Article 21, which guarantees personal liberty and dignity.

Over time, courts increasingly regarded long-term cohabitation as establishing a presumption of marriage, affecting property and inheritance rights. This presumption typically relied on factors such as the duration of the relationship, social acceptance, and the absence of legal barriers to marriage.

3.2. Formulating Judicial Criteria for Live-in Relationships:

A significant change happened after the Supreme Court's decision in *D. Velusamy v. D. Patchaiammal*, where it tried to determine when a live-in relationship can be regarded as "in the nature of marriage." The Court outlined key criteria:

- The couple must hold themselves out to society as akin to spouses.
- They must be of legal age to marry.
- They must be otherwise qualified to enter into a legal marriage.
- They must have voluntarily cohabited and shared a common household for a significant period.¹³

This judgment represented a pivotal moment, demonstrating the Court's readiness to move beyond assumptions and conduct a functional evaluation of the relationship. At the same time, it emphasised certain restrictions, especially the requirement for the relationship to resemble marriage, thereby indirectly supporting marital norms as part of the legal framework benchmark.

3.3 Nuancing the Boundaries

In *Indra Sarma v. V.K.V. Sarma*, the Supreme Court examined the conflict between personal freedom and legal safeguards in live-in relationships. The case involved a woman living with a married man, who sought protection under the Protection of Women from Domestic Violence Act, 2005. The Court ruled that such a relationship did not qualify as a "relationship in the nature of marriage" because it was adulterous and did not fulfil the legal and social standards required.¹⁴

Although the Court showed sympathy for the woman's circumstances, it concluded that relationships that do not meet the legal criteria of marriage-like arrangements, as outlined in *D. Velusamy v. D. Patchaiammal*, cannot be protected under the law. This ruling marked a mix of progress and caution, as it

¹⁰ *D. Velusamy v. D. Patchaiammal*, (2010) 10 SCC 469, 30

¹¹ *Badri Prasad v. Dy. Director of Consolidation*, AIR 1978 SC 1557.

¹² *S. Khushboo v. Kanniammal*, (2010) 5 SCC 600 (India).

¹³ *D. Velusamy v. D. Patchaiammal*, (2010) 10 SCC 469, ¶ 30

¹⁴ *Indra Sarma v. V.K.V. Sarma*, (2013) 15 SCC 755.

acknowledged the existence of live-in relationships while also establishing a legal boundary influenced by societal notions of morality and relationships.

In *Soni Gerry v. State of Haryana*, the Court described these relationships as a "threat to the social fabric" and denied protection. It relied on societal morality and characterised live-in relationships as "morally and socially unacceptable," emphasising societal morality over constitutional rights¹⁵

In *Kamini Devi v. State of Uttar Pradesh*, protection was granted despite moral considerations.¹⁶

The Delhi High Court in *Alok Kumar v. State* recognised the legality of live-in relationships but cautioned against treating them with the same sanctity as marriage¹⁷

3.4.Right to Privacy, Dignity, and Protection under Article 21

Central to the shift in judicial thinking supporting live-in relationships is the new interpretation of Article 21 of the Indian Constitution, which guarantees the right to life and personal liberty. The judiciary has expanded this provision to encompass related rights, such as privacy, dignity, and autonomy, in personal matters. These developments have established a constitutional basis for recognising live-in relationships as lawful options.

"No person shall be deprived of his life or personal liberty except according to procedures established by law."¹⁸ Over the years, judicial interpretation has expanded Article 21 from a procedural guarantee to a substantive right that includes: the right to live with dignity, bodily autonomy, privacy, and the freedom to make personal choices related to marriage, reproduction, and cohabitation.¹⁹ This development has been crucial in challenging traditional norms that limit individual freedoms based on societal morality.

The *Puttaswamy* judgment was a landmark decision by a constitutional bench that recognised privacy as a fundamental right under Article 21. The Court held that privacy is not limited to physical space but also includes decisional autonomy—the capacity to make personal and intimate choices without government interference.²⁰ Emphasising privacy as vital to constitutional liberty, the Court explicitly stated: "The right to privacy is an intrinsic part of the right to life and personal liberty... It includes protecting personal intimacies, the sanctity of family life, marriage, procreation, the home, and sexual orientation."²¹ This comprehensive understanding laid the theoretical groundwork for recognising live-in relationships as private and constitutionally protected arrangements.

In *Navtej Singh Johar v. Union of India*, the Supreme Court upheld the principles of Intimate Choices and Constitutional Morality. Building on the *Puttaswamy* case, the Court decriminalised consensual homosexual acts, emphasising that individual choices in intimate relationships are beyond the scope of majority morality.²² The judgment clearly stated that: - The right to sexual autonomy- The freedom to love and live with a partner of one's choice- The importance of constitutional morality over societal disapproval. The ruling declared, "Societal morality cannot override constitutional morality. Discrimination based on sexual orientation is profoundly offensive to an individual's dignity and self-worth."²³ Although the case centred on same-sex relationships, the core principle—that the State should not interfere in the personal lives of consenting adults—applies equally to live-in relationships.

In *Shafin Jahan*, the Supreme Court overturned a Kerala High Court decision that invalidated a marriage due to parental opposition. The Court emphasised that the right to select one's partner is fundamental to personal liberty and dignity.²⁴ Although the case centred on a formal marriage, its focus on individual autonomy in partner choice supports the validity of non-marital relationships formed voluntarily by adults.

¹⁵ *Soni Gerry v. State of Haryana*, CWP No. 11207 of 2021 (P&H HC).

¹⁶ *Kamini Devi v. State of Uttar Pradesh*, 2020 SCC OnLine All 1375

¹⁷ *Alok Kumar v. State*, 2010 SCC OnLine Del 597.

¹⁸ Article 21, Indian constitution

¹⁹ *Francis Coralie Mullin v. Union Territory of Delhi*, (1981) 1 SCC 608.

²⁰ *B. Justice K.S. Puttaswamy v. Union of India* (2017)

²¹ *Id.* at p 298.

²² *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

²³ *Id.* At p122

²⁴ *Shafin Jahan v. Asokan K.M.*, (2018) 16 SCC 408

3.5 Recognising the freedom to make choices

In *Nandakumar v. State of Kerala*, the Court affirmed the right of two consenting adults to cohabit, even if one is below the legal marriage age, emphasising a rights-based perspective.²⁵ In this case, the court reiterates that it is enough to recognise that both parties are adults. Even if they lack the full capacity to marry, they still have the right to live together outside of marriage.

3.5. Asserting the Right to Protection

In *Leela Bishnoi v. State of Rajasthan*, a live-in couple—where the woman was still legally married to someone else—sought police protection from threats by their families and society. The police and lower authorities opposed the petition, claiming that providing protection would indirectly endorse an "illicit relationship." The Rajasthan High Court rejected this argument, asserting that the right to life and personal liberty under Article 21 applies to all individuals, regardless of marital status or relationship type. The Court highlighted that it is not the role of police or state authorities to judge the morality of consensual adult relationships, and protection cannot be denied because a relationship is socially disapproved. The Court emphasised that constitutional morality, not public morality, should guide judicial decisions.²⁶ This case set a significant precedent by establishing that constitutional rights cannot be denied based on popular moral standards. The judgment also clarified that state authorities have a duty to protect individuals from threats, even when their relationships are socially controversial.

3.6 Reaffirming Privacy and Dignity

In *Manisha Devi v. State of Rajasthan* (2023), the Rajasthan High Court expanded on the decision in *Leela Bishnoi* by emphasising the right to privacy, as established in *Justice K.S. Puttaswamy (Retd.) v. Union of India*. The case involved a live-in couple seeking police protection, with respondents objecting on moral grounds, claiming the relationship was immoral and unworthy of state support. The Court decisively rejected these objections, stating that the State has no authority over private, consensual relationships between adults. It emphasised that denying protection breaches constitutional duties, and that public morality must not override individual dignity. The Court also reaffirmed that privacy rights encompass the freedom to choose a life partner and live authentically, even outside marriage.²⁷ This ruling reinforced the view that inaction or selective protection by the state can violate fundamental rights, thereby affirming that live-in relationships are protected under constitutional liberties.

3.7. Contractual Perspective and Civil Legitimacy

The most notable advancement in Rajasthan's legal landscape occurred in *Reena v. State of Rajasthan*, where the High Court made a pioneering move by acknowledging live-in relationships as potentially involving contractual duties. The petitioners, two adults who were voluntarily cohabiting, sought protection and recognition of their mutual obligations. The Court observed that cohabitation agreements could be regarded as civil contracts, integrating contract law principles into private relationships. This ruling introduced the idea that private arrangements between consenting adults in a live-in relationship might establish enforceable duties, such as caregiving, sharing expenses, or mutual respect.²⁸ While the decision did not establish a comprehensive framework, it paved the way for further judicial and legislative examination of similar arrangements, such as civil unions. This development is significant because it links public law protections (under Article 21) with private law rights (through contract or tort law). By recognising live-in relationships as valid contractual forms, the Court effectively provided civil acknowledgement to a form of cohabitation that was previously marginalised.

4. Societal Morality vs. Constitutional Morality: Navigating the Legal Conflict

The ongoing conflict between societal morality and constitutional morality lies at the heart of contemporary Indian legal debates, particularly concerning personal autonomy and relationship rights. This tension is most visible in live-in relationships, where dominant cultural norms often criminalise or stigmatise consensual cohabitation outside marriage. Meanwhile, constitutional law has gradually recognised the significance of individual dignity, liberty, and personal choice.

²⁵ *Nandakumar vs The State Of Kerala* *Nandakumar v. State of Kerala*, (2018) 16 SCC 602.

²⁶ *Leela Bishnoi v. State of Rajasthan*, S.B. CrI. Misc. Petition No. 3646/2021 (Raj).

²⁷ *Manisha Devi v. State of Rajasthan*, 2023 SCC OnLine Raj 2711.

²⁸ *Reena v. State of Rajasthan*, 2025 SCC OnLine Raj 1106752

Societal morality comprises the shared norms, values, and traditions upheld by a community, heavily influenced by religious, patriarchal, and cultural backgrounds. In India, this morality typically supports traditional family structures, viewing marriage as the only socially accepted form of intimate partnership. Live-in relationships are frequently condemned as immoral, deviant, or “against Indian culture.” In contrast, constitutional morality involves adhering to the principles embedded in the Indian Constitution: justice, liberty, equality, and dignity. Dr. B.R. Ambedkar stressed that all public institutions must be guided by this moral framework, regardless of societal attitudes. It requires government officials, including judges and police, to prioritise constitutional values over personal biases or majority views opinions.²⁹

Live-in relationships continue to be a main legal and cultural concern. These relationships often raise issues such as disapproval and ostracism from families and communities, as well as reluctance or refusal by police to provide protection, and judicial hesitation in granting relief due to prevailing moral standards. These responses reveal the deep entrenchment of societal morality within administrative and judicial mechanisms, often undermining the rights of adults in consensual relationships.

The Supreme Court has firmly established that constitutional morality takes precedence over societal norms by striking down Section 377 of the Indian Penal Code, resulting in the decriminalisation of consensual same-sex relationships. It stated: “Constitutional morality cannot be equated to the prevailing social morality. The Constitution is a living and organic document which evolves with time.” The ruling clarified that majority opinions should not dictate individual rights, especially those related to identity and intimacy.³⁰ In a habeas corpus case, the Kerala High Court invalidated a marriage due to parents’ objections, but the Supreme Court reversed this, asserting: “The right to marry a person of one’s choice is integral to Article 21 of the Constitution.”³¹ The judgment emphasised that family or societal objections cannot override personal liberty in marriage and cohabitation issues. In *Devu G. Nair v. State of Kerala*, the Supreme Court laid down guidelines for protecting live-in couples in habeas corpus and protection pleas, emphasising consent and autonomy.

Courts increasingly prioritise constitutional morality, protect couples from harassment, and recognise maintenance rights, though ambiguities persist. Recently, the Rajasthan High Court has emerged as a strong advocate of constitutional morality. In cases such as *Leela Bishnoi v. State of Rajasthan*, *Manisha Devi v. State of Rajasthan*, and *Manisha Rani v. State of Rajasthan*, it has protected live-in couples despite social disapproval. The High Court observed that moral disapproval is not a valid constitutional reason to deny protections. “The sanctity of constitutional values must be upheld above all else—even when public sentiment diverges.” These rulings highlight a judicial commitment to safeguarding personal liberty and dignity, resisting the influence of public morality that might weaken constitutional principles and rights.³²

5. Why Constitutional Morality Must Prevail

The core debate about live-in relationships in India revolves around the clash between societal and constitutional morality. While societal morality is rooted in tradition, patriarchy, and religious orthodoxy, constitutional morality aspires to foster a society where individual rights are protected from cultural pressures. The judiciary, guided by progressive and rights-based rulings, has demonstrated courage by fully applying constitutional morality even when it challenges social norms. This approach should inspire other courts and lawmakers to defend the freedom, dignity, and privacy of all individuals, regardless of whether their relationships conform to conventional social standards. As the Supreme Court correctly noted in the *Sabarimala Temple Entry Case*: “If a court were to let public morality influence its decisions, it would be undermining the very values it is sworn to uphold”³³

There are compelling legal and ethical reasons why constitutional morality must trump societal morality:

- Constitutional supremacy is the foundation of India’s legal order.
- The Constitution protects minority voices, including those with unconventional lifestyles.
- Individual dignity, not majoritarian consensus, is the touchstone of fundamental rights.

²⁹ Constituent Assembly Debates, Vol. V (18 Nov. 1948) (Speech by Dr. B.R. Ambedkar).

³⁰ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1, ¶ 122.

³¹ *Shafin Jahan v. Asokan K.M.*

³² *Devu G. Nair v. State of Kerala*, 2023 SCC OnLine SC 545 (India).

³³ *Indian Young Lawyers Association v. State of Kerala*, (2019) 11 SCC 1, p145

- Societal norms are fluid and often discriminatory—they cannot form the basis for the denial of legal protection.

6. Need for Legislative Intervention.

Without a specific legal framework, individuals in live-in relationships face a confusing landscape of inconsistent court rulings, uneven protections, and moral judgments. Although courts have made progress in protecting fundamental rights, constitutional safeguards alone are insufficient without clear legal statutes. There is an urgent need for legislation that acknowledges cohabitation rights, clarifies partners' responsibilities and entitlements, extends protections under civil and criminal laws, and offers remedies for violations, exploitation, or violence. Legislative reforms are crucial to recognise live-in relationships as legitimate domestic partnerships, ensuring equal legal rights and protections free from traditional or social biases. Only through this can the full realisation of privacy, dignity, and liberty under Article 21 be achieved for all Indians, regardless of their family or partnership status.

7. Conclusion and Recommendations

7.1 Conclusion

The development of live-in relationship jurisprudence in India marks a notable shift from societal stigma to legal acceptance, primarily driven by the judiciary's commitment to upholding constitutional values. What was once regarded as immoral or culturally rebellious is now increasingly seen as an expression of personal liberty and freedom, as outlined in Article 21. From Badri Prasad's view of marriage to landmark rulings like Puttaswamy and Navtej Johar, the Supreme Court has progressively created room to protect individuals' choices in intimate relationships under the Constitution. It has not only applied progressive constitutional principles but also enforced them in real-life scenarios where couples encounter threats, violence, and social hostility. Judgments such as Leela Bishnoi, Manisha Devi, and Reena v. State clearly show a willingness to: reject societal morality as a reason to deny rights, strengthen the state's positive duty to protect all citizens regardless of their relationship status, and introduce innovative ideas like contractual obligation frameworks to legitimise live-in relationships civilly.

However, the lack of a comprehensive legislative framework remains the main barrier to legal security and equality for live-in partners in India. While constitutional protections are strong, they often operate retrospectively and inconsistently, mainly when relief depends on judicial discretion and the personal values of judges.

7.2. Recommendations

To establish a consistent and inclusive legal framework that protects the dignity, autonomy, and safety of individuals in live-in relationships, the following measures are proposed.

1. Amend current family law statutes to acknowledge live-in relationships explicitly.

This legislation should:-

- Establish live-in partnerships as a legally recognised category-
- Outline the rights and obligations of partners across financial, emotional, and social aspects,-
- Provide mechanisms for exit and protections against breaches or abuse.

2. Expansion of Maintenance and Inheritance Rights

The scope of statutes such as the Hindu Adoption and Maintenance Act, 1956, and the Succession Acts should be broadened to encompass cohabiting partners in long-term live-in relationships. Legal presumptions comparable to those used in common-law marriages in other jurisdictions should be adopted, along with suitable criteria.

3. Child Custody and Parental Rights Framework

The law should ensure that children born out of live-in relationships enjoy:

- Full legitimacy,
- Equal inheritance rights,

- Legal clarity on custody and maintenance,
- Access to guardianship rights for both partners.

4. Clarification of Domestic Violence Protections

The Protection of Women from Domestic Violence Act, 2005, should be revised to:

- Clarify the definition of “relationship in the nature of marriage”.
- Cover live-in relationships involving married partners (excluding cases of adultery).
- Provide remedies for both men and women in abusive live-in partnership situations.

5. Police and Bureaucratic Sensitisation

State governments must ensure training of law enforcement and public authorities to:

- Recognise live-in relationships as protected by the constitution,
- Establish clear guidelines for protection and complaint registration,
- Refrain from moral policing or public shaming.

6. Public Awareness and Social Reform

Government bodies, civil society organisations, and media platforms should work together on awareness campaigns to:

- Destigmatise non-marital cohabitation,
- Educate citizens about constitutional rights and protections
- promote gender equality along with respect for diverse family structures.

7. Uniform Judicial Guidelines

The Supreme Court may establish uniform judicial guidelines to be followed by all High Courts. This would ensure consistent relief, protection, and language in related cases, preventing petitioners from experiencing regional or ideological disparities justice.