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# Analysis of the New Trend of Live-in Relationship in India

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## ABSTRACT

*One of the foremost significant societal structures in India, marriage has several customs and ceremonies. Marriage is regarded as a sacramental institution that validates a relationship between a man and a woman. Following the British invasion, Indian society largely adopted Western culture, which includes the idea of "live-in" partnerships, in which men and women live together without the formality of marriage. In ancient India, a marriage known as a Gandharva marriage occurred in which the bride and groom, based on mutual agreement, lived together without the approval of their parents or elders, despite the fact that live-in relationships look like a strange idea in India. The invasion of other rulers and certain people's moral preferences for their mates caused these marriages to gradually decrease. This custom has been given a new name in contemporary society: live-in relationships. Families changed as a result of the demographic shift and the advancement of education. Many people wait to get married until they are financially secure and have the education they want. They typically live together to see how well the two people get along, and living together is seen as a sign of finding a compatible mate. Live-in partnerships have significantly increased in India as a result of the economic liberalization brought forth by Western media. Following the capitalism era, when everyone's interests were prioritized, there was a rise in individualism. As a result, people began to focus on marriage as a way to choose their spouses and determine whether they were compatible.*

*A domestic partnership is not illegal in India. Many societal groups do not embrace it because they believe it could lead to more adultery. Live-in relationships are not specifically covered by any laws, but numerous rulings have endorsed them in the absence of legislation. By means of the Protection of Women from Domestic Violence Act of 2005, the Honourable Courts safeguarded the rights of women and children. Every citizen has the unalienable basic right to marry, as stated in Article 21 of the Constitution. Both marriage and cohabitation are possible. They have a choice. According to Section 125 of the 1973 Criminal Procedure Code, a woman from a marriage-like union is likewise entitled to support. In live-in relationships, the partners deal with a number of problems, such as a lack of social acceptance, the absence of official documentation indicating live-*

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*in status, and caste and religious connection complications. The live-in relationship as an alternative to marriage was not acceptable in Indian society. The rise in live-in relationships and how society views them are the main topics of this article, which makes the case for the necessity of a distinct and secular legal framework for cohabitating partners. Through empirical study, the author also attempts to learn how individuals view cohabitation.*

**Keywords:** *Live-in Relationship, marriage, Art.21 of Indian Constitutional law, judiciary decisions. live-in partnership, legitimacy*

## I. INTRODUCTION

The development of the ideas of marriage and family can be attributed to the solid foundation of Indian culture. The institution of marriage is where two people's sexual relationship is recognized. Before engaging in any sexual behaviour, marriage is seen to be necessary. Although the ideas of live-in partnerships were widespread in the West, they gradually spread to the East. The Gandharva marriage, which was common in Vedic civilization and in which the bride and groom lived together based on mutual agreement without the approval of their parents or elders, is not different from the Live partnership. The invasion of other rulers and certain people's moral preferences for their mates caused these marriages to gradually decrease. In certain cases, these couples may even raise their kids together. These individuals may have chosen to live together in order to test their compatibility, see if they get along, or get stability in their lives before making any commitments.

Following independence, the societal principles linked to individual rights and personal liberty were established. It was at this time that bigamy was made a felony and women started to realise their own rights. Because of doubts about its morality and legality, the Avarudh Stris practice is currently prohibited. However, living together relationships are becoming ubiquitous in India's major cities. The modern Indian society of today is also influenced by and adopts the new non-marital cohabitation pattern that is prevalent in most western countries due to European civilization.

Most dubious topic nowadays is the perception of live-in relationship. In India's traditional culture and society, marriage is reckoned as a fixed norm. Indian culture adheres strictly to the postulation of marriage. The idea of live-in relationship is presently altering the notion of marriage & the public may see this shift in marriage.

People prefer to live in a relationship rather than get married for a number of additional reasons. The institution of marriage is subject to social restrictions, such as the prohibition on

members of one society marrying members of another. Some religions forbid premarital relationships, which are also seen as taboo, due to these gender restrictions. Occasionally, a person is married without ever seeing their life partner's face.

## **II. EVOLUTION OF LIVE-IN RELATIONSHIP**

Marriage is vital in India, where families are regarded as crucial institutions that teach people values and cultures. To a greater extent, society prescribes and enforces marriage. Different types of marriages—or, more accurately, relationships—have emerged over time. The live-in relationship is one of them. On a global scale, cohabitation dates back to the dawn of humanity. In the past, partnerships just existed as interdependencies, but eventually, they developed into the institution of marriage. Manu claims that premarital partnerships were common in India during the Vedic era. The consummation of the marriage took place prior to the performance of ceremonies in Gandharva marriages. The dedication and accountability were the same in the Gandharva marriage as they were in other types of unions. The idea of a live-in relationship has already been presented. During the Vedic era, it was present.

Concubinage was common in many civilizations, even throughout the Middle Ages, when a wife was unable to conceive and a concubine was used to give birth to children. The social standing of concubines has changed over time, ranging from common law marriage to sexual enslavement. The British eradicated the wicked customs that have caused a decline in concubine preparation, even in modern society. The method of concubines still existed after the independence. A friendship contract is a voluntary arrangement between a man and a woman that, other from their friendship, imposes no legal obligations on either party.

## **III. THE ADVANTAGES OF LIVE-IN PARTNERSHIPS OVER MARRIAGE**

In many cultures, marriage is viewed as a license that gives a man and a woman the right to engage in love and sexual interactions and makes it easier for them to have children in a way that is acceptable to society. The survival of the human race is the main objective of marriage. Kinship, inheritance, and family lineage are examples of the social aspects of marriage. As time went on, marriage evolved into a duty and is now seen as a sacred institution in the framework of sociocultural norms. Furthermore, it is easier to end a live-in relationship than it is to end a marriage through the legal process of divorce, which takes a long time.

Married couples frequently have a lot of social obligations, such as managing money, caring for one another's families, and carrying out socially assigned tasks. Living together relieves couples of the obligations that come with marriage and eliminates the need to win over

parents and other family members. When two individuals live together, they move in together, spend time together, and learn about each other's routines, expectations, and lives. Living together allows people to test their relationship management skills. It is simpler to end a relationship if one of the parties decides they can no longer be together than to get married, which will require numerous procedures to split.

Moving in together and spending more time together seems to strengthen the closeness between couples in live-in relationships. In addition to testing their compatibility, they get to know one another well. If there is any miscommunication, they will split up without any complicated legal issues. All things considered, the individual would be able to experience what married life would be like and determine whether or not they are prepared to get married and live as husband and wife.

#### **IV. THE CAUSES OF THE RISE IN LIVE-IN PARTNERSHIPS IN INDIA**

The impact of education is the main cause of the rise in live-in partnerships. Many people put off getting married until they have the degree they want. Nowadays, no one wants to jeopardize their independence to enter into a marriage. Instead of selecting spouses from matrimonial websites, they prefer to live together while looking for a compatible companion. People began to believe that it is far preferable to marry someone you know well than to marry someone you don't know. Additionally, a capitalistic society is giving way to an individualistic one in which the interests of the individual are valued above those of the group. The Indian Constitution's Article 21 gives people the freedom to choose whether or not to get married and live together. Strong, healthy relationships promote both mental and physical well-being. A major is entitled to live with her spouse or to live out of wedlock, or to marry whoever she chooses.

In Indian society, the term "live-in" has gained more clarity, particularly in recent years. The expanding number of live-in relationships in Indian culture poses a serious threat to the very concept of a couple as well as the entire fabric of values and ethics upon which Indian culture is based. As a result, an expansive and clear envision of India along these lines will be confirmed by the provinces rather than a collection of metropolises. Furthermore, it will typically encourage adultery because there is no guarantee that living partners are single. Such a connection also encourages several marriages.

The rights of a female partner are likewise precarious. Furthermore, there is no legal

framework that guarantees these live-in couples' privileges of advancement and maintenance.<sup>3</sup> Furthermore, these relationships are flimsy and subject to disintegration at any time.

However, in terms of Indian culture and religion, the Indian people as a whole and individual families have not yet fully embraced or endorsed this live-in structure. By the reason of the fact that this style of marriage is performed without the parents' or concerned parties' previous consent, who have raised and cared for them throughout their childhood and adolescence, parents felt offended and unprepared to embrace this kind of unmarried living arrangement.<sup>4</sup>

As a result, India is also well-known as a centre of ritual diversity in the world, where one can observe the methodical observance of customary marriage rites as opposed to the legal procedures enforced by the Indian government. Indian marriage law is governed by two primary statutes, the Hindu Marriage Act of 1955 and the Special Marriage Act, 1954, which serve to validate marriages in order to establish pre-existing relationships that qualify for maintenance or divorce.

In addition, the Muslim community has consistently upheld the "Holy Quran," which serves as the core religious text for Muslims and is regarded as a revelation from God (Allah). Additionally, Indian Shariat law governs marriage ceremonies. Islam is the second most popular religion in the country.<sup>5</sup> Even though there are many complex relationships that exist in India, a daily trend of increasing influence is emerging (year-wise).

In addition to not greatly bothering their cultural and ritualistic ceremonies, people are willing to adopt live-in relationships, as demonstrated by the well-executed cinematography in several Bollywood films, such as *Salaam Namaste* (2005), *Cocktail* (2012), *Katti Batti* (2015), *Ok Jaanu* (2017), and *Luka Chuppi* (2019). There are still a tonne of other films in the queue in various Indian and international film industries.

The majority of India's live-in relationships are concentrated in the eastern (Jharkhand), north-eastern (Rajasthan & Uttarakhand), and south-eastern (Pondicherry) regions, which are the most commonly habitual continental belts. However, the influence of cohabiting couples has been more noticeable these days. Because of its advantages (the benefits mentioned above), the majority of young people in the current generation have been shifting the trend of living and live-in relationships towards extremely densely populated cities.

The impact of cohabitation is a noteworthy trend that has increased significantly, particularly

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<sup>3</sup> Mukherjee Roma, *Women, Law and Free Legal Aid in India*, Deep and Deep Publications Pvt. Ltd. New Delhi, 2000.

<sup>4</sup> Nupur, *Till Contract: Do us Part*, *The Times of India (Times Life)*, English Daily, December 18, 2016.

<sup>5</sup> *Royal Baby: An Average baby?* 2015. BBC News.

in major cities like Bangalore (Karnataka), New Delhi (U.T.), Mumbai (Maharashtra), etc. Thus, as was already mentioned, live-in relationships are a trend started by young people in the 21st century throughout the majority of the Indian belt's metropolitan areas. As a result, living together offers a dependable solution for a carefree existence free from the burdens of commitment and duty, which is a necessary condition for the institution of marriage. Moreover, from a pragmatic perspective, marriage encourages adaptation, whereas cohabitation emphasises each person's personal freedom and autonomy.<sup>6</sup>

The individual may live among individuals of different castes, cultures, or religions in order to better understand their respective faiths and traditions. Only endogamous marriages are allowed within the many caste groupings that make up our nation. When someone marries outside of their caste structure, honor killing can occasionally occur. To avoid honor killing, people began living together with their loved ones. In the present instance, *Shakti Vahini vs. Union India*, the Honorable Court ordered the State to establish a dedicated 24-hour cell phone helpline to record and receive honor killing cases and give the couple the security they need. The trial must be completed every day, ideally within six months after the offense being taken into consideration. The aforementioned scenario demonstrates how live-in relationships are becoming more common in India.

## V. INDIAN JUDICIAL DECISIONS REGARDING LIVE-IN RELATIONSHIPS

Due to the influence of Western culture, India has seen substantial changes in social policies, cultural practices, and beliefs in recent years. When it comes to cohabitation and gender equality in the workplace and in schools, Indians attempt to fit in with Western culture. The Indian courts were drawn to Indian society. Thus, the idea of a live-in relationship was clarified by its numerous rulings. Live-in relationships are not currently governed by any laws or regulations; the Indian judiciary has only addressed this idea in a number of its rulings. They resolved this issue by applying a broad interpretation of fundamental rights. The legality of cohabitation was established under articles 19 and 21. As a result, one is free to live anywhere, with whoever they like, and without getting married.

Although living together is not against the law, it is viewed as immoral by society. "Where a man and a woman are proven to have lived together as husband and wife, the law presumes unless contrary proved that they are living as a valid marriage and not as in a state of concubinage," according to the Privy Council's guidelines established in the *Andrahennedige*

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<sup>6</sup> Paliwal Anand Maintenance for Live-in Partner, Criminal Law Journal (Journal Section), October 2008.

*Dinohamy v. Wijetunge Liyanapatabendige Blahamy*<sup>7</sup> case.

This idea was established prior to independence and reinstated in the *Mohabbat Ali Khan v. Muhammad Ibrahim Khan and Ors.*<sup>8</sup> decision. The Privy Council maintains that the law considers a man and woman to be husband and wife after a prolonged period of cohabitation, rather than cohabitation. The couples in the case of *Badri Prasad v. Dy. Director of Consolidation and others*<sup>9</sup> lived together for a considerable amount of time. Assuming the connection was legitimate, the Supreme Court ruled that couples who have lived together for more than 50 years would be regarded as husband and wife. There is a high presumption in favour of marriage if the parties have lived together as husband and wife for a considerable period of time.

In the 2001 case of *Payal Sharma vs. Superintendent Nari Niketan*,<sup>10</sup> the Supreme Court unequivocally declared that a man and a woman might cohabit as long as they so desired, even if they were not married. Although it is not against the law to live together without getting married, society may view this as unethical. The Supreme Court ruled in the case of *Ramdev Food Products (P) Ltd. v. Arvindbhai Rambhai Patel and Others*<sup>11</sup> that two people who live together without formally getting married are not criminal offenders. Additionally, no law declaring a live-in relationship to be illegal or unlawful has ever been passed by the Indian Parliament.

Long-term cohabitation was deemed to be equivalent to marriage in the *Tulsa v. Durghatiya* case, upholding the same ruling. The Supreme Court ruled in *Lata Singh v. State of UP* (2006) that only unmarried men and women of majority age are permitted to live together. It is not acceptable for homosexual couples to do this. Despite being viewed as immoral by society, unmarried couples having consensual sex is not illegal. Additionally, it won't be regarded as a "walk in and walk out" relationship if the cohabitation lasts for a long time.

Following 2010, the apex court and the High Court established rules for the legality of cohabitation in a number of rulings. A "live-in relationship between consenting adults of heterogenic sex does not amount to any offense even though it may be seen as immoral," according to the ruling in *Lata Singh v. the State of U.P.*<sup>12</sup>, which was upheld in *Khushboo vs.*

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<sup>7</sup> AIR 1927 PC 185.

<sup>8</sup> AIR 1929 PC 135.

<sup>9</sup> AIR 1978 SC 1557.

<sup>10</sup> *Payal Sharma v. Nari Niketan*. AIR 2001 All 254.

<sup>11</sup> (2006) 8 SCC 726.

<sup>12</sup> AIR 2006 SC 2522.



*Kanniammal and Anr.*<sup>13</sup>. Despite the widespread belief in our society that unmarried couples should not have sex, the law does not consider unmarried couples' sexual intercourse to be a statutory offense. However, Section 497 IPC defines adultery as an exception. The Supreme Court further stated that everyone has the right to live with the partner of their choice under Article 21 of the Right to Life.

The Allahabad High Court noted in *Smt. Saloni Yadav and Others vs. State of UP and three others*<sup>14</sup> that it is unlawful and unethical for someone under the age of eighteen to reside with another person. Despite not being of marriageable age (21 years), the individual who must enter into a live-in relationship must be significant (above 18 years). A live-in relationship, or premarital sex, is not illegal.

The Allahabad High Court rejected a case in which a married woman and her live-in partner sought protection in *Bharti and Others vs. State of U.P.*<sup>15</sup> and three others. The judge rejected the appeal to seek shelter since the woman did not properly divorce her spouse.

In *Suneeta and others v. State of Uttar Pradesh & others*<sup>16</sup>, the court declared that it opposes unlawful relationships rather than cohabitation. The social cohesion of the nation cannot be sacrificed for a cohabitation arrangement.

The Allahabad High Court ruled in *Kiran Rawat and others v. State of U.P.*<sup>17</sup> that the Supreme Court's opinions on cohabitation cannot be interpreted as supporting such partnerships. The court added that the law has historically supported marriage. Additionally, the court declared that cohabitation is a social issue.

The Kerala High Court ruled in the *X vs. NIL*<sup>18</sup> case that a live-in relationship is not legally recognized as a marriage. Divorce will no longer be accepted in this relationship. Only if they are married in personal or secular law may the law permit a divorce. Since these partnerships are established through contracts, divorce is not recognized by the law.

## VI. EXISTING LAWS CONCERNING LIVE-IN RELATIONSHIPS

### A. Protection of women against Domestic Violence Act, 2005 [PWDVA]

As of right now, there is no legislation that addresses the idea of cohabitation and its legality. Despite the lack of specific legislation, it is commendable that women living in such

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<sup>13</sup> AIR 2010 SC 3196

<sup>14</sup> WRIT PETITION No. - 7996 of 2023

<sup>15</sup> WRIT PETITION No.- 5589 of 2023

<sup>16</sup> WRIT PETITION No. 2723 of 2023

<sup>17</sup> WRIT PETITION No.3310 of 2023

<sup>18</sup> 2023 Livelaw (Ker) 266.

arrangements are eligible for claiming all benefits under Section 2(f) of The Domestic Violence Act, 2005, as they fall under annotation of "domestic relationship." A law regulating live-in relationships would provide the persons involved rights, but it would also impose obligations on them if it were proposed.

Because the female mate of a live-in relationship is taken advantage of both physically and emotionally, her status is still precarious. If the partnership is "in the nature of marriage," the woman is protected by Domestic Violence Act of 2005. In the matter of *D. Velusamy v. D. Patchaiammal*<sup>19</sup>, the Apex Court held that, According to the 2005 Act, a "relationship in the nature of marriage" needs to meet a few prerequisites. A one-night stand or only spending the weekends together would not qualify as a "domestic relationship." It additionally stated that relationship wouldn't be regarded as marriage-like if a guy has a "keep" that he supports financially and primarily uses for sex or as a servant.

As a consequence, the definition of a domestic relationship includes both the affiliation with marriage and the association with a true marriage.

- A live-in couple has to present themselves to the community as being similar to married couples.
- To be able to get married in line with the laws to which they are subject, they have to be of legal age.
- They must not be married to anybody else, and if they are, their spouse must either not exist or have been legally divorced.
- They must not be prohibited from getting married legally in any other way.
- They had to have freely chosen to live together outside of marriage and presented themselves to the public for a significant amount of time as being equivalent to married couples.

### **B. Criminal Procedure Code (Cr. P.C) 1973**

The 1973 Code of Criminal Procedure, Section 125, offers uniform maintenance to all married individuals, regardless of their religious background.

Numerous court rulings exist about the upkeep issue. Until recently, the judiciary's goal was to shield harassed and impoverished women, therefore the term "wife" was defined narrowly. According to Indian courts, a woman could only be eligible for maintenance if she was

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<sup>19</sup> 2010 AIR SCW 6731.

lawfully married.<sup>20</sup> The Indian mindset has been impacted by the shift in attitude on social ties and the increasing prevalence of live-in partnerships.

"One who has obtained a divorce provided she is not remarried" is included in the definition of "wife" as stated in Explanation (b) of Section 125(1). The definition of "wife" in Section 125, Code of Criminal Procedure is what has given rise to the discussion of live-in relationships and partners' rights in light of the shifting social landscape, which favors live-in partnerships over traditional marriage. In *Chanmuniya v. Virendra Kumar Singh Kushwaha and Anr.*,<sup>21</sup> the Supreme Court acknowledged the applicability of the DV Act's provisions in resolving issues pertaining to cohabitation. The most significant finding in Paragraph 38 of the judgement is that, according to Section 2(f) of the Act, the DV Act defines a "domestic relationship" as one that extends beyond the boundaries of a marriage and even includes cohabiting relationships as long as they meet the requirements of the Act. Because of this, women who live together are also eligible for all of the DV Act's reliefs. It is also stated that if the DV Act permits the aforementioned financial relief and compensation to be granted in live-in relationship instances, then Section 125 of the Cr.P.C. proceedings should also permit them.

The Supreme Court subsequently acknowledged the legality of live-in relationships in *D. Velusamy v. D. Patchiammal*,<sup>22</sup> as well, stating at Paragraph No. 22 of the ruling that "It seems to us that in the DV Act, Parliament has taken notice of a new social phenomenon which has emerged in our country known as live-in relationship."

### **C. Indian Evidence Act, 1872**

Under Section 114, if man and woman live altogether for a long time, there is a presumption that they are married.<sup>23</sup> According to the Evidence Act, they are a married couple, and their children are legitimate.<sup>24</sup>

The Apex Court ruled in *S.P.S. Balasubramanyum v. Suruttayan*<sup>25</sup> that a man and woman are presumed to live as husband and wife under section 114 of the Indian Evidence Act if they have been living together for a number of years and their children are not considered

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<sup>20</sup> (2011) 11 SCC 1; (2011) 3 SCC (Civ) 581.

<sup>21</sup> (2011) 1 SCC 141.

<sup>22</sup> AIR 2011 SC 479.

<sup>23</sup> The Indian Evidence Act, 1872, Section 114 [Court may presume existence of certain facts. —The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business, in their relation to the facts of the particular case.].

<sup>24</sup> *S.P.S. Balasubramanyam v. Suruttayan*, AIR 1992 SC 756 at para 3.

<sup>25</sup> 1992 Supp (2) SCC 304.

illegitimate.

According to the Supreme Court, there is presumption in Section 114 of Indian Evidence Act that a man and woman live as legally wedded couple and that any children they have together are legitimate providing that they have been living together in the same roof for a notable amount of time period.<sup>26</sup> Once more in *Tulsa v. Durghatiya*,<sup>27</sup> the Apex Court ruled that, without strong proof to the contrary, there will be a long-term presumption that man and lady were married. This ruling implies that the law views long-term cohabitation as equivalent to marriage. This ruling was reached in a case where claims to the inheritance rights of husband and wife, rather than their children, had contested the validity of the marriage of a couple.

coordination.

## VII. LEGITIMACY OF CHILDREN BORN OUT OF LIVE-IN RELATIONSHIPS

This In India, as per Section 112 of the Indian Evidence Act, 1872, a child's legitimacy can only be shown if their parents were still married at the time of the child's birth.<sup>28</sup> The Supreme Court ruled in *Dimple Gupta v. Rajiv Gupta*<sup>29</sup> that, in accordance with Section 125 of The Code of Criminal Procedure, 1973, even an illegitimate child born out of an unlawful connection is entitled to maintenance.

The court held in *Bharata Matha & Ors. V.R Vijaya Rengannathan & Ors.*<sup>30</sup> that discriminatory treatment of children born out of live-in and married wedlock relationships, even though both are legally recognised, can amount to a violation of Article 14 of the Indian Constitution.

The presumption of legitimacy that follows acknowledgement cannot be invoked if the court concludes, based on the evidence, that there was no marriage at all between the child's bearer and begetter. The numerous rulings from different courts make it evident that children born into a live-in partnership would no longer be considered illegitimate.<sup>31</sup>

This idea has been developed by the courts, starting with the Privy Council. *Dinohamy*<sup>32</sup> and *Mohabbat Ali Khan*<sup>33</sup> laid the foundation for everything. According to the Privy Council, there is a presumption of marriage if a relationship lasts for a significant length of time. It is

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<sup>26</sup> S.P.S. Balasubramanyam v. Suruttayan (1994) 1 SCC 460.

<sup>27</sup> (2008) 4 SCC 520.

<sup>28</sup> Indian Evidence Act, 1872.

<sup>29</sup> AIR 2008 SC 1420.

<sup>30</sup> AIR 2010 SC2685.

<sup>31</sup> Divya Singh, "Live-In Relationship - Legitimacy of Children and the Inheritance Rights"10 Journal of penAccalims 08(2020).

<sup>32</sup> AIR 1927 PC 185.

<sup>33</sup> AIR 1929 PC 135.

said that the law discourages concubinage and leans towards legitimacy. To put it another way, it is assumed that a man and woman live as husband and wife if they do so for a significant length of time and their loved ones are aware of it. Indian courts, and later the Supreme Court, articulated this legal principle.

### **VIII. THE SUPREME COURT'S GUIDELINES ON LIVE-IN RELATIONSHIPS**

The Supreme Court established particular rules and principles regarding cohabitation in the *Indra Sharma v. V.K.V. Sharma* case, which the Parliament may take into account when drafting new laws in this area. In this instance, the Supreme Court believed that it would be unfair to the victim of such an illicit connection to deprive them the numerous rights of this statute. It is typical for victims of these illegal partnerships to lack the financial means to support both themselves and the child they are having.

In the end, the Supreme Court established a set of rules for determining whether a live-in partnership qualifies as an expressive connection under Section 2(f) of the Domestic Violence Act. They are listed in the following order: Based on the explanation above, we may be able to derive some parameters for determining whether a live-in relationship qualifies as a "relationship in the nature of marriage" for the purposes of Sec. 2(f) of the Domestic Violence Act. Although the principles are not all-inclusive, they will undoubtedly provide some understanding of these kinds of partnerships.

- Relationship duration: The phrase "at any point of time" is used in Section 2(f) of the Domestic Violence Act. This phrase refers to a reasonable duration that varies from case to case based on the specific facts.
- Shared household: This term doesn't need to be further defined because it is already specified in Section 2(s) of the DV Act.
- Pooling of Resources and Financial Arrangements: Fostering a long-lasting relationship may involve supporting one another financially, sharing bank accounts, buying real estate in the woman's or their joint names, making long-term business investments, and acquiring shares in both separate and joint names.
- Domestic Arrangements: Assigning woman, in particular, the duty of managing the household and performing domestic tasks such as cooking, cleaning, and housekeeping, is a sign of a marriage-like partnership.
- Sexual Relationship: A marriage-like relationship is one in which there is sexual exchange that is intended not just for amusement but also for emotional and close

bonding, for the purpose of having children and providing companionship, emotional support, and material affection, among other things.

- **Offspring:** Having offspring is a clear sign of a marriage-like partnership. It is also a strong sign that the parties plan to have long-term relationship in which they share responsibility for raising and supporting each other.
- **Socialisation in Public:** One of most important aspects of marriage is the ability to maintain a relationship in public by acting as husband and wife when interacting with friends, family, and other acquaintances.

The nature of a relationship is mostly determined by common goal of individuals involved regarding what their partnership would entail, as well as their respective roles and responsibilities.

## **IX. ISSUES AFFECTING LIVE-IN RELATIONSHIPS**

### **A. Socially unacceptable**

Given the cultural diversity of India, many individuals still do not find such relationships acceptable. These couples often experience pressure from friends and family as well. It is difficult for them to register cooperative bank accounts, hold joint properties, or locate housing with landlords that treat these couples fairly because of the lack of social acceptance. Additionally, the live-in couples may be excluded from family gatherings and traditional holidays by their neighbors and relatives. Therefore, live-in couples marry in order to gain social acceptance.

### **B. Insecurity to female partner**

Women are viewed as weak entities in Indian society. Women without formal education continue to hold a disadvantaged social and economic status. Because the female partner in a living together relationship is taken advantage of both physically and emotionally, her standing is still in danger.

### **C. Lack of property rights**

As pointed by the Supreme Court, children born into a live-in relationship can only inherit a portion of their parents' self-acquired property and are not eligible to inherit Hindu ancestral coparcenary property (in the event of an undivided joint Hindu family).

### **D. Legally unacceptable**

One intriguing aspect of living together is that every benefit has an equal and opposite

drawback. That's a lack of dedication. Any number of little arguments, fights, or poorly timed questions might lead to one or both of the parties in a marriage to a live-in partner ending it out of dread of the uncertainty the live-in partner brought to their union.

### **E. Suggestions**

It is appropriate to assume that live-in relationships are permanent following a certain amount of time. In addition, the rights to inheritance, succession, and other privileges should be granted to children born into such unions, regardless of the parents' religious beliefs. It should be less of a strain on the female partner to demonstrate the commitment to the relationship. The people should have to be inserted in the definition of bigamy, who, having already tied the knot and having a spouse still alive, move in together. It is necessary to enact a new statute that will guarantee female partners who suffer from live-in relationships receive legal support. The current issues surrounding live-in relationships should be addressed by the Indian legal system through the development of new strategies.

## **X. CONCLUSION**

Cohabitation and live-in partnerships are frequently associated with individualism and human rights. The reality regarding India's social fabric is very different, even if it is widely common in most western countries. This is understandable given that marriage remains the institution that is favoured over all other types of unions in India. However, this does not imply that mature single couples who choose to live together under one roof should be discouraged or banned from doing so for any reason. For the greater good of society, the judiciary's attempts to uphold the rights of those residing in such arrangements are unquestionably a positive development.

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**XI. BIBLIOGRAPHY/REFERENCES**

1. Alok Kumar Yadav & Santosh Yadav, Live-In Relationship: The Legality Of Unconventional Relationship In India, "Pragyaan: Journal Of Law" Volume 1: Issue 1, December 2011
2. Anuja Agrawal, Law And 'Live-In' Relationships In India, Economic And Political Weekly, SEPTEMBER 29, 2012, Vol. 47, No. 39 (SEPTEMBER 29, 2012), Pp. 50-56.
3. Choudhary Laxmi Narayan, Mridula Narayan, And Mridul Deepanshu, Live-In Relationships In India-Legal And Psychological Implications, Journal Of Psychosexual Health 3(1) 18-23, 2021, DOI: 10.1177/2631831820974585.
4. Dr. Swarupa N. Dholam, Socio-Legal Dimensions Of 'Live-In Relationship' In India, February 2015,
5. Ms Sneha Kumari, Prof. Yogesh Dharangutti, Prof. Abhijit Vasmatkar, Dr Ashish Deshpande, Legal Status Of Live-In-Relationship In India And Finland: A Reflection, Bild Law Journal 7(4s).
6. Shyam Prakash Pandey, Social And Legal Provisions Related To Live-In Relationship In India: An Evaluation, Asian Journal Of Advances In Research, May 26 2021.
7. Sonali Abhang, Judicial Approach To "Live- In-Relationship" In India- Its Impact On Other Related Statutes, IOSR Journal Of Humanities And Social Science (IOSR-JHSS) Volume 19, Issue 12, Ver. IV (Dec. 2014).
8. Vinita Ghosh, Perception of Youth Towards Live-In Relationships In India, The International Journal Of Indian Psychology, Volume 9, Issue 2, April- June 2021, DOI: 10.25215/0902.209.

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