BLOGS

Legality of Live-in Relationships in India

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Introduction

Live-in relationships have become increasingly common in India in recent years. A live-in relationship refers to a relationship between a man and a woman who live together without getting married. While the concept of live-in relationships is not new, it is still not legally recognized in India.

Live-in Relationships and the Hindu Marriage Act

However, in recent years, the judiciary has played a vital role in recognizing the legal rights of couples in live-in relationships under various laws, including the Hindu Marriage Act. In India, marriage is a sacred union that is recognized by law. However, the Hindu Marriage Act does not specifically define marriage. The Act defines the conditions for a valid Hindu marriage, including age, mental and physical capacity, consent, and prohibited degrees of relationships.

However, the Act does not provide any provisions for live-in relationships. In India, live-in relationships are not illegal, but they are not recognized as a legal union. The Malimath Committee Report has extended the definition of the term ‘wife’ to include a woman who has lived with a man like his wife for a considerable amount of time and thus is legally eligible to claim maintenance. The Supreme Court of India has held that a live-in relationship is not a crime or an offence under any law. However, the rights and obligations of parties to such relationships are not the same as those in a valid marriage.

Landmark Judgements on Live-in relationships

In 2008, the Supreme Court held that a woman in a live-in relationship is **entitled to maintenance** under the provisions of the Protection of Women from Domestic Violence Act, 2005.

The Court held that if a man and woman **live together as husband and wife**, and the man neglects or refuses to maintain the woman, she can file a complaint under the Domestic Violence Act, and the court can give orders for support and protection.

Another landmark judgement in this regard is the case of ***D. Velusamy v. D. Patchaiammal***. The Supreme Court held that a live-in relationship can be considered a valid marriage if certain conditions are fulfilled.

These conditions include:

- The couple must have lived together for a significant period of time.
- The couple must have held themselves out to the public as being akin to spouses.
- They must have lived together voluntarily for a long time and acted like they were married to everyone else.

In the case of ***Indra Sarma v. V.K.V. Sarma***, the Supreme Court held that a live-in relationship between an unmarried adult woman and a married man is not a valid marriage under the Hindu Marriage Act. The Court observed that a marriage in Hindu law is a sacramental union and cannot be between two individuals where one party is already married to another person.

In 2015, the Supreme Court, in the case of ***Bharata Matha and Others v. R. Vijaya Renganathan and Others***, held that a child born out of a live-in relationship will have inheritance rights over the property of his/her parents, provided the relationship meets the conditions laid down in the case of D. Velusamy v. D. Patchaiammal.

According to the 2016 Punjab High Court judgement in ***Ajay Bhardwaj v. Jyotsana case***, women are eligible for alimonies in live-in relationships.

Conclusion

In conclusion, while live-in relationships are not legally recognized as a valid marriage under the Hindu Marriage Act, the judiciary has recognized the legal rights of couples in such relationships under various laws. It’s important for people who live together to know their rights and responsibilities and take the legal steps they need to protect themselves.