

5. Live-In Relationship as Legal-Polity

Live-in relationships part of right to life, not illegal- HC asks police to protect couples The Allahabad High Court recently ruled that consenting adults in live-in relationships are entitled to state protection under Article 21, asserting that their unmarried status does not deprive them of fundamental rights or the right to life and liberty, irrespective of social morality.

Background of the Case

- The Petitions-** A total of 12 petitions were filed by women currently in live-in relationships.
- The Grievance-** The petitioners sought protection because they feared threats to their lives and liberty. They alleged that the local police had ignored their earlier pleas for security.
- Judicial Process-** Recognizing the similarity of the issues, the High Court clubbed all cases together for a unified hearing.
- Conflict with Previous Ruling-** This judgment stands in contrast to an April 2023 ruling by a Division Bench of the Allahabad High Court, which had previously denied protection to a live-in couple. The current order clarified that the earlier ruling was not in line with the Supreme Court's established views and was based on different facts.

Key Ruling & Directives of the High Court

- Core Observations**
- Legality-** The Court explicitly stated that live-in relationships are not illegal, and cohabitation without marriage is not a criminal offence under Indian law.
- Constitutional Duty-** The State has a mandatory constitutional duty to protect the life and liberty of every citizen, regardless of their marital status.
- Equality of Rights-** Constitutional rights apply equally to all citizens; unmarried couples cannot be treated as "secondary" citizens regarding safety.
- Moral vs. Legal-** The Court acknowledged that while live-in relationships remain a subject of moral debate in segments of Indian society, individual liberty is paramount. The personal choices of consenting adults cannot be judged by courts or interfered with by societal elements.
- Reference to Statutory Law**
- Domestic Violence Act, 2005-** The Court referred to the *Protection of Women from Domestic Violence Act, 2005*.

Scope- It highlighted that the Act covers women in "domestic relationships" without explicitly restricting protection to a legally wedded "wife," thereby offering a statutory safety net for live-in partners.

Legal Status of Live-in Relationships in India

- Constitutional Basis-** The right to cohabit with a partner of one's choice is protected under Article 21 (Right to Life and Personal Liberty) of the Constitution.
- Judicial Stance-** The Supreme Court of India has consistently held that live-in relationships are neither illegal nor criminal, even if they are considered socially unacceptable by some.
- Definition-** Under the Domestic Violence Act, 2005, a live-in relationship is recognized if it qualifies as a "relationship in the nature of marriage."

Rights vs. Limitations- A Comparative Overview

The following table summarizes the legal rights available to partners in live-in relationships versus the specific limitations they face compared to married couples.

Aspect	Rights Granted	Legal Limitations
Finan- cial Support	Maintenance- A woman can claim maintenance under the Domestic Violence Act or Section 125 of CrPC, provided the relationship meets specific legal criteria (e.g., duration, shared household).	No Family Pension- Partners generally cannot access social benefits like family pensions or tax benefits that are legally reserved for married spouses.

Safety & Housing	Protection & Residence- A woman has the right to seek protection orders against violence and cannot be evicted from the "shared household."	Property Division- There is no automatic right to the division of property acquired during the relationship; it depends strictly on proof of financial contribution.
Status of Children	Legitimacy- Children born from such relationships are considered legitimate. They have full inheritance rights to their parents' self-acquired property.	Partner Inheritance- Partners have no automatic right to inherit each other's property upon death unless specifically named in a valid Will.
State Security	Police Protection- Courts can (and must) order police to provide security to couples facing threats, harassment, or "honor" crimes.	Social Acceptance- While legally protected, the lack of a "marriage certificate" often leads to practical hurdles in banking, insurance, and social legitimacy.

Source- <https://economictimes.indiatimes.com/news/india/live-in-relationships-part-of-right-to-life-not-illegal-hc-asks-police-to-protect-couples/articleshow/126076420.cms?from=mdr>

