

**INTERNATIONAL JOURNAL OF LAW  
MANAGEMENT & HUMANITIES**

**[ISSN 2581-5369]**

---

**Volume 5 | Issue 1**

---

**2022**

© 2022 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

---

This Article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in International Journal of Law Management & Humanities after due review.

In case of **any suggestion or complaint**, please contact [Gyan@vidhiaagaz.com](mailto:Gyan@vidhiaagaz.com).

---

**To submit your Manuscript** for Publication at **International Journal of Law Management & Humanities**, kindly email your Manuscript at [submission@ijlmh.com](mailto:submission@ijlmh.com).

---

# The Conflict between Live-In Relationships and Marriage and Its Sociolegal Position in India

---

ALISHA VERMA<sup>1</sup> AND MONIKA PUNIA<sup>2</sup>

## ABSTRACT

*There is no specific legislation with respect to the issue of live-in relationship in India. There is no institution to set out the privileges and responsibilities for the parties in a live-in relationship, and for the situation with children brought into the world to such people. The Indian law doesn't give any rights or commitments to the parties to such relations. Moreover, India is considered as the nation which is strict on the traditions. The society is comparatively of a conservative mindset. Marriage remains as the socially accepted relationship between two opposite sex individuals who want to cohabit together. Despite being in such confusing status live-in relationships are choice of many couples living in the metropolitan cities. This continuous tussle between the society and individual's perspective has been going almost a decade now. The present paper is concerned with the sociolegal position of such relations and impact of them on the society.*

**Keywords:** Marriage, Live-in relationships, Family, Society, Sociolegal.

## I. INTRODUCTION

Live-In Relationship has been perhaps the most dubious subject in the moment past. Marriage and family is the establishment of Indian culture and convention. The Indian culture is generally strict and family driven. The impact of live in relationship India is of exceptionally late past which has brought up a few pivotal issues identifying with the effect of such connections on the general public. Despite the fact that, there is no enactment on this topic, the Indian legal executive has tossed a lot of light into the issue on live seeing someone and has judiciously attempted to adjust the overall assumptions for the general public and the individual privileges of individuals. In a recent significant ruling Punjab & Haryana High Court<sup>3</sup> refused to grant protection to a young couple that had moved the court in fear of threats received from the girl's family. In doing so, it made the following observation: "if such

---

<sup>1</sup> Author is an Assistant Professor of Law at Manipal University Jaipur, India.

<sup>2</sup> Author is an Assistant Professor of Law at Manipal University Jaipur, India.

<sup>3</sup> Soniya and another v. State of Haryana & others, Order dated 18<sup>th</sup> May 2021

protection as claimed is granted, the entire social fabric of the society would get disturbed.” Justice Sudhir Mittal further held “that adults have the right to choose their own partners, and families should not intervene in that decision against the person’s will. The individual also has the right to formalize the relationship with the partner through marriage or to adopt the non-formal approach of a live-in relationship.” Justice H.S. Madaan of even described such relationships as “morally and socially unacceptable.” In early part of the paper the author has tried to explain the concept of such relations and how it has become an emerging trend in India. In the later part the author has tried to explain the psychosomatic impacts of such relationships on an individual and towards what kind of society we are headed if we recognize such relationships equal to marriage.

## **II. INDIAN CULTURE AND THE INSTITUTION OF MARRIAGE**

The unit called ‘family’ was formed by our ancestors to create a sense of security in the mind of an individual. Personality of a human develops to the fullest of his or her capacity when lived in a mentally secure environment. Marriage is the base of the family system. Family creates a sense of belongingness among people. Members of the family are connected in a way that it gives one strength to fight all the odds in the world outside of the home.

Marriage is a the only legitimate and socially-acknowledged type of relation between a man and a woman. There is a social approval that has its own allure and fulfilment. In any case, living with someone is the new and on-going pattern among the young that gives them the opportunity to live with their partner with no pressing factor of orchestrated relationships. Both of these socially-developed foundations of affection and connections have their advantages and disadvantages. Relationships in India occur either keeping the individual Law of the Religion to which a gathering is had a place or following the arrangements of the Special Marriage Act<sup>4</sup>.

Marriage, according to the Common Law, establishes an agreement between a man and a lady, wherein the gatherings attempt to live respectively and support one another. Marriage, as an idea, is additionally broadly and globally perceived. In India marriage is profoundly impacted by religion. Hinduism, Christianity and Islam are beliefs rehearsed all through the country. All these religions have a significant role in a person’s life and demise, particularly with the respect to marriage since days of yore the establishment of marriage is incredibly woven into the way of life and custom individuals.

Relationships are supposed to be made in paradise and this is the thing that most individuals

---

<sup>4</sup> 1954

accept. Subliminally, this thought is fixed in the personalities of individuals and purposely or unconsciously, the couples in a conjugal relationship make a solid effort to make their relationship keep going for quite a while and now and again till the very end does them separated. In this way, marriages are a steadier type of a relationship. In inconsistency, a live-in can be too freeing now and again. Without any limitations, there are more prospects of flimsiness and uncertainty. In the event that you have not submitted in a conjugal and a lawful bond, you can't make certain of it.

### **III. EVOLVING CONCEPT OF LIVE-IN RELATIONSHIP**

As of late, our nation has seen radical changes in the question of relations between man and woman. The current age sees living without marriage in a manner unique in relation to what was seen before. With regards to our sociocultural qualities, it was viewed as a sin for people to live under a same roof without being lawfully wedded to one another. Be that as it may, this tradition is steadily disappearing and the general public is opening up about the possibility of a couple living together without marriage. Focuses put for such arrangements are that the arrangement is just an approach to comprehend the partner in a superior manner and to check if they are viable to one another. Present age, in contrast to their archetypes, thinks of it as fundamental for them to see each other in a genuinely sensible manner prior to going into a proper wedlock.<sup>5</sup>

In a nation like India, regard for common liberties is an essential piece of popularity based framework. Each individual has the opportunity to pick his life and life partner for building a family through marriage. The reason for marriage is to make a feeling of responsibility which is not independent of its traps. Marriage is no assurance for never-ending happiness except for it gives legitimate and social acknowledgment and security in the society. The changing situation of individuals moving into living in with someone is an issue of individual right and security. Despite the fact that the quantity of individuals supporting such practice might be less in number yet there is an authentic worry that in future individuals may favour it for marriage. Living in with someone may appear to be interesting and engaging however truly the issues prone to emerge are numerous and testing. Empowering live-in relationship with someone in the current conditions will welcome issues like bigamous nature of human being, various relationship connections which will decimate the social texture of this nation. In the opinion of researcher India is not yet ready for legal recognition of these kinds of relationships.

---

<sup>5</sup> . Titzmann, Fritz-Marie. (2011): "Medialisation and Social Change: The Indian Online Matrimonial Market as a New Field of Research." *Social Dynamics*, Vol. 2

Today, living together without marriage is a typical example among individuals in the Western world. Individuals may live for various reasons. These may incorporate needing to test the similarity or to build up monetary security prior to wedding. It might likewise be on the grounds that they can't legitimately wed, for example, on the off chance that they are of a similar sex, some interracial or between strict relationships are not lawful or allowed. Different reasons remember living with somebody before marriage for a push to stay away from separate, a route for polygamists or polyamorists to try not to overstep the law, an approach to stay away from the higher personal charges paid by some two-pay wedded couples (in the United States), pessimistic consequences for benefits instalments (among more established individuals), philosophical resistance to the foundation of marriage and seeing little distinction between the obligation to live respectively and the obligation to marriage. A few people may likewise pick living together on the grounds that they consider them to be as being private and individual issue, and not to be constrained by political, strict or man centric organizations.

Rather than this, a segment of the young may not concur with what the traditionalist side of the general public needs to say. They feel that live-in relationship gives them the feeling of opportunity just as the sensation of an intimate existence without the limitations presented by the organization of marriage. In a live-in relationship, one can leave or remain at whatever point the person feels things aren't working out. Yet, relationships can incur significant damage, as they intended to be together for a lifetime, or in the Indian setting, for seven lifetimes! Additionally, the legitimacy including a marriage makes it a troublesome and tedious interaction to break up it or look for a separation.

#### **IV. LEGAL SITUATION OF LIVE-IN RELATIONSHIPS IN INDIA**

In a much-anticipated perception of living with someone without being married to them, the Apex Court believed that a man and a woman living respectively without marriage can't be interpreted as an offense. "When two individuals want to live together, what is the offense? Does it add up to an offense?" an exceptional Three-Judge Bench establishing the Chief Justice of India, K.G. Balakrishnan and Justices Deepak Verma and B.S. Chauhan noticed.<sup>6</sup> The Supreme Court said that there was no law restricting living with someone or pre-marital sex. "Living with someone is an option to live" the Supreme Court stated, evidently alluding to Article 21 of the Constitution of India which ensures the right to life and individual freedom as a key right.

---

<sup>6</sup>Joseph Shine vs Union of India (SCC Online 1676). 2018. <https://www.scconline.com/blog/post/tag/joseph-shine/>. Accessed January 31, 2021.

Notwithstanding, judiciary has explained the idea of through different decisions. Despite the fact that law is as yet unclear about the situation with such relationship yet couple of rights have been allowed by interpreting and adding the current enactments so that abuse of such relations can be prevented by the partners.<sup>7</sup>

For the first time in the Protection of Women from Domestic Violence Act, 2005, the law-makers have recognized live-in relationship someone by conferring rights and assurance to those females who are not married, yet are living with a male in a relationship, which is in the nature of marriage.

In spite of the fact that live-in relationship isn't completely characterized in the Act yet left to the judiciary for interpretation. By goodness of previously mentioned arrangement, the court deciphered the articulation "relationship in the nature of marriage". The arrangements of the Act are by and by made pertinent to the people who are in live-in relationship with someone. Courts expect such arrangement to be covered under the ambit of the articulation as the words idea of marriage and live-in relationship remain on a similar line and importance.<sup>8</sup>

This gives these women some essential rights to shield themselves from the maltreatment of false marriage, bigamous connections. In November 2000 the Malimath Committee which was the Committee on Reforms of Criminal Justice System, was set up. In 2003 when the Malimath Committee presented its report, it made a few proposals under the head "offenses against females". One of its suggestions was to revise Section 125 CrPC, 1973 to adjust the term "wife". Slowly but gradually the law is also acknowledging the existence of such relations.

## V. SOCIOLEGAL EFFECTS OF SUCH RELATIONS

Relationship between great quality relationship and emotional well-being can't be overemphasized. Having great worth, close, and encouraging relations gives us a feeling of direction, which means, and belongingness.<sup>9</sup> Discussion with a decent and concerned person in an up close and personal association helps in mitigating stresses and furthermore assists with handling our feelings, including the awkward ones. Associations with a friend or family member prompts a scope of pleasurable and positive encounters. Individuals in great quality relationship and social network to family, companions, and the local area are more joyful and have not many psychological wellness issues.

---

<sup>7</sup>Ahmed, Sameera: "Are We Ready to Accept Live-in Relationships?" Jan. 21, 2012, *Youth Ki Awaaz*, <http://www.youthkiawaaz.com/2010/01/are-we-ready-to-accept-live-in/#WZE6gMp2BF7p5JKK.99>

<sup>8</sup>Navtej Singh Johar vs Union of India (5 SCC 1). <https://indiankanoon.org/doc/168671544/>. 2018. Accessed January 31, 2021

<sup>9</sup>Dr. Kalpana V. Jawada (2015): *Live in Relationships: Recent Developments and Challenges*

Disconnection and dejection lead to various mental issues and furthermore poor actual wellbeing.<sup>10</sup> A long-running investigation on human conduct was directed at Harvard University to discover what makes individuals healthy. The project began in 1938 and proceeded for quite a few years with discoveries distributed in 2012. The consequence of the investigation showed that satisfaction and wellbeing are not the aftereffect of riches, acclaim, or buckling down, however come rather from our relationships. For people with handicaps as well, social connections assume significant part and have been exhibited to have gainful impact on their emotional well-being. In another meta-logical audit, it was tracked down that low quality or miserable relations affect physical and psychological well-being than not being in relation with someone. People with meaningful and stable relationships were found to be happier than the ones who had unstable difficult relations in life.

Living with someone without marriage is more normal than we might think. Everybody has various musings and insights which would lead them to acknowledge or dislike such relations. While there are numerous purposes behind a couple to choose to move in together, it includes a particular sort of duty one that you may have to assess yourself on before you choose to make this stride in your relationship. The actual benefit of being in a live-in relationship, is its greatest disservice Lack of Commitment. It is accepted that human connections are feeble and complex. Due to all the pressing factor and duties that accompany marriage, couples favour being in dwelling together to fulfil their different requirements. In any case, a wedded couple will put forth every conceivable attempt to save their relationship, and look for answers for issues and misjudging prior to separating than individuals in a live-in relationship. Regardless of the numerous discussions that sparkle in the personalities of individuals with regards to live seeing someone, there are positives and negatives to something similar.

Social Censure is an extraordinary hindrance of live-in relationship. Society thinks that it's difficult to acknowledge such a relationship kindly. It is considered as non-adequate particularly by the more established age. Couples in such sort of relationship are frequently hassled by the general public for their decision. Another hindrance is the absence of responsibility. Any squabble or battle can prompt a split, while in a marriage a battle is frequently trailed by thinking and settling. Quite a while into the relationship, one of the accomplices may feel 'choked' in the relationship because of the absence of individual space. Some may even feel a feeling of tedium which messes up the relationship and could at last

---

<sup>10</sup> Thomson, Elizabeth and Ugo Colella (1992): "Cohabitation and Marital Stability: Quality or Commitment?" *Journal of Marriage and the Family*, Vol. 54, No. 9.

prompt a tragic split.

## **VI. CONCLUSIONS**

In researcher's opinion the concept of such relationships are for intellectually high human beings. People who are of such independent nature that societal endorsement of their feelings for the other human being does not matter to them. They are loyal and of such aura that the way they conduct a relationship in itself creates a sense of security in the mind of their partner that they are there for each other. At last what the human mind needs is love. In whichever form it is. Living together without any kind of commitment can be beautiful but what a human being really need in long term is the mental security. When we are living without marriage, the other person is not bound by the mind and feel free from any responsibilities. This can be fun in the beginning as we are also free from any responsibility whatsoever. But eventually what we need is love and loyalty. someone to take care of us and accept us in front of the world. Acceptance is the very essence of human satisfaction. Loyalty being the hard bid in a live-in relationship creates unrest in our minds and turns everything toxic in the end. The researcher is of the opinion that live-in can be a temporary solution for something but cannot be permanent one. With such a society which has mentally unsatisfied individuals, what kind of society we are expecting.

\*\*\*\*\*