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LIVE-IN RELATIONSHIPS IN CONTEMPORARY INDIA: CHANGING SOCIAL NORMS AND LEGAL RECOGNITION

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Abstract

Live-in relationships in contemporary India represent a significant shift in intimate partnership patterns, reflecting broader transformations in social values, urbanization, education, and individual autonomy. Having a long history of marriage-based framework supported by family bonds, religion, and communal practices, the Indian society has traditionally seen cohabitation as an act that is not socially acceptable. Nevertheless, the growing exposure to globalisation, media pressure, economic autonomy, especially among women, and migration to big cities have led to the slow development and acceptance of live-in relationships in India and their legal right to be governed by law, notably, important Supreme Court judgements, which permit live-in relationships under the Protection of Women against Domestic Violence Act, 2005, inheritance, and the legitimacy of children. It deals with the dilemma of constitutional values of individual freedom and equality against traditional cultural values of marriage preference. The paper uses a socio-legal approach to analyze how cohabiting relationships upset the traditional family life as the parties attempt to legitimize their relationships in courts. It also raises gender justice concerns, societal stigma and the need to have more decisive legislative policies. The paper ends with a conclusion that in spite of progressive legal recognition of cohabitation rights, the social recognition has been varied, which shows that there is an ongoing negotiation process between tradition and modernity in the Indian society.

Keywords- Live-in relationships, Modernization, Legal Recognition, Changing Social Norms, Gender Bias

1.1 Introduction

Marriage in India is traditionally viewed as a sacred institution intertwined with religious and cultural norms, primarily legitimizing intimate partnerships as social contracts between families. Nevertheless, the norms have been questioned in the recent social changes hence bringing about other forms of companionship, including live in relationships- where the consenting adults live together without a formal marriage [1]. Among the factors that have led to this change, globalization, economic liberalization, greater access to education, rising proportion of the workforce by women, postponement of marriage and an urban exodus can be cited, which have promoted the change in attitude to intimacy and cohabitation among young adults towards individualism. Despite gaining acceptance in the city, live-in relationships still have to deal with stigma of society and moral censure in most areas. This kind of relationship that is supposed to exist between men has been known by the Indian courts to be of a legal nature that is claimed to be stipulated in Article 21 of the Constitution that defines the right to life and personal liberty. Maintenance and legitimacy of children born in such unions has been given domestic rights which are associated to domestic violence which have been granted in historic judgments [2]. Such a lack of formal statutory system, though, is a loophole in the legal provisions and the definition of the live-in partnerships. The paper is addressed to the study of the emergence of live in relationships in the present India through the conduction of the research of the interaction between the changing social norms and evolving legal approval. It explores how such relationships challenge the traditional constructions of families, negotiate moral boundaries and transform the image of intimacy and devotion. Applying socio-legal approach, the study aims at establishing whether the live-in relationships are a broader transformation of the Indian society or a disputable and transitional pattern of the broader culture of marriage.

Table: Live-in Relationships and Indian Society – A Comparative Overview

Basis of Comparison	Traditional Indian Society	Live-in Relationships in Contemporary India
Social Acceptance	Marriage is socially approved and culturally mandatory	Limited acceptance; more common in urban areas
Cultural Status	Marriage considered sacred and religiously significant	Considered a personal choice, not religiously sanctioned

Family Involvement	Strong family participation in partner selection and approval	Minimal or no family involvement
Legal Status	Clearly defined under personal laws	Recognized through judicial interpretation, not specific legislation
Women’s Position	Traditionally dependent within patriarchal structure	Greater autonomy but potential vulnerability
Rights & Protection	Legal protection under marriage laws	Protection under the PWDVA, 2005 (in certain conditions)
Children’s Legitimacy	Fully legitimate with inheritance rights	Children recognized as legitimate under judicial rulings
Social Stigma	No stigma attached	Often faces social criticism and moral policing
Urban vs Rural Presence	Common across rural and urban India	Predominantly urban phenomenon
Underlying Values	Collective family values	Individualism and personal freedom

1.2 Conceptual Framework of Live-in Relationships

A live-in relationship can be explained as a permanent intimate relationship between two adults who are consenting to live together without getting into a legally binding marriage. In India, no legal proceedings are done on such relations but based on mutual agreement. According to the judicial interpretation, live-in relationships have been determined as the relationship of marriage nature especially to Protection of Women against Domestic Violence Act of 2005. These involve such variables as common home, duration of cohabiting as well as the social representation as a couple. The long-standing practice of cohabitation is not universally accepted and even in the 1960s in the western world, it gained popularity because of the social revolution. On the other hand, marriage is a sacred institution of the traditional Indian society [3]. The cohabitation practices in India have however grown with the contemporary factors like urbanization, education and women independence in the economy. The largest distinctions between marriage and live-in relationships are considerable, marriage is a socially and

sacramentally defined relationship with rights and responsibilities, but live-in relationships place the preference on individual autonomy and joint consent and lack any social or religious ratification. Live in arrangements despite the flexibility provide, there exist legal grey issues in terms of property and financial security. Marriage is therefore the final symbol of tradition and permanence whereas live in relationships depict the modernity of choice of individual which underlines the clash that has been happening between tradition and modernity within the Indian society.

1.3 Traditional Marriage and Family Structure in India

The Indian tradition of marriage is a sacrosanct and life long institution as opposed to a contract. In Hinduism especially, marriage is regarded as a sacrament, which means a spiritual union, without which religious obligations cannot be met and without which the continuation of the lineage is impossible and social order is disrupted. The sacredness of marriage is captured in rituals and customs of the marriage, which strengthens the importance of the ceremony to the culture. Marriage, in a different religious context such as Islam, Christianity and Sikhism is seen to be a morally and spiritually valuable union that justifies companionship and procreation and is closely related to family honor and identity of a community. Marriage, therefore, defines individual and group life in the Indian society [4]. It is authored of the non separable roles of the family and community role in the marriage particularly in the context of an arranged marriage in an Indian traditional society where the caste, religion and social background compatibility is the key. The joint family enhances kinship and contributes towards enhancing social cohesion, the marriage decisions are in tandem with the expectations of the family and the social norms. It is believed that marriage plays a very significant role in ensuring social order and there exist very strong moral pressures that rule that marriage is the only right upholding foundation of intimate relation and giving birth to children. The roles of the genders are clear, and the women have the responsibility of the family and men are treated as breadwinners as the patriarchal values. This code of norms is largely followed otherwise the individual will be stigmatized in the society and his or her choices will be affected in the context of the status and the regard [5]. The traditional moral norms though the change has been in the modern day, particularly in the urban setting, are very significant in shaping the perception about marriage and family dynamics. This sophisticated web of religion, culture, and moral principles has its contribution on the toleration and defiance of new patterns of relationships, such as live-in relationships.

1.4 Emergence of Live-in Relationships in Contemporary India

The appearance of live-in relationships in modern India is connected with great social-economic and cultural transformation. Attitude to intimacy and commitment has been changed due to the rapid modernization, movement, and change in values. Albeit marriage still is the most common institution, different forms of relations, especially in the city, are becoming more visible and accepted. The process of urbanization has changed the Indian society where the migration to cities has weakened the traditional kinship and increased the autonomy of individuals. Urban areas are known to have people living their own lives hence more time to do as they please. Globalization has equally influenced social attitudes by harmonizing the diverse cultural behaviours particularly the western dating and cohabitation relations among the urban middle classes that some of them perceive live in relationships as feasible measures of verifying compatibility before they get married [6]. In India, there have been changes in the way gender roles are performed due to the heightened access to education and economic ability of women to be self-sufficient and this has resulted in immense implications on individual relationships. Women financial independence enables them to break the family roles and instead of equality and mutual roles in the relationships. The current trend of co-habiting means that the aspiration to be flexible is manifested in modern times despite the fact that there is a social stigma and legal gaps that surround non-marital co-habitation. The media particularly the movies, television and social sites have re-defined how people perceive live in relationships as good lifestyles, particularly to the young people in the urban areas. This is a generational difference of the younger generation being more concentrated upon happiness and emotional alignment where live in relationships are regarded as a method of testing compatibility or remaining independent compared to older generations that call such relationships to be a challenge of the cultural norms [7]. It is this intergenerational difference that indicates a greater change in the generally accepted values of society to the individual choices. Overall, the emergence of live-in relationships is a symptom of one of the radical social changes in India, which also proves the difficulty of the process of negotiation between tradition and modernity because of the urbanization process, gender equality trends, media influence, and evolving expectations of young people.

1.5 Legal Recognition of Live-in Relationships in India

Live-in relationships have received legal recognition in India despite the fact that judicial interpretation has been the most effective source of legal recognition as opposed to a direct statute. Although the Indian society has conventionally held marriage to be the main structure

of intimate relations, the courts have increasingly taken in to consideration the rights and protection of people in consensual cohabitation set ups especially to protect women and children.

- **Constitutional Provisions (Article 21 – Right to Life and Personal Liberty)**

In the Indian constitution, all citizens have a given right to personal liberty and life in article 21. The courts have taken this provision to imply the freedom of choice in intimate relationship like live in relationships. It is stated that many times the Supreme Court restated the idea that the consenting adults can make any personal and domestic decisions but are not excessively interfered with by the apparatus of the state as well as the society. This was to be ensured in this constitutional protection, which to ensure that provided the live-in relations are based on mutual consent and adult capacity, the live-in relations do not need to be criminalized [8]. It lays the legal foundation of judicial interventions of safeguarding the rights of cohabiting partners and their children.

- **Judicial Interpretation and Landmark Judgments**

Indian courts have played a pivotal role in defining the legal status of live-in relationships. Some landmark cases include:

- **S. Khushboo v. Kanniammal (2010):** The court acknowledged adult individuals' right to make personal life choices [9].
- **D. Velusamy v. D. Patchaiammal (2010):** Established conditions under which live-in relationships could be treated as “in the nature of marriage” for the purpose of legal protection [10].
- **Indra Sarma v. V.K.V. Sarma (2013):** Clarified that protection under the law applies primarily to relationships of long-term and stable cohabitation [11].

These judgments collectively recognize live-in partnerships while emphasizing that such recognition is conditional upon the relationship being long-term, stable, and consensual.

- **Protection under the Protection of Women from Domestic Violence Act, 2005**

The PWDVA, 2005 also ensured that women in live-in relationships were given legal

protection with regards to being abused and exploited. In fact, the courts have been interpreting the Act that women in a domestic relationship that is in nature of marriage but not registered as marriage are subjected to the Act. In the PWDVA, those women who live in unmarried relationships are entitled to petition protection and maintenance among other legal consequences in case they are physically, emotionally or economically abused. This acknowledgement has tremendously helped the state in playing the safety role and reroutes immensely in ensuring that women within the unconventional household mechanisms are secure.

- **Rights of Women in Live-in Relationships**

The female population that resides in live-in relationships is susceptible to some of the problems that emerge because of the lack of legal documents such as marriage certificates. The judicial interventions have allowed women to claim some of the basic rights including the right to maintenance in cases of abandonment or abuse, protection against domestic violence in the PWDVA, and certain rights to joint property and joint household in [12]. However, even with these legislations, women tend to be more of practical issues especially in the rural and socially conservative societies where legal sensitization and enforcement of such rights continue to pose significant issues.

- **Legitimacy and Rights of Children**

The Courts in India have asserted that the children born of the live-in relationships have similar rights as those born in marriage such as the right to legal protection, the right to inheritance, and the right to social legitimacy. The courts, especially the Supreme Court has underlined that children should not be victimized on grounds of their parents being non-marital but the courts shall ensure that the best interests of the children take precedence in cases of custody, maintenance and succession [13]. The legalization of live-in relationships may be regarded as a favor between the rights of individuals and social security on the one hand, there are also the protections, which are provided by the existing constitutional and legislative laws such as the Protection of Women from Domestic Violence Act (PWDVA), on the other hand, there is no full-scale legislation. Nevertheless, despite this, live-in relations have received the status as legal and social construct of Indian jurisprudence.

1.6 Socio-Legal Challenges and Concerns

- Live-in relationships in India are gaining some social and legal recognition but face significant socio-legal challenges.
- Social stigma, especially in the rural and conservative regions, criticize and estrange non-marital cohabitation.
- Moral policing interferes with individual liberty and magnifies bad attitudes with media coverage and makes a couple unwilling to take legal safeguards.
- Live-in relationships create a more vulnerable situation because of the patriarchal approaches of the women, who face unequal power relations and face the threat of domestic abuse.
- Available legislations including the Protection of Women against Domestic Violence Act, 2005 offer partial protection but these are not equally available.
- On gray grounds, the rights of property and maintenance in relationships of cohabitants are usually left to be conducted at the discretion and presentation of cohabitation.
- There is no common law that governs live-in relationships in India; the unresolved issues are, to be recognized by the judiciary precedents, and hence a variety of unresolved issues.
- It should be noted that to respond to these socio-legal issues, cultural awareness and enacting laws to enhance right protection and social acceptance is required.

1.7 Conclusion

The modern Indian live-in relationships is a social and cultural phenomenon of various social norms and constitutional values and vested cultural practices. Marriage has been considered an important institution but the change in perspectives with urbanization, globalization and the changing aspirations of the younger generations are encouraging alternative intimate relationships. Previously stigmatised live-in relationships are now more visible, particularly in the urban context despite the social resistance and even question of morality. On a legal front, the judicial service has been on the front of making and securing such arrangements by interpreting the right to life and individual liberty in Article 21 of the Constitution thus making it clear that consensual cohabit is legal. In other related matters that have been solved with help of cases, there is the protection as per the Protection of Women against Domestic Violence Act, 2005, law of maintenance and status of children born of such unions. However, the reality that no central statutory framework exists puts inequalities particularly in the issues of property

rights, succession, and long-term monetary security. The provided paper shows that the given phenomenon of live-in relations is not only the reflection of the individual choice, but also of the disturbance of the values of the whole society, the roles of the genders and loyalties, and the attempts to accept the existing regulations and cultures. Live-in relations are highly dissimilar in various areas of the country, each social group, and even generation, the question of negotiation between tradition and modernity is constant. Despite the fact that the legal status of autonomy as an individual has been enhanced, and gender justice is enhanced, the acceptance of society is still at a slow pace. The policy changes further in the future and more specific legislation can help address the discrepancy between legal protection and social reality so that the rights and dignity of people in such relations could be properly preserved.

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