

## The Need for Legislation on Live-in Relationships in the Present Scenario in India

Sandeep Kumar Sharma<sup>1</sup> & Dr. Narendra Bahadur Singh<sup>2</sup>

<sup>1</sup>PhD Research Scholar, Department of Law, Galgotias University Greater Noida, Uttar Pradesh, India

<sup>2</sup>Professor, Department of Law, Galgotias University Greater Noida, Uttar Pradesh, India  
orcid=0009-0007-1081-2538

### Abstract:

Live-in relationships have become increasingly prevalent in India, challenging traditional notions of marriage and family. However, the absence of specific legislation addressing the rights and protections of individuals in such relationships has led to legal uncertainties and vulnerabilities. This research paper examines the pressing need for legislation on live-in relationships in the present scenario in India. It explores the evolving social dynamics, legal lacunae, and practical considerations necessitating legislative intervention to ensure fairness, equality, and justice for individuals in live-in relationships.

### Introduction:

In recent years, India has witnessed a notable increase in the prevalence of live-in relationships, reflecting changing societal norms and evolving attitudes towards marriage and cohabitation. Traditionally, Indian society has upheld the institution of marriage as the cornerstone of family life, with strict adherence to cultural and religious norms surrounding matrimony. However, the dynamics of relationships have undergone significant transformations, with an increasing number of couples opting for cohabitation without formal marriage.

The rising prevalence of live-in relationships can be attributed to various factors, including urbanization, globalization, increased educational opportunities, and economic independence among individuals, especially women. Urban centers, in particular, have become hubs of social change, where individuals are exposed to diverse lifestyles and perspectives, leading to a reevaluation of traditional values and customs.

Despite the growing acceptance and prevalence of live-in relationships, India lacks specific legislation addressing the rights and protections of individuals in such unions. Unlike countries like the United States and several European nations where legal

frameworks exist to regulate cohabitation and provide legal recognition and protections to unmarried couples, India's legal landscape remains largely silent on the issue.<sup>1</sup>

The absence of legislation on live-in relationships has created legal uncertainties and vulnerabilities for individuals involved in such unions. Without legal recognition, couples in live-in relationships are deprived of essential rights and protections afforded to married couples, including rights related to property, inheritance, maintenance, and child custody. In cases of disputes or dissolution of the relationship, individuals may find themselves in legal limbo, unable to seek recourse or protection under the law.

Furthermore, societal attitudes towards live-in relationships vary widely, with stigma and judgment often accompanying non-traditional forms of cohabitation. Individuals in live-in relationships may face social ostracization, discrimination, and even violence due to societal disapproval of their lifestyle choices. The lack of legal recognition exacerbates these challenges, leaving couples vulnerable to exploitation, coercion, and abuse.

In light of these developments, there is a compelling need for legislative intervention to address the rights and protections of individuals in live-in relationships. A comprehensive legal framework would not only offer clarity and guidance but also ensure fairness, equality, and justice for all individuals, regardless of their relationship status. It would provide much-needed legal recognition and protections to couples in live-in relationships, safeguarding their rights and interests in the eyes of the law.

Moreover, legislation on live-in relationships would contribute to the normalization and acceptance of diverse forms of relationships in Indian society. It would reflect the changing dynamics of relationships and acknowledge the autonomy and agency of individuals to choose their life partners and living arrangements. By recognizing the legitimacy of live-in relationships, policymakers can promote inclusivity, diversity, and respect for individuals' choices, fostering a more progressive and equitable society.

The rising prevalence of live-in relationships in India highlights the need for legislative intervention to address the rights and protections of individuals involved. The absence of specific legislation on this issue has created legal uncertainties and vulnerabilities, leaving couples in live-in relationships vulnerable to exploitation and discrimination. By enacting legislation to regulate live-in relationships, policymakers can ensure fairness, equality, and justice for all individuals, reflecting the realities of contemporary Indian society and upholding the rights and dignity of its citizens.<sup>2</sup>

### **Evolution of Live-in Relationships in India:**

Live-in relationships, characterized by cohabitation between unmarried partners, have a complex history in India, shaped by cultural, social, economic, and legal factors. While

traditionally considered taboo and contrary to societal norms, live-in relationships have gradually gained acceptance in contemporary Indian society, reflecting changing attitudes towards marriage, family, and personal relationships.

**Historical Context and Cultural Attitudes:** Historically, Indian society has been deeply rooted in conservative values and traditional family structures, where marriage was considered sacrosanct and the foundation of family life. Cohabitation outside of marriage, commonly known as live-in relationships, was viewed with suspicion, stigma, and moral judgment. Cultural and religious norms emphasized the sanctity of marriage and placed strict restrictions on premarital or extramarital relationships.

The concept of live-in relationships was largely absent from mainstream discourse, with societal expectations dictating that individuals adhere to prescribed norms regarding courtship, marriage, and family life. Any deviation from these norms was met with social ostracization, familial disapproval, and even legal repercussions, particularly for women. However, despite societal taboos and moral censure, instances of informal cohabitation or consensual unions outside of marriage have existed throughout Indian history, albeit in a clandestine or covert manner. These relationships often occurred in marginalized or disadvantaged communities, where individuals lacked access to formal marriage rituals or faced societal barriers to conventional marriage due to caste, class, or other social factors.<sup>3</sup>

**Factors Contributing to Increasing Acceptance:** In recent decades, India has witnessed significant social, economic, and cultural changes that have contributed to the increasing acceptance and prevalence of live-in relationships.

**Urbanization and Modernization:** The rapid pace of urbanization, coupled with increasing exposure to Western lifestyles and values, has played a significant role in reshaping attitudes towards relationships and marriage. Urban centers have become melting pots of diverse cultures and lifestyles, where individuals are exposed to alternative relationship models and non-traditional family structures.

**Economic Independence:** The growing economic independence of women, coupled with changing gender roles and aspirations, has empowered individuals to assert their autonomy and agency in matters of relationships and marriage. Economic self-sufficiency has enabled women to make independent choices regarding their personal lives, including decisions regarding cohabitation and partnership.

**Delayed Marriage and Changing Priorities:** Changing socio-economic dynamics, including rising educational attainment, career aspirations, and aspirations for personal fulfillment, have led to a delay in the age of marriage and a reevaluation of traditional marital norms. Many individuals, particularly in urban areas, prioritize personal and professional goals over marriage, opting for cohabitation as a form of companionship and partnership.

**Legal Reforms and Judicial Pronouncements:** Landmark legal reforms and judicial pronouncements have played a pivotal role in shaping the legal landscape surrounding live-in relationships in India. Judicial recognition of live-in relationships as a valid form of partnership and the extension of legal protections to individuals in such unions have contributed to greater acceptance and legitimacy.

**Media and Popular Culture:** The portrayal of live-in relationships in popular media, including films, television shows, and literature, has played a significant role in normalizing and glamorizing non-traditional forms of relationships. Media representations have contributed to changing societal perceptions and attitudes towards cohabitation, presenting it as a viable and acceptable lifestyle choice.

The evolution of live-in relationships in India reflects a complex interplay of historical, cultural, socio-economic, and legal factors. While traditionally stigmatized and taboo, live-in relationships have gradually gained acceptance and prevalence in contemporary Indian society, driven by urbanization, economic independence, changing gender roles, legal reforms, and evolving cultural attitudes. As societal norms continue to evolve, live-in relationships are likely to become increasingly normalized and accepted as a legitimate form of partnership and companionship in Indian society.<sup>4</sup>

#### **Legal Lacunae and Challenges:**

The existing legal framework in India is largely inadequate in addressing the rights and protections of individuals in live-in relationships, leading to legal uncertainties and vulnerabilities for couples in such unions. Unlike countries like the United States and several European nations where legislation exists to regulate cohabitation and provide legal recognition and protections to unmarried couples, India lacks specific laws governing live-in relationships. This lacuna in the legal system creates a myriad of challenges and uncertainties for individuals involved in live-in relationships.<sup>5</sup>

**Lack of Legal Recognition:** One of the primary challenges faced by individuals in live-in relationships is the lack of legal recognition of their union. In the absence of formal marriage, couples in live-in relationships do not enjoy the same legal rights and

protections as married couples. This includes rights related to property, inheritance, maintenance, and financial support.

**Property Rights:** One of the most significant areas of concern for individuals in live-in relationships is property rights. In the absence of legal recognition, there is no clarity regarding the ownership and division of shared assets acquired during the course of the relationship. This often leads to disputes and legal battles over property rights, leaving individuals vulnerable to financial losses and insecurity.

**Inheritance:** Similarly, the lack of legal recognition of live-in relationships poses challenges in matters of inheritance. Without a legal framework in place, individuals in live-in relationships may be denied inheritance rights, leading to financial hardship and deprivation of assets upon the death of a partner.

**Maintenance and Financial Support:** Individuals in live-in relationships may face difficulties in obtaining financial support or maintenance from their partners in case of separation or dissolution of the relationship. Unlike married couples who are entitled to alimony and financial support, unmarried partners may struggle to assert their rights to financial assistance without legal recourse.

**Child Custody:** Child custody is another critical issue faced by individuals in live-in relationships, particularly in cases where children are born out of wedlock. Without legal recognition, determining custody arrangements and parental rights can be challenging, leading to emotional distress and legal battles over the welfare of the child.

**Legal Uncertainties:** The lack of specific legislation governing live-in relationships creates legal uncertainties and ambiguities, leaving couples in a state of vulnerability. Without clear guidelines and protections under the law, individuals may find themselves at a disadvantage in legal proceedings and disputes related to their relationship.

### **Case Studies and Examples:**

Several case studies and examples highlight the legal uncertainties and vulnerabilities faced by individuals in live-in relationships in India:

The landmark judgment of the Supreme Court of India in the case of *Lata Singh v. State of U.P.* highlighted the need for legal recognition and protection of live-in relationships. The court affirmed that couples in live-in relationships are entitled to the same rights and protections as married couples, emphasizing the importance of providing legal safeguards to individuals in such unions.

In the case of *Indra Sarma v. V.K.V. Sarma*, the Supreme Court recognized the right of partners in live-in relationships to claim maintenance under the provisions of the Protection of Women from Domestic Violence Act, 2005. The judgment underscored the need for legal remedies and protections for individuals in live-in relationships, particularly in cases of financial dependence and vulnerability. However, despite these judicial pronouncements, individuals in live-in relationships continue to face legal challenges and discrimination. Cases of harassment, eviction, and denial of rights based on the absence of legal recognition highlight the urgent need for legislative intervention to address the rights and protections of individuals in live-in relationships.<sup>6</sup>

**Practical Considerations:**

In addition to legal challenges, individuals in live-in relationships face practical issues that impact their well-being and security:

**Property Rights:** The lack of legal recognition of live-in relationships poses practical challenges in matters of property ownership and division. Couples may face difficulties in purchasing property jointly or securing tenancy rights without formal marriage.

**Inheritance:** Without legal recognition, individuals in live-in relationships may be excluded from inheritance rights, leading to financial insecurity and deprivation of assets upon the death of a partner.

**Maintenance and Financial Support:** Individuals in live-in relationships may struggle to obtain financial support or maintenance from their partners in case of separation or dissolution of the relationship. Without legal recourse, they may face difficulties in asserting their rights to financial assistance.

**Child Custody:** Determining child custody arrangements and parental rights can be challenging for individuals in live-in relationships, particularly in cases where children are born out of wedlock. The absence of legal recognition adds complexity to custody disputes and may result in emotional distress and legal battles over the welfare of the child.

**Societal Stigma:** Individuals in live-in relationships often face societal stigma and discrimination, leading to social ostracization and exclusion. The lack of legal recognition exacerbates the stigma associated with non-traditional forms of relationships, further marginalizing couples and undermining their rights and dignity.

**Impact of Absence of Legislation:** The absence of legislation on live-in relationships has significant implications for the well-being and security of individuals involved:

**Vulnerability to Exploitation:** Without legal protections, individuals in live-in relationships are vulnerable to exploitation, coercion, and abuse by their partners or third parties. The lack of legal recognition leaves them unprotected and without recourse in cases of mistreatment or violation of their rights.

**Financial Insecurity:** The absence of legal recognition of live-in relationships deprives individuals of essential rights and protections related to property, inheritance, and financial support. This can lead to financial insecurity and hardship, particularly for economically dependent partners.

**Emotional Distress:** Legal uncertainties and vulnerabilities associated with live-in relationships can cause emotional distress and anxiety for individuals, impacting their mental health and well-being. The lack of legal recognition adds to the stress and uncertainty of navigating complex legal and social challenges.

**Hindrance to Social Mobility:** The absence of legal recognition may hinder individuals' social mobility and access to essential services and benefits. Without formal documentation of their relationship, couples may face difficulties in obtaining housing, healthcare, and other basic amenities.

The legal lacunae surrounding live-in relationships in India pose significant challenges and vulnerabilities for individuals involved, impacting their rights, well-being, and security. The absence of legislation addressing the rights and protections of individuals in live-in relationships creates legal uncertainties, leaving couples at a disadvantage in matters of property, inheritance, maintenance, child custody, and societal stigma. It is imperative for policymakers to recognize the urgency of this issue and enact legislation that safeguards the rights and dignity of individuals in live-in relationships, ensuring fairness, equality, and justice for all.<sup>7</sup>

### **International Perspectives and Comparative Analysis:**

**Review of Legislation on Live-in Relationships in Other Countries:** Several countries have enacted legislation to regulate live-in relationships and provide legal recognition and protections to unmarried couples. For example:

**United States:** In the United States, laws governing cohabitation vary by state. Some states recognize common law marriage, where couples who live together for a certain period of time are considered legally married. Other states have specific statutes governing

domestic partnerships or civil unions, which provide legal recognition and protections to unmarried couples.

**European Union:** Several European countries, including France, Germany, and the Netherlands, have enacted laws recognizing cohabitation and providing legal protections to unmarried couples. These laws typically cover issues such as property rights, inheritance, maintenance, and child custody, ensuring that couples in live-in relationships have access to legal remedies and protections.

**Australia:** In Australia, de facto relationships, including live-in relationships, are recognized under family law. Couples in de facto relationships are entitled to the same rights and protections as married couples, including property rights, inheritance, maintenance, and child custody.

### **Comparative Analysis of Legal Frameworks and Their Implications for India:**

The legal frameworks governing live-in relationships in other countries offer valuable insights and lessons for India. Comparative analysis reveals several key implications for India:

**Legal Recognition:** Many countries recognize cohabitation and provide legal recognition and protections to unmarried couples. India can learn from these models and consider enacting similar legislation to ensure that individuals in live-in relationships have access to legal remedies and protections.

**Property Rights and Inheritance:** Laws in other countries often address property rights and inheritance issues for unmarried couples, ensuring that partners are entitled to a fair share of assets acquired during the relationship. India can explore ways to provide similar protections to individuals in live-in relationships, addressing concerns related to property ownership and inheritance.

**Maintenance and Child Custody:** Legal frameworks in other countries often include provisions for maintenance and child custody for unmarried couples, ensuring that partners have access to financial support and parental rights in case of separation or dissolution of the relationship. India can consider enacting legislation to address these issues, providing clarity and guidance on matters of maintenance and child custody for individuals in live-in relationships.



**Public Opinion and Social Discourse:** Survey data and public opinion polls provide valuable insights into attitudes towards live-in relationships in India. While traditional attitudes may still prevail in some segments of society, there is evidence to suggest that attitudes are gradually changing, particularly among younger generations and urban populations.

Analysis of social discourse and debates surrounding the need for legislation on live-in relationships reveals a growing recognition of the importance of legal recognition and protections for unmarried couples. Advocates and activists argue that legislation is necessary to address the rights and vulnerabilities of individuals in live-in relationships, ensuring fairness, equality, and justice for all. Overall, international perspectives and comparative analysis underscore the importance of enacting legislation on live-in relationships in India. By learning from the legal frameworks and experiences of other countries, India can develop a comprehensive legal framework that addresses the rights and protections of individuals in live-in relationships, reflecting the realities of contemporary Indian society and upholding the principles of fairness, equality, and justice.<sup>8</sup>

#### **Proposed Legislation:**

In light of the legal lacunae and challenges surrounding live-in relationships in India, there is an urgent need for comprehensive legislation to address the rights and protections of individuals involved in such unions. The proposed legislation should aim to provide legal recognition, clarity, and safeguards to ensure fairness, equality, and justice for all individuals in live-in relationships. Key provisions and safeguards to be included in the proposed legislation are as follows:

**Legal Recognition:** The legislation should explicitly recognize live-in relationships as valid forms of partnership, entitled to legal recognition and protections under the law. This includes acknowledging the rights and responsibilities of individuals in live-in relationships, including property rights, inheritance, maintenance, and child custody.<sup>9</sup>

**Registration and Documentation:** Couples in live-in relationships should have the option to register their partnership with the appropriate authorities, similar to marriage registration. This would provide legal evidence of their relationship status and facilitate access to legal rights and protections. Additionally, the legislation should establish guidelines for documenting the duration and nature of the relationship to prevent fraudulent claims.

**Property Rights and Inheritance:** The legislation should address issues related to property rights and inheritance for individuals in live-in relationships. It should provide mechanisms for the equitable distribution of shared assets acquired during the course of the relationship and ensure that partners are entitled to a fair share of property in case of separation or dissolution of the relationship.<sup>10</sup>

**Maintenance and Financial Support:** The legislation should establish provisions for maintenance and financial support for partners in live-in relationships, particularly in cases of financial dependence or economic disparity. Partners should have the right to claim financial support from their partners in case of separation or dissolution of the relationship, similar to the provisions for alimony in divorce cases.<sup>11</sup>

**Child Custody and Parental Rights:** The legislation should address issues related to child custody and parental rights for individuals in live-in relationships, particularly in cases where children are born out of wedlock. It should establish guidelines for determining custody arrangements and parental rights, ensuring the welfare and best interests of the child are prioritized.

#### **Benefits and Implications:**

Enacting legislation on live-in relationships would have several potential benefits, including:

**Legal Clarity:** Legislation would provide clarity and guidance on the rights and responsibilities of individuals in live-in relationships, reducing legal uncertainties and disputes related to property, inheritance, maintenance, and child custody.

**Protection of Rights:** Legislation would ensure that individuals in live-in relationships have access to legal rights and protections similar to married couples, including property rights, inheritance, maintenance, and child custody. This would safeguard the interests and well-being of partners, particularly in cases of separation or dissolution of the relationship.<sup>12</sup>

**Societal Acceptance:** Legal recognition of live-in relationships would contribute to the normalization and acceptance of diverse forms of relationships in Indian society. It would challenge stigma and prejudice associated with non-traditional partnerships, promoting inclusivity and respect for individuals' choices.

However, implementing legislation on live-in relationships may also pose several challenges and implications:

**Cultural Resistance:** Traditional attitudes and cultural norms regarding marriage and family may pose resistance to the enactment of legislation on live-in relationships. Conservative groups and religious organizations may oppose legal recognition of non-traditional partnerships, citing moral or religious objections.

**Implementation Challenges:** Implementing legislation on live-in relationships may pose logistical challenges, including establishing registration procedures, documenting relationships, and enforcing legal provisions. Government agencies and judicial authorities may require training and capacity-building to effectively implement and enforce the law.<sup>13</sup>

**Legal Complexity:** Drafting comprehensive legislation on live-in relationships requires careful consideration of various legal, social, and ethical considerations. Balancing the rights and interests of individuals while ensuring legal clarity and fairness may pose challenges in the legislative process.

Enacting legislation on live-in relationships is crucial to address the rights and protections of individuals involved in such unions. The proposed legislation should provide legal recognition, clarity, and safeguards to ensure fairness, equality, and justice for all. While the benefits of legislation are significant, policymakers must carefully consider the potential challenges and implications associated with its implementation. By prioritizing the enactment of legislation on live-in relationships, India can uphold the rights and dignity of all its citizens, regardless of their relationship status, and foster a more inclusive and equitable society.<sup>14</sup>

### **Conclusion:**

In conclusion, the increasing prevalence of live-in relationships in India underscores the necessity for legislative intervention to safeguard the rights and protections of individuals involved. As societal norms evolve and family structures change, there is a clear and urgent need for a comprehensive legal framework that offers clarity and guidance on various issues, including property rights, inheritance, maintenance, child custody, and societal stigma associated with live-in relationships.

By enacting legislation specifically addressing live-in relationships, policymakers can ensure fairness, equality, and justice for all individuals, irrespective of their relationship status. Such legislation would provide much-needed legal recognition and protection to individuals in live-in relationships, offering them recourse in case of disputes or violations of their rights.

Moreover, a robust legal framework for live-in relationships would contribute to the societal acceptance and normalization of diverse forms of relationships, moving away from

traditional norms and prejudices. It would promote inclusivity and respect for individuals' choices, fostering a more equitable and progressive society. Furthermore, legislative intervention in this regard is essential to address practical concerns and challenges faced by individuals in live-in relationships. Issues such as property rights, inheritance, and financial support need to be clearly defined to prevent exploitation and ensure the well-being of all parties involved.

Additionally, legal recognition of live-in relationships would provide much-needed protection to vulnerable groups, including women and children. It would ensure that individuals in such relationships have access to legal remedies and support systems in cases of domestic violence, exploitation, or abandonment.

Ultimately, it is imperative for lawmakers to recognize the significance of this issue and take proactive steps to create a legal environment that reflects the realities of contemporary Indian society. By acknowledging and regulating live-in relationships, policymakers can uphold the rights and dignity of all citizens, regardless of their relationship status.

Legislative intervention is crucial to address the rights and protections of individuals in live-in relationships. A comprehensive legal framework would not only offer clarity and guidance but also promote fairness, equality, and justice for all. It is high time for policymakers to prioritize this issue and enact legislation that reflects the evolving dynamics of relationships in Indian society.

## References:

1. Bharati, Anurag. "Live-In Relationships in India: A Sociological Perspective." *Journal of Indian Law and Society*, vol. 7, no. 2, 2016, pp. 91-110.
2. Dhawan, Nikita. "Live-in Relationships: A Socio-Legal Perspective." *Indian Journal of Law and Justice*, vol. 6, no. 1, 2015, pp. 68-83.
3. Garg, Ankit. "Legal Recognition of Live-in Relationships in India: A Critical Analysis." *Journal of Legal Studies*, vol. 8, no. 2, 2017, pp. 145-162.
4. Jain, Nidhi. "Changing Dynamics of Family Relationships in Urban India: The Case of Live-in Relationships." *Sociological Bulletin*, vol. 67, no. 2, 2018, pp. 178-194.
5. Kumar, Arvind. "Live-in Relationships in India: A Socio-Legal Study." *Indian Journal of Social Research*, vol. 7, no. 3, 2016, pp. 45-62.
6. Mehta, Ruchika. "Legal Status of Live-in Relationships: A Comparative Analysis." *Journal of Comparative Law*, vol. 5, no. 1, 2019, pp. 112-128.
7. Mishra, Shalini. "Contemporary Perspectives on Live-in Relationships in India." *Social Science Review*, vol. 12, no. 2, 2017, pp. 210-225.
8. Patel, Ravi. "Legal Recognition of Live-in Relationships: Challenges and Prospects." *Journal of Legal Studies*, vol. 9, no. 3, 2018, pp. 278-295.

9. Reddy, Suresh. "Live-in Relationships: A Comparative Analysis of Legal Frameworks in India and Abroad." *International Journal of Comparative Law*, vol. 3, no. 2, 2019, pp. 187-204.
10. Sharma, Priya. "Socio-Legal Implications of Live-in Relationships in India." *Indian Journal of Legal Studies*, vol. 4, no. 4, 2015, pp. 321-336.
11. Singh, Amar. "Live-in Relationships: Legal Aspects and Challenges." *Journal of Legal Research*, vol. 14, no. 1, 2018, pp. 56-71.
12. Tiwari, Sangeeta. "Live-in Relationships: A Study of Legal Awareness and Attitudes in India." *Journal of Social Sciences*, vol. 10, no. 3, 2016, pp. 345-360.
13. Verma, Rohit. "The Need for Legislative Intervention on Live-in Relationships in India." *Indian Law Journal*, vol. 11, no. 2, 2017, pp. 189-204.
14. Yadav, Ananya. "Live-in Relationships: A Legal and Social Analysis." *Journal of Legal Studies*, vol. 7, no. 4, 2016, pp. 421-436.