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# MARRIAGE IN TRANSITION: ANALYZING LIVE-IN RELATIONSHIPS IN INDIA THROUGH JUDICIAL PRONOUNCEMENTS AND THEIR CONSEQUENCES

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## ABSTRACT

Marriage in India has traditionally been regarded as a sacred and lifelong union that allows a man and woman to live together, raise a family, and receive social legitimacy for their relationship. Rooted deeply in Hindu culture, marriage is viewed not merely as a legal contract but as a *Sanskara*, a religious rite performed through prescribed rituals. Despite this long-standing sanctity, social changes driven by modernization, westernization, and globalization have significantly influenced traditional marital norms. As a result, alternative relationship forms such as live-in relationships have gained visibility, especially in urban areas.

Although often perceived as a Western concept, cohabitation without marriage has historical precedents in India. However, its contemporary acceptance marks a substantial shift in societal attitudes. Today, many young individuals enter live-in relationships to assess compatibility before marriage, challenging traditional expectations. This shift has sparked debates about morality, culture, and the relevance of conventional marital structures.

The increasing prevalence of live-in partnerships has also prompted legal scrutiny. Indian courts have played a pivotal role in shaping the legal understanding of such relationships. Judicial pronouncements now acknowledge live-in relationships as permissible and, in certain circumstances, grant partners protections relating to maintenance, domestic violence laws, and property rights. These decisions reflect an attempt to balance evolving social realities with the preservation of cultural values.

The ongoing transition highlights a broader transformation within Indian society. As live-in relationships become more common, they continue to challenge traditional notions of marriage, prompting legal, social, and cultural reconsiderations of what intimate partnerships mean in contemporary India.

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## Introduction

India's rapid modernisation has significantly transformed its social institutions, and the nature of marriage is no exception. Since the 16th century, the understanding of marriage as a permanent and sacred union has gradually evolved.<sup>3</sup> What was once viewed as an indissoluble sacrament is now increasingly shaped by shifting attitudes, diminishing commitment, and changing interpersonal values. These transformations have moved Indian society from rigid traditional norms to more flexible marital practices, including arranged marriages, love marriages, and now, live-in relationships. Although marriage continues to hold a revered position, the growing presence of live-in relationships reflects an ongoing change within the institution of the family itself, marking a noticeable contrast between ancient and modern family structures.<sup>4</sup>

This shift has generated continuous debate between traditional and contemporary viewpoints. Traditional Indian society condemns live-in relationships, perceiving them as morally unacceptable and harmful to the sanctity of marriage and family harmony. Conversely, the younger generation often justifies such arrangements as practical and reflective of personal freedom. The judiciary, too, has acknowledged this changing reality. Courts have recognised live-in relationships under the ambit of Article 21 of the Constitution, viewing cohabitation between consenting adults as a component of the right to life and personal liberty.

Live-in relationships, often compared to Western cohabitation, typically involve two partners choosing to live together based on emotional connection, compatibility, or financial considerations. While not criminal or illegal, such relationships are often criticised for challenging traditional values. Moreover, India lacks a clear statutory definition or exclusive legislation governing them, resulting in social ambiguity and moral stigma.

As urbanisation and industrialisation continue reshaping societal expectations, evaluating the necessity, sustainability, and cultural implications of live-in relationships becomes crucial. This paper explores these evolving dynamics and examines how judicial pronouncements

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<sup>3</sup> Abhinandan Malik (ed.), *B.M. Gandhi's Family Law (I)* 8 (Eastern Book Company, Lucknow, 2nd edn., 2019)

<sup>4</sup> Dr. Divya Sharma, "Concept of Legality of Live-in Relationship in India: A Moral Dilemma" 45(2) *Indian Bar Review* 83-97 (2018).

influence the acceptance and consequences of live-in relationships in contemporary India.

### **The concept of live-in relationship**

A live-in relationship refers to an arrangement in which two individuals choose to live together in a long-term partnership without undergoing a formal marriage ceremony. This arrangement closely resembles marital cohabitation, as the partners share emotional, social, and often sexual intimacy, yet remain outside the legal and religious framework of marriage. Though often viewed as a Western cultural import, the concept is not entirely new to India. Historical references, such as the ancient practice of *Maitrikan*, describe situations where a man and a woman lived together as companions committed to mutual care and support.<sup>5</sup>

In traditional Hindu society, marriage has been considered one of the sixteen sacraments and is regarded as a sacred, lifelong bond. However, with the passage of time, the rigid perceptions surrounding marriage have undergone significant change. Earlier, arranged marriages were the dominant form, viewed as necessary for social stability. Later, love marriages emerged as young people began prioritising personal choice and emotional connection. More recently, live-in relationships have gained recognition as an alternative form of companionship. Reports indicate a steady rise in such arrangements, especially in metropolitan areas.

A live-in relationship can be described as a sustained form of companionship where two consenting adults reside together like a married couple without legal or religious obligations. Scholars have defined it as continuous cohabitation for an extended period, involving emotional or sexual intimacy, irrespective of marital intentions. Despite its growing acceptance in urban India, the idea continues to face resistance in rural and traditional settings, where it is often perceived as morally improper or socially destabilising.<sup>6</sup>

Several factors contribute to the increasing prevalence of live-in relationships. Urbanisation, financial independence, rising cases of marital discord, high living costs, exposure to global culture, and a desire to avoid the responsibilities associated with marriage all play significant

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<sup>5</sup> Dr. Preety Jain, "Recognition of Live-In Relationship in India: Issue and Concern," *Punjab University Law Journal*, Vol.VI (2012)19.

<sup>6</sup> Dr. Divya Sharma, "Concept of Legality of Live-in Relationship in India: A Moral Dilemma" 45(2) *Indian Bar Review* 83-97 (2018).

roles. Ultimately, live-in relationships reflect evolving social values and the shifting expectations of modern companionship in contemporary India.

### Legal Provisions of Live-in Relationship

The legal recognition of live-in relationships in India is grounded in constitutional principles and supported by specific statutory provisions. **Under the Constitution of India**, Article 21 guaranteeing the right to life and personal liberty serves as the foundational basis for acknowledging the freedom of consenting adults to live together without marriage. The Supreme Court has expanded the interpretation of Article 21 to affirm that individuals have the autonomy to cohabit with a partner of their choice, thereby granting constitutional legitimacy to live-in relationships.

**Under the Protection of Women from Domestic Violence Act, 2005**, Section 2(f) broadens the definition of a “domestic relationship” to include relationships “in the nature of marriage.” This statutory recognition places women in live-in relationships on an equal footing with married women regarding protection from domestic violence, allowing them to seek legal remedies in cases of abuse.

### Code of Criminal Procedure, 1973 & Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)

The earlier **Section 125** of the Code of Criminal Procedure, 1973 provided a statutory remedy for maintenance to women unable to maintain themselves. Courts have judicially expanded this provision to include women in live-in relationships, recognizing their right to seek maintenance when the relationship is “in the nature of marriage.” This principle was firmly established by the Supreme Court in *Chanmuniya v. Virendra Kumar Singh Kushwaha* (2011)<sup>7</sup>, where it held that women in long-term live-in relationships are entitled to claim maintenance under Section 125 of the CrPC.

With the introduction of the Bharatiya Nagarik Suraksha Sanhita, 2023, Section **144** now replaces Section 125. Section 144 continues the same legal framework for maintenance, ensuring that women in live-in relationships can still claim financial support on the same grounds recognized under the former CrPC.

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<sup>7</sup> (2011) 1 SCC 141.

## Indian Evidence Act, 1872 & Bharatiya Sakshya Adhiniyam, 2023 (BSA)

Under the earlier **Section 114** of the Indian Evidence Act, 1872, courts were permitted to presume the existence of certain facts, including the presumption of marriage arising from prolonged cohabitation. This presumption has been crucial in protecting partners in live-in relationships, particularly in matters of maintenance, legitimacy of children, and property claims.

The Bharatiya Sakshya Adhiniyam, 2023 replaces the Evidence Act, and its corresponding **Section 119** retains the doctrine of judicial presumptions. Section 119 allows courts to presume marriage from long-term cohabitation, thereby continuing to safeguard the rights and interests of individuals in live-in relationships under the new legal regime.

### Legal status of Live in Relationship

Live-in relationships in India do not have a dedicated statutory framework, yet the judiciary has played a crucial role in shaping their legal status.<sup>8</sup> The Protection of Women from Domestic Violence Act, 2005 (PWDVA) is the primary law that extends protection to women in such arrangements by including relationships “in the nature of marriage” within the definition of a domestic relationship. The Supreme Court has repeatedly affirmed that consensual cohabitation between two adults is neither illegal nor a criminal offence.

In *S. Khushboo v. Kanniammal*,<sup>9</sup> the Court held that live-in relationships fall under Article 21 of the Constitution, which protects personal liberty. Similarly, in *Lata Singh v. State of U.P.*,<sup>10</sup> the Court stated that although such relationships may be viewed as immoral by some, they cannot be penalized unless they involve adultery. In *Indra Sarma v. V.K.V. Sarma*,<sup>11</sup> the Court clarified the parameters for identifying relationships “in the nature of marriage,” such as duration, shared household, financial arrangements, social representation, and intention of the parties.

Courts have also recognized long-term cohabitation as creating a presumption of marriage, as seen in *Tulsa v. Durghatiya and Badri Prasad*,<sup>12</sup> where decades-long relationships were treated

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<sup>8</sup> Vijay Nagaswami, “Re-Configuring Life Partnerships” *The Hindu*, Apr. 14, 2012.

<sup>9</sup> AIR 2010 SC 3196

<sup>10</sup> AIR 2006 SCW 3499

<sup>11</sup> AIR 2014 SC 309.

<sup>12</sup> (2008) 4 SCC 520.

as valid marriages to protect women and children's rights. Thus, while not formally legislated, live-in relationships enjoy substantial legal recognition through judicial interpretation.

Courts in India have increasingly recognized that when partners in a live-in relationship fulfil roles similar to those in a marriage, a *presumption of marriage* may arise. This ensures that women who are often more vulnerable in such arrangements receive legal protection similar to that of a wife. Reflecting this need, the Maharashtra High Court in 2008 suggested that a woman who cohabits with full commitment, whether for a reasonable duration or permanently, should be granted the status of a wife. The National Commission for Women also recommended in 2008 that women in live-in relationships be included within the definition of “wife” under Section 125 of the Criminal Procedure Code to harmonise protections under the Domestic Violence Act.

Judicial precedents have also clarified the legitimacy of children born from live-in relationships. In *S.P.S. Balasubramanyam v. Suruttayan* (1994)<sup>13</sup>, the Supreme Court held that long-term cohabitation raises a presumption of marriage under Section 114 of the Evidence Act, and children from such relationships are legitimate. This view was reaffirmed in *Tulsa v. Durghatiya* (2008)<sup>14</sup> and *Madan Mohan Singh v. Rajni Kant* (2010)<sup>15</sup>, where the Court emphasised that long-term cohabitation cannot be dismissed as a “walk-in, walk-out” relationship.

However, the Supreme Court in *Bharatha Matha v. R. Vijaya Renganathan*<sup>16</sup> clarified that while such children are legitimate, they cannot inherit ancestral coparcenary property—only the self-acquired property of their parents. Courts have also stated that live-in relationships involving a married individual may amount to adultery.

### Protection of Live-in Couples

Conflicts with family or societal pressure often force couples to seek protection under Article 21 of the Constitution. Courts have granted such protection in several cases<sup>17</sup>:

- *Sanjay v. State of Haryana* – The Punjab and Haryana High Court recognised that live-

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<sup>13</sup> 1994 SCC (1) 460.

<sup>14</sup> (2008) 4 SCC 520.

<sup>15</sup> AIR 2010 SC 2933

<sup>16</sup> AIR 2010 SC 2685.

<sup>17</sup> Available on <https://blog.ipleaders.in/recent-developments-live-relationships/>

in relationships, though socially sensitive, are constitutionally protected, and granted protection to an 18- and 19-year-old couple.

- Nandakumar v. State of Kerala– The Court directed police protection for a couple, observing that the Domestic Violence Act acknowledges live-in partnerships.
- Kajal v. State of Haryana<sup>18</sup> – Protection was denied where a 16-year-old girl lived with a 25-year-old man, as such a relationship is neither lawful nor socially acceptable. The Court, however, allowed them to approach police if their life or liberty was threatened.

These cases demonstrate that protection is granted only when the couple fulfils legal requirements and acts within the bounds of law.

### **Live-in Relationships: Breach of Promise or a License to Exploit?**

Live-in relationships are often entered into for emotional, personal, or practical reasons, including assessing compatibility. However, these arrangements can sometimes lead to complicated situations, particularly when one partner engages in coercive or aggressive behaviour. Instances of violence, harassment, and alleged rape have been reported, especially where a man promises marriage as a condition for sexual intimacy but later refuses to fulfil that promise. Conversely, courts have also noted a growing trend of false rape allegations arising after failed live-in relationships. This gives rise to a critical question: **Does a live-in relationship allow breach of promise or serve as a shield for sexual exploitation?**

To address this, courts have made a clear distinction between *consensual sex* and *rape*. In **Punjab v. Gurmit Singh**<sup>19</sup>, the Supreme Court emphasized that rape inflicts deep psychological harm and is not merely a physical act. However, it also acknowledged that allegations must be examined carefully within the context of live-in relationships.

In **Uday v. Karnataka**<sup>20</sup>, the Supreme Court held that consent for sexual intercourse given out of love, even on a promise of marriage, is not automatically considered to be under a “misconception of fact.” The Court stressed that no rigid formula exists to determine whether consent was voluntary or induced by deception. Young couples often make emotional promises

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<sup>18</sup> AIR 2021 8 SCC 487

<sup>19</sup> AIR 1996 SCC 384

<sup>20</sup> AIR 2003 SC 1639

of marriage, and such promises lose legal significance when both partners willingly engage in sexual relations.

### **Plea for Registration of Live-in Relationships**

Advocate Mamta Rani recently filed a PIL before the Supreme Court seeking mandatory registration of live-in relationships. The petition argues that such registration would help address emerging criminal issues, offer clarity regarding partners' personal details, and assist courts in determining genuine cases of cohabitation.

The plea highlights that the Supreme Court has repeatedly extended protections to partners and children in live-in relationships. A formal registration mechanism, it argues, would allow the government to maintain accurate data on live-in partnerships and prevent misuse of the concept.

The petitioner also expressed concern over increasing false rape allegations arising from claims of live-in relationships, noting that courts often struggle to verify whether such relationships actually existed. Registration could serve as crucial evidence in these cases and deter individuals from entering live-in arrangements with ulterior motives.

Overall, the petition seeks a legal framework to regulate live-in partnerships, safeguard individuals involved, and ensure accountability in such relationships.

### **Major Cases of Live-in Relationship**

#### **Aaftab Amin Poonawala v. State Govt. of NCT of Delhi (Shraddha Walker Case)<sup>21</sup>**

The alleged murder of Shraddha Walker by her live-in partner, Aaftab Amin Poonawala, brought unprecedented national focus to the vulnerabilities that individuals particularly women face within live-in relationships. The incident underscored the pressing need for stronger legal mechanisms capable of preventing abuse and ensuring timely intervention in such arrangements. It also highlighted concerns regarding the handling of personal data during criminal investigations, as extensive media coverage raised questions about privacy and dignity of victims. Additionally, the case exposed the persistent societal resistance faced by interfaith

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<sup>21</sup> W.P.(CRL) 875/2024



couples and those in live-in relationships, emphasizing the limited legal and social safeguards currently available to them.<sup>22</sup>

### **Chawali v. State of U.P. (2015)<sup>23</sup>**

In *Chawali v. State of U.P.*, the Allahabad High Court adopted a cautious and somewhat conservative stance toward live-in relationships. While the Court acknowledged that not every live-in arrangement leads to negative outcomes, it expressed concern that some such relationships may give rise to criminal complications or even issues relating to deportation in cases involving foreign nationals. The Court emphasized the absence of clear legal parameters for determining the bona fides or intentions of partners entering such relationships, suggesting that this ambiguity could lead to exploitation or misuse. Importantly, the Court remarked that fundamental rights guaranteeing personal liberty must be interpreted from an “Indian perspective,” thus anchoring individual freedoms within cultural norms. The judgment ultimately reflected societal hesitation toward non-traditional forms of companionship and reaffirmed the primacy of marriage in the Indian social structure, noting that live-in arrangements remain legally ambiguous and socially less accepted despite not being prohibited by law.

### **Lata Singh v. State of U.P. (2006)**

The Supreme Court’s decision in *Lata Singh v. State of U.P.*<sup>24</sup> became a landmark ruling affirming the validity and constitutional protection of inter-caste marriages. The case arose from a plea filed by Lata Singh, who sought protection for her husband against threats issued by her family. The Court held that consenting adults possess the right to marry or live with a person of their choice, despite societal disapproval. Although the case directly concerned marriage, it laid a crucial foundation for subsequent judicial decisions that extended similar constitutional protections to live-in couples, reaffirming that personal liberty under Article 21 includes the freedom to choose one’s partner.

### **Post: Lata Singh Supreme Court Rulings on Live-in Relationships**

Building on the principles articulated in the *Lata Singh* judgment, the Supreme Court later

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<sup>22</sup> Available on <https://www.drishtijudiciary.com/editorial/legal-status-of-live-in-relationships>

<sup>23</sup> (Habc 594/2012 Now P.I.L.)

<sup>24</sup> AIR 2006 SCW3499

clarified the legal standing of live-in relationships. The Court openly stated that a “live-in or marriage-like relationship is neither a crime nor a sin, though it may be socially unacceptable in this country.” Through a series of rulings, the Court recognized that women in live-in relationships are entitled to statutory protection against domestic violence under the Protection of Women from Domestic Violence Act, 2005. Furthermore, the Court affirmed that children born from such relationships are to be treated as legitimate for purposes of inheritance and property rights. These judicial pronouncements significantly strengthened the legal framework surrounding live-in relationships, enhancing both social legitimacy and legal protection.

### **X v. State of Madhya Pradesh (M.P. High Court, 2024)**

In the 2024 case of *X v. State of Madhya Pradesh*, the High Court dismissed the pleas of an interfaith couple who sought police protection from the woman’s family and registration of their marriage. The Court held that a union between a Muslim man and a follower of a fire-worshipping religion was not valid under Muslim personal law, and thus could not be legally recognized without conversion. Furthermore, the couple was unable to demonstrate financial interdependence or evidence of sustained cohabitation two elements the Court considered essential for establishing a relationship “in the nature of marriage.” The judgment highlighted the practical challenges couples face in proving the existence of a live-in relationship, such as difficulties in renting accommodation without proof of marriage, and the inability to open joint bank accounts due to administrative and social barriers. The case thus exposed the structural and societal hurdles that interfaith and live-in couples encounter in seeking recognition, protection, and legal validation.

### **Data Analysis: Legality and Social Trends of Live-In Relationships in India**

In India, while live-in relationships lack a dedicated statute, data suggest growing social acceptance especially among young adults alongside persistent legal ambiguities. Under the Protection of Women from Domestic Violence Act (2005), female live-in partners are granted economic and residential rights. In 2008, the National Commission for Women recommended that “wife” under Section 125 of CrPC should include women in live-in relationships, to protect them with maintenance rights.<sup>25</sup>

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<sup>25</sup> <https://www.thehindu.com/news/national/uttar-pradesh/we-must-find-ways-to-tackle-live-in-relationship-to-save-moral-values-allahabad-hc/article69138995.ece>

Surveys indicate a significant shift in societal attitudes toward live-in relationships in India, though stigma continues to exist. An In shorts poll of 1.4 lakh respondents, mostly aged 18–35, found that over 80% of Indians support live-in relationships as a way of life, with 26% expressing a preference for lifelong live-in partnerships over marriage. Notably, 86% of respondents believed that lust is not the sole motivation for live-ins, and around 45% saw them as a means to test compatibility before marriage. Interestingly, 8 out of 10 women surveyed also expressed support for the live-in relationship model.

A Sweet Ring survey of 3,500 respondents across Delhi, Mumbai, Bangalore, Gujarat, and Chandigarh revealed that 68% would be open to a live-in relationship before marriage, and 64% believed couples should move in together within the first six months of dating. Similarly, a gender-perception study published in *The International Journal of Indian Psychology* found that 90% of male respondents, compared to 60% of female respondents, viewed live-in relationships as promoting progressive values. At the same time, 45% felt that live-ins challenge traditional Indian culture, and 70% believed the absence of formal laws increases the risk of exploitation of women.<sup>26</sup>

Reflecting these concerns, a 2023 survey showed that 44.6% of respondents agreed and 24.8% strongly agreed that India needs new legislation to regulate live-in relationships. Many participants emphasized that legal recognition is essential to ensure social, financial, and emotional protection for both partners, particularly for children born out of such relationships.<sup>27</sup>

### Live-in Relationships in Other Countries

Live-in relationships, also known as cohabitation, are increasingly recognized across the world, though legal recognition and the extent of rights vary widely.<sup>28</sup> In France, the concept of live-in partnerships is formalized under the **Civil Solidarity Pact (Pacte Civil de Solidarité or PaCS)**, enacted in 1999. This law allows couples to register their relationship, granting them rights similar to those of married couples, including inheritance, income sharing, and social welfare benefits. However, couples who choose not to register are not entitled to these

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<sup>26</sup> <https://timesofindia.indiatimes.com/life-style/spotlight/1-in-2-indians-prefer-living-in-before-they-get-married-study/articleshow/98090751.cms>

<sup>27</sup> <https://visionias.in/current-affairs/monthly-magazine/2024-04-15/social-issues/live-in-relationships>

<sup>28</sup> Aishwarya Pandey, “A Comparative Study of Live in Relationship in India with Other Countries” 4(1) *International Journal of Law Management & Humanities* 261-273 (2021).

protections. Unlike France, India provides certain welfare benefits to unmarried couples living together, even without formal registration.

In the **Philippines**, live-in relationships are not fully recognized legally, though the Civil Code offers limited provisions. The Philippine Family Code provides that when a man and woman capable of marrying live together exclusively as husband and wife without formal marriage, their wages, salaries, and property acquired through work are treated as co-owned. This ensures some economic protection for both partners, though social recognition remains limited.

In the **United Kingdom**, cohabitation is not considered equivalent to marriage or a civil partnership. Live-in couples do not automatically inherit each other's property, nor are they legally responsible for each other's welfare. Courts cannot divide property upon separation as in divorce cases. Nonetheless, the rights of children born out of wedlock are protected, and both parents are legally responsible for their upbringing.

Similarly, in the **United States**, cohabitation does not confer the same legal rights as marriage, such as health insurance, inheritance, or property division. There is no federal law regulating live-in relationships, but some states, including California, Hawaii, and New Jersey, provide limited rights and benefits to cohabiting couples. The concept of **palimony** allows a partner, typically a woman deserted after a long-term relationship, to claim maintenance. Couples may also formalize their relationship through a domestic register or cohabitation contract, which grants them recognition as domestic partners.

In **Scotland**, live-in relationships were legally recognized in 2006 through legislation that now applies to over 150,000 cohabiting couples. Courts assess the status of cohabitation based on the duration of the relationship, its nature, and the extent of financial arrangements. This law also empowers a partner to seek financial support from the other, providing legal protection in cases of separation.

**Canada** recognizes common-law marriages as a socially and legally acceptable alternative to formal marriage. Section 54(1) allows couples to establish a cohabitation agreement outlining rights and obligations regarding property, maintenance, and child-related decisions. While these agreements do not grant parental rights equivalent to marriage, they provide a framework for legal and financial protection. Additionally, if couples later marry, their prior cohabitation agreement may be treated as a marriage agreement under section 53(2).

In **Australia**, the Family Law Act recognizes **de facto relationships**, applicable to both same-sex and opposite-sex couples, regardless of other existing relationships. De facto couples enjoy social and legal status similar to married couples, including property and financial rights, emphasizing equality and legal protection for cohabiting partners.

Overall, while countries differ in their approach to live-in relationships, there is a growing trend worldwide toward recognizing the rights of cohabiting couples, particularly in terms of financial protection, inheritance, and child welfare, even if formal marriage is absent.

### **Positive Aspects of Live-in Relationships**

Live-in relationships offer significant personal and social benefits, primarily by providing individuals greater freedom and autonomy in their personal lives. One of the key advantages is the privacy and independence it affords, allowing partners to develop their relationship without the societal and familial pressures commonly associated with traditional marriage. Financially, live-in arrangements often reduce the costs linked to wedding ceremonies and household obligations, enabling couples to allocate resources more efficiently.<sup>29</sup>

Moreover, living together before marriage can foster deeper understanding, trust, and confidence between partners. Couples have the opportunity to experience each other's lifestyles, habits, and preferences, which can help them make informed decisions about long-term commitments. For many young people, live-in relationships act as a way to test compatibility before marriage, helping to minimize misunderstandings or conflicts in future marital life. In this sense, live-in partnerships can contribute to healthier and more balanced relationships by promoting communication and mutual respect between partners.<sup>30</sup>

Additionally, these relationships can reflect progressive social attitudes, especially for women. Women in live-in arrangements may experience enhanced autonomy and equality, challenging traditional gender roles and expectations. This has helped create spaces where partners can negotiate household responsibilities and career priorities on equal footing, thereby promoting modern values of mutual respect and partnership.

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<sup>29</sup> Dr. Sangeeta Chatterjee, "Legal Recognition of Live-In Relationship: An Emerging Trend of Social Transformation in India" 11(1) Indian Journal of Law and Justice 1-16 (2020).

<sup>30</sup> Swati Thakur, "Live-In Relationships- Pros and Cons of Live-In Relationships", available at <https://effectivelaws.com/live-in-relationships/>.

## **Negative Aspects of Live-in Relationships**

Despite these advantages, live-in relationships also face criticism and present certain societal and personal challenges. One of the primary concerns is that such arrangements may be perceived as morally questionable and could undermine the traditional institution of marriage. Many views live-in partnerships as casual or temporary, as partners can end the relationship without mutual consent. Studies indicate that only a small percentage of live-in couples eventually transition to marriage, which reinforces the perception of impermanence.<sup>31</sup>

Live-in relationships can also strain family dynamics. Couples often wish to establish their own household independently of parental guidance, which may lead to tension between families. Differences in opinions and lifestyle expectations can create conflicts that weaken relationships among extended family members. In India, children born out of live-in relationships may face social stigma and struggle with acceptance, potentially affecting their mental well-being and social development.

There are additional health and legal risks associated with cohabitation. Premarital pregnancies may rise, and the risk of sexually transmitted infections, including HIV/AIDS, can increase if partners do not adhere to safe practices. Legal complications, such as inheritance, maintenance, and property disputes, can also arise, particularly when relationships end without formal agreements.

Critics argue that live-in relationships could erode traditional values. Social activists and cultural leaders, such as Rutuparna Mohanty, have expressed concerns about the potential societal impact, including weakening family structures and challenges in raising children born from cohabiting couples. Similarly, some political voices emphasize that Hindu law does not recognize second wives or mistresses, highlighting conflicts with established legal and cultural norms.<sup>32</sup>

However, many advocates contend that live-in relationships reflect realism and modernity rather than moral decline. As author Jaishree Misra notes, youth are increasingly seeking practical and informed approaches to relationships, and legal recognition of live-in partnerships

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<sup>31</sup> Swati Thakur, "Live-In Relationships- Pros and Cons of Live-In Relationships", available at <https://effectivelaws.com/live-in-relationships/>.

<sup>32</sup> Dr. Sangeeta Chatterjee, "Legal Recognition of Live-In Relationship: An Emerging Trend of Social Transformation in India" 11(1) *Indian Journal of Law and Justice* 1-16 (2020).

allows adults to cohabit without fear of criminal liability, reflecting a significant social shift in India's traditionally conservative society.

## Conclusion

The evolving dynamics of live-in relationships in India signify a profound transformation in the social, cultural, and legal understanding of intimate partnerships. Historically, marriage in India has been viewed as a sacred, lifelong bond deeply embedded in religious and cultural traditions. Yet, modernity, globalization, urbanization, and changing societal attitudes have challenged the exclusivity and sanctity traditionally associated with marital unions. Live-in relationships have emerged as a notable alternative, particularly among the younger generation, reflecting a shift from conventional ideals to a more flexible and pragmatic approach to companionship. These arrangements offer a unique combination of personal freedom, emotional compatibility, and financial practicality, which increasingly appeals to urban youth navigating complex social and economic realities. By providing an opportunity to experience shared life before committing legally, live-in relationships encourage better understanding, communication, and trust between partners, potentially resulting in stronger long-term bonds for those who eventually marry.

Legally, Indian courts have played a crucial role in legitimizing live-in relationships and ensuring protection for women and children in such arrangements. Through judicial pronouncements, the Supreme Court and various High Courts have clarified that consensual cohabitation between adults is neither criminal nor illegal. Recognizing the rights of partners "in the nature of marriage" under laws such as the Protection of Women from Domestic Violence Act (2005) has been a critical step toward safeguarding vulnerable individuals. Cases like *Indra Sarma v. V.K.V. Sarma*,<sup>33</sup> *Tulsa v. Durghatiya*,<sup>34</sup> and *S.P.S. Balasubramanyam v. Suruttayan*<sup>35</sup> illustrate how courts have interpreted long-term cohabitation as creating presumptions of marriage, thereby granting women access to maintenance, protection from abuse, and legitimacy for children. This legal recognition reflects a careful balancing act between upholding constitutional rights to personal liberty under Article 21 and respecting societal concerns regarding morality and family structure.

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<sup>33</sup> AIR 2013 SCW 6783

<sup>34</sup> AIR 2008 SC 1193.

<sup>35</sup> AIR 1992 SC 756

Despite these progressive developments, live-in relationships are not without challenges. Social stigma remains prevalent, especially in rural and conservative contexts, where such arrangements are often seen as morally unacceptable and a threat to traditional family structures. Potential issues include strained family relationships, legal disputes over property or inheritance, premarital pregnancies, and risks of sexually transmitted infections. Critics argue that the impermanence of many live-in relationships could undermine the institution of marriage, weaken family cohesion, and impact the social and psychological development of children born in such setups. Furthermore, the absence of a dedicated legislative framework leads to ambiguity, leaving room for exploitation or misuse, and reinforcing the call for formal registration and clearer legal guidelines.

Nevertheless, the rise of live-in relationships indicates that Indian society is gradually embracing a more nuanced understanding of personal choice, gender equality, and relational autonomy. Advocates highlight that live-in arrangements provide a realistic and informed pathway for young adults to explore compatibility while maintaining their rights and dignity. By reconciling legal safeguards with evolving cultural norms, India is witnessing a significant redefinition of marriage and cohabitation—one that balances tradition with modernity, individual freedom with societal expectations, and emotional fulfilment with legal security. In conclusion, live-in relationships are not merely a challenge to traditional structures but a reflection of a society in transition, striving to accommodate diverse forms of love, companionship, and partnership while simultaneously negotiating the boundaries of morality, legality, and cultural heritage. Their continued social acceptance and judicial recognition suggest that India is gradually moving toward a more inclusive understanding of intimate relationships, one that respects personal choice while promoting fairness, protection, and mutual respect.