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**THE EVOLVING CONCEPT OF MARRIAGE AND LIVE-IN-
RELATIONSHIP AND ITS IMPLICATIONS**

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Abstract

With the shifting dynamics of Indian society, live-in relationships have emerged as a modern alternative to traditional marriage, shaped by globalization, evolving cultural norms, and growing emphasis on individual freedom. This paper offers a critical analysis of both the legal and psychosocial aspects of live-in partnerships in India, highlighting the judiciary's role in developing the legal framework in the absence of explicit legislative provisions. Through an examination of key Supreme Court rulings, the study delves into the legal recognition of cohabiting couples, the applicability of the Protection of Women from Domestic Violence Act, and the rights of children born from such relationships. It also investigates the conditions under which these unions are deemed to be “in the nature of marriage,” and the resulting consequences for issues like maintenance, guardianship, and inheritance. Additionally, the paper explores social attitudes and psychological challenges tied to live-in arrangements, particularly issues of gender-based vulnerability, stigma, and real-world complications. While these relationships mirror evolving societal values and offer individuals more freedom in partner selection, they also highlight the pressing need for legal reforms to ensure fair and inclusive protection for all parties involved.

Introduction

In today's rapidly evolving world, technological and industrial progress has accelerated over the past few decades, significantly transforming every aspect of our lives. The process of globalization has further intensified these changes, influencing various dimensions of our social life such as family dynamics, marriage, and intimate relationships. Traditionally, marriage has been regarded as a legally and socially sanctioned bond between partners. In a

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country like ours, where social ties and structures are particularly strong, marriage holds considerable significance. Cohabiting without marriage has long been viewed as taboo and remains uncommon. However, recent trends indicate a shift, with more couples choosing to live together without formalizing their relationship through marriage. These arrangements may be short-term or may extend over a longer period, in which case they are referred to as live-in relationships. A live-in relationship can be described as "the ongoing cohabitation of two individuals, who are not legally married, sharing a household over a substantial period of time."

India lacks specific laws, customs, or social norms that directly address live-in relationships. As a result, the Supreme Court has stepped in on various occasions to interpret and provide guidelines on the subject. This article seeks to review the key judgments delivered by the Supreme Court concerning live-in relationships and to examine the present legal framework surrounding them. Additionally, it offers a brief insight into the psychosocial aspects of such relationships.

Legality of Live-In Relationships

Live-in relationships between consenting adults are not considered illegal under Indian law. In the landmark 2006 case ²*Lata Singh v. State of U.P.*, the court held that although such relationships might be seen as immoral by some, they do not constitute a criminal offence. Similarly, in the case of ³*Khushboo v. Kanniammal & Another*, the Supreme Court reaffirmed that while society may disapprove of live-in relationships, they are not unlawful. The Court emphasized that cohabitation falls under the right to life, and thus cannot be deemed illegal.

When a live-in relationship lasts for a substantial period and the couple represents themselves socially as husband and wife, the law may presume them to be legally married. This principle was first recognized in the 1978 case ⁴*Badri Prasad v. Deputy Director of Consolidation*, where the Court stated that if a man and woman live together as husband and wife for many years, a strong legal presumption arises in favor of a valid marriage. Although this presumption can be challenged, the burden of proof lies heavily on the person denying the legitimacy of the relationship. The law favors legitimacy and disfavors labeling children as illegitimate. A similar view was reiterated in ⁵*S.P.S. Balasubramanyam v. Suruttayan*, where

²(2006) 5 SCC 475

³(2010) 5 SCC 600

⁴(1978) 3 SCC 527

⁵(1994) 1 SCC 460

the court held that long-term cohabitation as husband and wife raises a presumption of legal marriage, and children from such unions are entitled to inheritance.

However, if the relationship is purely for sexual gratification, it does not grant either partner the rights associated with legal marriage. The case ⁶*Indra Sarma v. V.K.V. Sarma* examined various forms of live-in relationships and outlined the legal implications for each. If both individuals are unmarried and mutually agree to live together, it is not considered a criminal offence.

Before 2018, live-in arrangements involving a married woman and a man (married or unmarried) were considered criminal under Section 497 of the Indian Penal Code, which defined the offence of adultery. However, this changed with the ⁷*Joseph Shine v. Union of India* judgment, in which the Supreme Court struck down Section 497 for violating Article 14 of the Constitution. The law was criticized for treating men and women unequally, as it punished only the man involved and allowed only the woman's husband to prosecute. Women had no legal standing under this provision, even if their husbands committed adultery.

Though adultery is no longer a criminal offence, it may still serve as valid grounds for divorce under civil law, which treats both genders equally in such cases. Similarly, until 2018, consensual same-sex relationships between adults were criminalized under Section 377 of the IPC. This was overturned in the historic ⁸*Navtej Singh Johar v. Union of India* decision, in which the Supreme Court decriminalized consensual homosexual acts between adults in private. The Court ruled that such criminalization was unconstitutional, arbitrary, and violated fundamental rights under Articles 14, 15, 19, and 21. However, Section 377 still remains applicable to non-consensual sexual acts, sexual offences against minors, and acts involving animals

Although consensual same-sex sexual relationships are legally recognized in India, same-sex marriages are not officially acknowledged under Indian law. That said, symbolic same-sex ceremonies are not explicitly prohibited.

⁶(2013) 15 SCC 755

⁷(2018) 2 SCC 189

⁸(2018) 10 SCC 1

To determine whether a live-in relationship qualifies as “in the nature of marriage,” the Supreme Court laid down certain conditions in the case of ⁹**D. Velusamy v. D. Patchaiammal**:

1. The couple must present themselves to society as spouses.
2. Both individuals must be of legal marriageable age.
3. They must be legally eligible to marry, i.e., neither partner should already be married.
4. They must have cohabited voluntarily and publicly as a couple for a significant period.

In **Indra Sarma v. V.K.V. Sarma**, the Court clarified that not every live-in relationship amounts to one “in the nature of marriage.” In this case, the woman had knowingly entered a relationship with a married man, which lacked the essential characteristics of marriage and thus could not be treated as such. The Court made the following observations:

- Long-standing live-in relationships can create dependencies and vulnerabilities, especially for women and children, and thus deserve legal safeguards.
- While the law should not promote premarital relationships, their growing occurrence and the personal nature of such relationships make it essential for Parliament to consider enacting protective laws or amending existing ones to provide security to women and children from such unions.

It’s important to note that **Sections 494 and 495 of the IPC** prohibit bigamy—marrying while a previous spouse is still alive—unless permitted by the individual's personal law. Hence, live-in relationships involving married individuals cannot be recognized as being “in the nature of marriage.” Nonetheless, children born from such relationships, although not considered legitimate, still enjoy certain legal rights.

Alimony and Domestic Violence Protection

In the U.S., the term “**palimony**” refers to financial support granted in live-in relationships. It emerged from the **Marvin v. Marvin** case in California, where a woman sought financial compensation after a long-term relationship ended. Although her claim was denied, the court

⁹(2010) 10 SCC 469

acknowledged that in the absence of a formal agreement, equitable remedies could still apply. If there's a cohabitation agreement, courts may consider awarding palimony.

In India, the **Malimath Committee on Criminal Justice** proposed that Section 125 of the CrPC (which allows wives, children, and parents to claim maintenance) should be amended to include women in long-term live-in relationships. Although this recommendation was not implemented in the CrPC, such relationships were brought within the scope of domestic relationships under the **Protection of Women from Domestic Violence Act, 2005** (PWDV Act).

Section 2(f) of the PWDV Act defines a domestic relationship as one where two people live or have lived together in a shared household, related by blood, marriage, or a relationship “in the nature of marriage.” Therefore, women in long-term live-in relationships—where the couple cohabits and presents themselves as spouses—are entitled to protection under this Act and can also claim maintenance.

The issue of applying the PWDV Act to live-in relationships was addressed by the Supreme Court in ¹⁰**Lalita Toppo v. State of Jharkhand**, where it was held that an estranged wife or a woman in a live-in relationship is entitled to relief under the Act if she resides in a shared household. This view was reaffirmed in ¹¹**Ajay Bhardwaj v. Jyotsna**, where the court granted alimony under the PWDV Act to a woman in such a relationship.

However, this legal protection is only available to women. Men in live-in relationships are not entitled to similar relief under the PWDV Act. Notably, in **Khushboo v. Kanniammal**, the Court commented that live-in relationships are typically initiated and maintained by men

Rights of Children Born Out of Live-In Relationship

In the case of ¹²**Tulsa v. Durghatiya**, the Supreme Court held that a child born from a live-in relationship should not be considered illegitimate if the couple had lived together under one roof and cohabited for a significant period, presenting themselves as husband and wife. However, such a relationship must have the semblance of stability and not be a casual or short-term “walk-in, walk-out” arrangement.

Section 16 of the Hindu Marriage Act, 1955 and **Section 26 of the Special Marriage Act** confer legitimacy on children born from marriages that are either void or voidable. These

¹⁰(2018) 13 SCC 796

¹¹(2016) 15 SCC 448

¹²(2008) 4 SCC 520

sections state that such children shall be regarded as legitimate or deemed legitimate. However, **Subsection (3)** of both sections limits their right of inheritance strictly to the **self-acquired property of their parents**. This means that these children do **not** have **coparcenary rights** in the joint family property of a Hindu Undivided Family (HUF) if their parents were not legally married.

Hence, while these legal provisions allow children born from live-in relationships to inherit their **parents' individual property**, they are **not entitled to a share in ancestral or joint family property** if their parents' union lacked legal recognition.

Regarding **maintenance**, **Section 125 of the Criminal Procedure Code (CrPC)** clearly entitles **both legitimate and illegitimate children** to claim support from a person they are dependent on, making such children eligible for maintenance.

As for **guardianship**, in cases involving children born out of live-in relationships, the **mother is generally considered the natural guardian**.

Psychosocial Implications of Live-In Relationship

In recent times, India has seen significant shifts in how relationships between men and women are perceived. The younger generation views such relationships quite differently compared to earlier generations. Traditionally, our sociocultural norms deemed it inappropriate—and even taboo—for a man and woman to live together without being legally married. Likewise, premarital sex was regarded as highly immoral. However, these traditional views are gradually evolving, and society is becoming more accepting of premarital intimacy and live-in relationships.

Factors like increased personal freedom, the right to privacy, professional aspirations, access to education, and globalization have contributed to this changing mindset. Supporters of live-in relationships argue that they offer an opportunity to better understand a partner and test compatibility before committing to marriage. Unlike the older generation, today's youth often feel it's essential to know their partner well before entering into a legally binding marriage. This is because if incompatibility arises after marriage, separation or divorce can be emotionally taxing, legally complex, and time-consuming. In contrast, a live-in relationship allows for a relatively easier and cleaner break-up without legal entanglements.

However, the lack of legal obligations in such relationships can also be problematic. Unlike marriage, where both partners are granted legal rights and responsibilities, live-in

arrangements do not carry formal duties or enforceable commitments. This often leaves women in a more vulnerable position. In fact, in September 2019, a bench of the Rajasthan State Human Rights Commission labeled live-in relationships as detrimental to women's dignity and recommended legislation against them—a suggestion that drew widespread criticism from human rights activists.

These relationships can also lead to various practical and social challenges. Couples may face difficulties in routine matters such as opening joint bank accounts, obtaining visas, securing insurance, or gaining hospital visitation rights. Additionally, children born from such relationships may experience psychological distress and complications in inheritance. While they are entitled to inherit their parents' self-acquired property, they are not granted coparcenary rights in ancestral property under Hindu law.

Two examples highlight the complications associated with live-in relationships. International chess player **Anuradha Beniwal** lived peacefully with her partner without any objection from her family, although society reacted with subtle disapproval. When her partner received a job offer in London, the couple faced potential visa issues due to their unmarried status, prompting them to marry hastily to avoid legal complications. In another instance, a **Kerala-based couple** chose to live together without marriage for **40 years**, rejecting societal norms and the institution of marriage. However, after four decades, they decided to formalize their relationship—not for personal reasons, but to prevent their **grandchildren** from facing legal and bureaucratic hurdles.

Importance of Good Quality Relationship

The link between strong, positive relationships and mental well-being is undeniable. Meaningful and supportive connections provide individuals with a sense of purpose, belonging, and fulfillment. Engaging in face-to-face conversations with someone who is empathetic and understanding not only alleviates stress but also aids in processing a range of emotions, even the difficult ones. Interactions with loved ones often lead to joyful and uplifting experiences. People who maintain healthy relationships with their family, friends, and community tend to be happier and experience fewer mental health challenges.

Conversely, loneliness and social isolation can result in a host of psychological issues and negatively impact physical health. A meta-analysis conducted by Holt-Lunstad and

colleagues highlighted that the absence of quality social connections is a serious risk factor for mortality—comparable to established risks like smoking and alcohol consumption, and even more detrimental than physical inactivity or obesity.

Being in a stable, high-quality romantic relationship also has proven benefits for both mental and physical health. Research has shown that individuals in such relationships tend to have lower rates of illness and a reduced risk of death. A well-known longitudinal study on human well-being, initiated by Harvard University in 1938 and with findings published in 2012, revealed that the key to happiness and good health is not wealth, fame, or hard work, but rather the strength of our personal relationships.

This holds true for individuals with disabilities as well—social bonds play a crucial role in enhancing their mental health and overall well-being. Another meta-analytic review found that being in an unhappy or toxic relationship has a greater negative impact on health than being single.

In today's world, social media has become an integral part of social life, with people spending a significant amount of time online. However, virtual relationships do not provide the same emotional or psychological benefits as real-life interactions. Face-to-face communication continues to be the most satisfying and emotionally enriching form of social connection, reinforcing a sense of community and psychological security.

Moreover, reliance on social media can be harmful, as it often obscures the difference between genuine and superficial friendships, and exposes individuals to toxic interactions, misinformation, and biased views that are less likely to occur in real-world settings.

In conclusion, a healthy and compatible live-in relationship can be more beneficial than remaining single or staying in an unhappy marriage. Loneliness or being stuck in a troubled relationship can lead to a range of psychological issues, whereas fulfilling relationships—regardless of legal status—play a vital role in mental health and happiness.

Significance of Marriage as an Institution

Marriage holds immense social significance and is considered one of the most fundamental institutions in human society. Its importance is particularly profound in Indian culture, where

it is not only a means of fulfilling the basic human desire for sexual intimacy within a socially approved framework but also a path toward personal growth and emotional maturity.

In India, marriage is often seen as a once-in-a-lifetime event for most women—an occasion that is both sacred and celebrated, carrying immense social approval. It represents the ultimate life achievement for many women and is surrounded by rituals and expectations. Along with emotional and symbolic value, marriage carries legal and moral responsibilities, such as the mutual duty of spouses to support one another and jointly raise any children they may have.

One of the key outcomes of marriage is the shared responsibility for maintaining a household. It brings with it numerous legal rights and obligations, especially in matters such as property inheritance, succession, and familial duties. Marriage also acts as a source of strong social and familial support—providing emotional, physical, and financial backing to the couple.

Getting married under legal frameworks like the Hindu Marriage Act, 1955, the Special Marriage Act, 1954, or other applicable personal laws signifies entering into a relationship that carries public importance. As a legal and social institution, marriage creates a framework where a couple is bound by specific rights and duties—unlike live-in or informal relationships, which lack such legal clarity.

Courts around the world have acknowledged marriage as a civil right. In India, a relationship that is not formally solemnized as a marriage often faces societal disapproval or stigma. Over time, customs, traditions, social norms, and even laws have worked to preserve the stability of marriage.

That said, marriage is not without its challenges. Inequalities can arise within marital relationships, and women—especially in the Indian context—often bear the brunt of emotional, social, and financial hardships when marriages fail. Despite these issues, the fundamental role and relevance of marriage as a societal institution remain undeniable.

Conclusion

Live-in relationships offer couples the chance to understand each other more deeply while also allowing the flexibility to end the relationship at their discretion. However, these

arrangements often come with significant social stigma and legal challenges. Women, in particular, may find themselves at a disadvantage in such relationships. Recognizing these concerns, the Supreme Court has laid down specific guidelines aimed at regulating live-in relationships and safeguarding the rights of women and children involved.

While societal norms have evolved, especially among the younger generation, and live-in arrangements may be acceptable in certain situations, the traditional institution of marriage still plays a crucial role in maintaining social stability. From a psychiatric perspective, what truly matters is being in a healthy, loving, and meaningful relationship—whether formalized or not—rather than living in isolation or staying trapped in a toxic and distressing partnership.

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