

Original Article

Judicial Influence in Shaping Constitutional Rights: Examining the Legal Struggles of Live-in Couples

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Abstract:

This research paper aims to explore the critical and transformative role of the Indian judiciary in giving shape, strengthening, and progressively interpreting, while positively implementing constitutional human rights jurisprudence. The judiciary, being the guardian of the Constitution, has always filled the gap between legislative inertia and the evolving needs of society. A key focus of this paper is on live-in relationship couples and an entire category of people that continues to face a legal and social limbo and social stigma due to the absence of clear statutory recognition of their social choices. Such live-in relationship couples, despite exercising their right to personal liberty and freedom of choice, which is constitutionally protected, frequently have to face legal uncertainties, social barriers, and administrative challenges that undermine their dignity and lawful security. Through various progressive and precedent-setting judgments, the judiciary has attempted to protect and establish the fundamental rights of such couples. These judgements have ensured the constitutional guarantees, such as the right to equality, life, liberty, and privacy, to these couples who do not fit into traditional marital norms. Courts have shifted social values and living experiences by interpreting constitutional provisions and have played a crucial role in a deeper understanding of human rights. This paper scrutinizes these judicial efforts by studying landmark rulings and examining them, tracing the development of legal interpretations over time, and observing how courts have handled all the challenges faced by live-in relationship couples. The paper further criticizes the limitations faced by current legal frameworks that fail to provide comprehensive protection and recognition to live-in relationships. Finally, it advocates for a holistic approach that encourages judicial insights and proactive legislative measures. It will help to create an environment that is legally upright and where individual autonomy, dignity, and non-marital partnerships are respected as a choice and legally safeguarded under the umbrella of constitutional justice.

Keywords: Judiciary, Constitutional Rights, Human Rights, Live-in Relationship, Legal Recognition, Fundamental Rights, Indian Constitution

Introduction

The judiciary is known to be the guardian of the Constitution. It has a fundamental responsibility in upholding, interpreting, and enforcing human rights via the Constitution in India. Along with society, its norms also evolve, and so do values and challenges. In the current times, the Indian judiciary has acted as a proactive institution that responds to increasing human rights issues by interpreting constitutional provisions, keeping the changes in society in mind. Courts have always maintained the balance between the outdated statutes and their rigidity and the flexible, progressive nature of the Constitution. One of such contemporary social developments is seen in the rise of live-in relationships and their arrangements where couples cohabit without formalizing or legally naming their union through marriage. Though these couples are increasing day by day in society, such relationships are still viewed with a narrow mind by society, and the live-in system remains legally ambiguous under Indian law.

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Couples who choose to be in live-in relationships are often denied basic protections and rights due to the absence of a clear statutory framework that acknowledges or safeguards their legal status. Such legal gaps leave them vulnerable to exploitation, discrimination, and administrative neglect. Considering the current scenario with live-in couples, the judiciary's role in extending constitutional protections to such couples due to legal ambiguity becomes not only relevant but essential. This research paper studies the judicial interventions and precedents that have contributed to the evolution and development of human rights jurisprudence in India, with a special note to the legal recognition and protection of live-in relationship couples.

Constitutional Basis for Human Rights in India

The Indian Constitution lays a solid foundation for the protection and promotion of human rights through its Fundamental Rights (Part III). These fundamental rights represent the basic civil liberties to which every individual is entitled, irrespective of caste, gender, religion, or social status.

Fundamental Rights such as Article 14 that guarantees equality to everyone before the law and equal protection under the laws, while Article 15 prohibits discrimination among people on specific grounds, and ensures a more equitable society. Similarly, Article 19 protects freedom of speech and expression, which is essential for individual autonomy and dignity. Article 21 provides for the right to life and personal liberty; this is the provision that the judiciary has expansively interpreted and included rights under its scope, such as privacy, dignity, reproductive freedom, and the right to choose one's partner. Indian courts have contributed greatly over the years to transform these constitutional guarantees from mere ideas into enforceable provisions. The judiciary, through its progressive approach, has ensured that, constitution remains a living document tolerant of changing aspirations and norms of Indian society. The expansion in the interpretation of these rights has laid a legal foundation for the protection of those who are in non-traditional relationships, such as live-in relationships; moreover, a couple belonging to the LGBTQ+ community, even in the absence of specific legislation. The assertive approach of the judiciary to interpret Human Rights into broader constitutional principles has positively contributed to creating a broader and rights-oriented legal framework

Role of the Judiciary in Human Rights Jurisprudence

The judiciary has consistently and effectively played an important role in shaping the outlines of human rights jurisprudence in India. Judiciary as an institution has protected minority rights, and has often acted as a shield against the unfair rule of the majority, due to which it successfully made sure that vulnerable people and their legal rights are protected even when society or politics are against them. The courts have not just explained and interpreted laws but have also added the values of justice, freedom, equality, and dignity to them, bringing the Constitution and its very purpose to life. Indian courts have gone through a noteworthy transition, i.e., from a rigid literal meaning of texts to a more liberal and inclusive, purposive interpretation that matches the changing democratic values of the country. This transformation can be seen from the landmark decisions that have freshly defined the scope of fundamental rights.

In *Maneka Gandhi v. Union of India (1978)* The Supreme Court broadened the scope of Article 21 by explaining that the right to life includes the right to live with dignity. Hence, it set the way for an expansive reading and broader understanding of personal liberties.

In *Kesavananda Bharati v. State of Kerala (1973)* The doctrine of the "basic structure" was put forward, and it restricted the Parliament's power to amend the Constitution in ways that could dilute fundamental rights. More recently, in the case of *Justice K.S. Puttaswamy v. Union of India (2017)* The right to privacy was recognised as an intrinsic part of the right to life and personal liberty, creating new opportunities for protecting and encouraging individual autonomy. Through such landmark judgments, the judiciary has defined and effectively executed its role as the guardian of constitutional morality and a protector of human dignity. It has used its interpretative powers to address and deal with the emerging socio-legal issues, including those related to gender identity, sexual orientation, and personal relationships, thereby expanding the scope of human rights in India beyond conventional limits.

Live-in Relationships in India: Legal and Social Context

Live-in relationship couples are increasing in society, and a lot of people are openly accepting this lifestyle in India. Especially in urban and metropolitan areas, these partnerships are visible and accepted. Live-in relationships where two consenting adults choose to cohabit without entering into a formal marriage and legal binding reflect changing social views toward love, companionship, and individual freedom to choose a partner. But the legal system has failed to keep pace with these societal changes. This has created a significant gap between lived realities and legal protections. Traditionally, Indian society has understood marriage between a man and a woman as the only legitimate form of intimate partnership, deeply rooted in cultural, religious, and familial expectations. Live-in relationships and this system of cohabitation challenge these rigid conventions by supporting each person's freedom to choose how they want to live, even outside the traditional form of marriage. Despite their growing prevalence and open lifestyle, such relationships still occupy a legally ambiguous space in society, often leading to social stigma, moral policing, and institutional discrimination by the rigid sections of society.

Legally speaking, there is no comprehensive statute in India or any set of rules that defines or regulates live-in relationships. However, in a few progressive instances, courts have acknowledged these arrangements under specific circumstances. The most notable and positive development in this regard is the inclusion of certain live-in relationship

couples under the ambit of the **Protection of Women from Domestic Violence Act, 2005**. Through judicial interpretation, the Act has been extended to cover and include women in "relationships like marriage," i.e., live-in relationships, thereby offering some protection against domestic abuse under the Act and enabling claims for maintenance. The lack of a well-defined legal framework affects couples in live-in relationships as they are still denied the basic rights related to inheritance, succession, tax benefits, medical consent, and legal recognition of their children. The lack of uniformity in judicial pronouncements also leads to uncertainty, leaving many such couples vulnerable to legal and social exclusion. And so, the judiciary's role becomes crucial and defining in appropriately interpreting constitutional rights to ensure that such individuals are not left without remedies merely because their relationship does not stand up to traditional standards.

Judicial Recognition of Live-in Relationships

Indian judiciary and courts have played a visionary role in asserting, acknowledging, and gradually legitimising live-in relationships, despite the lack of formal statutory recognition for legal protection of such couples. Several landmark judgments have affirmed the rights of such individuals to choose their partners and cohabit without the legal sanction of marriage, thereby reinforcing constitutional values of liberty, dignity, and personal autonomy in society. In the case of **Lata Singh v. State of Uttar Pradesh (2006)** The Supreme Court strongly upheld the right of two consenting adults to live together, affirming that, even outside wedlock. The Court denounced the societal intolerance faced by such live-in couples and asserted that such living arrangements are not criminal offences. The judgment exemplified as a precedent in protecting individuals, particularly women in a live-in relationship, from threats of violence or forced separation due to familial pressure or societal disapproval. In the case of **Indra Sarma v. V.K.V. Sarma (2013)** The Supreme Court extended the identifying parameters under which live-in relationships could be recognised as "relationships in the nature of marriage" under the **Protection of Women from Domestic Violence Act, 2005**. The judgment was significant as it established guidelines to distinguish stable, long-term cohabitation in the form of live-in relationships from casual relationships. It stated that women in such relationships deserve legal protection from abuse and should not be denied legal remedies merely because they are not legally married or their relationship is not legally recognised by law or society.

In the case of **Nandakumar v. State of Kerala (2018)** The Supreme Court reaffirmed that the right to cohabit is rooted in the broader constitutional guarantee of personal liberty, as outlined in Article 21. Even though a couple's marriage was legally reason being that the man was underage, the Court was of the opinion that their decision to live together was a matter of personal choice and could not be considered a violation of any law.

Similarly, in the case of **S. Khushboo v. Kanniammal (2010)** The Supreme Court stated that consenting adults living together may be unconventional, but it is not illegal or immoral. The Court dismissed criminal charges brought against a public figure for advocating the legitimacy of live-in relationships, and it protected the freedom of speech and reinforced social acceptance of alternative relationship forms other than the traditional ones. All these judgments represent a positive, progressive, and evolving judicial approach that upholds and effectively asserts the dignity, autonomy, and rights of individuals in non-marital cohabitation and partnerships. By interpreting constitutional protections liberally, the judiciary has set the path for social and legal recognition of live-in relationships, however, within certain legal limits.

Limitations and Challenges

While the judiciary has achieved notable progress in recognising live-in relationships, significant legal and societal challenges due to a traditional and rigid mindset continue to undermine the full realisation of rights for individuals in such cohabiting partnerships. One major issue is that there's no clear law or set of rules to officially recognize live-in relationships or give live-in couples the same legal rights as married couples, especially in areas like property, inheritance, taxes, and medical decisions. In the absence of law, individuals in live-in relationships are constantly denied access to spousal benefits. For example, if one partner is hospitalised, the other may not be allowed to make medical decisions or even access the patient due to a lack of legal recognition as a partner. Similarly, issues related to legal succession, guardianship of children, and financial support often lead to legal disputes that are confusing and difficult to resolve without clear legislative guidelines in such cases. Another major obstacle for live-in couples is societal stigma, particularly in conservative or rural settings where the people have a rigid mindset and such relationships are viewed as taboo or immoral. These couples often face harassment, social ostracism, ignorance and threats from their own families or communities. This is especially true in inter-caste, inter-faith, or same-sex live-in arrangements, where societal disapproval is more intense.

Moreover, a lack of support from authorities makes the situation for live-in couples worse. Many law enforcement agencies and government officials remain either ignorant of the judicial pronouncements or unwilling to implement them, even though they are the law in themselves. Police officers often refuse to register complaints or help them by protecting live-in couples, dismissing their relationships, while considering them illegitimate. This negligence by the system not only puts couples at risk and leaves them helpless but also undermines the authority of the judiciary and the spirit of constitutional guarantees. In the absence of an effective legal system and effective public sensitisation, live-in couples continue to face a complex web of legal uncertainty and social hostility towards them. While judicial

activism has openly supported this issue and opened the door to certain protections, a broader policy shift and legislative intervention with a codified set of laws are essential to secure the rights and dignity of all individuals in a live-in relationship, regardless of their marital status.

The Need for Statutory Recognition

While the judiciary has taken massive, noteworthy steps in recognising and protecting individuals in live-in relationships, it is widely acknowledged that judicial interventions alone cannot comprehensively address the various challenges faced by such couples on a daily basis. The lack of a legislative framework for the protection of such couples leads to inconsistencies in application, uncertainty in legal rights, and dependence on discretionary judicial interpretation without any certainty in outcomes. Without codified laws or guidelines, live-in partners continue to face gaps in legal remedies and protections. Statutory recognition of these live-in couples is essential to provide them uniformity, certainty, and enforceability of rights associated with cohabitation. Such legal recognition will help live-in couples to take advantage of legal safeguards related to inheritance rights, property ownership, medical consent, insurance, and social security benefits. Legal recognition would also regulate the structured procedures for complex legal issues like child custody, adoption, and parental responsibility, ensuring the welfare and legitimacy of children born from such cohabiting relationships. Moreover, it could help protect vulnerable partners, particularly women, and prevent them from exploitation, abandonment, or abuse, as is seen in various cases where one partner seeks to evade responsibility and take advantage of the situation due to the informal nature of the relationship.

More importantly, giving legal recognition to live-in relationships doesn't necessarily mean they have to be treated the same as marriage. Instead of that, the law can be designed accordingly in order to respect and support different types of relationships, cohabitations, without making them fit into traditional marriage. The focus of recognising legislation should be on choice, consent, and commitment-related principles that align with constitutional values and contemporary realities of society. A legal framework would also help with social acceptance, and benefit in reducing stigma and empowering individuals to live freely without fear of discrimination or violence.

Comparative Jurisprudence

Various international legal systems have instructive models that can guide India to design a balanced and inclusive framework for live-in relationships and couples. Several countries have legally recognised civil partnerships, domestic unions, or cohabitation agreements to ensure that the rights of non-marital couples living in a live-in system are protected without going through marriage. In **France**, Pacte Civil de Solidarité (PACS) is a concept that provides legal recognition to unmarried couples, including same-sex partners. This arrangement is designed to allow couples to share financial responsibilities, receive tax benefits, and inherit property without being legally married. It has gained significant acceptance in society and has been encouraged as an alternative to marriage that still ensures legal security along with cohabitation without marriage.

Similarly, **Canada** recognises common-law relationships, where cohabiting couples, who are living together for a certain duration, are granted legal rights similar to those of married couples. These include rights related to property, pension, healthcare, along with child custody. Moreover, provinces like Ontario have further integrated such couples into family law systems, acknowledging the ways and realities of modern relationships. In **South Africa**, cohabitation of live-in couples is recognised through a combination of statutory provisions and constitutional jurisprudence, especially after the emergence of democratic reforms. The courts have always ensured that live-in partners must have legal recourse in issues related to maintenance, inheritance, or domestic violence. These comparative experiences among countries show that legal recognition of live-in relationships is neither drastic nor unheard of. They provide valuable insights and guidance into how laws can evolve to reflect and match changing social patterns while safeguarding individual dignity, equality, and freedom. India can draw from these models of laws for live-in couples in order to develop a culturally sensitive yet rights-based legal structure that ensures the legitimacy of all forms of consensual relationships.

Conclusion

The Indian judiciary has impressively played an effective role in advancing constitutional human rights jurisprudence, visibly protecting vulnerable individuals in the absence of laws and legislative clarity. For live-in couples who are living outside the conventional institution of marriage in a traditional society, the judiciary has made a critical, though not fulfilling, legal space by recognising their right to cohabit outside marriage and extending certain legal protections under existing laws. These judicial interventions in live-in matters have reaffirmed the core Indian constitutional values of liberty, privacy, equality, and dignity. However, the absence of a statutory, codified, and comprehensive legal framework surely continues to hamper the effective realisation of rights for such individuals in society. Without legislative support, the legal protection of live-in relationships and the individuals in such relationships remains fragmented, inconsistent, and vulnerable to judicial discretion. Social prejudices, stigma, and institutional inertia further worsen the situation, especially for inter-caste couples, inter-faith couples, and same-sex couples. A progressive and assertive legal response should be embedded immediately, one that not only affirms the freedom to form intimate partnerships but at the same time ensures that such freedoms come with tangible rights and protections. A collaborative approach like 'judicial activism must be complemented by legislative foresight' is

required. Only then will the constitutional vision and promise of equal protection by the law be achieved for all citizens, irrespective of their choice to structure their personal relationships.

Recommendations

1. Enact Legislation that Recognises Live-in Relationships with a Defined Set of Legal Rights and Responsibilities

It is essential to have a comprehensive legal framework to recognise and regulate live-in relationships in India. The legislation should define the parameters of a live-in relationship and the role of individuals in such a relationship, such as duration of cohabitation, mutual consent, and shared responsibilities, and the law must confer legal rights related to maintenance, property, inheritance, custody of children born out of such relationship, medical consent, and protection from abuse. Importantly, the law must maintain flexibility in such cases, allowing individuals in live-in relationships to enter such arrangements without equating them strictly with marriage. This would ensure that both partners in a live-in enjoy clarity and legal security while they preserve their autonomy and freedom of choice. It would also establish standard legal procedures in the event of disputes or breakdowns in the relationship.

2. Sensitize Law Enforcement Agencies and Administrative Bodies Established by Law Regarding the Legality of Live-in Relationships

Despite judicial recognition of live-in relationships, many police officers and governmental employees, bureaucrats, and local authorities willingly remain unaware or resistant to such partnerships. It often dismisses or harasses couples under moral or societal pressures. To address such issues, training programs for targeted people and policy directives should be introduced to sensitise all officials at all levels about the legal status of live-in couples and their legal standing in society. For instance, law enforcement personnel must be made aware of Supreme Court rulings on similar issues, affirming the legality of such relationships, and they must be instructed to act neutrally and professionally in cases involving live-in couples, particularly those facing threats, violence, or social ostracism. Administrative bodies should also be aware and equipped to provide necessary documentation and public services without requiring proof of marriage in such cases.

3. Incorporation is Important for Awareness of Constitutional Rights and Personal Liberties in Educational Curricula

To create a society that respects individual choices and diversity in personal relationships, it is very important to raise awareness from an early age. School and university curricula should include modules on constitutional rights in every field, especially Articles 14, 15, 19, and 21, which represent concepts like equality, liberty, privacy, and the right to choose one's partner. By educating students and the masses in general about the evolving nature of relationships in society and the importance of tolerance, the next generation can be better prepared and respectful to uphold human dignity and counter prejudice. Legal literacy programs can also be conducted in several colleges and various communities to reinforce respect for personal freedoms.

4. Encourage the General Public to Reduce Social Stigma and Promote Societal Acceptance

Live-in couples often face social exclusion, stigma, ignorance, and cultural condemnation rooted in traditional, rigid views of marriage and family. Public discourse through common media campaigns, literature, cinema, and community outreach, even through social media, should aim to normalize non-marital partnerships or cohabitation as a valid form of adult companionship and lifestyle. Influential voices, via speeches or public support for such a cause, including public figures, intellectuals, celebrities, and educators, can play a pivotal role in shaping perceptions and challenging regressive norms. By promoting conversations around love, romantic relations, choice, and equality, society can surely evolve to be more inclusive and respectful of individual lifestyle decisions. Furthermore, platforms for conversations between policymakers, activists, legal experts, and general citizens can facilitate consensus on the need for reform in the view of live-in relationships.

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