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**ACCEPTANCE OF LIVE-IN RELATIONSHIPS IN THE METROPOLITAN CITIES OF INDIA**

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**ABSTRACT**

Since the Vedic era, Indian society has regarded marriage as one of the pure and sacred bonds. With the ever changing society and human psychology, the notion of relationship and marriage has also evolved. The idea of live-in relationships is being adopted by thousands of couples around the world. Even though considered a taboo in Indian Culture, cohabitation has slowly paved its way in the Indian society. The objective of this study is to evaluate the acceptance level of live-in relationships in the society and to find out the reasons and their thinking towards such an arrangement. Also, the study evaluates the awareness among the people about various laws and legislations that are enacted for such relationships.

*Keywords: Cohabitation, Live-in Relation, GandharvaVivah, Marriage, Legal relationship*

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**INTRODUCTION**

Indian society has undergone many changes- from Undivided Hindu Joint family to extended joint family to nuclear families. In India, there exists only one kind of legal relationship between a couple and that social union is termed as “*Marriage*” (Muralidharan, 2013). One cannot choose to stay single for a long time because of the societal pressures.

As compared to other countries, the percentage of marriage is very high in India. A small number of people choose to remain unmarried in Indian culture. But now due to change in thinking, standard of living, education, there is an emergence of a new concept of Live-in relationships. The concept is alien to our “*BharatiyaParampara*” although such relationships are becoming increasingly popular in metropolitan cities

Live-in relationship concept is not very new in foreign countries. It exists from around two to three decades. Live-in relation is a living arrangement in which an unmarried couple live together in a long-term relationship, that resembles a marriage. Couples cohabit rather than marry, for many reasons. They may want to test their compatibility before they want to enter in marriage institution.

In India, people are not aware about the live-in relation laws and there exists a lot of misunderstanding about the concept. Indians usually think that live-in relations are all about physical pleasure. But that is not the case. There are many different reasons to enter into cohabitation. When two people marry and after marriage find that they differ in many ways which makes it difficult to live together under one roof, it becomes difficult to end such relation as there are many legal complexities involved in getting a divorce. Socially also, parents and relatives try to intermeditate between the couple and try to settle. Ultimately one or both have to compromise and the couple is ultimately not happy. This is the major reason to enter into cohabitation.

In such a relationship, the partner is not entitled to all the rights as a legally married couple. Indian society in general has a negative attitude towards such relationships. They believe it is against their “*BhartiyaParampara*” and is even considered as a sin. People are even hesitant to talk on this topic in public. Couples who live in cohabitation are frowned upon by the society. Their relationship is not accepted in the society and people do not wish to rent their apartments to such couples. They are looked upon as if they have committed some crime.

But if we look at the Indian history, “*GandharvaVivah*” described in our Vedas, are no different from live-in relationship. As described in Vedas, GandharvaVivah is a word-of-mouth commitment in which a man and a woman mutually consent to get married and no traditional rituals or family of the couple is required for solemnising the marriage. But it still came under the purview of marriage. Although a couple were united by means of a GandharvaVivah, the commitment and responsibility were identical to any of the other types of marriages ordained in the traditional texts.

Indian Kings and Emperors also lived in cohabitation with more than one woman. When this kind of relation was considered, allowed and justified in that era, why is the present society frowning upon people entering into cohabitation? Why is it considered as an influence of Western culture?

In a 2013 case, *IndraSarma vs. V.K.V.Sarma*, the Supreme Court of India illustrated five categories where the concept of live in relationships can be considered and proved in the court of law. Following are the categories:

Domestic relationship between an adult male and an adult female, both unmarried. It is the most uncomplicated sort of relationship

Domestic relationship between a married man and an adult unmarried woman, entered knowingly.

Domestic relationship between an adult unmarried man and a married woman, entered knowingly.

Domestic relationship between an unmarried adult female and a married male, entered unknowingly

Domestic relationship between same sex partners (gay or lesbian) (Associates, 2015)

### **REVIEW OF LITERATURE**

*The complete guide to live-in relationships in India: November 28, 2014, By AnkitaAnand* – This blog has highlighted the outlook of the society on live-in relationships and how such relationships are considered only as a means of physical pleasure. It further talks about the difficulties faced by the couples in getting a roof as many of the societies do not allow to rent flats to such couples.

*Hindustan Times: May 6, 2018- Adult couple can live together without marriage-Supreme Court* – With the reference to a 20-year-old Kerala woman, the Supreme Court held that an adult couple has the right to live together without marriage.

*Inshorts Poll: May, 2018*

### **LEGAL STATUS OF LIVE-IN RELATIONSHIPS IN INDIA**

There is no law or statute in India that directly deals with cohabitation. But over the years, various existing laws have created space for and provided certain rights for couples engaged in live-in relationships.

*The Hindu Marriage Act, 1955* confers legitimacy on the child born out of cohabitation and establishes his/her succession and property rights.

*Protection of Women from Domestic Violence Act 2005* does not distinguish between a woman who is married and who is in a live-in relationship. It provides equal protection to them against domestic violence by their husband/live-in partners and his relatives.

*Section 125 of Code of Criminal Procedure, 1973* provides for *Order for maintenance of wives, children and parents*. On the basis of suggestions received from National Commission for Women (NCW), the Supreme Court of India extended the definition of 'wife' to include a woman in live-in relationship.

*The Fundamental right under Article 21* of the Constitution of India grants to all its citizens "right to life and personal liberty" which means that one is free to live the way one wants. Live in relationship may be immoral in the eyes of the Indian society but it is not considered to be "illegal" in the eyes of law.

*Section 114, Indian Evidence Act, 1872*, lays down that where independent evidence of solemnization of marriage is not available, it will be presumed to be a valid marriage by continuous cohabitation between the parties unless the contrary is proved.

### **LANDMARK JUDGMENTS ON LIVE-IN RELATIONSHIPS IN INDIA**

**1.1. 1927, *A Dinohamy v. WL Blahamy***, the Council laid down a general principle: "Where a man and a woman are proved to have lived together as a man and wife, the law will presume, unless the contrary be clearly proved, that they were living together in consequence of a valid marriage and not in a state of concubinage." (Associates, 2015)

**1.2. 1929, in *Mohabhat Ali Vs Mohammad Ibrahim Khan***, it said: "The law presumes in favour of marriage and against concubinage when a man and woman have cohabited continuously for a number of years." For a live-in couple to be considered validly married, the court wanted evidence of cohabitation for a number of years, without specifying the minimum number of years. (Associates, 2015)

**1.3. 1952, *Gokal Chand and Pravin Kumari***, in this judgment, the apex court refused to recognise a live-in relationship, though the couple had lived together for some years before the pregnant woman decided to live alone with her child born out of a live-in relationship with the man. The rebuttal of a presumption in favour of a valid marriage, in this case, came from the child, who said she did not remember her father ever visiting her or her mother.

- 1.4. **1978, *Badri Prasad*** the Supreme Court recognised a live-in relationship as a valid marriage, accusing the authorities of questioning a relationship 50 years after the couple had begun living together, and were treated as a married couple even by their relatives.
- 1.5. **2001, *Payal Sharma Vs Superintendent, Nari Niketan, and others***, that a live-in relationship was not illegal.
- 1.6. **2003, *Justice Malinath Committee to the Law Commission of India*** stated that if a woman has been in a live-in relationship for a reasonable time, she should enjoy the legal rights of a wife.
- 1.7. **2005, *The Protection of Women from Domestic Violence Act*** provides protection to women at the hands of their husbands as well as live-in partners, and his relatives
- 1.8. **2008**, the Supreme Court validated long-term live-in relationships as marriages. A Supreme Court bench headed by Justice Arijit Pasayat with P Satisivan declared that child born out of such a relationship will no longer be called illegitimate. "Law favours in the interest of legitimacy and thumbs down 'whoreson' or 'fruit of adultery'," the court added.
- 1.9. **2015**, the Supreme Court of India stated that live-in relationships should not be considered a prohibited relationship (Chatterji, 2008)

Thus, the legal status of cohabitation in India has been evolving over time and the concept has been accepted in the recent years. Although, there are no separate legislations that lay down the provisions for live in relationships and provide legality to this concept. Though the concept of live-in relationship is considered immoral by the society, but is surely not illegal in the eyes of the law. The Supreme Court ruled that living together is a right to life and therefore it cannot be held illegal. The court has made an attempt to improve the conditions of the women and children that are born out of live in relationships by defining their status under the Domestic Violence Act, 2005. Only if the relationship is proved to be a “relationship in the nature of marriage”, the man will be bound to pay maintenance.

**DATA COLLECTION AND ANALYSIS**

**Data Collection Methods**

This study makes use of primary as well as secondary data. The primary data was collected through questionnaire method and the secondary data was collected through various case laws, newspaper articles, journals and web articles.

**Sample**

A Sample of 200 people of all the genders of age above 20 years drawn from Mumbai City has given back the duly filled up questionnaire.

**Data Analysis and Interpretation**

**Table 1: Demographics of the Respondents**

<b>Respondents’ Statistics:</b>	<b>Age Statistics:</b>	<b>Employment Statistics:</b>	<b>Edu. Qualification:</b>
Total number of respondents: 200  • Male Respondents: 95 • Female Respondents: 103 • Other Respondents: 2	• 20-30 Years: 151 • 30-40 Years: 12 • 40-50 Years: 30 • Above 50 Years: 7	• Full time employed: 59 • Part time employed: 3 • Self-employed: 38 • Unemployed: 8 • Homemaker: 9 • Student: 84	• Less than 12th: 3 • Graduate: 131 • Post Graduate: 42 • Professional Qualification: 24

**Reasons for entering into cohabitation**

**Findings:** The following reasons in the order of maximum votes were drawn from the survey-

1. To know each other properly (64.5%)
2. To become more matured and responsible in a relationship (54%)
3. To test the compatibility (50.50%)

4. To avoid the obligations of a traditional marriage (27%)
5. Freedom to move in and out (25%)
6. Physical pleasure (27.50%)
7. To escape commitment (17%)
8. To escape responsibilities (12.50%)
9. Easy way to end a relationship (10%)

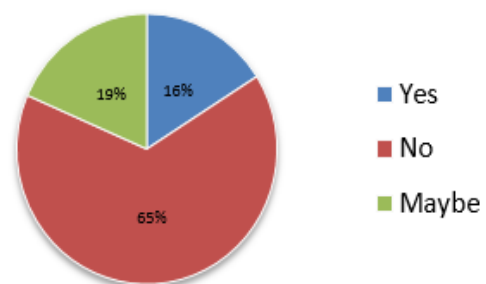
**Behaviour towards such couples in the society**

**Findings:** 77.50% said they would accept such couples and their relationship. This helps us understand that the outlook towards live-in relationship is definitely changing. But there still exists a class of respondents who think and believe that such relationships should not be accepted as they are against the social and religious norms as well as the “*BhartiyaParampara*”. One of the surprising point that has been noted is that not only the respondents in the age group of 30-50 think and consider live-in relationships as unacceptable and against the social and religious norms, but a few of the respondents from the class of 20-30 years are also of the same opinion. Similarly, a number of respondents belonging to age group of 40-50 are open towards the concept of cohabitation and are ready to accept such relationships in the society. By this analysis we can say that not only the current and young generations are in the favour but even the older generations are ready to welcome such relationships.

**Awareness about legislations governing Live-in relationships in India**

**Findings:** The answer to this question was not at all surprising. 65.5% of the respondents are unaware about any legislations governing cohabitation. The major cause of this unawareness according to me is the awkwardness or discomfort among the people in talking about such topics.

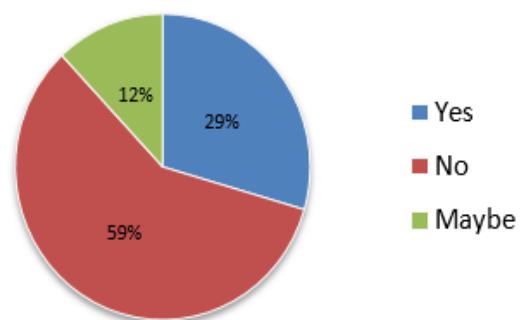
Are you aware about any legislations governing Live-in relationships in India?



**iv. Cohabitation- Fundamental Right granted by The Supreme Court**

**Findings:** The Fundamental Rights under the Constitution of India has granted all its citizens the *right to life and personal liberty* (Article 21). This means that every citizen is free to live the way he/she wants. Though it is considered socially and morally improper in the conservative Indian society, the Supreme Court does not consider it illegal. 58.5%, i.e. 117 respondents were not aware about this. Only 59 people were about this. Again, this unawareness is because such topics are considered taboo. Thus, people never open up and discuss on such topics.

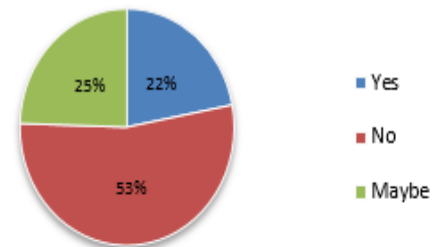
Did you know that live-in relationship is viewed as a fundamental right by the Supreme Court of India?



**“COMPROMISE”- The only solution to differences in a marriage?**

**Findings:** 53.50% of the respondents were of the view that Compromise is not a solution to the differences in a marriage. Whereas 24.50% of the respondents were not sure. But 22% were sure that compromise can make things better.

Do you believe that compromise is the solution to differences in a marriage?



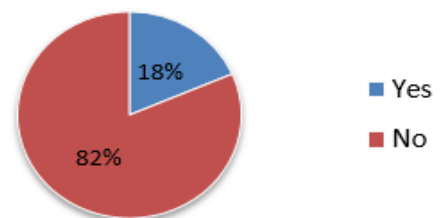
On being asked about “Compromising” in a relationship, the respondents shared their views as follows:

- “Compromise can never sustain any relationship. Be it live in or marriage. But sadly, it has been the component that our society still believes in for marriage, from women solely”
- “I believe marriage is a bond where partners need to understand and react according to the situation. One cannot stay in a marriage without sacrificing”
- “Adjustment is needed NOT COMPROMISE...2 people staying together always differ. One should give space to other partner for their differences rather imposing view point on the partner. Understanding and trust plays important role in marriage.”
- “A relation requires time to nurture. Compromise in any relationship is inevitable. However, the extent of that compromise should solely be decided by you and it should only be limited to the extent that other person is willing to compromise for you.”

**Renting Space to couples in Live-in Relationships**

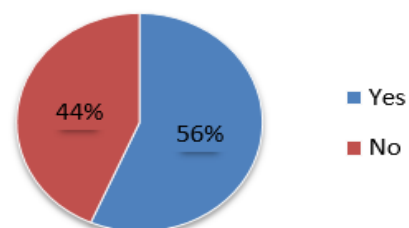
**Findings:** When it comes to renting apartments and flats, the societies have a list of norms ready. Many societies do not allow Bachelors or people belonging to certain religion and castes to live in their society. Similarly, renting a flat to an unmarried couple has been prohibited since decades. According to the society, such relations are considered to be impure and taboo. The couple is treated as if they have committed a serious crime. Because of visible change in thinking, the respondents were asked whether they would rent their apartments to couple in cohabitation, to our surprise, majority of the people (81.50%) said YES.

Would you rent your apartment/flat to couples who are in a live-in relationship?



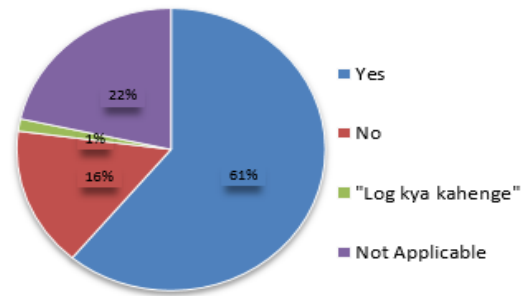
**vii. Would you enter into Cohabitation?**

**Findings:** Being open minded and accepting cohabitation does not necessarily mean that people themselves would opt for such relation. This can be clearly analysed from the responses received. Where 155 people said they would accept such relationships, only 133 people are ready to enter into such relationship. This question as such does not conclude any observation, as opting or not opting for cohabitation is a personal choice and personal decision. But seeing people accept such relations and such couples is a notable feat.



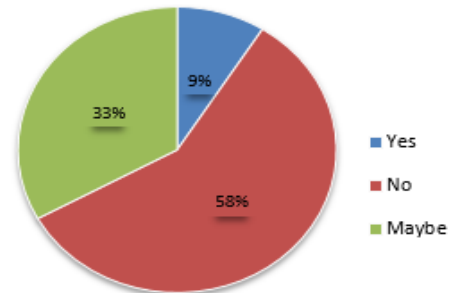
**viii. Would you accept your children entering into cohabitation?**

**Findings:** An astonishing response was found to this question. 61% i.e. 122 respondents are ready to accept their children entering into live-in. Out of the total married respondents (42 people), 19 are ready to accept their children entering into cohabitation, whereas 17 were against it. 3 respondents were of the view that “*Log kyakahenge*” i.e. how would the society react. “*Log kyakahenge*” has killed more dreams than anything else in the world. The societal pressure is so much that no one is ready to live their dreams or what makes them happy.

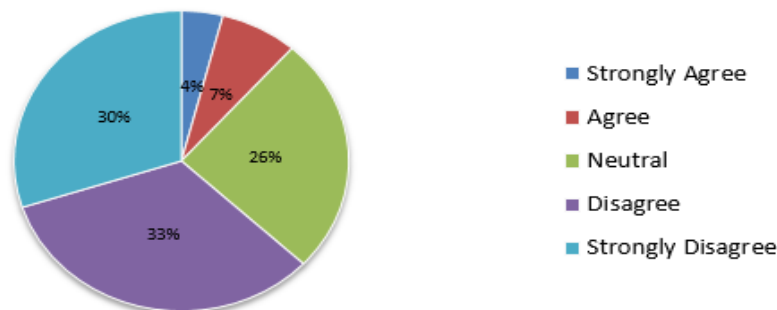


**ix. Would you go against your parents’/family’s wish and enter into cohabitation?|**

**Findings:** As we saw in the previous questions, majority respondents were ready to accept live-in relationships. But at the same time, we see here that 58% people have refused to go against their parents’ wish. This depicts that Indian population is ready to welcome new concepts but at the same time they still have the moral values and respect for elders because of which they do not wish to go against their family. Many people believe that western culture is influencing the youth of India in a negative way. The youth is losing their moral values and culture. But I strongly believe that accepting new things does not mean losing your own values and degrading your own culture. We can adopt and adapt positive things about live-in relation while retaining our Indian culture.



**x. “Marriage is pure, Living-in is sin”**



**CONCLUSION**

For long, the topic and idea of live-in relationships have been considered beyond the pale in India. But the society is changing and transforming. People are accepting this concept and even accepting the couples who choose to opt for such relationship.

However, the Indian society still constantly judges unmarried couples staying together. Any move by the judiciary to support this will not have any effect on the mindset until and unless we stop seeing cohabitation as

only a means of lust. Where the relationship between Lord Krishna and Radha is considered to be holy and sacred, why don't we see such purity in other relationships?

Moreover, the right to take decision should always be in the hands of the individual and on her /his will. One should be free to choose and decide how they want to lead their own life. There should not be a connotation of morality attached to every act because it restricts the individual liberty and freedom of choice. The Indian society should come out of the age-old ideas and perceptions of what is moral and immoral. The individual should be empowered enough to take decisions without any barriers imposed by the society and one should be given both personal and public space enough to experiment with his/her own life.

There are both kinds of people in the society who either chooses marriage or live in relationships or even atheism to lead their life happily. So, practice of any such relationships should not be seen as an antagonistic towards the each other. One should be free to exercise one's own will through their rationale. The youth should be encouraged for carrying on their life with good deeds and good humane values for maintain a harmonious social order by accepting all sorts of variations in relationships practiced by the individuals.

*"The first step toward change is awareness. The second step is acceptance."*

*- Nathaniel Branden*

## REFERENCES

- <http://www.legalservicesindia.com/article/1000/need-of-special-legislation-on-live-in-relationship.html>
- VivekNamdev, March 4, 2017: *Live-In Relationships In Indian Context*-<https://www.youthkiawaaz.com/2017/03/live-in-relationships-in-indian-context-2/>
- Associates, A. N. (2015, October 29). Retrieved from Legally India : <https://www.legallyindia.com/views/entry/right-of-maintenance-to-women-in-live-in-relationships>
- Chatterji, S. (2008, August 22). *Living-in: Shades of grey*. Retrieved from India Together : <http://www.indiatogether.org/livein-society>
- Hari Ravikumar, April 24, 2017. *Our Vedas permitted Live-in Relationships*:<https://www.dailyo.in/lifestyle/live-in-relationships-vedas-marriage-rape-prostitution-supreme-court/story/1/3361.html>
- Kazim, S. (2014, February 21). Retrieved from The Companion: <http://thecompanion.in/live-in-relationship/>
- Muralidharan, R. (2013, July 19). Retrieved from Youth kiAwaaz: [https://www.youthkiawaaz.com/2013/07/of-love-live-in-relationships-and-the-bharatiya-parampara/?utm\\_source=AlsoRead&utm\\_medium=YKA&utm\\_content=Views](https://www.youthkiawaaz.com/2013/07/of-love-live-in-relationships-and-the-bharatiya-parampara/?utm_source=AlsoRead&utm_medium=YKA&utm_content=Views)
- Sudha Mishra vs Surya Chandra Mishra, 244 (Delhi High Court 2014).
- Titzmann, F.-M. (2017, August 4). Contesting the Norm? Live-in Relationships in Indian Media Discourses. Retrieved from <https://journals.openedition.org/samaj/4371>