

Critical Analysis Of The New Trend Of Live-In Relationship In India – A Practical Approach With Judiciary Views

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Abstract

Marriage is one of India's prominent social institutions with more rituals and traditions. Marriages are considered sacramental, legalising a connection between men and women. Indian society, after the British invasion, has mostly acculturated to Western culture, where there is a concept of Live-in relationships where men and women cohabit without the institution of marriage. Though the Live-in relationship seems to be an odd concept in India, a marriage in ancient India called Gandharva marriage in which the bride and groom, based on mutual understanding, live together without the consent of elders or their parents. These marriages slowly declined due to the invasion of other rulers and some on moral grounds of choosing their partners. In modern society, this tradition has gotten a new name: Live-in relationship. The demographic transition with the development of education caused transformation within families. Many individuals postpone their marriage till they achieve economic stability and the desired level of education. They tend to be in a Live-in relationship to test the partners' compatibility, and a live-in relationship is considered a search for a good partner. The economic liberalisation influence of media from Western countries has led to a significant increase in live-in relationships in India. There was an increase in individualism after the capitalist society when there was a focus only on the individual interest, so people focused on their interest in marriage as the freedom to choose their partners and test their compatibility.

In India, a Live-in relationship is not unlawful. It is not accepted in many parts of society because people think it may increase adultery. No particular law deals with live-in relationships; even without legislation, many judgments have been given in favour of live-in relationships. The Hon'ble Courts protected females' and children's rights through the Protection of Women from Domestic Violence Act 2005. According to Article 21 of the Constitution, every citizen's right to marry is an inalienable fundamental right. They can be married or be in a live-in relationship. It is their choice. Section 125 of the Criminal Procedure Code, 1973 states that a woman from a marriage like a connection is also eligible for maintenance. The partners face many issues in live-in relationships, like Lack of societal acceptance, no official documents mentioning live-in status, and Complications of religion and caste relationships. Indian society could not accept the live-in relationship in replacement of marriages. This article's primary focus is the increase in live-in relationships and societal perception of such relations to argue the need for a secular and separate legal framework for partners in a live-in relationship. The author also tries to gather people's perceptions of live-in relationships through empirical research.

Key Words: Live-in Relationship, Marriage, Art.21 of Indian Constitutional law, Judiciary decisions. Transformations.

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I. Introduction

The firm establishment of Indian culture is the reason for the evolution of the concepts of Marriage and Family. The institution of marriage is in which the sexual relationship between two persons is acknowledged. Marriage is regarded as essential before entering into any sexual activity. The concepts of Live-in relationships were common in the West, but gradually, the ideas emerged in the East. The Live relationship does not differ

from the Gandharva marriage, which prevailed in Vedic society, where the bride and groom, based on mutual understanding, lived together without the consent of elders or their parents. These marriages slowly declined due to the invasion of other rulers and some on moral grounds of choosing their partners. Modern society calls it a Live-in Relationship and finds it difficult to accept the concept of partners cohabiting without being acknowledged. A live-in relationship means that two people decide to live together and are in a sexually intimate relationship. These couples sometimes may even raise their children together. These people may have decided to live together for reasons like testing compatibility, whether they can get along, or establishing good stability in life before entering into some commitments.

There are various other reasons people choose to Live in a Relationship over Marriage. It is that restriction in the institution of marriage, like social restriction, where the person of one community is not allowed to marry a person from another community. With these gender restrictions, some religions prevent pre-marital relations, which are also considered taboo. Sometimes, the person ends up marrying without even looking at the face of their life partner.

II. Evolution Of Live-In Relationship

In India, family is considered a fundamental institution that teaches people values and cultures, and marriage is essential. Marriage is mainly prescribed and enforced by society to a greater extent. Over time, the emergence of various forms of marriages or, more precisely, relationships have evolved. One among them is a live-in relationship. Globally, live-in relationships can be traced back to the origin of humans. Earlier relationships existed only as interdependency, but later, this relationship emerged into the institution of marriage. According to Manu, in India, premarital relationships existed in the Vedic period. In Gandharva marriages, the consummation of the marriage occurred before performing rituals. Even in the Gandharva marriage, the commitment and responsibility were identical to other kinds of marriage. A live-in relationship is a concept that has been introduced previously. It was there in existence in the Vedic period.

Even in the Medieval Period, concubinage was shared in various cultures where a wife could not bear a child; a concubine was served to give birth to offspring. Throughout history, the social status of concubines varies from culture to culture, i.e., from sexual slavery to common law marriage. Even in Modern Society, the Britishers eliminated the evil practices that have led to a decrease in the preparation of concubines. The method of concubines still existed after the independence. In some places, the friendship contract was executed where the man and woman entered into a voluntary agreement that provides no responsibility towards them by law beyond their friendship.

III. Favourable Position Of Live-In Relationships Over Marriage

Marriage in many cultures is considered a license granting legitimacy to a man and a woman in a romantic and sexual relationship and facilitating the process of procreation in a socially acceptable manner. The primary goal of marriage is to ensure the survival of the human race. Institutions like kinship, inheritance and family lineage are the social side of marriage. As time passed, marriage became an obligation, and as a form of compulsion in the context of socio-cultural values, it is viewed as a sacrosanct institution. Moreover, live-in relationships are more easily terminated than divorce, the legal form of marriage termination, which is a slow and time-consuming process.

Married couples often have many societal responsibilities of finances, taking care of each other's family members and performing the duties organised by the society. In a live-in relationship, there is no need to please the parents and relatives, and the couples are free from such responsibilities which will arise out of marriage. In live-in relationships, two people cohabit at the same place, move in together, spend quality time, and get to know the other half's lives, habits, and expectations. People get to see whether they can manage a relationship in a live-in relationship. If any of the partners find that they cannot stay in a relationship, it is easier to come out than marriage, which will involve many processes to get separated. Live-in relationship couples tend to bond stronger as these partners move in together, and as they spend time together, they develop a stronger bond. They get to know each other well, and they would also test their compatibility. They will separate without any legal complexities if there is any misunderstanding. Overall, there would be an experience of how married life would look like, and the person would be able to decide whether or not that person is ready for marriage and to live as husband and wife.

IV. Reasons For The Growth Of Live-In Relationships In India

The primary reason for the increase in live-in relationships is education's influence. Many individuals postpone their marriage until they achieve the desired level of education. No one would like to risk their self-liberty to get into marital relationships nowadays. The live-in relationship is preferred for a search for a suitable partner to them instead of choosing partners from matrimonial sites. *People started to think that marrying someone you know well is much better than marrying an unknown person.* There is also a change from a

capitalistic society to an individualistic society where the individual interest has been considered more than the collective interest. **Art.21 of Indian Constitutional law grants the personal choice of whether to marry or not and be in a live-in relationship.** Stable and good quality relationships give good physical and mental health. **A major has a right to marry a person of her choice or to live with her partner/** they have a right to live out of wedlock.

A live-in relationship is considered to be an immoral act. Morality may differ from person to person. It is according to each person's perception of whether a particular thing is moral. So, the live-in relationship is not prohibited by law. Senior citizens also search for live-in relationships to escape loneliness in their lives. In the Hindustan Times,¹ **Jeyshta Nagrik, in his research paper, stated that a Live-in relationship** hit the idea of seeking partners for senior citizens at the end of their lives. This idea has no risk factor, and these old citizen couples could also be best friends. If the parties agree, the manual brings them together by signing an agreement contract like the terms of financial condition, what happens if one of the parties dies. This group has brought 32 couples together; some are married, while others live-in relationships. Another organisation, Vina Mulya Amulya in Ahmadabad, also searches for partners for elderly citizens. It is stated that the elders are ready to get into live-in relationships; some of the reasons said are that they are too shy to get married, do not want to enter into any legal formalities, and do not want succession disputes. This research has opened up many people's conceptions of live-in relationships. Many older people accept the concept of live-in relationships as this would give companionships which make them happy. Trust and good bonding develop between couples who are in live-in relationships. The live-in relationship helps to bond and build diversity. The person may be in a live-in relationship with people from different cultures, religions or castes so that the people may get to know better of each other religion or culture. Our country has various types of castes, and only endogamous marriages are permitted within the caste groups. Honour killing will sometimes happen if anyone marries out of their caste system. People started living in relationships with their loved ones to prevent honour killing. *Shakti Vahini v. Union India* In this case, the Hon'ble Court directed the State to create a special cell 24-hour helpline to receive and register honour instances of killing and provide necessary protection to the couple. The trial must proceed daily to be concluded, preferably within six months from the date of taking cognisance of the offence. The above case is evidence of the increasing live-in relationship in India.

V. Judiciary Decisions On Live-In Relationships In India

In the past few years, India has faced significant changes in cultural practices, beliefs, and social policies due to the influence of Western culture. People of India try to adapt to the culture of the West in cases of live-in relationships and equality between genders in education and at the workplace. Indian society grabbed the attention of the Indian courts. Hence, its various judgements explained the concept of a live-in relationship. Currently, there is no law or legislation regulating live-in relationships; the Indian judiciary, only through its series of judgements, has addressed this concept. They settled this matter by relating to fundamental rights by interpreting them broadly. The legality of live-in relationships arose from articles 19 and 21. Therefore, one can live anywhere and with anyone of their choice, with or without marriage. According to the law, the live-in relationship is not illegal but is considered immoral in society.

In the case *Dinohamy vs. Blashamy*², the Privy Council laid down principles in this regard, "Where a man and a woman are proved to have lived together as husband and wife, the law presumes unless contrary proved that they are living as of valid marriage and not as in a state of concubinage". This principle was laid down before independence and restored in the case of *Mohabhat Ali v. Md. Ibrahim Khan*. The Privy Council upholds that when a man and woman cohabit for an extended period, the law presumes them to be husband and wife and not cohabitation anymore. In the case *Badri Prasad vs Dy. Director of Consolidation*³, the couples were in a live-in relationship for an extended period. The Supreme Court held that teams who have cohabitated for more than 50 years would be considered husband and wife, presuming the relationship was valid. If the parties have lived together for a significant amount of time as husband and wife, a strong presumption is created in favour of marriage.

In 2001, the Supreme Court clearly stated in the case *Payal Sharma vs. Superintendent Nari Niketan, Agra*.⁴ that being a major, a man and a woman can live together, even without getting married, if they wish. According to the law, living together without getting married is not considered illegal, but society may consider it immoral. Patel and others' CaseThe Supreme Court held that two adults living together without getting married

¹ <https://www.hindustantimes.com/pune-news/helping-single-seniors-in-pune-find-soulmates/story-ZoZnTlrbQaVUDvvgX0z5gJ.html>

² AIR (1927) PC 185

³ (1978) 3 SCC 527

⁴ AIR (2001) All 254

legally are not criminal offenders. The Indian Parliament also never passed any legislation that declares a live-in relationship as illegal or unlawful. The same rule was upheld in the case of *Tulsa vs. Durghatiya*,⁵ where long-term cohabitation was considered equivalent to marriage. In 2006, the case *Lata Singh vs the State of UP*,⁶ the Supreme Court held that live-in relationships are allowed only between unmarried men and women of the age of majority. It is not permissible between homosexual couples. Consensual sex between unmarried couples is not an offence in law, even though society sees it as immoral. And if the cohabitation continues for an extended period, it will not be considered a “walk in and walk out” relationship.

After 2010, the Supreme Court and the High Court, in various judgments, laid down guidelines for the validity of live-in relationships. *Khushboo vs. Kanniammal and Anrup* held the verdict of *Lata Singh vs the State of UP* that a "Live-in relationship between consenting adults of heterogenic sex does not amount to any offence even though it may be seen as immoral". Although our society's consensus is that sexual contact between unmarried partners is immoral, according to the law, sexual relationships between unmarried couples are not a statutory offence. Still, adultery is an exception defined by Section 497 IPC. Supreme Court added that article 21, right to life, includes the right to live with the partner of their choice, guaranteed to all people.

In *Smt Saloni Yadav and Another vs State of UP and three others*,⁷ The Allahabad High Court observed that an act in which a person less than 18 years of age is in a live-in relationship is illegal and immoral. The person who has to enter into a live-in relationship has to be significant (above 18 years) even though the person is not of any marriageable age (21 years). No law prohibits a live-in relationship, which is pre-marital sex.

In *Bharti and Another vs. State of UP and three others*,⁸ The Allahabad High Court dismissed a case where a married and her live-in partner sought protection. Since the woman did not divorce her husband legally, the court dismissed the plea to seek shelter.

In the *X vs. NIL*⁹ case, The Kerala High Court held that the law does not recognize a live-in relationship as a marriage. Henceforth divorce cannot be recognized in this relationship. The law can only allow divorce if they are married under personal or secular law. These relationships enter on the basis of contracts; hence, divorce has no legal recognition.

In *Suneeta and another Vs State of UP And three others*,¹⁰ the Court stated that the court is not against live-in relationships but against illegal relations. The live-in relationship cannot be at the cost of the country's social fabric.

In *Kiran Rawat and another Vs State of UP*,¹¹ the Allahabad High Court stated that views expressed by the Supreme Court relating to live-in relationships cannot be considered to promote the relationships. The court also stated that traditionally the law is been in favour of marriage. The court also stated that the live-in relationship is a social problem.

VI. Existing Alternate Legislation For Live-In Relationships

Protection of Women against Domestic Violence Act, 2005[PWDVA]

Section 2(f) PWDVA defines domestic relationship as a relationship between two persons who live or have, at any point in time, lived together in a shared household when they are related by consanguinity, marriage or through a relationship in nature of marriage, adoption or are family members living together as a joint family. Legislature using the phrase 'relationship in the nature of marriage' has widened the scope of legally recognised domestic relationships, which are heterogeneous. The Supreme Court ruled that live-in relationships fall under "a relationship in the nature of marriage". This act applies only to women in those relationships likely to have a presumption of marriage. The Supreme Court has laid down certain conditions for live-in relationships to be legal. In the case of *Velusamy vs D Patchaimal*¹² Then, the Supreme Court said that women in a live-in relationship should meet specific requirements for maintenance. Also, it noted that spending weekends or nights together would not make it a domestic relationship. Hence the Hon'ble judges said that to avail for maintenance under the law, the relationship should satisfy four conditions:

1. The couple must be seen in society as akin to spouses.
2. They must be of legal marriageable age.

⁵ (2008) 4 SCC 520

⁶ (2006) 5 SCC 475

⁷ WRIT PETITION No. - 7996 of 2023

⁸ WRIT PETITION No.- 5589 of 2023

⁹ 2023 Livelaw (Ker) 266

¹⁰ WRIT PETITION No. 2723 of 2023

¹¹ WRIT PETITION No.3310 of 2023

¹² (2010) 10 SCC 469

3. They must be qualified to enter legal marriage, which includes being unmarried.
4. They must have voluntarily cohabited and been seen by the world as akin to spouses for a significant period.

Criminal Procedure Code (Cr. P.C) 1973

Law provides certain protections and reliefs to dependents who cannot support themselves, according to section 125 of Cr. P.C. provides maintenance for wives, children and parents who cannot maintain themselves— section 125 of Cr. P.C. has defined the term wife, who is a divorced woman, and under this section, only a wife who has been divorced or legally separated and not re-married can claim maintenance. Since women in a live-in relationship are considered unmarried, they can't be divorced or get divorced. Hence, women in a live-in relationship cannot claim maintenance from the live-in partner. Thus, Malimath Committee recommended amending or extending the word 'wife' scope by including the woman in a relationship for a reasonable period.

In the case, *Virendra Chanmuniya vs Chanmuniya Kumar Singh Kushwaha and Anr*¹³, The High Court, in this case, denied the maintenance to the women stating that only legally married women can be entitled to maintenance under section 125 of CrPC. On appeal in the Supreme Court, it turned the judgment of the High Court. It granted to care for the women stating that section 125 of CrPC must be read with section 26 of PWDVA, 2005, i.e. Women in "live-in relationships" are legally entitled to all the reliefs provided to lawfully wedded wives.

Indian Evidence Act, 1872

Section 114 of the Indian evidence act states that if couples have lived together for a significant amount of time as husband and wife, they will be presumed to be married. The courts usually apply this presumption to protect the rights of the parties in a live-in relationship, i.e. women and the children born as a result.

In *Tulsa & Ors vs Durghatiya & Ors*, the Court shall assume the reality of any fact it believes to have happened. Section 114 is read with Section 50 of the Evidence Act, stating, "The common course of natural events and the behaviour of parties as the facts of a given instance support them, it may be presumed as marriage."

With this protection available to the partners in live-in relationships judiciary has been providing protections to them in many cases. One such is in the case of *Soniya and Others v. State of Haryana and Others*.¹⁴ Punjab and Haryana courts observed that in the eyes of society, live-in relationships are not acceptable to everyone. Still, nowhere in the law is it mentioned that live-in relationships are not illegal or that cohabiting without marriage is not an offence. Article 14 of the Indian Constitution guarantees equal protection of the law in the territory of India, and Article 21 protects the citizen's right to life and liberty. In this case, both the parties of a live-in relationship have crossed the age of majority, which is a legal age to enter into any relationship with protection according to their prayer.

VII. Legal Status Of Children Born Through Live-In Relationship

The status of an illegitimate child has consistently been in dispute. The law states that no child born out of a void or voidable marriage should be denied their rights just because their parents were not legally married, which made them illegitimate. Hence, the law also provides property rights to illegitimate children regardless of their parent's validity of the marriage. Section 16 of the Hindu Marriage Act, 2005 includes property rights to the child born out of illegitimate marriage by considering their marriage valid. The Special Marriage Act of 1954 also provides similar rights to an illegitimate child. Under Mohammedan law, the father will not be responsible for illegitimate children. Hence children born out of a live relationship will inherit only the mother's property or the property of the mother's relatives according to Hanafi law. But in Shia law illegitimate child is not permitted to inherit the property of both father and mother.

In the case *S.P.B. Balasubramanyam Vs. Suruthayan* held that if a man and woman have been living together for a significant period, the relationship shall be presumed to be a valid marriage under section 114 of the Indian Evidence Act of 1872. Therefore, a child born from such a relationship will be termed a legitimate child eligible for property inheritance.

In *Bharatha Matha v. R. Vijaya Renganathan*¹⁵, the Supreme Court held that the child born out of live-in relationships should be given the inheritance right of the parent's property, considering them legitimate children.

Section 16 of the Hindu Marriage Act provides inheritance rights over parents' property to their children. But to claim this right of inheritance, there must be a De Facto or De Jure marriage, which the live-in relationship lacks. Because there are no ritual ceremonies performed when the partners enter into a live-in relationship.

¹³ (2011) 1 SCC 141

¹⁴ [CRWP-4533-2021 (O&M)]

¹⁵ (1992) SC 756

Therefore, in *Ramkali v. Mahila Shyamvati*,¹⁶ the Court defined the term De Facto marriage, i.e., when a man and woman have been cohabiting for an extended period as husband and wife; it will be termed as De Facto marriage. Hence live-in relationship can also be seen as a De Facto marriage. But the child born out of such a relationship can inherit only the self-acquired property of their parents and cannot inherit the ancestral property. But in the case of *Revanasiddappa v. Mallikarjun*¹⁷ Supreme Court extended the inheritance right of the children and provided inheritance right to the children from the self-acquired property and ancestral property.

VIII. The Supreme Court's Guidelines On Live-In Relationships

In the case of *Indra Sharma Vs V.K.V Sharma*¹⁸, the Supreme Court laid down specific guidelines and principles in the matter of live-in relationships, which can be considered by the Parliament while framing new legislation in this regard. In this case, Supreme Court thought that denying the various privileges of this act to the victim of such an illegal relationship would amount to injustice to the victim. Commonly, victims of such unlawful relationships will not be self-sufficient nor have a source of income to maintain themselves and the child born out of such relationships. Therefore, Supreme Court widened the scope of the term "Domestic Relationship" in section 2(f) of PWDV 2005 and included even the victims of such illegal relationships, along with their children born out of such relationships, who are not self-sufficient and has no source of income. Following are the guidelines provided by the Supreme Court to determine whether a live-in relationship qualifies as a "relationship in the nature of marriage" for purposes of section 2(f) of the DV Act,

Duration of the relationship's initial phase:

"At any point of time," as used in Section 2(f) of the DV Act, refers to a reasonable period to maintain and continue a relationship, which may vary from case to case.

Shared household:

This term has already been defined under Section 2(s) of the DV Act

Pooling of Resources and Financial Arrangements:

They must support one another financially to continue a long-term relationship. Supporting one another financially, or any one of them, opening joint bank accounts, and buying real estate in common names are all deciding factors in a long-lasting relationship.

Domestic Arrangements:

Giving a woman, especially, the responsibility of managing the home and carrying out tasks like cleaning, cooking, and maintaining the house's upkeep is a sign that the relationship is in the nature of marriage.

Sexual Relationship:

The phrase "marriage-like relationship" refers to a sexual relationship that is not just for fun but also for emotional support and procreation of children as well as care and other things.

Children:

Having children is a clear sign of a relationship in the nature of marriage. Therefore, the parties expect their connection to last for a long time. Another strong indicator is sharing parental duties for their upbringing and support.

Socialisation in Public:

The Public mistakenly believed that they were married pair.

Intention and conduct of the parties:

Understanding between the parties regarding the nature and duties.

IX. Empirical Research From The Social Perspective

Analysis

This research has been done to discover how far society has accepted the social transformation from marriage to live-in relationships. The research question of this study is, does society entertain legislation for live-in relationships in India?

¹⁶ AIR (2000) MP 228

¹⁷ (2011) 11 SCC 1

¹⁸ (2013) 15 SCC 755

The main objective of this study is

- To explore the perspective of the present society regarding live-in relationships.
- To understand the reasons behind the increase in live-in relationships in India.
- To find whether new legislation is required for live-in relationships.

X. Methodology

Sample

We have used Convenience Sampling for this research. Convenience sampling is a non-probability sampling method where the sample is taken from a group of people easy to contact or reach. Our study collected responses from friends, students, teachers and others. The model consists of 101 respondents from different cities in India, such as Chennai, Coimbatore, Trivandrum, Thanjavur, Trichy, Nagercoil, Bangalore, and Thrissur. All respondents are above the age of 18 years, and it was conducted in February 2023.

Measures

This questionnaire consists of 24 questions, including six open-ended questions and 18 statements, with which the respondents have to rate on a scale of 1-5 based on their preference. We used a survey method for this research. We interpreted the data from the respondents based on their rating in the 18 statements. We analysed the 18 statements based on respondents agreeing to their favourable views and disagreeing with their unfavourable statements regarding live-in relationships. Based on observations, we interpreted society's perception of live-in relationships and the need for new legislation.

XI. Results

Figure.1 shows society's need for legislation regarding live-in relationships. And it is therefore evident from this data that 44.6% and 24.8% of respondents agreed and strongly agreed with this statement. Thus, the majority of respondents reflected the view of the need for new legislation which is regulating the conduct of live-in partners to avoid unnecessary problems. Many complexities prevail in live-in relationships, and new legislation will bring a clear law for live-in partners. The new legislation must contain certain rights and privileges for the woman and the children born out of this relationship because regardless of the individuals' relationships, everyone must be equally protected by law. It was agreed by 32.7% and strongly approved by 18.8% of the respondents (figure.2). The majority of the respondents reflected that people in a live-in relationship do not enjoy any legal rights, social recognition and emotional support compared with a married couple in India (figure 3), i.e., 33.7% have agreed to this statement, and 25.7% have strongly agreed to this statement. Though supreme court judgements recognise legal rights, people still need to be made aware of these rights. Only when there is a statute do people get to know their legal rights.

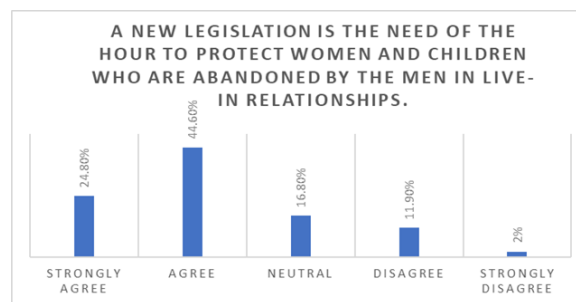


Figure.1

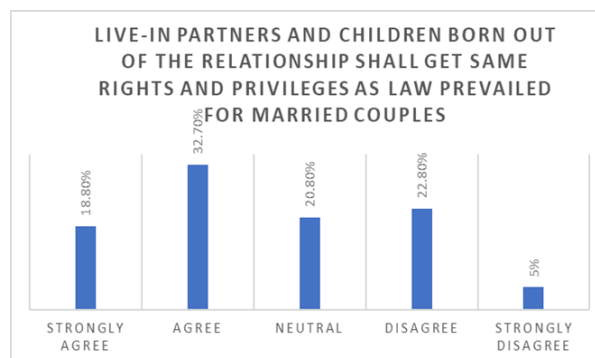


Figure.2

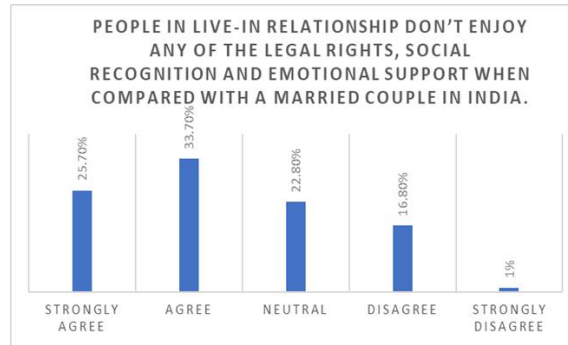


Figure.3

Figure 4 shows that most respondents, i.e., 36.6% and 21.8%, have agreed and strongly agreed, respectively, to the statement that most people prefer a live-in relationship to avoid commitments and legal hassles, which is relatively higher in marriages. People also choose to be in live-in relationships because of complexities prevailing in interreligious marriages, as inter-religious marriages are more complex in the statutory law. This statement is favoured by 44.6% of respondents who agree with this statement and 11.9% of the respondents who strongly agree with this. (Figure.5) Hence people choose to be in a live-in relationship to be free of the commitments in marriage and prevailing complexities in inter-religious and inter-caste marriages. Moreover, women choose to be in live-in relationships always to be independent and not be dependent on their spouse and to be focused on their career, which will be affected due to obligations arising from the marriage.

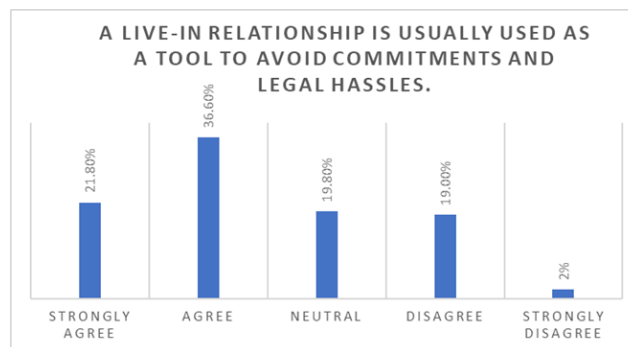


Figure.4

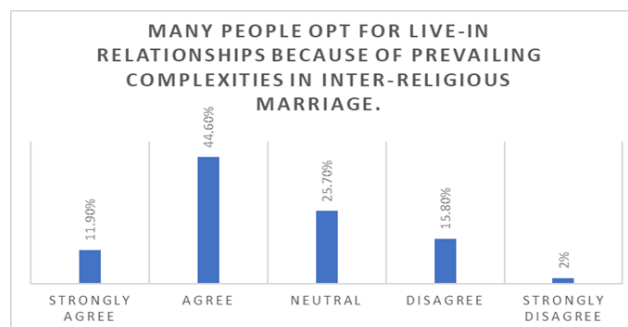


Figure.5

From a societal point of view, people are embarrassed to talk about their live-in relationships. They fear societal non-acceptance. In this study, respondents also agreed with this statement, with 47.5% agreeing and 25.7% strongly agreeing (from figure.6). Earlier, society viewed this relationship as immoral and against Indian culture. But last few days, they were passed, after the invalid of Western civilisation, society's view towards live-in relationships has gradually shifted to a moral argument. People consider live-in relationships immoral, but now they are accepting, and today's youth have started to follow this relationship. Society has been slowly transforming its view towards this relationship. It is also evident from figure.7. Only 54.4% of the respondents accepted that a live-in relationship is immoral. Now people are slowly starting to take live-in relationships compared to earlier days.

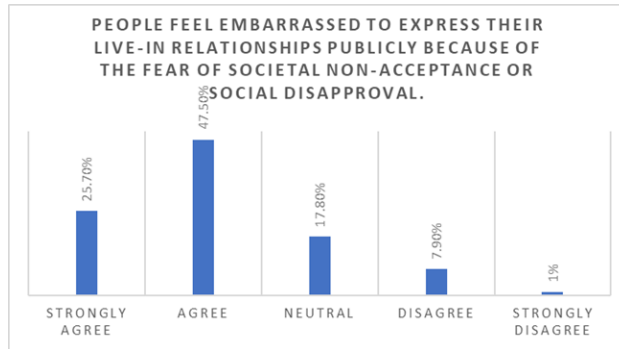


Figure.6

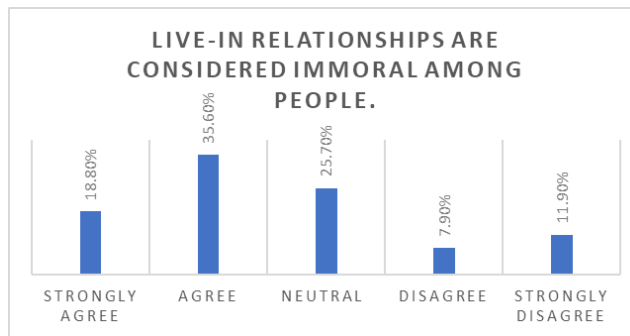


Figure.7

figure.8 shows that nearly 41.6% and 10.9% of respondents have agreed and strongly agreed that many people opt for live-in relationships to take a trial run for family life and experiment with it. It is because when they live together for a significant period, they will get to know each other, compatibility and experience their life after marriage. Complexities in marriage and the advantages of live-in relationships prevailing over marriage have made live-in relationships an alternative to marriage. Figure.9 shows that 36.6% and 16.9% of the respondents have agreed and strongly agreed with this statement. From this, we can say that even though live-in relationships have not replaced marriage, it is slowly acquiring acceptance as an alternative to marriage in this changing world.

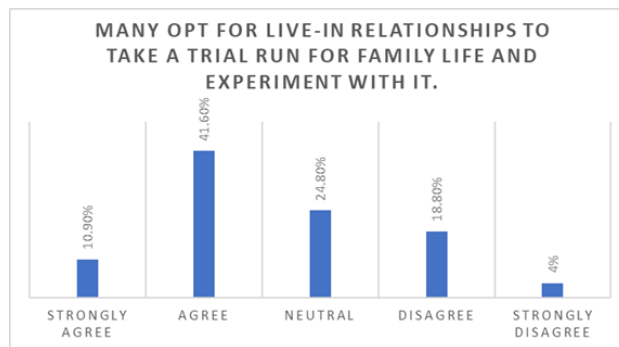


Figure.8

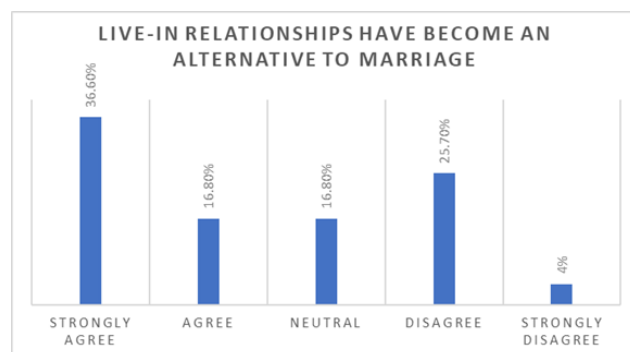


Figure.9

XII. Current Issues On Live-In Relationships

Present scenario, In the case of the murder of Shraddha Walker,¹⁹ Strangled by her live-in partner, her body was chopped into pieces, her face was charred to hide her identity, and her body of work was dumped in the jungle. Another instance is the case of the murder of a 35-year-old live-in partner²⁰ Whose body remains inside the cavity of the bed. In another incident in Delhi where the live-in partner was killed, and the body was dumped in the fridge, the man married on the same day.

Even though legalising live-in relationships through Supreme Court judgements, people in India still consider it immoral or taboo. "Live-in relationships between consenting individuals are not illegal. It is considered to be an immoral act. An immoral act cannot be said to be an illegal one."²¹

Societal Non- Acceptance:

India is a culturally diverse country; many people do not tend to accept such relationships even today. Even family and friends tend to create pressure on these couples. Due to societal non-acceptance, they find it challenging to own joint properties, open cooperative bank accounts, or find shelter with landlords who treat such couples properly. And also, neighbours and relatives may shun the live-in couples from attending family functions or traditional festivals. Hence to acquire societal acceptance, live-in couples end up in marriage..

Property Rights:

There is a significant conflict in inheritance and property rights for people in live-in relationships. Only Hindu law provides property rights to the child born out of a live-in relationship to obtain self-acquired property, not ancestral property. Muslim law has not provided such property rights to the child born out of a live-in relationship, even though courts have recognised them as legitimate children.

Suggestions

Considering the aspect of the guidelines provided in the Indra Sarma judgment Parliament must frame legislation dealing with the definition of live-in relationships, maintenance, legitimacy, custody of children, and protection against domestic violence or sexual abuse in live-in relationships. The number of people in live-in relationships must also be noted to prevent privileges, remedies and domestic violence against them. The Parliament must implement separate secular legislation protecting the live-in relationship partners. Laws must be brought so that people should not feel embarrassed to speak openly about their live-in relationship or any abuse suffered by the person in a live-in relationship. By implementing this, no one shall be suffered, and the partners in live-in relationships also do not commit any crime against their other partner,

XIII. Conclusion

Our society has undergone various social transformations from time to time. Live-in relationship is also one of the significant social transformations in India. Due to the complexities of marriage responsibilities, focusing on career and financial independence, non-acceptance of inter-religious or inter-caste marriages, and testing compatibility are reasons for increasing live-in relationships. This social transformation cannot be prevented, stopped, or punished. So, the legislation must bring laws to regulate the live-in relationship. As women are afraid of being rejected by the family due to live-in relationships and keeping their relationship a secret, they are more vulnerable to abuse by male partners. Therefore, there is a need to bring up legislation to regulate live-in relationships for misusing the absence of legislation in India.

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¹⁹ <https://indianexpress.com/article/opinion/columns/delhi-shraddha-walkar-murder-case-8294354/>

²⁰ <https://indianexpress.com/article/cities/mumbai/27-yr-old-man-held-for-murder-of-live-in-partner-in-nalasopara-house-8445377/>

²¹ Payal Sharma vs. Superintendent, Nari Niketan, Agra, AIR 2001 All 254.

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