



Legal Status Of Live-In Relationship In India: A Socio And Legal Analysis

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Abstract: The study investigates the socio-legal subtleties of live-in relationships in India, wherein the traditional matrimonial tradition continues to dominate social expectations. The study aims to analyze the evolving judicial interpretations and legal ambiguity related to live-in relationships while observing the social comprehension of the same. A mixed-method research design was adopted, combining qualitative and quantitative techniques. Data was gathered using structured questionnaires, focusing on persons in live-in relationships from different demographic groups in India. Stratified random sampling was employed to ensure representation across age, gender, and place. Statistical methods like regression analysis were employed using MS Excel and SPSS to evaluate the effect of socio-legal issues and judicial interpretations on the legal status of live-in relationships. The study highlights that although judicial precedents have contributed significantly to lending some legitimacy to these relationships, legal ambiguities and social opposition continue to exist. The analysis also detects important demographic factors which determine live-in relationship acceptability in India. Finally, it suggests policy interventions to create an open legal framework balancing constitutional rights and changing social mores, providing protection to those in those relationships.

Index Terms: Live-in Relationship, Legal Status and Socio-Legal Challenges

1. INTRODUCTION

In the contemporary, rapidly evolving world, technical and industrial breakthroughs have transpired at an accelerated rate over the last several decades, revolutionizing many facets of existence. Marriage is a legally and socially recognized partnership between partners. The social structure and bonds are more robust in rural areas, which make the institution of marriage much more important. Cohabitation without marriage is rare and is generally tabooed. Recently, circumstances have evolved rapidly, leading couples to cohabit in a single home without the institution of marriage. A live-in relationship is characterized by prolonged cohabitation between individuals who are not legally married and share a shared dwelling (Narayan et al., 2021). Relationships in which two individuals reside without legal duties are referred to as Live-In Relationships. Cohabitation transpires when two individuals, regardless of gender, choose to live together in a sexually intimate relationship resembling marriage, although without fulfilling the legal requirements of matrimony (Tyagi, 2015).

Individuals may cohabit for several reasons. These may include the desire to assess compatibility or to secure financial stability prior to marriage. Additional explanations include cohabitation prior to marriage to mitigate the risk of divorce. Cohabitation may be preferred by some persons who see their relationships as private and intimate, free from the influence of political, religious, or patriarchal organizations (PANDEY, 2021). The legality of these relationships in India is determined by numerous rulings issued by Indian courts throughout time. Courts endeavored to delineate the notion of a live-in relationship by establishing certain criteria, which may be regarded as prerequisites for any partnership claiming to be a live-in relationship to qualify as one akin to marriage (Mehra et al., 2022).

The legal status of live-in relationships remains unclear, making it difficult for partners to seek clarification and protection, even though they are becoming more common in Indian culture. Article 21 of the Indian Constitution protects the basic right to life and liberty; nevertheless, it does not include socially acceptable partnerships such as live-in arrangements. Per S.114 of the Indian Evidence Act, 1872, a presumption of marriage arises when a man and a woman cohabit as husband and wife for a prolonged duration (Sharma, & Singh, 2024).

1.1 Responses from Indian Judiciary on Live-in Relationship

Due to the absence of laws specifying the legal standing of live-in couples, the courts have stepped in to provide clarity on the subject. The Courts assert that when a man and a woman cohabit as husband and wife for an extended period, the law will infer their legal marriage until disproven (Mishra, 2022).

In case of **Badri Prasad vs. Dy. Director of Consolidation**, AIR 1978 SC 1557, This is the first case post-independence in which the SC of India acknowledged a live-in relationship as a legitimate marriage, so granting legal recognition to a 50-year cohabitation of a couple (Kumar, 2016).

According to Section 114 of the IEA, 1872, a marriage is presumed when a man and a woman who have been married for a long time are living together. In **A. Dinohamy v. W.L. Blahamy** the Privy Council said that where a man and a woman are shown to have cohabited as spouses, the law would infer, until clearly disproven, that they were living together as a result of a legitimate marriage rather than in a condition of concubinage (Joshi, 2022). The same approach was similarly used in this particular case of **Mohabhat Ali v. Md. Ibrahim Khan**, when the Privy Council maintained that a man and a woman who cohabit consistently for many years are presumed by law to be a married pair rather than in a condition of concubinage (Abhang, 2014).

In the latter half of 2010, the Delhi HC adjudicated a matter **Alok Kumar vs. State** this was also related to this relationship. According to the facts of the case, the petitioner, who was already a father and had not yet divorced his previous wife, began a live-in relationship with the complainant. A child of the complainant's own exists. This kind of relationship is temporary and does not create any legal duties, according to the Delhi High Court. Each day, the partners renew their cohabitation agreement, which any party may terminate at any time without the other's consent. People who are hesitant to be in such relationships might form a marital union, which creates a binding legal connection that neither partner can end on their own. So, those who choose for a "live-in relationship" can't later complain about their partner's immorality or adultery (Kumar, 2016).

1.2 Maintenance of Rights of Women in Live-In Relationship

The legal relationship between a husband and wife in India confers several rights, one of which is maintenance, to the wife. The husband is obliged to provide his wife with sustenance, shelter and clothing in conformity with religious and statutory legal standards. To entrench the statutory right to spousal support, Section 125 of the Crpc was enacted (Srivastava, & Sakkarnaikar, 2023). Live-in partnership lack formal recognition under any personal or statutory regulation. Due to the absence of statutory safeguards, the National Commission for Women intervened to champion the rights of women engaged in live-in relationship. In 2008, they proposed that the term live-in relationship be included in section 125 of the Criminal Procedure Code (Chaturvedi, & Baranwal, 2023).

The Courts, via their legal interpretations, have acknowledged the provision of maintenance, alimony, and inheritance to women in invalid second marriages and cohabiting partnerships, provided they can demonstrate having cohabited as a wife in a marital context for a significant duration. Despite the proliferation of these relationships in Indian culture, there exists substantial resistance to the acceptance or acknowledgment of talks or viewpoints about this topic. Khushboo, a notable South Indian female artist, faced 23 criminal charges for purportedly violating moral standards and decency by advocating sexual activity prior to marriage and cohabitation. In a Petition to annul the aforementioned complaints, the Supreme Court noted that concepts of social morality are intrinsically subjective, and that criminal law should not be used to unjustly intrude upon human liberty (Bharadwaj, & Rao, 2021).

This aims to provide an in-depth socio-legal examination of live-in relationships in the Indian context against the backdrop of their evolving status in the light of evolving social norms and judicial interpretations. It aims to explore the legal ambiguities in such a relationship, especially in the light of the lack of statutory recognition and examine the reaction of the Indian courts to this new trend through judicial precedents. Based on the analysis of population differences in social attitudes based on age and gender, the study attempts to identify important determinants influencing the acceptance of these relationships in India.

Lastly, the study attempts to provide policy suggestions towards introducing a more transparent legal framework that promises protection to people while, at the same time, disentangling constitutional rights from prevailing social norms.

This study offers an in-depth socio-legal examination of live-in relationships in India, contextualizing their growing acceptance within a traditionally marriage-based society. The research examines how legal structures, and judicial interpretations have influenced the status of these relationships, with specific reference to the rights of women and children. Through the evaluation of the social attitudes and the legal loopholes, the study bridges an important knowledge gap concerning the difficulties of those relationships. The study also adds by providing empirical evidence using qualitative and quantitative approaches, studying demographic factors on the acceptance of live-in relationships. It also suggests policy guidelines to clarify legal safeguards while harmonizing societal values.

There are seven sections in the paper. The first part is introduction of the document. A literature review on Live-In relationship in India: A Socio and Legal Analysis presented in section 2. Section 3 and 4 delineates the objectives and hypotheses of the investigation. Research Methodology is given under section 5. The outcome is presented in section 6 of the document. Section 7 presents a discussion of the outcomes. Section 8 presents results and recommendations for further study. References have finally been included.

2. REVIEW OF LITERATURE

Pautunthang, N. (2024) investigated the dynamics of live-in relationships in Metropolitan India. The analysis begins by examining how social changes affect the prevalence of these linkages. Likewise, **Malatesh, G. A., & Dhanasree, K. (2018)** currently, several individuals choose live-in relationships owing to diminished obligations, reduced commitments, financial constraints or advantages, and a lack of faith in the marital institution. The inclination of millennials towards live-in relationships is gradually rising in India. Similarly, **Naik, K., & Maley, D. G. (2017)** explored the duration of a live-in relationship is often constrained, perhaps ending swiftly, or culminating in marriage. Marriage is mostly permanent in nature, while a live-in relationship is transient. While marital rights and responsibilities are completely established, those in a live-in relationship are not. On the other hand, **Rajput, A. S. (2023)** intended to provide a socio-legal examination of live-in partnerships in India, scrutinizing the many legal aspects and ramifications of such arrangements. Similarly, **Prakash, A. S. (2023)** recognized the legal ramifications of live-in relationships, with the issues confronting youth today, and examined the legislation regulating this practice in India. However, **Mehra, K., & Verma, A. (2022)** conducted study on the legal status of live-in partnerships in a variety of nations, including those that permit heterosexual couples to cohabit without being married. Meanwhile **Fegade, S. (2021)** analyzed the current legal system's treatment of live-in couples and the possible protections offered to children and women in such situations. On the Contrary **Kh, S., & Veena, N. (2020)** investigated the perceptions of young people on marriage and cohabitation among foreigners and Indians, aiming to find and comprehend the distinctions in their views on these relationships. On the other hand **Gusain, P. (2020)** studied the live-in relationships pertains concerns of constitutionality and social morality. The notion of live-in relationships, although included by the Constitutional morality under Indian Constitution of Article 21, does not align with the parameters of social morality within the framework of Indian society. On the contrary **Khanna, S. N., & Kaur, G. (2023)** examined the A live-in relationship is an essential component of the basic right to life as enshrined in Article 21 of the Indian Constitution. Consequently, a distinct statute governing live-in relationships is necessary to prevent legal ambiguity.

Literature review identifies the changing socio-legal context of live-in relationships in India but still leaves crucial research gaps. Although judicial understanding has periodically accorded limited legal status, lack of a broad statutory framework generates uncertainty in rights, especially relating to maintenance, inheritance, and protection from abuse. Research has been conducted on societal attitudes and comparative law, but there is a lack of empirical studies on the lived realities of people in such relationships. Additionally, the relationship between constitutional morality and social morality is not well explored. These gaps are important to fill in order to suggest legal reforms that provide clarity, protection, and acceptance by society.

3. OBJECTIVES OF THE STUDY

- i. To identify the socio-legal challenges faced by the individuals in live-in relationship.
- ii. To examine the legal recognition of live-in relationships in India by analysing judicial interpretation.

- iii. To propose policy recommendations for a clearer legal framework to protect individuals in live-in relationships while balancing societal norms and legal rights.

4. HYPOTHESIS OF THE STUDY

H1: There is a significant impact of socio-legal challenges on individuals in live-in relationships.

H2: There is a significant impact of judicial interpretations on the legal recognition of live-in relationships in India.

5. RESEARCH METHODOLOGY

This paper analyzes the legality of live-in relationships in Indian law employing a mixed-method approach through the use of qualitative and quantitative methods. The participants in the study are primarily individuals in live-in relationships in India. Stratified random sampling makes diverse representation in terms of age, gender, and location possible. An exploratory and descriptive research design is employed in the research, with a planned questionnaire being the primary data-gathering tool. Dependent variables consist of both legal recognition of live-in relationships and the individuals involved in such relationships, while judicial interpretations and socio-legal concerns act as independent variables. Microsoft Excel and SPSS will be utilized to analyze data gathered from 100 survey forms completed. This research employs statistical techniques such as Mean, Standard Deviation, and Regression Analysis to analyze how socio-legal issues, demographics, and other socio-legal factors affect Indians' attitudes and acceptance towards live-in relationships.

6. RESULT

Table 1: Demographic Characteristics of the Respondents

Sr. No.	Demographic Characteristics	N	%	
1	Gender	Female	48	48%
		Male	52	52%
2	Age Group	18–25 years	19	19%
		26–35 years	22	22%
		36–45 years	25	25%
		46–55 years	19	19%
		Above 55 years	15	15%
3	Educational Qualification	High School or below	16	16%
		Diploma	20	20%
		Undergraduate	25	25%
		Postgraduate	23	23%
		Doctorate	16	16%
4	Employment Status	Employed	28	28%
		Self-Employed	23	23%
		Student	29	29%
		Unemployed	20	20%
5	Residential Area	Rural	27	27%

	Semi-Urban	32	32%
	Urban	41	41%

The demographic characteristics of the 100 respondents in table 1 are comprised of an equal gender split, with 52% males and 48% females. The distribution of ages indicates that the largest proportion of respondents belongs to the age range 36–45 years (25%), followed by 26–35 years (22%) and 18–25 years (19%), with 19% of the respondents classified in the 46–55 age group, and 15% of the respondents aged more than 55 years. According to the level of education, the biggest percentage consists of undergraduates (25%), postgraduates (23%) and diploma holders (20%), followed by those holding a doctorate (16%) and those holding high school and below (16%). Distribution by employment status reveals that 29% are students, 28% employed, 23% self-employed, and 20% unemployed. In terms of residential location, the respondents are quite evenly distributed, with 41% living in urban locations, 32% in semi-urban locations, and 27% in rural locations.

Obj. 1: To explore the socio-legal challenges faced by individuals in live-in relationships.

H1: There is a significant impact of socio-legal challenges on individuals in live-in relationships.

Table 2: Regression Analysis

Objective	Regression Weights	Beta Coefficient	R2	F	t-value	p-value	Objective Result
1	Socio-legal challenges Individuals live-in relationships > in	.405	.164	19.251	4.388	.000	Supported

The regression test presented in table 2 examines the impact of socio-legal challenges on people maintaining committed relationships. According to the results, a beta coefficient of 0.405 supports the hypothesis that persons in live-in relationships are moderately affected by an increase in socio-legal challenges; this suggests that the relationship between the two variables is positive and statistically significant. The R of 0.164 indicates that 16.4% of variation in individuals' experience in live-in relationships is accounted for by socio-legal challenges and, thus, indicates a moderate explanatory power of the model. The F-statistics (19.251) and t-value (4.388) confirm the significance of the model as a whole, and the p-value (.000) is highly significant, indicating the validity of the findings.

Obj. 2: To examine the legal recognition of live-in relationships in India by analyzing judicial interpretations.

H2: There is a significant impact of judicial interpretations on the legal recognition of live-in relationships in India.

Table 3: Regression Analysis

Objective	Regression Weights	Beta Coefficient	R2	F	t-value	p-value	Objective Result
2	Judicial interpretations Legal recognition of live-in relationships >	.594	.353	53.519	7.316	.000	Supported

The regression analysis in table 3 tests the effect of judicial interpretations on legal recognition of live-in relationships in India. The findings reveal that there is a strong and statistically significant effect, with a beta coefficient of 0.594, implying that judicial interpretations significantly influence the legal recognition of live-in relationships. The R² of 0.353 indicates that 35.3% of the legal recognition variation is explained by

judicial interpretations, which is a significant influence. The F-statistics (53.519) and t-value (7.316) also validate the significance of the model, while the p-value (.000) indicates the strength of the findings.

Obj. 3: To propose policy recommendations for a clearer legal framework to protect individuals in live-in relationships while balancing societal norms and legal rights.

A clear legal framework is necessary to protect individuals in live-in relationships while responding to societal issues and protecting legal rights. The framework must balance progressive legal provisions with cultural sensitivities, promoting wider societal acceptance without facilitating abuse. Clear framework for cohabitation contracts, conflict resolution mechanisms, and legal responsibility can fill the gap between changing social patterns and available legal frameworks, leading to a just and equitable approach.

7. DISCUSSION

The study's discussion aligns with the literature review, indicating that individuals were formerly reluctant to disclose their relationship status due to societal constraints, however contemporary Indian culture freely recognizes such partnerships (Kumari, M. S., 2020). Studies by Mishra, A. (2019) It has been determined that cohabitation is emerging as an alternative to marriage. Live-in relationships are not socially acceptable and are still seen as taboo and sinful in India. The significant influence by Ghosh, V. (2021) intended to examine the prevailing perspective of Indian youth toward heterosexual cohabitation, often referred to as live-in relationships. On the other hand, Prabhavathi, N., & Raju, R. (2020) Western civilizations infiltrated Indian society, resulting in the detrimental rise of the notion of live-in relationships. There is no legislation to safeguard against the mortality associated with this lifestyle.

8. CONCLUSION

The paper presents a holistic socio-legal critique of live-in relationships in India, where it presents the shifting legal regime and societal perspectives. The research indicates that though the judicial pronouncements have been a decisive force behind the legal establishment of such unions, substantial socio-legal hurdles still remain. The research accentuates the imperative for an orderly legal system where the rights and safeguarding of the persons take precedence with regard to equilibrium with society. Comparative legal systems of live-in relationships in jurisdictions can be a topic of further studies to glean best practices. Also, investigating the psychological and economic effects on people in these kinds of relationships can offer a greater understanding. Reforms of the law aimed at clarifying legal uncertainties surrounding cohabiting rights, provision for maintenance, and inheritance of property are areas of study in need of future investigation.

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