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## CONTEMPORARY ISSUE OF LIVE-IN RELATIONSHIPS IN INDIA AND ITS IMPACT ON SOCIETY

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### ABSTRACT

Live-in relationships, also known as cohabitation have become increasingly common in contemporary India. Traditionally, Indian society has upheld the institution of marriage as the only acceptable form of long-term companionship. Over the past few decades, societal norms and attitudes towards relationships have been evolving and live-in relationships have gained acceptance among certain sections of the population. Live-in relationships can be defined as an arrangement where unmarried couples choose to live together in a committed and intimated relationship without getting formally married. One of the primary reasons for the rise in live-in relationships in India is the changing mindset of the younger generation. As they are exposed to different cultures and ideologies through media and education, young Indians are questioning traditional practices and seeking alternative ways to form relationships.

In India, Hindu succession laws regulate the inheritance and succession rights of people following Hinduism, Buddhism, Jainism, and Sikhism. These regulations generally preferred conjugal connections and gave freedoms to companions and legitimate children. In any case, the ascent of live-in relationships prompts a reevaluation of these lawful systems to oblige developing social real factors. Most Indian families are exceptionally moderate and don't support live-in connections. Moreover, a live-in relationship has no legitimate importance. Most of Indian families are against this sort of relationship.

This study investigates the impact of live-in relationships on Hindu Succession laws and other pertinent legal frameworks in India

**Keywords-** Live-in relationships, Cohabitation, Contemporary, Hindu succession, legitimate.

## INTRODUCTION

Live-in relationships in India allude to unmarried couples living together in a domestic affair that looks like marriage. This idea has acquired acknowledgment in metropolitan regions throughout the long term, despite the fact that it actually faces some social stigma in more traditional communities. In a live-in relationship, accomplices share a home and obligations without being legally married. It permits couples to test similarity prior to focusing on marriage and gives more opportunity in personal decisions. In any case, legal recognition and security for such relationships differ in India, with no particular regulations overseeing them as of now. People in live in connections actually must comprehend their limitations under existing regulations connected with property, legacy, and domestic violence at home. Initially, such arrangements were considered taboo and frowned upon in traditional Indian society, where marriage was the only socially acceptable form of partnership. However, with increasing urbanization, globalization, and exposure to Western culture, the concept of live-in relationships started gaining acceptance among the younger generation. This shift in mindset has been influenced by factors such as greater individualism, changing gender roles, and a desire for personal freedom and autonomy. It is important to understand the various perspectives, challenges, and legal implications surrounding live-in relationships to make informed decisions about one's personal life and relationships.

The concept of live-in relationships in India has been both disturbing and eliminating traditional norms among people in society. While there is a growing acceptance and openness towards live-in relationships, especially among the younger generation in urban areas, there are still significant challenges and stigmas attached to this concept in Indian society. Traditional values, cultural beliefs, and societal expectations often clash with the idea of couples living together without marriage. This can lead to judgment, criticism, and ostracization of individuals in live-in relationships, particularly in more conservative or rural communities. Overall, while the concept of live-in relationships in India may still be disturbing to some and face resistance from traditional beliefs, it is also gradually eliminating outdated norms and fostering a more diverse and inclusive understanding of relationships in society.

## **CONCEPT OF MARRIAGE AND HOW LIVE-IN RELATIONSHIP IS DIFFERENT IN INDIA**

In India marriage is considered a sacred institution and is often a union of two individuals recognized by religion, society and law. It is based mutual love, respect and commitment between a man and women, who enter into a relationship for life long to build a family and share their live together. Marriage is legally recognized and has various legal implications ranging from property rights to inheritance. the idea of "Saptapadi" or the custom of seven steps around the sacred fire during a Hindu wedding ceremony holds huge lawful ramifications. Under Hindu law, a marriage is viewed as substantial on the off chance that it satisfies specific circumstances, including the presentation of ceremonies like Saptapadi. In Islam, marriage is considered a solemn contract between two individuals, and certain conditions must be met for the marriage to be valid. Live-in relationships are not recognized under traditional Islamic law, which requires a formal marriage ceremony with witnesses and a "mahr"<sup>1</sup>.

A live-in relationship is a homegrown partnership. where two people decide to live respectively without being lawfully married. In this arrangement, the couple shares a living space and may likewise share liabilities and costs, like a wedded couple. In any case, the vital contrast between a live-in relationship and marriage is that there is no formal legitimate responsibility or acknowledgment by the government and law of the land in a live-in relationship. This implies that the lawful freedoms as well as expectations that accompany marriage, for example, legacy privileges, tax cuts, and spousal help, may not have any significant bearing to people in a live-in relationship. Furthermore, the cultural and social standards encompassing marriage and live-in connections can likewise vary, with marriage frequently being viewed as a more conventional and socially acknowledged type of partnership. The Supreme Court of India has held that couples in such relationships are entitled to various rights and protections, akin to married couples, including maintenance rights and inheritance rights. The Protection of Women from Domestic Violence Act, 2005, also extends protection to women in live-in relationships.

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<sup>1</sup> Muslim law book by Akil Ahamad

## LEGALITY OF LIVE-IN RELATIONSHIP IN INDIA

the Supreme Court of India has held that living together as partners without getting married is not illegal or a criminal offense. Couples in a live-in relationship don't have similar lawful freedoms as married, but they are entitled to some legal protection under certain laws. the concept of live-in relationships was legally recognized for the first Time in 2010 while talking about the security of ladies and said that ladies who were in live-in relationships are safeguarded under the domestic violence law, when the Supreme Court of India passed a landmark judgment in the case of "Khushboo vs Kanniammal."<sup>2</sup> In this case, the court held that live-in relationships were not illegal or immoral, and that two consenting adults had the right to live together without getting married.

In Lata Singh vs state of Uttar Pradesh,<sup>3</sup> the Supreme Court of India governed that live-in relationships are between the two individuals of opposite sex who are not married and are of legal age. Lata's brother objected to her marriage, they disclosed that she is psychological ill when doctors evaluated her. However, after evaluation they found it inaccurate. A long -term live-in relationships cannot be named a 'walk in and walk out' relationships, marriage must have a presumption.

## UTTARAKHAND- UNIFORM CIVIL CODE BILL 2024

The Bill proposes a uniform regulation on marriage, divorce, legacy of property, and cohabitation for all citizens, no matter what their religious following, while barring the tribal community from its degree. The Bill aspires to direct live-in relationships by imposing an obligation to get register themselves. In the event that, couples in a live-in relationship do not present their proclamation, they will be served a notification following which criminal prosecution can be started against them. In march 2024 the bill got assent from the president Droupadi Murmu to the Uniform Civil Code Uttarakhand Bill making it the first state in India to implement the UCC Act. The bill will be dealing with the practices of different religion that are followed from time immemorial such as polygamy, polyandry, halala, iddat and talaq and also to ensure the property rights equal inheritance rights, right age of marriage etc. The UCC

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<sup>2</sup> Khushboo v. kanniammal (2010) 5 SCC 600

<sup>3</sup> [www.ipleaders.in](http://www.ipleaders.in)

will not make a difference to the scheduled tribes in the state whose traditional rights have been safeguarded under section 21 of the constitution of India. <sup>4</sup>

## **RECOMMENDATIONS MADE BY MAILMATH COMMITTEE**

The Malimath committee was shaped by the Centre to propose changes in the CrPC. Suggestions made by the Panel having bearing on the privileges of a female in live-in relationship are:

1. Meaning of the word wife under section 125 of the Cr.P.C. Code ought to be revised to incorporate a lady who was living with a man like his better half for a sensibly extensive stretch under section 494 of the I.P.C, be appropriately altered such that if the man and lady were living respectively as a couple for a sensible significant stretch the man will be considered to have married the lady as indicated by the standard customs of one or the other party.<sup>5</sup>
2. Section 497 of the Indian penal Code, with respect to offense of adultery, be changed to incorporate spouse who has sexual intercourse with a wedded man, by subbing the words,
3. Whosoever has sex with the companion of any other individual is at real fault for adultery.

Notwithstanding the proposals made by the Malimath council, as it where Maharashtra has shown interest in safeguarding the rights of women in polygamous relationships by making progress toward executing a few suggestions.

## **RIGHTS OF CHILDREN BORN OUT OF LIVE-IN RLEATIONSHIPS**

In *Tulsa versus Durghatiya*,<sup>6</sup> the Supreme Court, while giving right of property to a child, perceive that children born out from live-in relationship would not be treated as illegitimate if their parents could have lived under one rooftop and lived together for an extensively significant stretch of time in order to be perceived as a couple and it should not be a "walk in

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<sup>4</sup> TheIndianexpress.com

<sup>5</sup> SSRN E -LIBRARY

<sup>6</sup> www.scconline.in

and walk out" relationship. section 16 of the Hindu Marriage Act, 1955 and section 26 of the special Marriage Act, present legitimacy to children born out of void and voidable relationships by giving that child born out of marriage, which is invalid and void or where a pronouncement of nullity is conceded in regard of voidable marriage, will be legitimate or considered to be legitimate, separately. but, as indicated by Subsection (3) of same sections of the Act, right of inheritance of such children is restricted to the property of the guardians as it were. Thus, such children don't have the coparcenary privileges in that frame of mind of the Hindu unified family (HUF) in the event that their parents were not legally marry to one another. Consequently, the arrangements of these provisions of the act have been applied to give right of legacy to the children born out of live-in relationship in oneself procured property of the parents. In any case, in the event that their parents are not legitimately married to one another, they cannot guarantee the coparcenary rights in the property of the HUF of their father. Asserting maintenance under the section 125 of the Cr. P.C<sup>7</sup> is well inside the rights of a reliant children born out of the live-in relationships, as the actual section explicitly makes reference to "both legitimate and illegitimate child. as the matter of deciding for the guardianship, mother is considered as the natural guardian for such children.

## **WHAT IS DE-FACTO MARRIAGE AND HOW IT IS RELEVANT TO CONTEXT**

The concept of De facto refers to a situation in which two people live together and engage in a relationship that resembles a marriage but is not a marriage which have gone through a formal legal marriage ceremony or without being legally married. It is also known as common law marriage or cohabitation. In a de facto marriage, the couple lives like a married couple, share domestic life and also have joint financial responsibilities like a legally wedded couple. Depending upon the jurisdiction, de facto marriages may have legal recognition and rights similar to those of formally married couple such as property rights, inheritance rights. An unmarried adult who is not prohibited from marrying owing to a prohibited degree or any sapinda relation must share a common household and live together under the same roof as a primary qualification for entering into a live-in relationship.in case

D. Velusamy v. D. Patchaiammal<sup>8</sup> the case can be adopted as the basis for new legislation, but the condition of marriage must be excluded. Considering the nature of live-in

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<sup>7</sup> Book by Kelkar on CR.P.C

<sup>8</sup> D. Velusamy V. D. Patchaiammal, (2010) 10 SCC 469

partnerships, a person may form such an alliance solely to gain access to another person's property. To eradicate this issue legislature might fix a reasonable time period to stay in a live-in relationship and once they stayed for a reasonable period of time together, they can have inheritance right over the property.

## **DETERMINATION INHERITANCE RIGHTS OF LIVE-IN PARTNERS**

In a live-in relationship, partners don't have an acquired right to their partner's property. The Hindu succession act of 1956 does not address the inheritance rights of a couple in a live-in relationship. Be that as it may, in *Vidhyadhari v. Sukhrana Bai*<sup>9</sup> case, the court held that a couple who are living respectively for a sensible timeframe can acquire property from one or the other partner. Live-in partner can acquire each other's property either through a will or via a gift. Furthermore, it should be noticed that a live-in couple can secure their partner's property through a will, barring the partner's ancestral property. The live-in couple can likewise acquire the property through gifts. Live-in partners can acquire the property by gift under the transfer of Property Act. Live-in partners can will fully move the property for the sake of other partners. The gift is particular from a will, may be relevant post the downfall of one partner who has written a will however the gift is intentionally or voluntarily transferred during the lifetime of an individual which we called an inter-vivos transfer. Through gifts, both movable and immovable property can be transferred. For a live-in relationship, there is no regulation in the ongoing legitimate system that concedes an individual any succession or legitimacy rights. The legitimacy of live-in relationships has been addressed by Indian courts, yet they have not resolved the issue of other rights and obligations that emerge from such a relationship. Most of Indian courts have endeavored to form such a persevering through relationship into marriage, however without any rights. The main most ideal way for inheritance is by way of gift or will.

## **CONCLUSION**

live-in relationships are not explicitly recognized or regulated under traditional Hindu or Muslim personal laws. In both Hinduism and Islam, marriage is considered a sacred institution, and sexual relations are generally intended to occur within the framework of marriage between a husband and wife. However, contemporary legal and social developments

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<sup>9</sup> *Vidhyadhari V. Sukhrana Bai*, (2008) 2 SCC 238

have led to some recognition and protection of individuals in live-in relationships, particularly in secular legal systems influenced by modern principles of equity and justice. Hindu personal regulations do not explicitly perceive or regulate live-in relationships. The idea of marriage, including rights as well as certain responsibilities, is represented by Hindu Marriage Act, which does not give unequivocal provisions to live-in relationship. Be that as it may, courts in India have perceived the rights of people in live-in relationships under the concept of "relationship in the idea of marriage," allowing them privileges like those of wedded couples in specific cases.

live-in relationships in India are becoming increasingly common, although they may still face societal and cultural challenges. While the government does not have specific laws addressing live-in relationships, the Supreme Court has recognized them as valid and provided legal protection to couples in such arrangements. However, individuals in live-in relationships in India may still encounter issues related to societal acceptance and legal recognition. It is important for couples considering a live-in relationship to understand the potential challenges and implications, both socially and legally, before entering into such an arrangement.