
Social Aspect of Live-in Relationship

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ABSTRACT

This paper critically examines the legal and social dimensions of live-in relationships in India, an increasingly prevalent yet controversial form of companionship that challenges traditional notions of marriage. Rooted in evolving societal values, urbanization, and individual autonomy, live-in relationships are viewed by some as pragmatic alternatives to marriage, while others see them as moral deviations. The Indian judiciary, particularly the Supreme Court, has progressively recognized the legitimacy of such relationships under Article 21 of the Constitution, though a comprehensive legal framework remains absent. The study explores key issues such as maintenance rights, legitimacy of children, inheritance, and the vulnerability of women in these arrangements. It contrasts the flexibility and autonomy live-in relationships offer with the legal and societal security provided by marriage, revealing the complex interplay of personal freedom, societal norms, and legal ambiguities in the Indian context.

Keywords: Live-In Relationships, Indian Judiciary, Cohabitation, Marriage Laws, Personal Liberty, Domestic Violence, Maintenance Rights

LIVE-IN RELATIONSHIPS IN THE CONTEXT OF INDIAN SOCIETY

In India, the concept of live-in relationships is a relatively recent development, emerging as an alternative form of companionship that diverges from the deeply ingrained institution of marriage. While the existence of unmarried couples cohabiting was not entirely unheard of in the past, it was neither a socially accepted norm nor a widely recognized arrangement. The terminology “live-in relationship” itself was not traditionally used to describe such unions. However, with the gradual transformation of societal attitudes and the increasing influence of globalization, the prevalence of these relationships has become more conspicuous, particularly in urban settings. The shifting dynamics of modern Indian society, driven by economic independence, exposure to global ideologies, and changing perceptions of personal autonomy, have compelled the Indian judiciary, most notably the Supreme Court, to engage with the legal and social implications of live-in relationships. This evolution has prompted a broader discourse on their legitimacy, relevance, and societal impact, necessitating a critical evaluation of their place within the Indian legal and cultural framework.¹

¹ “Live-In Relationships in India are Legal but Taboo”, *Hindustan Times*, Nov. 04, 2023, available at:

India has historically viewed marriage as a sacred and inviolable institution, deeply intertwined with religious, cultural, and social values. Rooted in centuries-old traditions, marriage has been perceived not merely as a contractual or civil arrangement but as a sacramental union that binds two individuals and their families in a lifelong commitment. This notion remains dominant across vast sections of Indian society, where the husband-wife relationship is regarded as the cornerstone of family stability. Despite modernization, a significant portion of the population, especially in rural and semi-urban areas, continues to adhere to this traditional perspective, upholding marriage as the only legitimate form of companionship. The notion of cohabitation outside the bounds of wedlock has long been stigmatized, a sentiment reinforced by colonial-era moral standards that deemed such relationships morally deviant. However, in metropolitan cities such as Mumbai, Delhi, Bangalore, Chennai, and Kolkata, a gradual but noticeable departure from these conventions has taken place. The exposure to liberal ideologies, the pursuit of professional aspirations, and the breakdown of rigid familial structures have contributed to the acceptance of live-in relationships in certain social strata. Nonetheless, on a national scale, live-in relationships remain a contentious issue, met with widespread disapproval and social ostracization, despite not being explicitly illegal. Given India's diverse and intricate social fabric, the formulation of any legislative framework governing such relationships remains fraught with complexities. The communal structure and deeply embedded moral codes render it exceedingly difficult to grant legal recognition to live-in relationships, leading to an absence of definitive statutory provisions.²

Live-in relationships, fundamentally understood as a form of cohabitation between two consenting individuals without the formalities or obligations of marriage, present an alternative lifestyle that contrasts with the conventional matrimonial system. Unlike marriage, which entails legally enforceable rights and responsibilities, live-in relationships are largely unregulated, offering individuals the flexibility to engage in companionship without statutory obligations. In Western societies, cohabitation is an increasingly common practice, often serving as a precursor to marriage or even as a preferred arrangement without the necessity of legal validation. However, in India, live-in relationships are frequently perceived through a moralistic lens, often labeled as a mere extension of casual liaisons or transient associations devoid of commitment. This perception is particularly pronounced among conservative sections of society, where such relationships are equated with moral decline or an abandonment of traditional values. The youth, however, increasingly view cohabitation as a pragmatic choice, allowing them to test compatibility before marriage or to retain their personal independence without the constraints imposed by conventional matrimony. Amongst urban, educated, and financially self-sufficient individuals, the appeal of live-in relationships lies in the ability to maintain a personal space while enjoying the benefits of companionship.

<https://www.hindustantimes.com/lifestyle/relationships/livein-relationships-in-india-are-legal-but-taboo-101699086768759.html> (last visited on Feb. 22, 2025).

² "Live-In Relationships: Is Registration a Progressive Step Towards Making Them Socially Acceptable?", *The New Indian Express*, Feb. 09, 2024, available at: <https://www.newindianexpress.com/web-only/2024/Feb/09/live-in-relationships-is-registration-a-progressive-step-towards-making-them-socially-acceptable> (last visited on Feb. 22, 2025).

However, the absence of legal safeguards often places individuals, particularly women, in precarious situations in cases of abandonment, financial disputes, or custody battles, raising concerns about the legal vacuum surrounding such arrangements.

The sanctity of marriage has long been upheld through the adage that “marriages are made in heaven,” underscoring its spiritual and societal significance. Marriage in India is not merely a private arrangement, but an institution embedded within religious and cultural dogma, dictating social order and familial stability. It is perceived as a lifelong commitment, reinforced by familial and societal obligations, ensuring that individuals navigate their differences within the prescribed framework of duty and compromise. The stability of the Indian family system is often contrasted with Western counterparts, where critics argue that frequent partner changes have led to the erosion of traditional family structures. This perception, albeit generalized, continues to shape the discourse on live-in relationships, reinforcing the belief that marriage offers a more structured and socially accepted framework for relationships. However, both live-in relationships and marriage present their own set of advantages and drawbacks.³ While marriage ensures legal protection, societal validation, and familial integration, it also imposes obligations that may not align with the evolving aspirations of contemporary individuals. On the other hand, live-in relationships offer flexibility and autonomy but lack institutional support and legal recognition. The ongoing debate between tradition and modernity continues to shape the legal and social treatment of live-in relationships in India, reflecting the broader tensions between cultural preservation and progressive evolution.

LITERATURE REVIEW

*Ratna Binodini Amiya Priyadarsini Das & Atmajit Manmith Das (2023)*⁴ discusses the concept of live-in relationships, explaining that it is an arrangement where two individuals live together without formal marriage, resembling a long-term partnership. Unlike traditional marriages, live-in relationships are not bound by commitments or legal responsibilities. The term is not recognized under the Hindu Marriage Act, 1955 or any other statutory law, but the Supreme Court of India has acknowledged it as a legal relationship, clarifying that it is not considered a prohibited relationship.

*Atul Anand (2022)*⁵ discusses the evolving perceptions of relationships, particularly live-in relationships, among younger generations compared to older ones. The paper highlights how the younger generation tends to have different expectations from relationships and partners, leading some to opt for delayed or no relationships at all. It emphasizes that the right to live with a partner of one's choice is a fundamental aspect of personal freedom and the right to life, as guaranteed by Article 21 of the Indian Constitution. Furthermore, the author notes that the Supreme Court of India has ruled that live-in relationships are not illegal, setting a legal

³ *Supra* note 66.

⁴ Ratna Binodini Amiya Priyadarsini Das & Atmajit Manmith Das, *Legality of the Live-in Relationship in India*, 6 INT’L J.L. MGMT. & HUMAN. 1930 (2023).

⁵ Atul Anand, *Legal Dynamics of Live-in Relationship in India*, 5 INT’L J.L. MGMT. & HUMAN. 60 (2022).

precedent for their recognition in India. The paper focuses on analyzing live-in relationships from a legal standpoint.

*Jolly Singh (2021)*⁶ explores the tension between traditional and modern views on relationships, focusing on the concept of “Mitru Sambandh” and “Gandharv Vivah,” which were once celebrated in Indian society as alternatives to conventional marriage. These practices, according to some scholars, were not only economically viable but also a counter to capitalism, fostering satisfaction without societal pretenses. The piece highlights that marriage, historically, was primarily seen as a way to ensure safe sex, and in early human societies, there was no institution of marriage, relationships were more fluid. The author argues that modern society has rigidly transformed this concept for control, especially in terms of wealth and power dynamics. It critiques live-in relationships, noting that societal taboos often stem from concerns about unwanted pregnancies and children, while also discussing the implications of LGBTQ relationships and shared living arrangements. By comparing perspectives from different nations and religions, the article aims to address the negative aspects of live-in relationships and promote dialogue between the younger and older generations, bridging the divide between conservative values and contemporary social practices.

*Naveen Talawar (2021)*⁷ discusses how the evolving social norms in India have led to a gradual acceptance of live-in relationships, a concept traditionally viewed as taboo due to the sanctity of marriage. With Indian society embracing certain Western ideas, the Supreme Court has acknowledged live-in relationships as a reflection of changing times, stating that they are neither a criminal offense nor illegal. However, in the absence of specific legislation, courts have provided guidelines to regulate such relationships. The article explores the current legal status of live-in relationships in India.

*Geetika Sachdeva (2021)*⁸ examines the status of live-in relationships in major Western countries and compares it with the situation in India, particularly focusing on the implications for children born outside of marriage. It highlights the significant legal consequences of a child’s legitimacy in Indian laws, especially regarding inheritance rights, which are influenced by whether a child is considered legitimate or illegitimate. The paper explores the challenges faced by children born from live-in relationships in terms of legitimacy and inheritance, as well as the legal rights of live-in partners for maintenance and inheritance. It also proposes reforms to the current legal framework to address these issues and remove existing legal disabilities.

RESEARCH METHODOLOGY

This study adopts a doctrinal research methodology, relying on the critical analysis of primary and secondary legal sources to explore the status of live-in relationships in India. Primary sources include statutory provisions, constitutional mandates, and landmark judgments from

⁶ Jolly Singh, *Live-in Relationship in India: A Critical Study*, 3 INDIAN J.L. & LEGAL RSCH. 1 (October-November 2021).

⁷ Naveen Talawar, *Live-in Relationship in India*, 4 INT’L J.L. MGMT. & HUMAN. 474 (2021).

⁸ Geetika Sachdeva, *Revisiting the Laws Relating to Live-in Relationship in India*, 2 INDIAN J.L. & LEGAL RSCH. 1 (June-July 2021).

the Supreme Court and various High Courts that have shaped the jurisprudence surrounding cohabitation outside marriage. Secondary sources, such as scholarly articles, commentaries, and law commission reports, have been used to contextualize and interpret judicial trends and legislative gaps. The research focuses on understanding the legal implications of live-in relationships through the lens of personal liberty, gender justice, and family law, while also reflecting on the broader socio-legal discourse influenced by cultural, moral, and societal attitudes.

SOCIAL ASPECTS FOR LIVE-IN RELATIONSHIPS

Marriage, as an institution, has long been regarded as a societal license for individuals to experience marital companionship and fulfillment. Historically, this arrangement functioned well when individuals, particularly men and women, lacked the autonomy to assert their individual identities and preferences. However, the contemporary socio-cultural landscape has undergone a radical transformation. In modern times, individuals enter into marital unions with well-established identities, firm convictions, and deeply ingrained personal ideologies. The resulting inflexibility in adapting to marital expectations has, in turn, heightened the probability of separation and divorce. A pressing issue within the Indian socio-legal framework is the stringent dependency of conjugal rights and privileges upon formal marital recognition. Even as individuals mature past their prime, they are often deprived of the opportunity to experience natural companionship due to rigid societal approval mechanisms. This raises pertinent questions regarding the necessity of seeking societal validation for what a personal and natural phenomenon is inherently. Perhaps, in an evolving world that acknowledges individual autonomy, it is time to reassess the conceptualization of marriage, aligning it more closely with the fundamental principles of nature rather than resisting them.

It is undeniably irrational to expect fully grown adults, particularly those nearing the age of thirty, to uphold the virtue of celibacy solely because they have not entered into a legally sanctioned marriage. The imposition of such expectations directly contradicts the principles of natural law. There arises a need to critically evaluate the very essence of marriage and to provide consenting adults with the liberty to assess their compatibility before irrevocably committing to a lifetime of cohabitation through legally binding vows.⁹ The contemporary generation is increasingly career-driven, with professional aspirations frequently taking precedence over traditional marital conventions. By reshaping the institution of marriage to accommodate these evolving priorities, it can be preserved in a manner that remains relevant to the present and future generations. Nevertheless, marriage retains significant relevance, particularly in the context of child-rearing. A stable and secure family environment is imperative for the optimal development of children, necessitating the presence and active involvement of both parents. While societal norms and expectations may evolve, the fundamental need for children to be nurtured in a cohesive familial setting remains unchanged. Beyond its role in child-rearing, marriage serves as a source of lifelong companionship,

⁹ Avadhesh Kumar & Richa Chauhan, "Position of Live-In Relationship (India & World)" 6 *Praxis Int'l J. Soc. Sci. & Literature* 75 (2023).

providing solace and support to individuals even after their offspring have embarked on independent lives. Thus, the sanctity of marriage must be upheld, ensuring its continuity in a manner that balances tradition with contemporary realities.

Despite the increasing prevalence of live-in relationships in metropolitan India, often perceived as a manifestation of modernity and a rejection of traditional marital constraints, these arrangements reveal significant legal and ethical gaps. A particularly contentious issue arises from the absence of legal prohibitions preventing individuals in live-in relationships from simultaneously maintaining legal marriages. This lack of restriction undermines the fundamental tenets of marriage by eroding the exclusivity intrinsic to the institution. Marriage, in India, is deeply entrenched in cultural and religious sanctity, and the normalization of live-in relationships poses a direct challenge to this conventional framework. A particularly concerning implication is the potential facilitation of bigamy, wherein an individual, despite being legally married, engages in a live-in relationship with another partner. The judicial interpretation of such relationships has been inconsistent, further complicating the legal position of individuals entangled in such arrangements. In the case of *Payal Katara v. Superintendent, Nari Niketan Kandri Vihar Agra & Others*,¹⁰ the court acknowledged the plaintiff's right to cohabit with a man who was already married. However, this ruling raises critical ethical and legal dilemmas, what about the rights of the legally wedded spouse? The judiciary's stance on the cohabitation rights of unmarried partners inadvertently disregards the emotional and legal entitlements of an existing spouse, thereby fostering an ambiguous and contradictory legal landscape.

This ambiguity extends further to the legal protections afforded to live-in partners, particularly women. The Protection of Women from Domestic Violence Act, 2005, recognizes the rights of women in live-in relationships, yet this recognition exists in a legal vacuum that fails to comprehensively address the broader implications of such arrangements. The recommendations of the Malimath Committee, which propose granting long-term live-in partners the same legal status as a wife, highlight the judiciary's inclination towards recognizing non-marital cohabitation as legitimate. The Supreme Court's observations in various cases further underscore this progressive shift. Additionally, the proposal to extend the provisions of Sec. 125 of CrPC to include maintenance rights for live-in partners further blurs the legal distinction between marriage and cohabitation. However, such legislative advancements do not account for the inherent contradictions they generate. If a live-in partner is accorded with the same rights as a wife while the law simultaneously upholds the prohibition on bigamy, it results in an untenable situation where the legally wedded spouse is placed at a distinct disadvantage. The legal framework, as it currently stands, is neither clear nor equitable, it perpetuates vulnerabilities for both married spouses and live-in partners, without conclusively securing the rights of either.¹¹

¹⁰ 2001 (3) AWC 1778.

¹¹ "Divorced Muslim Women Can Claim Maintenance Under Section 125 of Criminal Procedure Code: SC", *The Indian Express*, July 11, 2024, available at: <https://indianexpress.com/article/india/divorced-muslim-women-maintenance-section-125-crpc-supreme-court-9444018/> (last visited on Feb. 22, 2025).

INDIAN SOCIETY AND ITS PERSPECTIVES TOWARDS LIVE-IN RELATIONSHIP

The concept of a “live-in relationship” has historically been a contentious issue in Indian society, where the institution of marriage is deeply embedded in tradition, religion, and cultural norms. While metropolitan cities have witnessed a gradual increase in the acceptance of such relationships, they continue to be met with significant resistance in rural India, where traditional values hold greater sway. The perception of live-in relationships as a deviation from the sacrosanct institution of marriage has led to widespread social disapproval, making such arrangements a subject of legal and moral scrutiny. Unlike the West, where cohabitation without formal marriage is largely accepted, India remains rooted in the idea that the only legitimate and socially sanctioned union between a man and a woman is marriage, which is regarded as a sacred and lifelong commitment rather than a mere contractual arrangement. This societal outlook, reinforced by religious doctrines and legal frameworks, has resulted in the widespread alienation of individuals engaging in live-in relationships.¹²

Marriage in India transcends mere legal formalities; it is a revered sacrament that binds individuals not only through personal commitment but also through familial and societal obligations. The concept of a man and woman cohabiting without entering into a legally recognized marital bond is still alien to large sections of Indian society, where such an arrangement is viewed as an erosion of moral values. The only form of legally and socially acceptable union between an unrelated male and female is marriage, which has been practiced for centuries and is considered integral to social stability. However, despite the widespread reluctance to accept live-in relationships, there have been isolated instances of alternative arrangements, such as the concept of *Maitraya Karars* in certain parts of Gujarat. This practice, though sporadic, has gained legal recognition in some circumstances but remains fundamentally distinct from live-in relationships in terms of intent and social perception. The shift from arranged marriages to love marriages and now to live-in relationships reflects a broader transformation in societal dynamics, often attributed to increasing individualism, a diminished sense of social responsibility, and a growing inclination toward personal liberty over collective norms. The legal landscape has attempted to address some of the concerns surrounding live-in relationships, particularly in relation to property rights, legitimacy of children, and protection of women. The Hindu Marriage Act recognizes the legitimacy of children born from such unions, ensuring their inheritance and succession rights. Furthermore, the Protection of Women from Domestic Violence Act extends legal protection to female partners in live-in relationships, acknowledging the potential for abuse and exploitation in such arrangements. In a series of landmark judgments, particularly in 2010, the Supreme Court of India clarified the legal position of live-in relationships, recognizing them under certain circumstances as akin to marriage. However, despite judicial interventions, the absence of clear legislative frameworks leaves significant ambiguity regarding the rights and obligations of parties in live-in relationships.¹³

¹² “Live in Relationship Law in India”, *India Filings*, Dec. 23, 2022, available at: <https://www.indiafilings.com/learn/live-in-relationships-in-india/> (last visited on Feb. 22, 2025).

¹³ *S. Khushboo vs. Kanniammal & Anr.*, AIR 2010 SUPREME COURT 3196.

There is an urgent necessity for a well-defined legal framework that not only recognizes live-in relationships but also establishes rights, responsibilities, and obligations to safeguard the interests of both parties. The lack of legal clarity allows for exploitation, particularly of women, who often find themselves vulnerable in the absence of enforceable rights related to maintenance, inheritance, and protection from abandonment. While the courts have occasionally stepped in to address specific grievances, a comprehensive legislative approach is imperative to bring certainty to the status of such relationships. However, any legal recognition must be carefully structured to align with India's deeply ingrained traditional framework, ensuring that it does not undermine the fundamental principles governing Indian society. The increasing prevalence of live-in relationships has had profound implications for the younger generation, influencing their perceptions of commitment, responsibility, and societal values. While such arrangements offer individuals greater autonomy and privacy, they also present significant challenges, including emotional instability, social alienation, and legal uncertainty.

One of the most critical concerns associated with live-in relationships is their potential to weaken the institution of marriage, which serves as the cornerstone of social stability. Marriage is not merely a personal contract but a socially and legally sanctioned union that fosters kinship, regulates intimate relationships, and provides a structured environment for raising children. The erosion of the sanctity of marriage due to the rise of live-in relationships threatens the foundational values that uphold family structures. In contrast to marriage, which entails lifelong commitment and mutual responsibility, live-in relationships often operate on a precarious and uncertain foundation, lacking the legal and social security that marriage provides. The emotional consequences of a failed live-in relationship can be severe, leaving individuals, particularly women, vulnerable to emotional distress and social stigma. Additionally, children born from such unions may face legal and social challenges, including questions of legitimacy, inheritance rights, and psychological well-being.¹⁴

Live-in relationships are often described as “walk-in and walk-out” arrangements, where neither party is bound by legal or social obligations, leading to an inherent instability. Unlike marriage, which imposes duties of fidelity, maintenance, and mutual care, live-in relationships operate on an informal basis, where either party can terminate the relationship at will. This absence of accountability fosters a culture of impermanence, where relationships are treated as transient and disposable. Moreover, since live-in relationships do not impose legal obligations on partners, issues such as infidelity and abandonment cannot be legally contested in the same manner as they are in marriage. Consequently, such relationships run the risk of reducing human interactions to mere convenience rather than fostering meaningful and lasting partnerships.

The ideological opposition to live-in relationships also stems from religious and cultural considerations. The Bharatiya Janata Party (BJP), for instance, has contended that the movement to grant legal recognition to live-in relationships is inherently “anti-Hindu” because

¹⁴ Lakshay Aggarwal, “On Studying the Inter-relationships amongst the Possible Challenges Faced by Live-in Relationships in India” 14 *Educ. Quest- An Int'l J. Educ. & Applied Soc. Scis.* (2023).

it disrupts the traditional Hindu concept of marriage. The Hindu Marriage Act, 1955, does not accommodate the concept of a second wife, reinforcing the notion that marriage is a singular, sacrosanct institution. Extending legal recognition to live-in partners as equivalent to legally wedded spouses would, therefore, contravene established Hindu norms, potentially leading to conflicts regarding property rights, inheritance, and maintenance. The argument suggests that legitimizing live-in relationships would undermine the traditional moral fabric of Hindu society, where marriage is not only a legal contract but also a religious duty.

Live-in relationships also have far-reaching implications for family structures and interpersonal relationships. Unlike marriages, which are often built on familial consent and collective decision-making, live-in relationships are typically individualistic choices that may strain relationships with parents and extended family members. Such arrangements may lead to intergenerational conflicts, where traditional family members struggle to reconcile modern values with their deeply held cultural beliefs. This divergence in values can create a lasting rift within families, weakening the bonds that hold society together.

Ultimately, the fundamental difference between marriage and live-in relationships lies in their very essence. Marriage is a structured, socially accepted, and legally binding institution that fosters stability, accountability, and long-term commitment. In contrast, live-in relationships operate in a fluid, undefined space that prioritizes personal autonomy over social responsibility. While individuals have the right to make personal choices, the broader implications of such choices on societal stability, family structures, and moral values cannot be ignored. Recognizing live-in relationships in the same manner as marriage would not only dilute the sanctity of the latter but also set a precedent that could weaken the social and legal framework that governs interpersonal relationships.

The question of whether live-in relationships should be granted legal recognition remains complex and deeply contested. While personal liberty is a fundamental right, it must be balanced against the larger interests of society. As Acharya Rajneesh aptly stated, “If you desire freedom, you must forgo security, and if you want security, you must forgo freedom.” Individuals who choose to engage in live-in relationships must, therefore, be prepared for the social and legal consequences of their choices. Though live-in relationships may not be explicitly criminal or unlawful, they continue to be viewed as unsocial and ethically questionable. The Indian legal and social framework, built on centuries of tradition, must carefully navigate this evolving landscape, ensuring that any recognition of live-in relationships does not come at the cost of weakening the very foundation of society.¹⁵

The gradual assimilation of Western ideals and lifestyles into Indian society has been marked by significant cultural shifts, one of the most contentious being the concept of live-in relationships. Historically, Indian law has drawn a clear demarcation between legitimate and illegitimate relationships, largely premised on the foundation of a valid marriage as per the prevailing marriage statutes. Any relationship that exists outside the framework of these legally recognized matrimonial laws has traditionally been perceived as unlawful or, at the very least,

¹⁵ Ellie Button, “Building Relationships” 27 *Livestock* 253 (2022).

socially unacceptable. A live-in relationship, by definition, is an arrangement where an unmarried couple cohabits in a manner resembling that of a married couple without formalizing their union through legal matrimony. While such relationships have gained traction in various urban centers, they continue to be met with significant social and legal opposition, particularly in a country where conservative values still dictate much of societal behavior, and where transgressions against traditional norms, such as inter-caste marriages, can provoke extreme reactions, including honor killings.

A landmark moment in the legal recognition of live-in relationships occurred on May 22, 2013, when the Supreme Court of India unequivocally affirmed that consenting adults have the right to cohabit without legal or societal interference. The Court explicitly stated that such an arrangement does not constitute an offense under the law, thereby extending legal protection to individuals who choose to live together outside the institution of marriage.¹⁶ However, this ruling was met with considerable resistance from various quarters, particularly from those who continue to view premarital cohabitation as a moral aberration, inconsistent with Indian cultural and religious values. Despite the judiciary's progressive stance, it is evident that deep-seated societal attitudes remain largely unaltered, with a significant portion of the population still perceiving live-in relationships as a deviation from the sanctity of marriage. Nonetheless, the ruling was momentous in its affirmation of individual autonomy, acknowledging the evolving nature of personal relationships and ensuring that couples in live-in arrangements are not deprived of their fundamental rights.

India, a nation deeply rooted in tradition, continues to uphold the institution of marriage as sacrosanct. The cultural fabric of the country is woven with customs and conventions that have been preserved over centuries, and while modernization has led to certain shifts, the concept of live-in relationships remains largely stigmatized. Marriage is still considered the gold standard of social legitimacy, and individuals who opt for cohabitation over wedlock often find themselves marginalized. The predominant belief remains that marriage, apart from being a legally binding contract, carries with it an intrinsic societal validation that bestows respect and stability upon the individuals involved. In contrast, a live-in relationship, even if functionally identical to marriage, is still regarded by many as a moral and cultural transgression. The aversion to such arrangements stems from age-old religious doctrines that equate cohabitation outside wedlock with immorality. While Western societies have increasingly embraced live-in partnerships as a pragmatic step towards understanding compatibility before marriage, Indian society continues to resist this shift, emphasizing the inviolability of marital commitment over the fluidity of personal choice.

Despite these cultural reservations, live-in relationships are undeniably becoming more prevalent, particularly in metropolitan areas where traditional societal constraints are gradually losing. The rising number of couples choosing to live together without marriage reflects a broader shift in attitudes, though this change has not been uniform across the country. While in some urban enclaves, cohabitation is perceived as a natural progression in modern

¹⁶ *Kiran Rawat And Another vs. State Of U.P. Thru. Secy. Home Lko. And Others*, 2023 LiveLaw (AB) 201.

relationships, in more conservative settings, it is still viewed as an affront to moral values.¹⁷ The legal status of live-in relationships remains complex and varies across jurisdictions. In some instances, courts have extended legal protections to cohabiting partners, granting them rights akin to those enjoyed by married couples, particularly concerning property, maintenance, and domestic violence laws. In other cases, however, live-in partners are treated as legal strangers, lacking any form of legal recourse despite having cohabited for years. The absence of uniform legal recognition creates significant ambiguity, leaving many couples in a state of legal limbo.

The motivations behind choosing a live-in relationship over marriage are diverse and multifaceted. Many couples enter into such arrangements because they believe it allows them to strengthen their bond before making a lifelong commitment. Studies indicate that a substantial proportion of cohabiting couples eventually intend to marry, with a significant percentage transitioning into matrimony within a few years. Financial pragmatism is also a decisive factor, as cohabiting partners often cite economic considerations, such as sharing rent and household expenses, as a primary reason for living together. Additionally, some couples consciously choose live-in relationships over marriage due to personal beliefs, past experiences, or legal impediments. Senior citizens, for instance, sometimes refrain from remarrying due to financial constraints or fear of losing spousal pensions. Similarly, individuals who have undergone divorces or have had negative experiences with marriage may opt for cohabitation as a way to maintain companionship without the legal bindings of matrimony. Moreover, certain marginalized groups, such as LGBTQ+ couples in jurisdictions where same-sex marriage is not legally recognized, are often left with no alternative but to engage in live-in partnerships.

However, while some couples enter live-in relationships with the intention of eventually formalizing their commitment through marriage, others may do so for reasons that preclude such a possibility. Some individuals cohabit despite knowing that their relationship lacks long-term viability, while others consciously reject the institution of marriage altogether. The financial burden associated with marriage, ranging from wedding expenses to legal formalities, also discourages some couples from tying the knot. Nevertheless, conservative factions continue to cite the purported instability of live-in relationships as a reason to dissuade couples from cohabiting, arguing that cohabitation lacks the permanence and social reinforcement that marriage provides.¹⁸ Despite this, empirical research has found no conclusive evidence to suggest that live-in relationships are inherently detrimental to relationship stability. While some studies indicate a higher likelihood of separation among cohabiting couples compared to married ones, these findings often fail to account for socio-economic and cultural variables that influence relationship dynamics.

¹⁷ “Redefining Intimacy and Individual Liberties: Unravelling the Kiran Rawat Judgment”, *Oxford Human Rights Hub*, July 25, 2023, available at: <https://ohrh.law.ox.ac.uk/redefining-intimacy-and-individual-liberties-unravelling-the-kiran-rawat-judgment/> (last visited on Feb. 22, 2025).

¹⁸ “An Unacceptable Verdict in the Constitutional Sense”, *Civils Daily*, July 17, 2023, available at: <https://www.civildaily.com/news/verdict-in-the-constitutional-sense/> (last visited on Feb. 22, 2025).

Given the increasing prevalence of live-in relationships, it is imperative to recognize the necessity of providing adequate legal protection to cohabiting partners. Marriage, while a widely respected institution, should not be the sole determinant of an individual's legal rights within a relationship. Just as married couples receive legal recognition and protection, live-in partners should be afforded similar safeguards to ensure their financial and personal security. The absence of a comprehensive legal framework for live-in relationships leaves individuals, especially women, vulnerable to exploitation, particularly in cases of abandonment, domestic violence, or property disputes. Courts must continue to evolve their jurisprudence to reflect the changing social landscape and ensure that individuals in non-traditional relationships are not left without legal recourse.

The social and legal discourse surrounding live-in relationships in India remains polarized, with entrenched traditionalists resisting their normalization and progressive voices advocating for their acceptance. While cohabitation before marriage has become an accepted norm in many parts of the world, India remains at a crossroads, grappling with the tension between its deeply ingrained customs and the evolving realities of modern relationships. As societal attitudes continue to shift, it remains to be seen whether future generations will embrace live-in relationships as a legitimate and respectable alternative to marriage or whether entrenched cultural norms will continue to dictate the course of personal relationships.

The recognition of the concept of live-in relationships by the Supreme Court of India marks a significant shift in the socio-legal landscape of the country. The judiciary, in its progressive stance, has acknowledged this unconventional arrangement, which was once deemed immoral or socially unacceptable. The legal understanding of a live-in relationship is that of an arrangement where two individuals cohabit without being legally bound by the institution of marriage. The Court has emphasized that such relationships fall within the ambit of personal liberty and autonomy, as enshrined under Article 21 of the Indian Constitution. The fundamental principle underlying this recognition is that any two consenting adults, irrespective of their caste, religion, or creed, have the right to live together without interference from the State or society. The judiciary has thus underscored that an individual's personal choices regarding cohabitation should not be constrained by societal norms. However, the essential feature of a live-in relationship remains its flexible nature, it is often characterized as an arrangement that is "simple to enter and easy to exit", which differentiates it from the legally binding contract of marriage. Over time, what was once viewed through a moralistic lens has now received judicial approval, signifying an evolution in legal thought in response to changing societal patterns.

The Supreme Court, in recognizing live-in relationships, has also observed that such arrangements often serve as a precursor to marriage.¹⁹ Though initially devoid of any intention to assume marital obligations, if a couple chooses to cohabit for a prolonged period and hold themselves out as husband and wife, the law may accord their relationship a status akin to marriage. This determination is significant, as it influences rights related to maintenance,

¹⁹ *D. Patchaiammal v. Velusmay*, RCR 2010 SC 479.

legitimacy of children, inheritance, and property devolution. The judiciary's approach, therefore, reflects a nuanced balance between upholding individual freedoms and ensuring that legal safeguards are extended to those who may otherwise be left vulnerable due to the informal nature of these relationships.

The legal implications of live-in relationships in India have been subject to judicial interpretation, particularly in the domains of maintenance rights, inheritance, and the legitimacy of children born from such unions. The judiciary, through its pronouncements, has progressively extended certain matrimonial protections to live-in partners. Courts have held that women in live-in relationships may claim maintenance under Section 125 of Cr.P.C., provided that the relationship bears characteristics akin to marriage. This judicial recognition is rooted in the principle of preventing exploitation, ensuring that women who dedicate their lives to such relationships are not left destitute if the relationship dissolves²⁰. Similarly, children born out of such relationships have been granted legal legitimacy under Section 16 of the Hindu Marriage Act, 1955, which ensures their inheritance rights in parental property, albeit without any claim to ancestral property. The judiciary has further delineated the criteria under which a live-in relationship may be considered equivalent to marriage, cohabitation must be of a considerable duration, the couple must hold themselves out as married to society, and both partners must be legally eligible to marry. The failure to meet these criteria may result in the denial of matrimonial protections, highlighting the complexities of legally distinguishing casual cohabitation from stable partnerships.

One of the most significant advantages of live-in relationships, as recognized by the courts, is the autonomy it provides individuals to enter or exit relationships without undergoing the complex and often prolonged legal proceedings required for divorce in a traditional marriage. The rigid formalities and procedural delays associated with matrimonial disputes have historically trapped individuals in broken marriages, forcing them to endure prolonged litigation.²¹ The live-in arrangement offers a legal alternative where individuals can part ways amicably without the burden of legal entanglements. However, this ease of separation also raises concerns regarding the stability of such relationships, particularly when issues of financial dependency or the well-being of children are involved. In instances where one partner seeks to exit the relationship arbitrarily, the absence of a formal legal framework may result in significant hardships for the abandoned partner. Moreover, while live-in relationships afford greater freedom, they also pose challenges in areas such as property division, custody rights, and financial security, which are well-defined in the context of marriage but remain ambiguous in live-in arrangements.

The acceptance of live-in relationships within Indian society remains a contested issue, primarily due to the deeply entrenched cultural and traditional values that emphasize marriage as a sacred institution. Indian society, with its historical emphasis on moral rectitude, has long viewed cohabitation outside marriage as transgressive. While urban centers have demonstrated

²⁰ *Payal Katara v. Superintendent of Nari Niketan*, AIR 2001 All 254.

²¹ N. Pautunthang, "Exploring live-in relationships in modern Indian society" 4 *Int'l J. Civ. L. & Legal Rsch.* 106 (2024).

increasing acceptance of live-in relationships, rural and semi-urban areas continue to regard them as socially deviant. The influence of Western culture, the proliferation of media portrayals, and evolving generational attitudes have contributed to the gradual normalization of cohabitation, yet societal acceptance remains fragmented. The younger generation, in particular, perceives live-in relationships as a means to exercise personal liberty and make informed decisions about their marital future. However, the generational divide is stark, while progressive sections of society recognize live-in relationships as a legitimate lifestyle choice, conservative factions continue to stigmatize them. The paradox lies in the fact that Indian society has historical precedents of informal unions, such as Gandharva Vivaha, where marriage was solemnized through mutual consent without societal validation. This historical context suggests that the resistance to live-in relationships is not necessarily rooted in Indian tradition but is rather a byproduct of colonial and post-colonial moral frameworks.²²

LIVE-IN RELATIONSHIP - A CHANGE IN THE FRAMEWORK OF SOCIETY

Live-in relationships, once considered an anomaly in Indian society, have now become an undeniable reality. The transformation in societal attitudes toward cohabitation has been gradual yet significant. While some individuals have seamlessly embraced this shift, others have been compelled to reconcile with it due to changing social dynamics. Decades ago, cohabiting couples were a rarity, often met with skepticism and ostracization. However, in contemporary times, an increasing number of couples are choosing to live together without the formal institution of marriage, unfazed by societal judgments. Popular culture has played a pivotal role in familiarizing the masses with this concept, films like *Salaam Namaste* served as a medium through which the notion of live-in relationships was introduced and normalized in mainstream discourse. Yet, the question remains: why do couples opt for cohabitation when traditional Indian values place immense importance on the sanctity of marriage?

For many young couples, the answer lies in the flexibility that a live-in relationship offers. The ability to walk away from an unfulfilling relationship without the legal and emotional complexities of divorce is perceived as a significant advantage. In contrast to the irreversible nature of marital unions, cohabitation allows individuals to assess compatibility without binding legal obligations. It provides an opportunity to gauge whether they can adapt to each other's habits, lifestyles, and personalities before making a lifelong commitment. As societal norms evolve, more young individuals, particularly in urban areas, are consciously choosing this arrangement as a means to ensure compatibility before marriage. The recent ruling by the Supreme Court affirming that live-in relationships are not illegal has lent some degree of legitimacy to these partnerships. However, despite the gradual acceptance within certain strata of society, such relationships continue to attract vehement opposition from conservative factions that perceive them as a direct affront to traditional Indian values.²³

²² *Supra* note 66.

²³ "Set up Authority to Register Live-In Relationships till Appropriate Laws are Passed: Rajasthan HC", *The Hindu*, Jan. 29, 2025, available at: <https://www.thehindu.com/news/national/rajasthan/set-up-authority-to-register-live-in-relationships-till-appropriate-laws-are-passed-rajasthan-hc/article69156347.ece> (last visited on Feb. 22, 2025).

Beyond societal disapproval, live-in relationships inherently bring with them an element of uncertainty and insecurity. Without legal recognition akin to marriage, cohabiting couples are often left in a precarious position regarding financial, social, and emotional stability. Critics argue that such relationships encourage a culture of disposability, where individuals enter partnerships without a long-term commitment, thereby fostering a ‘use-and-throw’ mentality. This concern is further exacerbated by the lack of legal obligations, making it easier for one partner to abandon the other without repercussions. The absence of societal or familial accountability can lead to situations where individuals, particularly women, are left vulnerable. While proponents argue that mutual respect and understanding are the cornerstones of any successful relationship, detractors insist that true commitment stems from a sense of responsibility which marriage institutionalizes.

Despite the legal acknowledgment of live-in relationships, significant opposition persists. The discourse surrounding their legitimacy has sparked fierce debates, with many arguing that legal recognition would lead to a moral decline in society. Several instances highlight the deeply ingrained resistance against such relationships. South Indian actress Khushboo faced 22 legal complaints for expressing support for premarital sex, an indication of how strong the opposition to cohabitation remains in certain sections of society. However, as societal perspectives evolve, particularly among the educated urban populace, live-in relationships are no longer viewed as an anomaly but rather as a legitimate alternative to traditional marriage. The increasing prevalence of such arrangements across metropolitan cities reflects a broader cultural shift toward personal autonomy and relationship fluidity.²⁴

The media, playing its role as a societal mirror, has extensively debated the merits and demerits of live-in relationships. The larger question remains, can live-in relationships ever become a widely accepted norm in a country where arranged marriages are still the dominant practice and where women are often raised to prioritize parental approval over personal choice? While metropolitan cities have witnessed a surge in the acceptance of cohabitation, the same cannot be said for smaller towns and rural areas, where such relationships remain largely taboo. India, despite its rapid modernization, remains a fundamentally conservative society. While a section of the population has embraced progressive values, another continues to uphold rigid traditions. One must ask, can parents in cities like Ranchi or Kanpur truly be expected to approve of their daughter choosing a live-in relationship over marriage? The disparity between urban liberalism and rural conservatism illustrates the complexities of cultural evolution in India.

²⁴ AIR 2010 SUPREME COURT 3196.