

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 7 | Issue 5

2024

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An Analysis of Changing Nature of Live-In Relationship with recent Pronouncements

DR. HINA GUPTA¹

ABSTRACT

A live-in relationship is a form of domestic cohabitation, in which two people in a love relationship voluntarily cohabit together without legally recognizing their relationship through marriage. The nature of live-in relationships has undergone a notable transformation in recent years, influenced by evolving societal norms and critical judicial pronouncements. Traditionally marginalized and viewed with skepticism, these relationships have gradually gained legal recognition as courts across various jurisdictions have acknowledged their legitimacy. This shift reflects a broader acceptance of diverse forms of partnerships outside conventional marriage.

Court rulings in recent years have played an important role in shaping the statutory framework encircling live-in relationships. They have extended protections and rights to partners, addressing issues such as the legitimacy of children born from these unions, rights to maintenance, and the applicability of domestic violence protections. Such decisions mark a departure from the traditional legal perspective that predominantly centered on marriage as the only recognized form of domestic partnership. This paper delves into the evolving legal landscape of live-in relationships, exploring how judicial decisions are challenging entrenched societal norms. It examines the implications of these rulings as live-in relationships continue to gain acceptance and visibility.

Ultimately, this abstract underscores the dynamic interplay between law and social change, highlighting how judicial interpretations are contributing to a more inclusive understanding of relationships and family structures in contemporary society.

Keywords: *Live-In-Relationship, Marriage, Relations, India.*

I. INTRODUCTION

For India, being a country, which preserves its age-old customs, values, and culture, the Live-in relationship stood as an unconventional practice. This arrangement has the couple having a common residence and engaging themselves in a consensual sexual relationship but without legal recognition of their bond with matrimonial vows. This dynamic provides the benefit of staying together, blanketing the ideas of collaborative decision-making, partaking in household

¹ Author is an Assistant Professor at Shri Ram College Of Law, Muzaffarnagar, Uttar Pradesh, India.

chores, and independence to follow any sort of lifestyle² without any inference or influences from an outside agent like societal norms. It must be mentioned that, in an important sense, live-in relationships do not find any place under Indian law as a valid marriage, therefore rendering couples bereft of the equivalent rights to which they would have been entitled if they were married. Even though such arrangements do not carry formal legal status, they do permit couples to test mutual compatibility and levels of commitment before deciding on the prospects for matrimonial commitment.

India, as a country, had not plunged completely into Western cultures and traditions but growing awareness and globalization has made India step in with the rest of the world. Marriage has long been the foundation of social and legal ties in many cultures. However, changing cultural conventions and ideas on personal freedom and commitment have brought live-in partnerships to the forefront. Live-in partnerships are distinguished from regular marriages by cohabitation without official legal recognition, guaranteeing not only financial freedom but also allowing judgment of emotional compatibility to both partners.³

The court pronouncements across various jurisdictions have not only tried to reform the existing landscape of live-in relations but have also grappled with questions related to rights, obligations, and protections associated with cohabitation outside the bounds of marriage. Although a growing number of couples are choosing to live together, such partnerships are disesteemed in society and society still fastens a taboo to such relationships viewing such engagement as a weakening of values and traditions due to their conservative thinking. The institution of marriage is held sacred by many people, despite the shocking increase in divorces and marital troubles.

II. HISTORY

In the 1990s, after the end of the Cold War, everything changed on the world stage including countries, politics, societies, and economies. It introduced an extensive range of new technologies, including military drones, e-commerce, and the Internet. Changes come with new problems and such massive change brought in problems which include a low birth rate, wars in Congo, Chechnya, Rwanda, Iraq, Yugoslavia, etc.; religious strife in India, rise in global terrorism, etc. Live-in relationships are one of the new trends that have emerged globally. This new trend gained popularity in the late 20th Century in South and Southeast Asia, North

² Harshit Choubey, *Beyond Limbo: Live-In Relationships in India*, THE MAGAZINE COMMITTEE OF GOVERNMENT LAW COLLEGE, MUMBAI, <https://glcmag.com/2024/06/26/1515/>

³ Sandip Bhosale, *Live-In Relationship*, ADVOCATEKHOJ, <https://www.advocatekhoj.com/blogs/index.php?bid=4294fe94c613c9ad072931429&bcmd=VIEW>

America, and Western Europe with the reforming societal and cultural functions with respect to marriage, gender, and religion.

Communism's downfall in East Europe, the emergence of the feminist movement, and the theory of individualization led to the development of modern relationships which aided the fulfillment of individualistic needs and sexual equality with people being more attracted to live-in relationships than marriages in the 1980s.⁴

Live-in relationships, though not uncommon in ancient India, were institutionalized in the form of 'Gandharva vivaha', where a couple simply decided to stay together without going through the hassle of getting the seal of society or performing any prescribed rituals. This institution was in vogue during Vedic and medieval time. However, the scene changed in the present times during the British colonial period when laws were brought out to discourage relationships outside marriage. This changed almost the entire social and cultural landscape of India in the post-independent period alone, changing perceptions about live-in relationships. This practice is common among young people now and has come to be regarded by them as a way to avoid societal pressures and responsibilities. In this given arrangement, there is a consensual sexual relationship between the two people, sharing a single abode yet abstaining from formalizing their status through matrimonial vows.

The 'Ekapatni Vrat'⁵ in Hindu Dharma praises monogamy as the sacred form of marriage, though current practices are changing. In Hindu law, marriage is a form of worship. Marriage is for protecting society and continuing the human race, and thus the personal laws of each religion try to uphold the marital relationship. Live-in-relationships have been considered to be void-ab-initio till the mid-70s, and it was only with the landmark case of *Badri Prasad v/s Dy. Director of Consolidation*⁶ on August 1, 1978 that the Supreme Court declared these relationships valid, subject to the satisfaction of requisites of a valid marriage like mental capacity, age of parties, free consent, prohibited degree of relationship, etc. The couple may also be treated as husband and wife if they stay with each other for a long enough period, though the time period for it has not been specified.

It was held very clearly by the SC “in the distinguished case of *S. Khushboo v/s Kanniammal & Another*, 2010⁷ that a live-in relationship is not an offense, and there is no law which prohibits pre-marital sex or live-in relationship. Furthermore, the court elaborated that cohabitation is

⁴ Anish Bacchan, *Live-In Relationship in Various Countries*, LEGALSERVICESINDIA, <https://www.legalserviceindia.com/legal/article-4058-live-in-relationship-in-various-countries.html>

⁵ *Ibid.*

⁶ *Badri Prasad vs Dy. Director of Consolidation And Others* [1978 AIR 1557, 1979 SCR (1) 1]

⁷ *Khusboo v. Kanniammal* 3196, 2010 (5) SCC 600

protected under **Article 21** of the Indian Constitution”. This judgment is a leading case in strengthening the status of live-in relationships and people's right to make choices that are personal in nature within the parameters enshrined in the Constitution of India.

III. LIVE-IN RELATIONSHIPS IN OTHER COUNTRIES

The live-in relationship concept has different stands as per different countries. This concept is seen to be emerging and becoming slightly acceptable in Indian society over time, in developed countries like Denmark, the USA, Sweden, Norway, and Australia, etc. Not only is cohabitation acceptable, but it's also quite common and not illegal in most places. Whereas in countries like Bangladesh, Indonesia, and other countries following Sharia law, such cohabitation is made illegal and also punishable for up to 2 years.⁸

(A) Scotland:

Over 150,000 conjugating couples in Scotland the length of Scotland duly got their live-in relationships automatically legalized when the “Family Law (Scotland) Act 2006 acknowledged them for the 1st time. According to the given act of parliament which states that when a court of law considers whether a person (A) is a cohabitant with another person (B) for the” purposes of any of Sections 26 to 29, the court must take into consideration the following factors:

- How long they've lived together?
- The character of the partnership at the time, and
- The nature of all financial arrangements.

A cohabitant can apply for financial provision in a court of law if their relationship comes to an end.

(B) United States:

American legal history witnessed a number of consensual sex legislations, creating an avenue for the abiding together contracts and prenuptial agreements. Eventually, cohabitation was made official by granting its members practically all of the rights and responsibilities of married couples; nevertheless, they were not acknowledged as legal partners, as was the case in Sweden and Denmark.

(C) Australia:

The Family Law Act of 1957 states that when a person agrees to live in a de-facto relationship

⁸ Sandip Bhosale, *Live-In Relationship*, ADVOCATEKHOJ, <https://www.advocatekhoy.com/blogs/index.php?bid=4294fe94c613c9ad072931429&bcmd=VIEW>

with the other person, it would be possible if:

- they are not tied in marital bond with each other;
- they are not family-related
- and they cohabit together voluntarily on a domestic basis.

(D) Philippines:

The rule of co-ownership governs live-in relationship couples 'right to each other's property' as per Sec. 147 of the Philippines's Family Code.⁹

(E) Canada:

According to Section 54(1) of the Family Law Act, R.S.O. 1990, two people who live together or plan to do so may sign a contract outlining their rights and responsibilities during cohabitation, after they stop living together, and after they pass away. These obligations may include

- property-related rights;
- Support obligations;
- right to select what is supposedly a suitable education and moral upbringing for the kids, but without the right to the kids' custody or access
- And if the person is married to another party with the agreement, then sub-section 2 of section 53 provides that the written agreement is deemed to be a marriage contract

Provided both the persons are unmarried.

(F) United Kingdom:

UK stands to the opinion that live-in couples are worthy of not being confined to a single specific term, that is, being a common legal spouse. There is no legislation giving unmarried couples automatic rights to each other's property in case of the breakdown of such a relationship, unlike in the case of divorce as per a discussion held in the parliament in 2010. The legislation which covers live-in relationships is the Civil Partnership Act of 2004

(G) France:

The Civil Solidarity Pact of 1999 governs live-in relationships in France. The pact provides a contract binding over 2 adults (of the same or different sex) the party to which cannot be made bound to enter into another contract or pact by the way of lineage or marriage; in order to

⁹ *Supra* note 4.

organize their lives. Another provision of such pact provides that any adult under custody cannot be allowed to enter or be a party to a contract.

IV. INDIA'S STAND ON LIVE-IN RELATIONSHIP

Changes in societal attitudes, legal frameworks, and cultural norms have greatly influenced live-in relationships in India over time. Historically, Indigenous people have been conservative in terms of relationships, making marriage the main bond. Extramarital relationships were rare and socially unacceptable. The concept of live-ins became popular during the late 20th and early 21st centuries in India due to globalization, industrialization, and exposure to Western lifestyles. More liberal views about relationships were adopted by young people who moved to cities in search of better educational prospects or job opportunities. With educational enhancement, economic independence, and exposure to worldwide cultures among these younger generations moving forward led to questioning of traditional norms that eventually developed acceptance to live-in relationships.¹⁰

(A) Judicial Recognition:

Where there is no specific legislation, it is judicial recognition that has played a very vital role in conferring flesh and blood to live-in relationships in India. Through different judgments, the SC has stamped validity on live-in relationships and given certain legal protections to the partners, more so with regard to inheritance, maintenance, and protection from domestic violence. In the landmark case of 2006, *Lata Singh v/s State of U.P*¹¹, Legally speaking, these kinds of relationships between two adult heterosexuals were not considered offenses. The same stance was reiterated in *Khushboo v. Kanniammal and another*¹² stating that “Though the concept of live-in relationship is considered immoral by the society, but is not illegal in the eyes of the law.”¹³ In *D. Velusamy v. D. Patchaiammal*¹⁴, long-term live-in relationships should be recognized as legitimate marriages, it was decided, but under certain conditions. It, therefore, awarded rights to the females in such relationships, where the females would be entitled to maintenance from their parents after the termination of their relationship.

“The Protection of Women from Domestic Violence Act, 2005”, brings under its scope women in live-in relationships, too, and provides for safeguarding their rights against exploitation and

¹⁰ N. Pautunthang, *Exploring live-in relationships in modern Indian society*, 4(1) INTERNATIONAL JOURNAL OF CIVIL LAW AND LEGAL RESEARCH 406, https://www.researchgate.net/publication/379898682_Exploring_live-in_relationships_in_modern_Indian_society

¹¹ *Lata Singh v. State of U.P.*, (2006) 5 SCC 475.

¹² *S. Khushboo vs Kanniammal & Anr.*, (2010) 5 SCC 600.

¹³ Choudhary Laxmi Narayan, *Live-In Relationships in India—Legal and Psychological Implications*, 3(1) JOURNAL OF PSYCHOSEXUAL HEALTH, <https://doi.org/10.1177/26318318209745>

¹⁴ *D. Velusamy v. D. Patchaiammal*, (2010)10 SCC 469.

abuse. However, with changing perspectives, there are still cases where the dignity and sacredness of marriage has been upheld by the courts with respect to certain cases.¹⁵

The paramount considerations of the Delhi High Court in the case of *Sonu Sonkar v/s The Lt Governor, Delhi & Others*¹⁶, were to safeguard the moral and legal fabric of marriage and avoid a perilous situation wherein a convicted person could apply for parole to live with a live-in partner or have children, particular if he already had a legally wedded wife and children. The Delhi High Court rejected the plea of prisoner Sonu Sonkar for his release. The court held that since the prisoner already had a legally wedded wife and children born out of that marriage, he could not claim relief owing to the reason of procreation or continuing to have a conjugal connection with his live-in partner. It further went on to add that the grant of parole in such cases would set a bad precedent and parole cannot be granted to facilitate marital relationships, much less with a live-in spouse.

(B) Societal Acceptance:

Live-in relationships are easily accepted in cities, where exposure to different cultures is greater, with more liberal values. The extent of acceptance in rural or semi-urban areas could vary as there may be traditional values dominating, wherein live-in relationships might still be viewed unfavorably.

Additionally, the young generation accepts it more liberally and treats it as a certain way to know better compatibility before marriage. The older generation may still be conservative and bracket live-in relationships with moral decay. Indian cinema, television, and new digital platforms have been responsible factors in making live-in relationships very normal. Movies and serials portraying live-in relationships as part of today's modern life have aided in changing the perception. Although there is growing tolerance, cohabiting nevertheless remains stigmatized to some degree, more so in conservative areas. Couples who shack up together can feel pressure from families to get married, as according to the traditional view it was a social and religious institution.

(C) Legal Rights:

The statutory recognition of live-in relations provided rights particularly if the couple has stayed with each other for a substantial period. Also, the newborns of live-in relationships have their rights realized in a manner so they should not have to endure discrimination in matters of

¹⁵ Anil Mehta, *The Evolving Status of Live-in Relationships in India: Legal Precedents and the Need for Legislative Reform*, THE DAILY GUARDIAN, <https://thedailyguardian.com/the-evolving-status-of-live-in-relationships-in-india-legal-precedents-and-the-need-for-legislative-reform/>

¹⁶ Sonu Sonkar v. The Lt Governor, Delhi & Ors. (Neutral Citation: 2024:DHC:3763)

succession, custody, and legitimacy¹⁷.

V. CONFLICT BETWEEN LAW AND MORALITY IN INDIAN SETTING

The conflict between morality and the law on the question of live-in relationships in India reflects, in real scenarios, a wider modernity-tradition tension. While the law is coming increasingly to back individual autonomy, social attitudes take time to change, and in effect, a continuous tussle is seen at all times between legal recognition and moral judgment. It showcases the dynamic interplay between the evolving legal standards and deeply-fetched cultural values rooted within the fabric of Indian society. It applies to underscore how complex it is to steer personal freedoms in a society that is legally progressive yet culturally conservative. It is through the SC judgments that gradual recognition of live-in relationships in Indian law has become possible. The courts have time and again applied the term that a consenting adult couple has the right to live jointly without marriage, and such a relationship would not be considered illegal. From the case of *Lata Singh v/s State of UP* to the case of *Indra Sarma v/s V.K.V. Sarma*¹⁸, the judiciary not only guarded the rights against domestic violence within live-in relations but also ensured succession rights for the newborns born out of such relationships. This “Protection of Women against Domestic Violence Act, 2005”¹⁹, also extends some protection to women who are in live-in relationships by providing them with the rights at par with wives in cases of domestic abuse. Over time, judicial precedents have developed for the life interest of persons in live-in relationships with regard to property rights, maintenance, and legitimacy of children.

Indian society is traditionally conservative, with marriage as an institution being viewed as sacred and necessary and cohabitation without marriage is often seen as unwarranted. This is due to the fact that cultural and religious beliefs emphasize the sanctity of marriage. Even with legal recognition, live-in relationships attract a lot of social disgrace. Many who enter into such relationships face discrimination, ostracization, and pressure from family and community members to abide by the conventional matrimonial norms and pay heed the call of marriage. There is greater acceptance of live-in relationships as an individual's lifestyle choice amongst the new generation in urban areas. However, in rural and semi-urban areas, the moral opposition still runs high, creating a sharp divide in societal acceptance.

The prime area of concern regarding conflict comes out in the realm of contrast between public

¹⁷ Children Act 1989, Sch 1; compare similar powers to benefit children under the Matrimonial Causes Act 1973, Part II.

¹⁸ *Indra Sarma v. V.K.V Sarma* [AIR 2014 SC 309].

¹⁹ <https://wcd.delhi.gov.in/wcd/protection-women-domestic-violence-act-2005>

morality and individual rights. Where the law respects the right of the individual's choice about personal relationships, societal norms tend to question it. In spite of legal recognition, there still remains the vagueness of the law applying to various scenarios creating a situation wherein people living in live-in relationships might be legally protected but remain socially vilified. Another moral concern that arises is regarding the status of children born from live-in relationships along with their legitimacy and rights. Even though the law provides for them, such children are viewed to be born out of wedlock which affects their social repute.

Justice Siddharth of the Allahabad High Court made a statement out of concern for the changing dynamics of relationships in society. For him, partners changing with the seasons do not add up to a "stable and healthy" society"²⁰. This remark was made during the course of a case- *Adnan v/s State of U.P. And 3 Others, 2023*²¹ being heard by him while granting bail to an accused for raping his live-in partner, reflecting the concerning plight from the fallouts of such trends for societal values and stability. The court noted that women in live-in relationships often face social rejection and shunning and most of them file legal cases with the motive of seeking "social sanction".

Justice Siddharth also warned that frequent change of partners does not lead to a happy life and the children suffer due to various issues and become a burden on the society after their parents get divorced. The lines of the court's comments were to uphold the need of sustaining the institution of marriage and concerns that have been raised over the social and moral consequences of live-in relationships, more specifically related to its impact on family values, the welfare of children, and the stability of society.

VI. PRONOUNCEMENTS OF DIFFERENT COURTS ON LIVE-IN RELATIONSHIPS OVER TIME

- *Badri Prasad v/s Dy. Director of Consolidation and Others, 1978*²² was the pioneering case to come up challenging the factum of marriage by providing cognizance to the live-in relation couple who had stayed together as husband and wife for a long spell of time without being bound by marital ties. The Apex court expressed that "if men and women who live as husband and wife in society are compelled to prove, half a century later, by eyewitness

²⁰ Salil Tiwari, *There is systematic design to destroy the institution of marriage and destabilize the society: Allahabad HC on Live-in relationships*, LAWBEAT, <https://lawbeat.in/top-stories/there-systematic-design-destroy-institution-marriage-and-destabilize-society-allahabad-high-court-live-in-relationship>

²¹ *Adnan vs. State of U.P. And 3 Others* [2023 Live Law (AB) 300; 2023 SCC Online All 788]

²² *Badri Prasad vs Dy. Director of Consolidation And Others* [1978 AIR 1557]

evidence that they were validly married, just few will succeed.”²³

- In the recent case before the Lucknow bench of Allahabad High Court, *Muskan Thru. Her Next Friend (Husband Shabnoor Khan) v. State of U.P. Thru. Secy. Home Deptt. Govt. Lko. and Others, 2024*²⁴, the Court believed that we were not living in a Western nation where people were generally accepting of this kind of relationship. Instead, we are fortunate to live in a nation where people value culture and traditions, which we consider to be its greatest asset. As a result, citizens of this country are required to respect national customs and culture.
- A writ petition was filed in the Hon'ble Court in the case *Raksha and Another v. State of U.P. and Others, 2022*²⁵ Judge Renu Agarwal validated that one of the two partners, who were both agreeably continuing to live together, had a lawfully married spouse without filing for divorce from a court of competent jurisdiction. For this reason, a person with a living spouse is prohibited by Hindu law from engaging in an illicit relationship in law violation and from living in a live-in relationship at the expense of the nation's social cohesion. Thus, by its orders, the court did not stand in favor of such relationship however stated that consensual sexual relations outside marriage do not constitute an offense under Section 494 of IPC,1860 which requires remarriage proof during the spouse's lifespan.²⁶
- In a most laudable judgment titled *Pooja and Another v. State of Punjab and Others*²⁷, “as recently as August 17, 2023, the court has been most unambiguous in holding that every Indian has an inherent as well as unalienable fundamental right to life derived from Article 21 of India's Constitution and the State must protect life. Same-sex live-in partners received police protection from the High Court. In response to a protection plea filed by a prominent lesbian couple, two young adult females who declared their love for each other and have been living together for four years, Hon. Mr. Justice Anoop Chitkara of the Punjab and Haryana High Court's Single bench made this decision. They cited their fundamental rights to life under Article 21 of the” Cons.

²³ • Badri Prasad v/s Dy. Director of Consolidation and Others, 1978, <https://www.casemine.com/judgment/in/5609abcce4b014971140d5bf>

²⁴ Muskan Thru. Her Next Friend (Husband Sabnoor Khan) Versus State of U.P. Thru. Secy. Home Deptt. Govt. Lko. and Others 2024 SCC OnLine All 242 (Allahabad High Court)

²⁵ Raksha v State of UP, 2024 SCC OnLine All 650

²⁶ Apoorva, ‘Person having a spouse alive cannot live in illicit and live-in-relationship in contravention of law’: Allahabad HC refuses to grant police protection, SCCONLINE <https://www.sconline.com/blog/post/2024/03/14/person-having-a-spouse-alive-cannot-live-in-illicit-live-in-relationship-in-contravention-of-law-allahabad-hc-refuses-to-grant-police-protection/>

²⁷ Pooja and Anr vs State of Punjab and Ors in Neutral Citation: 2023: PHHC: 105975 and CRWP No. 8041 of 2023

- In the case of *Abdul Hameed Siddiqui v. Kavita Gupta*²⁸ before the hon'ble Chhattisgarh High Court, before the court, the question was with regard to the complexities of personal laws and inter-faith marriage coming out of live-in relationship along with custody of a child born out of such relationship. According to the Court, there is still a stigma associated with live-in relationships in Indian culture, despite their being practiced in some societal sectors. "The live-in relationship was an immigrant ideology that went against the prevalent beliefs of Indian culture." Inalienable, intrinsic, and inherent in the Indian tradition, each citizen possessed a distinct identity and was unlikely to be confused with imported traditions. It would be highly dishonorable to adopt a live-in relationship in order to weaken tradition and deeply ingrained culture.²⁹
- The Kerala High Court upheld that a woman can not invoke protection under Section 498A of the IPC if the relationship is only live-in and marriage by 'Sanskara' or customary rite had not taken place. If the case is such that the couple lived together as husband and wife, but no marriage took place, as pointed out by the court, the woman cannot seek protection under Section 498A of IPC in such cases. The fact that if a woman is living with a person, and the marriage has not been duly dissolved, then she cannot file for protection under Section 498A of the IPC. The High Court opined that the man living with a woman is not her 'husband' in the eye of the law, and hence cannot be subjected to the punishment under section 498A of the IPC for the cruelty committed on the woman by him or one of his relatives. It had been held in the recent case of *Narayanan & Others v/s State of Kerala* that the petitioner and the deceased were not married through any customary marriage ceremony and they simply commenced living together based on a marriage deed which is not a valid marriage. If that is the case, then treating them as individuals in a live-in relationship rather than as husband and wife would be necessary to bring the case under the jurisdiction of Section 498A of the IPC.³⁰
- The fact that a minor cannot dwell with another person has recently been taken cognizance of by the Allahabad High Court in the case- *Smt. Saloni Yadav and Another v. State of UP*³¹. According to it, this would amount to unlawful as well as unethical behavior. While there is no legal prohibition against live-in relationships, the court pointed out that a boy

²⁸ Abdul Hameed Siddiqui v. Kavita Gupta, FA(MAT) No. 27 of 2024

²⁹ <http://lawgic.in/a-live-in-relationship-is-preferred-over-marriage-because-it-provides-a-convenient-escape-when-things-fail-to-work-between-partner-chhattisgarh-high-court/>

³⁰ Raj Bhojani, *Women in Live-In Relationships Cannot Seek Shelter Under Section 498A IPC: Kerala High Court*, LAWBEAT, <https://lawbeat.in/news-updates/women-live-relationships-cannot-seek-shelter-under-section-498a-ipc-kerala-high-court>

³¹ *Saloni Yadav And Another vs. State Of U.P. And 3 Others 2023 Live Law (AB) 238*

below the age of eighteen cannot be authorized to be in one.

“To be treated as a live-in relationship with the marriage status, there are some necessary conditions. The individual must, in any case, be of legal age, that is, eighteen years old, despite that he may not be of marriageable age, which is twenty-one,”³² the court said. The court rejected the argument that someone under the age of eighteen cannot be granted protection because they live with the primary female. “In this case, it is allowed that doing so would be equivalent to giving an illegal activity a premium, which would not be in the best interests of our society. Additionally, we are not inclined to give our approval to such legally prohibited activities,” the judge said.

- The applicant's wife, in the instant case, ***Yad Ram v. State of Rajasthan, 2024***³³, has filed a joint reply with one of the accused persons stating very categorically that she had left her house voluntarily and she was in a relationship with that person. The court held the opinion that, despite the general consensus in our society that people should only have sex together when they are married, there is no legally defined act that takes place when adults voluntarily engage in sexual relations outside of marriage, even though they may face charges of “adultery” under Section 497 IPC. At this juncture, we may cite a reference to the decision rendered by this Court in ***Lata Singh Vs. State of U.P. & Another***³⁴, wherein it was noted that although it may be regarded as dishonorable, a live-in relationship among 2 consenting adults of heterogenic sex does not constitute any offense (apart from the obvious case of “adultery”). It's acceptable for a major girl to “live with anyone she likes” and wed whoever she wants.³⁵
- The Allahabad High Court judgment, under ***Saleha and Another v. State Of Uttar Pradesh***³⁶, goes in pursuit of the spirit behind the principles enshrined pertaining to marriage and extra-marital relationships in Shariat, that is, Islamic law and IPC. The Court attempts to emphasize at bringing out clearly that no legally wedded Muslim woman can, during the subsistence of her marriage, enter into a live-in relationship with any other man since the same would amount to “zina” (fornication) and “haram” (forbidden) under Shariat. The court, too, would not want to condone or perpetuate the abuse of legally protected

³² Satyendra, *Minor accused of kidnapping major girl cannot seek protection from prosecution citing live-in relationship with her: Allahabad High Court*, BAR AND BENCH, [HTTPS://WWW.BARANDBENCH.COM/NEWS/LITIGATION/minor-accused-kidnapping-major-girl-cannot-seek-protection-prosecution-live-in-relationship-allahabad-high-court](https://www.barandbench.com/news/litigation/minor-accused-kidnapping-major-girl-cannot-seek-protection-prosecution-live-in-relationship-allahabad-high-court)

³³ *Yadram v. State of Rajasthan, 2024 SCC OnLine Raj 705*

³⁴ *Lata Singh Vs. State of U.P. & Anr., AIR 2006 SC 2522*

³⁵ <http://scconline.com/blog/post/2024/03/30/wifes-consensual-sexual-relations-outside-marriage-constitutes-no-statutory-offence-raj-hc-scc-times/>

³⁶ *Saleha and Another vs State of Up And 3 Others [Neutral Citation No. - 2024: AHC:32157]*

relationships that are repugnant to well-set religious and legal principles. The court did not grant protection to the married Muslim woman and her Hindu live-in partner since their relationship was neither legally nor religiously protected. The Muslim woman remained in a live-in relationship without getting a divorce from her husband, which, according to Islamic law, is an illegal act.

Such an act may amount to criminal prosecution under Sections 494 and 495 of IPC relating to remarrying when the husband is alive and concealing the previous marriage. The relationship of the woman with her live-in partner doesn't get the status either as a marriage-like relationship or as a live-in relationship.

The court took assistance from other judgments, such as the Kiran Rawat case, which had held that any extramarital sexual or loving activities are considered "haram" in Islam and could constitute "Zina." If the court protected the couple, offenses under Sections 494 and 495 IPC would effectively be prevented from the commission.³⁷

- The Jharkhand High Court has upheld the discharge of a police constable who, being married, continued to live in a live-in relationship with another woman, contending that it amounted to going against the Service rules in the case *X v. The State of Jharkhand*. The court held such behavior as unbecoming of a police officer and it is against Rule 23 of the Jharkhand Service Code and Rule 707 of the Jharkhand Police Manual. The constable's argument that 'dismissal required proof of bigamy' was rejected; the conduct was a breach of expected moral standards. There were, accordingly, no procedural faults found in the disciplinary process by the court, which further confirmed that dismissal was justified under Article 226 of the Constitution.³⁸

VII. CONCLUSION

The analysis of the evolving nature of live-in relationships mirrors a sea of change in societal and legal perspectives. Traditionally, live-in relationships were stigmatized and denied legal recognition, but recent court rulings seem to have endowed these arrangements with legitimacy and protection to a very considerable extent. The rural areas of the Indian landscape have experienced a significant shift in the comprehension of relationships and commitments attached to societal and marital responsibilities by the current generation.

³⁷ "Muslim woman's live-in amounts to 'zina' & 'haram' in Islam, says HC," *The Times of India*.

³⁸ Sukriti Mishra, "Police Personnel's Live-In Relationship With Woman Other Than Wife Violates Service Rules: Jharkhand HC" *Verdictum*, 2024 available at: <https://www.verdictum.in/court-updates/high-courts/x-v-the-state-of-jharkhand-wps-no-2250-of-2021-jharkhand-high-court-1543899> (last visited September 14, 2024).

The courts have been increasingly recognizing the rights of couples agreeing mutually to be in a live-in relationship in terms of property rights, protection from domestic violence, and, of course, the legitimacy of children born out of them. Such up-to-date judicial precedents, in the nascent legal framework, therefore indicate broadening societal acceptance of non-traditional family structures and a move toward protecting individual autonomy and choice. The legal recognition of live-in relationships, however, has been varying immensely across different jurisdictions. The challenge that still comes across the face of legal system is how to balance the protection of rights within the live-in relationships with keeping the societal values and norms intact.

In conclusion, the changing character of live-in relationships as signified by the recent court pronouncements reflects a progressive transformation towards a more inclusive understanding of personal relationships. This enterprising arrangement emphasizes the need for continuous legal precedents and laws to ensure that rights enshrined within these diversified relationships are zealously protected.
