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Exploring live-in relationships in modern Indian society

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Abstract

This paper explores the dynamics surrounding live-in relationships in Metropolitan India. It starts with exploring how societal changes influence the frequency of these relationships. The paper utilises secondary data sources such as research articles, newspaper reports and video discussions to gather information. Individuals opt for live-in relationships due to urbanisation, modernisation, and a rehearsal for married life. Landmark court cases and legal developments played a significant role in influencing the recognition of live-in relationships. Challenges and controversies, such as societal acceptance and gender biases, pose significant issues in the context of live-in relationships. The paper underscores the evolving attitudes towards live-in relationships, the necessity for tailored legislation, and the significance of respecting individual relationship choices. Overall, the paper offers insights into the complexities and nuances surrounding live-in relationships in the urban landscape of India.

Keywords: Live-in relationships, modernisation, legal recognition, societal acceptance, gender bias

Introduction

Live-in relationships, also known as cohabitation or unmarried partnerships, involve unmarried couples sharing a domestic arrangement similar to marriage by living together (Rahman, 2016) ^[19]. It is a de facto union where a couple shares a bedroom without formally getting married (Rabbiraj, 2014; Savita & Khan, 2020) ^[18, 24]. A couple is aided to be in a live-in relationship when they cohabit, sharing one household but without marriage.

The second Demographic Transition (SDT) theory offers valuable insights into the phenomenon of live-in relationships within the context of demographic patterns and societal transformations. SDT theory emphasises the importance of individual autonomy in decision-making regarding family formation and partnership choices. Live-in relationships emphasise personal autonomy, allowing individuals to pursue relationships based on their preferences and needs rather than conforming to traditional norms or expectations (Mills & Blossfeld, 2013) ^[14]. One of the central tenets of the SDT theory is the postponement of marriage and family formation. Live-in relationship is often seen as a manifestation of this trend, with couples choosing to cohabit before or instead of getting married (Visaria, 2022) ^[34]. SDT theory recognises the fluidity and flexibility of modern relationships, including the ability to enter and exit partnerships more freely. Live-in relationships epitomise this fluidity, allowing couples to test compatibility, experiment with different living arrangements, and adapt their relationships according to changing circumstances (Chakravorty *et al.*, 2021) ^[5]. Live-in relationship challenges conventional notions of family and household composition, highlighting the diversity and complexity of modern family dynamics. Live-in relationships are widespread in many Western countries (Vikram & Visaria, 2019) ^[33].

Historically, Indian society has been characterised by strong familial ties and adherence to cultural and religious traditions. Marriage has traditionally been viewed as a sacred institution, often arranged by families based on factors such as caste, social status, and compatibility. Traditional norms dictated that couples should live together after formalising their union through marriage ceremonies. Live-in relationship without the sanctity of marriage was considered immoral and socially unacceptable, leading to societal ostracization and stigma. Several factors contributed to the taboo nature of live-in relationships in the past. Religious teachings, cultural beliefs, and social norms reinforced the sanctity of marriage as the cornerstone of family and societal structure. Additionally, patriarchal values often governed social expectations, with women expected to uphold chastity and adhere to

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traditional gender roles within the confines of marriage (D. Sharma & Rana, 2023) ^[37]. With the advancement of modernisation, India is increasingly embracing foreign cultural influences, among which is the phenomenon of live-in relationships. This trend is particularly noticeable in metropolitan cities like Mumbai, Delhi, Bengaluru, Kolkata, and Chennai, where such arrangements are becoming increasingly prevalent. This change can be attributed to several factors, such as the growing emphasis on individual rights to freedom and privacy, the impact of globalisation and education, and the evolving landscape of professionalism (Mehra *et al.*, 2023; Negi & Negi, 2017) ^[13, 17]. It is crucial to understand that opting for a live-in relationship is not necessarily an attempt to avoid responsibilities. Instead, it is often viewed as a way to gain a deeper understanding of one's partner and evaluate compatibility, aiming to avert the potential challenges associated with divorce (Jagota, 2010; D. Sharma & Rana, 2023) ^[11, 37].

This paper explores the multifaceted dynamics shaping attitudes towards live-in relationships in metropolitan India.

Materials and Methods

This paper utilises secondary data sources, gathering information from research articles, newspaper reports and online talks. The research methodology employed is descriptive, intending to offer an overview of live-in relationships. First of all, the emergence of a Live-in relationship is briefly explained from the perspective of the second Demographic Transition theory. Subsequently, the paper examines the reasons for opting for a live-in relationship and its adverse consequences. Legal developments pertaining to live-in relationships are also discussed. Finally, the paper concludes by valuing the findings and suggesting further consideration.

Results and Discussions

Reasons for Opting Live-in Relationship

In Indian society, there is a prevalent misconception that live-in relationships primarily revolve around physical pleasure. However, this is not always the case. There are diverse motivations for individuals to opt for live-in relationships.

Urbanisation and Modernisation

Metropolitan cities act as hubs of urbanisation and contemporary living, marked by heightened individualism, abundant economic opportunities, and exposure to diverse cultures (Jagota, 2010) ^[11]. The urban milieu fosters a more liberal outlook towards relationships, challenging traditional norms that once dictated the sanctity of marriage. When individuals migrate to cities to pursue education and career opportunities, they encounter greater autonomy and freedom in their personal choices, including decisions regarding cohabitation (Chatterjee, 2020) ^[6].

Influence of Globalisation, Media, and Education

Globalisation has brought about the convergence of cultures and ideas, exposing urban residents to alternative relationship models prevalent in Western societies. This exposure, facilitated by mass media, including television, films, and social media platforms, has played a pivotal role in shaping perceptions of relationships (Savita & Khan, 2020) ^[24]. Portrays of live-in relationships in popular media

have normalised the concept and contributed to its acceptance among the urban youth. Moreover, increased levels of education among residents in metropolitan areas have resulted in greater awareness and critical thinking, which challenge traditional values and cultivate a more progressive attitude towards live-in relationships (Saxena & Sharma, 2021) ^[25].

Rehearsal for a Married life

In a live-in relationship, the fundamental idea is for prospective partners to assess their compatibility before committing to a long-term relationship. During this period, partners aim to understand each other's shared interests and perspectives on various aspects such as finance, sex, religion and politics (Sushma, 2021) ^[31]. In the digital age, individuals prioritise finding a partner with whom they share mutual understanding and compatibility rather than conforming to societal expectations of marriage. In fact, compatibility, rather than adjustment, forms the foundation of a successful relationship. A live-in relationship allows couples to assess their compatibility before committing to marriage. A live-in relationship does not mean avoiding responsibilities; instead, it is an effort to understand one's partner better and assess compatibility, ultimately aiming to prevent divorce (Rahman, 2016) ^[19].

Financially Viable

Financial decisions are typically made jointly in marriage, with both partners obligated to abide by those decisions. However, in a live-in relationship, each party retains autonomy over their own financial decisions. This means that when one partner wishes to spend their own money, they are free to do so without interference from the other. Additionally, both partners may choose to share certain financial responsibilities. This arrangement often leads to fewer conflicts, as each individual is responsible for managing their own financial matters. This aspect is seen as a significant factor contributing to the popularity of live-in relationships, particularly among the younger generation, who may find it challenging to bear the financial burden alone in today's expensive living conditions (Dholam, 2015) ^[9].

Equal responsibility

Compared to marriage, live-in relationships entail a notably lighter burden of responsibility. Marriage, a traditional institution passed down through generations, often assigns specific roles to each spouse, with the husband handling financial matters while the wife manages household chores and family responsibilities. In contrast, in a live-in relationship, both partners share responsibilities equally (Rahman, 2016) ^[19].

Hassle-free dissolution

The concept of a live-in relationship stems from a shift in societal attitudes towards desiring relationships without traditional commitments. Unlike marriage, live-in relationships are characterised by their lack of legal obligations between partners, making them easier to enter and exit. Dissolving a marriage requires considerable effort and expense, involving the division of assets and debts, legal proceedings, and decisions regarding children. In contrast, cohabiters can end their relationship more easily. If partners become dissatisfied or bored, they can simply pack

their belongings and leave without undergoing formal legal procedures (Deokar, 2016) ^[7].

Landmark Court Cases and Legal Developments

Several landmark court cases have shaped the legal landscape surrounding live-in relationships in India. These legal pronouncements have provided legitimacy and protection to couples in live-in relationships, safeguarding their rights to maintenance and protection from domestic violence.

A Dinohamy vs. WL Blahamy (1927)

The Council established a general principle: “If it is proven that a man and a woman lived together as a married couple, the law will assume, unless proven otherwise, that they were in a valid marriage and not a state of concubinage (Shah, 2019) ^[27].

Mohabbat Ali vs Mohammad Ibrahim Khan (1929)

The court stated, “The law favours marriage over concubinage when a man and woman have lived together continuously for a significant period”. The court mandates evidence of cohabitation for an extended period to recognise a live-in couple’s marriage without specifying a minimum duration (Narula & Kaur, 2023) ^[16].

Gokal Chand and Pravin Kumari (1952)

In this judgement, the highest court refused to acknowledge a live-in relationship even though the couple had lived together for many years before the pregnant woman chose to live separately with her child, who was born from the live-in relationship with the man. The rejection of the assumption in favour of a valid marriage in this case was based on the testimony of the child, who stated that she had no memory of her father ever visiting her or her mother (A. Sharma, 2023) ^[29].

Badri Prasad vs Dy. Director of Consolidation (1978)

This ground-breaking case marked the first time the Supreme Court of India officially acknowledged a live-in relationship and deemed it a valid marriage. The court conferred legal validity to a 50-year live-in relationship between a couple, establishing a precedent for recognising such a partnership under the law (Bala, 2022) ^[4].

Payal Sharma vs. Superintendent, Nari Niketan and Others (2001)

The court judged that “A live-in relationship was not illegal” (Sahu, n.d.) ^[21].

Justice Malinath Committee to the Law Commission of India (2003)

The court judged that “If a woman has been in a live-in relationship for a reasonable time, she should enjoy the legal rights of a wife” (Mohanty *et al.*, 2022) ^[15].

The Protection of Women from Domestic Violence Act (2005)

The court protects women at the hands of their husbands, as well as live-in partners and their relatives (Abhang, 2014) ^[1].

Tulsa & Ors vs Durghatiya & Ors (2008)

The Supreme Court granted legal recognition to children born from live-in relationships, setting important criteria to prevent their classification as illegitimate. It was ruled that for such children to be acknowledged as legitimate, their parents must have lived together in one household and cohabited for a significant duration, demonstrating a relationship similar to that of a married couple (Abhang, 2014; Shah, 2019) ^[1, 27]. The court emphasised that the relationship should not be transient or casual but rather characterised by a stable and ensuring commitment, disallowing “walk-in and walk-out” arrangements. As a result, the court expanded property rights to children born from live-in relationships, guaranteeing their legal protection and inheritance entitlements (Vavachan, 2019) ^[32].

D. Velusamy vs. D. Patchaiammal (2010)

The judgement outlined prerequisites for validating a live-in relationship. The court specified that the couple must portray themselves to society as if they were spouses and meet the legal requirements for marriage, such as being of legal age and unmarried. Furthermore, voluntary cohabitation and publicly representing themselves as spouses for a considerable period were deemed necessary (Rawat, 2021; Saurav & Anant, 2022) ^[20].

Indra Sarma vs VKV Sarma (2013)

The Supreme Court clarified that a live-in relationship is neither criminal nor sinful despite being socially unacceptable in India. The choice to marry or not, or to engage in heterosexual relationships, is deeply personal. While the law cannot endorse premarital sex, a live-in relationship is a personal choice, and individuals are entitled to express opinions against them (A. Sharma, 2023) ^[29].

Uday Gupta vs. Aysha and another (2014)

It was ruled that if a man and a woman cohabit as spouses for an extended duration without formal marriage, there would be a presumption favouring a legal marriage. Additionally, children born from such a relationship would be considered legitimate (Kumari & Diwedi, 2023; Sandhawalía & Kalra, 2021) ^[12, 22].

Lalita Toppo vs the State of Jharkhand (2018)

The Supreme Court of India ruled that under the Protection of Women from Domestic Violence Act, 2005, female partners in live-in relationships are entitled to more relief than what is provided under Section 125 of the Code of Criminal Procedure, 1973 (Mohanty *et al.*, 2022; Shah, 2019) ^[25, 27].

Pardeep Singh and another Vs State of Haryana and Others (2021)

This recent ruling from the Punjab and Haryana High Court affirmed that individuals have the freedom to choose between formalising their relationship with their partner or opting for an informal “live-in” arrangement (Rawat, 2021) ^[20].

Essential Factors to mark Live-in Relationship Legal

The court laid out clear guidelines to determine whether a “live-in relationship” meets the criteria of a “relationship in the nature of marriage” as outlined in Section 20 (f) of the Protection of Women from Domestic Violence (PWDV) Act

(Agrawal, 2012; Gupta, 2015; Yadav & Kumar, 2021) ^[2, 10, 36].

Duration of Relationship

The term “at any point of time” used in Section 2 (f) of the PWDV Act implies a reasonable duration required to establish and sustain a relationship, which may vary depending on the specifics of each case (A. Sharma, 2018) ^[28].

Shared Household

The expression has been defined Under Section 2 (s) of the PWDV Act, 2005, and may result in a ‘relationship in the nature of marriage’ (Abhang, 2014) ^[1].

Pooling of Resources and Financial Arrangements

Financial support, whether mutual or provided by one partner, sharing bank accounts, jointly acquiring immovable properties, or holding them in the woman’s name, long-term business investments, and ownership of shares, whether in individual or joint names are significant factors contributing to the establishment of a long-term relationship (Sushma, 2021) ^[31].

Domestic Arrangements

Assigning responsibility, particularly to the woman, for household management tasks such as cleaning, cooking, and maintaining the home signifies a ‘relationship in the nature of marriage’ (Yadav & Kumar, 2021) ^[36].

Sexual Relationship

A marriage-like relationship involves more than just a sexual connection for pleasure; it encompasses emotional intimacy and the potential for procreation. It includes providing emotional support, companionship, material care, affection and various other aspects (Rawat, 2021) ^[20].

Having Children

The presence of children strongly suggests a relationship akin to marriage, as it reflects a commitment to a long-term partnership. Additionally, sharing the responsibilities of raising and supporting children further reinforces this indication (Abhang, 2014) ^[1].

Socialisation in Public

Portraying themselves as a couple in public and socialising with friends, relatives, and others as if they are married is a significant indication that the relationship is akin to marriage (Sushma, 2021) ^[31].

Intention and Conduct of the Parties

The key factors for determining the nature of a relationship is the shared intention of the parties regarding its purpose, scope and the roles and responsibilities each individual undertakes within it (Rawat, 2021; A. Sharma, 2018; Sushma, 2021) ^[20, 28, 31].

Challenges and Controversies

While live-in relationships are legally recognised and supported by numerous judgements, several complex issues still require careful consideration and discussion. Below are some of the unresolved grey areas that warrant further discourse:

Societal and Moral Acceptance

Despite being legally permissible, live-in relationships remain taboo in Indian society and are often deemed morally and ethically unacceptable. Indian culture harbours scepticism towards such arrangements, resulting in numerous challenges for couples. These challenges include familial rejection, difficulty finding rental accommodation, social ostracism, and potential negative repercussions in the workplace (Sepaha, 2021) ^[26].

Official Documents

In India, official documents still lack a designated category for live-in relationships. As a result, couples encounter difficulties when attempting to establish joint accounts, designate nominees, obtain insurance, secure visas, and manage other official matters (Dey, 2022) ^[8].

Gender Biased

The 2005 Protection of Women from Domestic Violence Act recognises a woman as a wife if she has lived with a man for a substantial period. This grants her certain rights, including maintenance and property entitlements. However, the Act fails to extend similar protection to men or LGBT couples. Consequently, men may face accusations of sexual assault or fraud for falsely representing a live-in relationship as a marriage. Paradoxically, there are no provisions to empower men in such situations. These nuanced issues necessitate the development of specific legislation addressing the complexities of live-in relationships (Dey, 2022; Sepaha, 2021) ^[8, 26].

Conclusion

Metropolitan cities of India have experienced a significant shift in how the current generation perceives their relationships. As society gradually embraces live-in relationships, the stigma surrounding them is diminishing. This transformation has occurred gradually over the years, facilitated by increased emphasis on individual freedom, privacy, professionalism, globalisation, and education.

The Indian Judiciary’s commendable efforts to provide legal recognition and protect the rights of couples in live-in relationships through various judgements are noteworthy. However, there is an urgent requirement for comprehensive legislation specifically tailored to address the intricacies of live-in relationships. Such legislation is essential to protect the fundamental rights of individuals and their children in such unions.

In a society witnessing a rise in divorce rates and broken marriages, the notion of assessing compatibility before formal marriage is a positive development. Opting for a live-in relationship over facing divorce is preferable. In a democratic nation like India, upholding human rights is paramount. Every individual is free to choose their life partner and the type of relationship they wish to form.

Acknowledgement (if any):

References

1. Abhang S. Judicial Approach to "Live- In- Relationship" In India- Its Impact on Other Related Statutes. IOSR Journal of Humanities and Social Science. 2014;19(12):28-38. Available from: <https://DOI.org/10.9790/0837-191242838>

2. Agrawal A. Law and “Live-in” Relationships in India. *Economic and Political Weekly*. 2012;47(39):50-56.
3. Alaiwah. Not All Live-in Affairs are Relationship in the Nature of Marriage. *NEVER MIND*. 2010. Available from: <https://alaiwah.wordpress.com/2010/10/23/not-all-live-in-affairs-are-relationship-in-the-nature-of-marriage/>
4. Bala M. Live-in-Relationships: Legal Status in India. *International Journal of Creative Research Thoughts (IJCRT)*. 2022;10(5):894-900.
5. Chakravorty S, Goli S, James KS. Family Demography in India: Emerging Patterns and Its Challenges. *SAGE Open*. 2021;1-18.
6. Chatterjee S. Legal Recognition of Live-In Relationship: An Emerging Trend of Social Transformation in India. *IJLJ*. 2020;11(1):1-16.
7. Deokar K. Live-in Relationship: An Indian Scenario. *International Journal of Research in Social Sciences and Humanities (IJRSSH)*. 2016;6(2):104-109.
8. Dey KB. Live-in-Relationship and marriage pattern in India-A Study. *IOSR Journal of Humanities And Social Science (IOSR-JHSS)*. 2022;27(4):59-62. Available from: <https://DOI.org/10.9790/0837-2704055962>
9. Dholam S. Socio-legal dimensions of “live-in relationship” in India. *Bombay High Court*. 2015. Available from: https://www.researchgate.net/publication/286440123_Socio-legal_dimensions_of_'live-in_relationship'_in_India.
10. Gupta V. Live-in relationships and emerging legal issues in India. *iPleaders*. 2015. Available from: <https://blog.ipleaders.in/live-in-relationships-and-emerging-legal-issues-in-india/>
11. Jagota R. Live-in-Relationship-A Twist to Pedigree. *Indian Journal of Law and Justice*. 2010:146-158.
12. Kumari P, Diwedi DN. Judicial Interpretation and Status of Live in Relationship in India. *Journal of Emerging Technologies and Innovative Research (JETIR)*. 2023;10(7):259-263.
13. Mehra K, Verma A, Saxena S, Shaw TN. A Need For Legal Recognition Of Live-In Relationships In India: An Empirical Study. *Journal of Positive School Psychology*. 2023;6(2):6469-6484.
14. Mills M, Blossfeld H-P. The Second Demographic Transition Meets Globalization: A Comprehensive Theory to Understand Changes in Family Formation in an Era of Rising Uncertainty. In: Evans A, Baxter J, eds. *Negotiating the Life Course: Stability and Change in Life Pathways*. Springer Netherlands; 2013:9-33. Available from: https://DOI.org/10.1007/978-90-481-8912-0_2
15. Mohanty S, Rajagopal NK, Kirti S, Gounder R, Lakhera A, Bansal R. Live -In Relationship in India. *The Empirical Economics Letters*. 2022;21(3). Available from: https://www.researchgate.net/publication/362175274_Live-In_Relationship_in_India
16. Narula S, Kaur G. Live-in Relationship and Women Health in India: A Judicial Analysis. *Kanpur Philosophers*. 2023;10(1):1-9.
17. Negi V, Negi M. Live-in Relationship in India: A Cultural Conflict. *International Journal of Current Research*. 2017;9(10):60040-60043.
18. Rabbiraj C. Socio-Legal Dimensions of Live-In-Relationships in India. *IOSR Journal of Humanities and Social Science*. 2014;19(7):25-29. Available from: <https://DOI.org/10.9790/0837-19752529>
19. Rahman W. Live-In-Relationship and Status of Women in India. *International Journal of Law and Legal Jurisprudence Studies*. 2016;3(3):207-212.
20. Rawat S. The New Fad of Live-in Relationships in India. *International Journal of Legal Developments and Allied Issues*. 2021;7(4):32-55.
21. Sahu SS. Live in Relationships in India: A Socio-Legal Study. *The Advocates League*. n.d.;2(1). [cited 2024 Mar 27]. Available from: https://theadvocatesleague.in/assets/pdf/researches/SHR_ADDHA.pdf
22. Sandhawalia RK, Kalra N. Judicial approach to live-in relationship: Protection and other related issues. *International Journal of Law*. 2021;7(4):44-50.
23. Saurav K, Anant A. Socio-Legal Aspects of Live-in Relationships: Indian Scenario. *Indian Journal of Integrated Research in Law*. 2022;2(1):1-29.
24. Savita, Khan AG. Studies on Sociological Impact of Live-In Relationship: A Critical Review. *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*. 2020;25(2):36-40. Available from: <https://DOI.org/10.9790/0837-2502033640>
25. Saxena D, Sharma S. Present Status of Live-in Relationship in India: A Socio-Legal Protection for Aggrieved. *International Journal of Education, Modern Management, Applied Science & Social Science (IJEMASSS)*. 2021;3(3):134-137.
26. Sepaha P. Live-in Relationship in India: Laws and Challenges. *Law Colloquy Journal of Legal Studies (LCJLS)*. 2021;1(2):1-12.
27. Shah N. Acceptance of Live-in Relationships in the Metropolitan cities of India. *International Journal of Advance and Innovative Research*. 2019;6(1):115-121.
28. Sharma A. Socio-Legal Dimensions of ‘Living-in-Relations’ in India: An Analysis. *Suraj Punj Journal for Multidisciplinary Research*. 2018;8(12):9-22.
29. Sharma A. LGBT Rights and Live-in-Relationships in India: An Analysis. 2023;11(7):237-244.
30. Sharma D, Rana S. Status of Live-in Relationships in India. *Doon Journal of Multidisciplinary Research*. 2023;2(3):205-216.
31. Sushma. Legal Recognition to Live-in Relationship in India and issues involved [Master Degree Dissertation, National University of Advanced Legal Studies]. 2021. Available from: <http://14.139.185.167:8080/jspui/bitstream/123456789/427/1/120020.pdf>
32. Vavachan VM. India Demands Statutory Protection for Live-in Relationships. *Journal of Legal Studies and Research*. 2019;2(5):190-207.
33. Vikram K, Visaria A. Second Demographic Transition. In: Gu D, Dupre ME, eds. *Encyclopedia of Gerontology and Population Aging*. Springer International Publishing; 2019:1-6. Available from: https://DOI.org/10.1007/978-3-319-69892-2_663-1
34. Visaria L. India’s date with second demographic transition. *China Population and Development Studies*. 2022;6(3):316-337. Available from: <https://DOI.org/10.1007/s42379-022-00117-w>

35. Vohra D. A Study of Live-in Relationships in India. Amity University; c2020.
36. Yadav A, Kumar A. Live-in-Relationship: A Study on Legal Actions. International Journal of Creative Research Thoughts (IJCRT). 2021;9(8):396-406.
37. Verma S, Dubey N, Singh KH, Parmar N, Singh L, Sharma D, Rana D, Thakur K, Vaidya D, Thakur AK. Utilization of crop wild relatives for biotic and abiotic stress management in Indian mustard [Brassica juncea (L.) Czern. & Coss.]. Frontiers in Plant Science. 2023 Oct 25;14:1277922.