

Europe Solidaire Sans Frontières > English > Asia > India > Fundamentalism, communalism, extreme right, secularism (India) > **Unmarried adult couples can live together, rules India's Supreme Court**

Unmarried adult couples can live together, rules India's Supreme Court

Sunday 20 May 2018, by [Scroll Staff](#) (Date first published: 7 May 2018).

By upholding the fundamental right of adults to chose their life-partner, the court has dealt a blow to all those who would use and misuse religion and tradition to keep lovers apart. In India, that includes intercaste marriage, interfaith marriage and the current Hindu social panic about a supposed "love jihad" of Moslems seducing Hindu girls in order to win converts to Islam.

The Supreme Court has said that adult couples have the right to live together even though they may not be married, PTI reported on 6th May. The court set aside the Kerala High Court's judgement annulling 20-year-old Thushara's marriage to her husband Nandakumar, who was not 21 when they got married in 2017 (he will turn 21 on May 30th).

Thushara's father moved court after the two got married in April 2017, accusing Nandakumar of kidnapping her, reported NDTV. Under the Hindu Marriage Act of 1955 the groom has to be at least 21 years old and the bride 18. The High Court sent Thushara back to her father.

But, the Supreme Court ruled that it was enough that the two were adults. "Even if they were not competent to enter into wedlock, they have right to live together even outside wedlock," Justices AK Sikri and Ashok Bhushan said.

"It would not be out of place to mention that 'live-in relationship' is now recognised by the legislature itself which has found its place under the provisions of the Protection of Women from Domestic Violence Act, 2005," they added.

The court, which cited the Hadiya verdict in its judgement, said Thushara had the freedom to live with whoever she wants.

Hadiya's marriage to a Muslim man, Shafin Jahan, was annulled by the Kerala High Court in May 2017. Her father had alleged that his daughter had been brainwashed and forced to convert to Islam. But the top court held that marriage and intimacy of personal relationships were at the core of India's plurality and that the state could not be allowed to make "inroads into this extremely personal space".

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