



LIVE-IN RELATIONSHIPS: A BENEFIT TO THE SOCIETY OR A LUCRATIVE RELEASE FROM INDIAN TRADITIONS BY GRAVE DESTRUCTION OF CUSTOMS AND SOCIAL VALUES

*Kumud Mehra & Dr. Nitesh Saraswat**

ABSTRACT

The prime focus of this paper is towards the probable impact of the growing acceptability of the newly emerged concept of unmarried cohabitation by the Indian youth in the name of live-in relationships, which is seemingly becoming a substitute for marriage in our country. This newly evolved trend has similar characteristics and a great resemblance to marriage. Couples opting for such an unmarried union could only be differentiated from the married couples just on the basis of lack of solemnisation of their alliance with each other. The present generation of our society is a fast-moving cohort having modern and progressive mindsets when compelled to abide by the rigid and traditional matrimonial norms and prefer staying hassle-free having a strong inclination in favour of their career. In such a state of things, a major portion of the Indian youth, in order to keep themselves burden free from mandatory matrimonial commitments, have been seen to keep marriage at bay and opt for its alternative with no legal boundaries. But at the same time, such reckless behaviour appears to be a destructor of the Indian cultural norms and the social values of the country. The researcher, through this paper, tries to evaluate the impact of this newly budding mode of heterosexual unification on Indian society.

I. INTRODUCTION

India is a country having a rich cultural and traditional heritage that rests upon spiritual and moral values. It is a secular country with a great diversity of religions, faith, and beliefs. In India marriage is such an institution, which is looked upon with great probity under every religion and has also got legal recognition along with societal reverence. Indian society from its very inception deeply rests upon religious principles, moral values, and diversified cultures of different religions; all the religions are given equal eye even though Hindus are in majority, still, all other religions are treated equally and have all the freedom to get flourished across the nation and to be professed by the people.¹ Despite India being home to diversified creeds and cultures and their dissimilar traditions, one thing that is common is the ‘supremacy of marriage’ among all religions. Every religion in India favours marriage and

*Kumud Mehra is a research scholar at School of Law, IMS Union University, Dehradun.
Dr. Nitesh Saraswat is Asst. Prof. at Faculty of Law, DU.

¹ The Constitution of India, art. 25 (Freedom of Religion-“All persons are equally entitled to freedom of conscience and the right to freely profess, practice, and propagate religion subject to public order, morality and health.”).

considers marriage to be the basic building block of the society² and an effective tool to regulate the behaviour of the community by regulating their biological urges. However, the definition of marriage cannot be narrowed down to just an instrument that satiates one's sexual desires but also is an entity that provides a certain set of social guidelines for ensuring the continuation of the family system in India.³

Since the ancient era, marriage holds a high position in Indian society and is regarded as a sign of repute. Married couples are admired by the whole society from time immemorial. Marriage in India is regarded as a sacrament among Hindus and is a universal social institution across the whole nation.⁴The purpose of marriage and the rights it creates in respect of married couples towards each other and the duties it involves is demarcated by almost every religion in India in their religious texts. Marriages among Hindus have both social and religious significance. Religiously in the Hindu *dharma*, marriage has three paramount purposes mentioned in the *dharamashastras*,⁵ namely *dharma* (the duty), *praja* (the progeny) and *rati* (the sensual pleasure),⁶ on social the front it serves as an excellent mechanism to promote socially civilized and decently regularised society. It fosters decorum in society and lays down rules of social conduct. It qualifies an individual to discharge those religious performances towards the society, which mandatorily should be discharged in the presence of both husband and wife.

However, this age-old societal setup is experiencing structural turbulence with the increased popularity and priority among the young Indian generation towards unmarried cohabitation which is commonly known as a live-in relationship in India.

A live-in relationship is an arrangement in which two persons of heterosexual nature live together under the same roof, share an intimate relationship with each other, and represent them to be husband and wife to the world outside. Both marriage and live-in relationships

²Katharine Franks Kyros, *Using marriage to protect White supremacy and heterosexual privilege: a historical analysis of marriage law in the United States* (2011) (Masters Thesis, Smith College, Northampton, Massachusetts), available at: <https://scholarworks.smith.edu/cgi/viewcontent.cgi?article=1616&context=theses> (last visited on November 10, 2021).

³Kamala Ganesh, "New Wine in Old Bottles? Family and Kinship Studies in the Bombay School" 62(2) *Sociological Bulletin, Special Issue on The Bombay School of Sociology: The Stalwarts and Their Legacies* 291 (2013), available at: <http://www.jstor.org/stable/23621066> (last visited on November 1, 2021).

⁴*Ibid.*

⁵The *Dharmasastra* is a collection of ancient Sanskrit texts, which give the codes of conduct and moral principles (*dharma*) for Hindus, available at: <https://www.yogapedia.com/definition/5420/dharmasastra> (last visited on November 12, 2021).

⁶Anil Moharana, "Hindu Marriage: Aims, Forms, and types of Hindu Marriage", available at: <https://www.studyinsta.com/hindu-marriage/> (last visited on November 10, 2021).

have almost identical traits but one thing that completely separates the two concepts is the legal sanction, which is provided by the marriage to the married couples. However, a live-in relationship on the flip side provides no such legal protection to intimate partners. Despite uncertainties, live-in relationships are rapidly growing popular among the new generation as it calls for no or very little responsibility towards one another and each other's family. Unlike marriage, it does not bind the partners to dispense mandatory duties and provides them with ample space for their personal growth. The majority of persons who opt for this sort of living arrangement are generally those who believe that marriage puts unnecessary restraints both on males and females in the name of customs and traditions which obstruct the path of their personal and professional development.

The present paper tries to find out whether this newly bloomed concept of live-in relationships is helping the Indian society to move a step ahead towards growth and progress or is it brutally strangulating the age-old well-established cultural norms of India.

II. PIOUS NATURE OF MARRIAGE IN INDIA

As discussed above India is a land of diversified religions practicing different cultures. Every religion in India considers marriage as an absolutely necessary obligation for the betterment of an individual. Major religions followed in India are Hinduism, Islam, Sikhism, and Christianity; under Hindu religion *vivah* or marriage is regarded as an important sacrament for the continuation and propagation of elementary tenets of the Hindu religious life.⁷ It serves as a foundation of the Hindu cultural complex.⁸ According to the Hindu religion, a life of a Hindu consist of four stages (*ashrams*), the first one being the *brahmacharyai*.e. the learning or student stage, the second stage is *grihasthai*.e. stage of a householder, the third is hermit stage and the fourth stage being the *sannyasa* that is a wandering ascetic⁹; a person practicing the Hindu *dharma* should ideally go through all four of them in order to achieve four goals (*purusharths*) in life which are *artha* (wealth), *kama* (desire), *dharma* (righteousness), and *moksha* (liberation) respectively.¹⁰ Marriage enables a Hindu to enter the

⁷Nelista Singh, "The Vivaha (Marriage) Samskaraas A Paradigm for Religio-Cultural Integration in Hinduism" 5(1)*Journal for the Study of Religion* 31–40 (1992), available at: <http://www.jstor.org/stable/24764135> (last visited on November 21, 2021).

⁸*Ibid.*

⁹H.L. Richard, "Counting Hinduism" 9 *Journal of Adventist Mission Studies* 5 (2013), available at: <https://digitalcommons.andrews.edu/cgi/viewcontent.cgi?article=1221&context=jams> (last visited on November 28, 2021).

¹⁰*Ibid.*

second stage of life i.e. the *grihasta ashram*. It is commonly believed that a person remains incomplete unless entered into a *grihasta ashram*.

Along with the Hindu Dharma, other religious communities in India also hold the same notion with regard to marriage and consider it obligatory. Islam considers marriage (*nikah*) as part of “*sunnah*”¹¹(practices) of the messenger of Allah and makes it mandatory for all the Muslims. Christianity holds marriage as a grace of God and very crucial for the correct channelization of God’s proper order so that a man and a woman can keep themselves from being unchaste. It lays stress on the formation of the mutual relationship between man and his wife and their faithfulness and responsibilities towards each other.

III. MARRIAGE AS A SOCIAL NORM

Marriage along with being religiously relevant also serves as an effective tool for maintaining social decorum in Indian society. In India, a family is regarded as the epitome of pride and prestige. The tradition of two people uniting into one soul after getting married to each other and leading to the formation of a family unit by reproducing children is being followed in India since time immemorial. The relationship of the children born out of marriages is determined with the world outside only in the name of their respective birth-giving family.¹²A family in India works as an organization for all its members and takes every individual’s interest into consideration for their better well-being. These kinds of familial arrangements are commonly seen in India where a family collectively takes all the decisions for its members with regard to their personal as well as professional affairs.

Therefore, it will not be incorrect to say that marriage is the first step towards the development of an organized and civilized society. In India, high societal status is rewarded to those who are married and permanence to their relationship is perceived to be more probable under the social stamp.

¹¹*Sunna*, is the body of traditional social and legal custom and practice of the Islamic Community. Along with the *Quran* (the holy book of Islam) and *Hadith* (recorded sayings of the Prophet Muhammad), it is a major source of Shariah, or Islamic law. Available at: <https://www.britannica.com/topic/Sunnah> (last visited on November 21, 2021).

¹²Jayashree Khandare, “The Concept of Marriage and Its Form: An Indian and Western Perspective” 4 *International Journal of Scientific Research* 342(2015), available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2713715 (last visited on December 13, 2021).

IV. ARE LIVE-IN RELATIONSHIPS A NEMESIS TO MARRIAGE IN INDIA

Marriage is an age-old institution comprising several benefits for the societal as well as for individual growth and prosperity.¹³ It works as an effective legal shield for those who are living in it. It provides married couples with a number of remedial protections in case of split and grants protection to the children born out of marriage. From the legal lens, the law in India is also inclined towards marriage, which is clear from the fact that there is no legislation to regulate the concept of live-in relationships and to redress the grievances of the cohabiting couples while there are several for married couples.

Despite having numerous shortcomings, the trend of living into an unmarried union is continuously growing popular among the Indian youth. There are number of reasons behind the frequent adoption of this new concept of living together. Modernisation as a result of the persistent espousal of the western culture in Indian society could be noted as one of the major reasons behind the propensity towards unmarried cohabitation.¹⁴

Cohabiting with each other without marriage was never a trend in Indian society, where all the unnamed close relationships between a man and a woman are treated immoral and living together without marriage was considered a sin. However, due to happening of the ideational advancement in the present generation at a very high rate is witnessing a storm of change where living into an unmarried union is no more sin or an act of immoral nature.¹⁵

India is a vast country having been practicing an end number of customs and traditions by various religions and their subdivisions; marriage is performed in every part of the Indian society differently according to the customary norms of different people. Though performed differently in different regions marriage still has common traits everywhere; in marriage, equal rights and duties are assigned to both bride and groom towards each other and their respective families. Indian society being patriarchal in nature follows a certain set of organized rules with regard to marriage where the bride is regarded as proud of her

¹³ The Week Staff, "The Origin Of Marriage" *The Week*, Jan. 9, 2015, available at: <https://theweek.com/articles/528746/origins-marriage#:~:text=The%20first%20recorded%20evidence%20of,Hebrews%2C%20Greeks%2C%20and%20Romans> (last visited on December 20, 2021).

¹⁴ Choudhary Laxmi Narayan, Mridula Narayan, *et.al.*, "Live-In Relationships in India—Legal and Psychological Implications" 3 *Journal of Psychosexual Health* 19 (2021), available at: <https://journals.sagepub.com/doi/full/10.1177/2631831820974585> (last visited on December 10, 2021).

¹⁵ Atreyo Banerjee "Beyond Marriage: the role of Indian courts in upholding in-egalitarian access to protection for women" *The Leaflet*, Sep. 06, 2021, available at: <https://theleaflet.in/beyond-marriage-the-role-of-indian-courts-in-upholding-in-egalitarian-access-to-protection-for-women/> (last visited on November 1, 2021).

matrimonial house and resultantly is obligated to abide by the canons of her new extended family and act accordingly, leaving behind her previous customs, traditions, and habits which she used to observe in her maiden home. This sort of matrimonial arrangement has been followed in India from ancient times but now in the modern changing world with increasing globalization women have got more exposed towards awareness of their rights, their personal choices, and their career; they are no more ready to tolerate themselves to be tied behind the shackle in the name of customs and traditions and as a consequence to which the rate of divorce is increasing due to clash of egos and incompatibility between the couple and among the families.

Though there could be several other reasons also behind the incompatibility between the couple ranging from troubling in-laws to financial problems, intimacy issues, abusive nature, and infertility of either of the spouse; all the issues result in separation of the couple which is another big task, involving emotional and financial drain of both the families and more of the couple as the procedure of divorce in India is very lengthy, painful and mentally torturing. Therefore, in order to escape themselves from the painful sufferings flowing out from the legal procedure of divorce in India, some couples nowadays prefer to opt for the live-in relationships to test their compatibility, which acts as a conclusive factor that determines whether marrying each other in the future will going to be a wise step for them or not.

Also, India is a profoundly customary society. Marriage is significantly more with regards to uniting the families and substantially less with regards to decision and satisfaction,¹⁶ which leaves the Indian youth with minimal space for their personal and professional growth. Therefore, in such circumstances, a live-in relationship works as an easy option for them, because balancing a promising career and a highly demanding household at a time is difficult.

Therefore, in the light of the above-mentioned reasons for the popularity of live-in relationships in India, perceiving it, as an enemy to Indian marriage does not stand good, however, it could rather be called as an alternative to it as it accommodates itself more easily with the changing needs and demands of a progressive Indian society.

V. INDIAN SOCIETY TOWARDS A TRADITIONAL SHIFT

The influence of the west upon Indian society has also affected the structural pattern of the Indian family system, which in return has impacted upon the traditional arrangement of an

¹⁶*Supra* note 9 at 3.

Indian marriage in various ways¹⁷. With the advent of economic globalization, industrialisation has paved the way for urbanisation, which ensued people to flee from their native places towards urban areas in search of better job opportunities, which gradually has eradicated the one roof system and simultaneously the joint family fashion got replaced with the new trend of a nuclear family.

With the growing popularity of the nuclear family system, the interdependency among the married couples and their elders got reduced enough to make the nuclear family an autonomous unit making it solely responsible for all its decisions including matrimonial affairs as well, which once only used to be dealt with by the elder members in the joint family. Therefore, the complete exclusion (however partial in some cases) of the elders from the Indian household has created barriers to the transmission of cultural, traditional, and moral values among generations.

India has been witnessing continuous structural and functional change with changing social norms of the society and with the advent of modernisation of the thoughts the old traditions related to marriage that used to be observed in the olden times are now very feeble in number. Due to the paucity of time in people's lives, the get-togethers before marriage which used to start a month before in the house has been reduced to the formal celebration of a couple of days and has diminished many such similar traditions related to Indian marriages that once used to be followed with keen interest by the people.

Living in a relationship is another identical-looking living arrangement like a nuclear family, in terms of intolerance towards the restrictions imposed by the elders. Couples in a live-in relationship most often live separately from their parents, either with or without their permission making themselves unbounded and carefree towards social responsibility to follow Indian customs and traditions, which is considered paramount in a marriage in India. An Indian married couple soon after the marriage are commonly expected to follow all the traditions of the family and are somewhere socially and psychologically bound to follow the same, failing which gives them the tag of being disrespectful and irresponsible. The situation reverses in the case of a live-in relationship because of the absence of marriage as Indian marriages come with several implied conditions; therefore, live-in relationship in the

¹⁷ShashankMalviya, "Influence of Western Culture on Indian Society" *Times of India*, Sept. 12, 2021, available at: <https://timesofindia.indiatimes.com/readersblog/know-your-rights/influence-of-western-culture-on-indian-society-37332/> (last visited on September 16, 2021).

absence of any such marital knot does not restrict the parties to follow and abide by all the traditions of the family and the couple is independent to live according to their free will.

VI. ARE LIVE-IN RELATIONSHIPS DESTROYING THE SOCIAL FABRIC OF THE INDIAN SOCIETY

On the basis of the detailed discussion about the difference between the traits of marriage and live-in relationships, it can be concluded that live-in relationships are not directly propelling the institution of marriage towards extinction; it is however acting as an alternative way to cater to the needs of the changing society. Though it is becoming popular among Indian youth, still it is not abrogating the sanctity of marriage in society.

Every society has a certain organised framework and moral boundaries that weave the whole gamut of the social fabric of that particular society; and anything that trespasses such boundary is generally regarded as a destructor of the social infrastructure. Though India has a very vast and rich traditional history under which existed an organised social structure that has been witnessed weighing the societal norms from ancient times, even then such a design cannot be carried forward to do the same without any amendments to it. India is developing at a very fast pace and in lieu of the same the changing dynamics of the society cannot be overshadowed, therefore, in the light of drastically changing Indian society and its social norms it will not be incorrect to say that “what used to be felonious in the past is not a sin today”.¹⁸

Thus, taking live-in relationships into consideration, it cannot be labelled as a mark of disgrace upon Indian society, nor it can be called as a device destroying the social fabric; it is just a new pattern of unmarried unification of the new Indian generation. Nonetheless, live-in relationships promote newer ideas of unmarried union; still, it cannot be given enough leverage to surpass the basic social norms of the Indian society. Based upon this notion, the High court of Allahabad in *Smt. Aneeta v. State of UP*¹⁹ refused to give any protection to the couple who were in a live in relationship with each other believing it that doing so would amount to “directly giving assent to such illicit relations”.²⁰ In the present case, the High Court of Allahabad was encountered with a situation under which a married lady left her husband who according to her was apathetic towards her, in order to live with her live-in

¹⁸*Revanasiddappa v. Mallikarjun*, AIR 2011 SC 2447.

¹⁹*Smt. Aneeta v. State of UP* (Writ C.No.14443/2021).

²⁰*Ibid.*

partner.²¹ She made a plea to the court asking for legal protection for them from her husband and in-laws as she claims that they are continuously threatening her and her partner and their life is in danger. The woman was married to her husband under the provision of Hindu Marriage Act, 1955, and was not yet divorced. The court while dismissing the petition opined that even though she has been subjected to the unethical behaviour of her husband, it does not entitle her to stay with her live-in partners and maintain a live in relationship with him as she was still married to her husband and has not yet taken divorce from him. The High Court stated that:

“No law-abiding citizen who is already married under the Hindu Marriage Act can seek protection of this Court for illicit relationship, which is not within the purview of social fabric of this country. The sanctity of marriage pre-supposes divorce. If she has any difference with her husband, she has first to move for getting separated from her spouse as per law applicable to the community if Hindu Law does not apply to her”.²²

The Division Bench of Justices Kaushal Jayendra Thaker and Subhash Chandra had observed in this case that, “directing the police to grant protection to them may indirectly give our assent to such illicit relations”.²³

Stating further the court mentioned that though article 21²⁴ of the Indian Constitution permits a person to have liberty over his/her choices, the same has to be practiced within the ambit of law and concluded with a closing statement that –

“We make it clear that this Bench is not against live-in-relationship but is against illegal relations”.²⁵

The court felt that encouraging them by giving legal protection would be a direct violation of the prospects of marriage.²⁶ Therefore, in the instant case it was declared by the court that any live-in relationship during the period in which either of the partners is married and not

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*

²⁴ The Constitution of India, art. 21 (“Protection of life and personal liberty- “No person shall be deprived of his life or personal liberty except according to procedure established by law”).

²⁵ *Supra* note 20.

²⁶ The Legal Lock, “Live-in relationship a threat to country’s social fabric?” *available at*: <https://thelegallock.com/live-in-relationship-a-threat-to-countrys-social-fabric/> (last visited on October 28, 2021).

divorced would directly harms the social fabric of the society as living into such union promotes adulterous acts and it is against the tenets of the Indian society.²⁷

The High Court of Rajasthan, relying upon the orders of the Allahabad High Court in *Smt. Aneeta. v. State of UP*,²⁸ in its orders in the case of *Smt. Maya Devi v. State of Rajasthan*,²⁹ termed live-in relationship between a man and married women “illicit”³⁰ and dismissed the petition solely on the ground that such a union of a married woman and an unmarried man falls outside the boundary of morality.

In *Indira Sarma v. V.K.V Sarma*³¹ the Supreme Court has demarcated five broad categories under which a live-in relationship could be recognised before the court, which are as follows:

- i. Relationship between an adult male and an adult female both unmarried.
- ii. Married man and an adult unmarried woman entered knowingly.
- iii. An adult unmarried man and a married woman entered knowingly.
- iv. An adult unmarried female and a married male entered knowingly.
- v. Relationship between same sex partners.

However, in view of the public morality of the country, only the former guideline is often recognised by the Indian courts while the latter generally result in dismissals,³² which could easily be deduced from the above-discussed orders of both Allahabad and Rajasthan High Courts respectively.

However, on the contrary, the Punjab and Haryana High Court in *Paramjit Kaur v. State of Punjab*³³ has shown a complete disagreement from both the High Court of Allahabad and Rajasthan stating that it no offence would be constituted, if two adults consent to stay with each other in a live-in relationship even if either of them is married. In *Pradeep Singh v. State*

²⁷Express News Service, “Allahabad High Court refuses to grant protection to a married woman in live in relationship” *The Indian Express*, June 18, 2021, available at: <https://indianexpress.com/article/india/allahabad-high-court-refuses-to-grant-protection-to-married-woman-in-live-in-relationship-7364069/#:~:text=The%20Allahabad%20High%20Court%20has,of%20the%20Hindu%20Marriage%20Act.> (last visited on October 2, 2021).

²⁸*Supra* note 20.

²⁹S.B. Criminal Miscellaneous (Petition) No. 3314/2021, decided on August 13, 2021.

³⁰*Ibid.*

³¹(2013) 15 SCC 755.

³²Vivek Sheoran and Sumati Thusoo, “Why Indian In Live-In Relationships Must Be Wary Of Seeking Protection From Courts”, available at: <https://article-14.com/post/why-indians-in-live-in-relationships-must-be-wary-of-seeking-protection-from-courts-6141706a7aa1c> (last visited on November 21, 2021).

³³CRWP-7874 of 2021, decided on September 03, 2021.

of *Haryana*³⁴ the court once again stating in favour of the live-in relationships directed the state police of Haryana to provide with ample protection to the petitioners so that no harm could be inflicted upon both their lives and liberty.

In *Leela v. State of Rajasthan*³⁵ the Rajasthan High Court has given a dissenting opinion from its previous judgment. The court in the present case while dealing with the matter of providing legal protection to a live-in couple in which the female partner was already married to someone else, rescued the couple by providing legal protection to them. The court stated that the constitutional morality must be given supremacy over the public morality.³⁶ The court stated that-

“When the right to life and liberty is guaranteed to convicted criminals of serious offences, there can be no reasonable nexus to not grant the same protection to those in a legal/illegal relationships”³⁷

It was further added, Besides, upholding the principles of constitutional morality, there exists a parallel duty of the court to not infringe upon the personal relationship between two free-willed adults.”³⁸

While deciding upon the present issue, Justice Pushpender Bhati stated:

“In the context of the limited question this court is posed with, pertaining to the application of Article 21 of the Constitution of India, it is clear that the right to claim protection under this Article is a constitutional mandate upon the state and can be availed by all persons alike. There arises no question of this right to be waived off, even if the person seeking protection is guilty of an immoral, unlawful or illegal act”.³⁹

The court while refraining itself from commenting upon the morality of the live-in relationships remarked that-

³⁴CRWP-4521-2021(O&M).

³⁵Criminal Misc. (Pet.) No. 5045/2021.

³⁶Ashok Bagriya, “Live-in couples can demand police protection to guard their right to life: Rajasthan High Court” available at: <https://www.news9live.com/india/live-in-couples-can-demand-police-protection-to-guard-their-right-to-life-rajasthan-high-court-122080> (last visited on November 21, 2021).

³⁷*Supra* note 36.

³⁸*Ibid.*

³⁹*Ibid.*

“It is well-settled that it is not in the court’s domain to intrude upon an individual’s privacy. Any scrutiny or remark upon the so-called morality of an individual’s relationship and blanket statements of condemnation especially in matters where it is not called into question, to begin with, would simply bolster an intrusion upon one’s right to choice and condone acts of unwarranted moral policing by the society at large”.⁴⁰

The court’s judgment in the instant case is in direct conflict with its previous judgment based upon the similar facts under which the protection to the live-in couple was not granted on the basis that a relationship between an unmarried man and a married woman is not permissible and cannot be termed as a live-in relationship in the “nature of marriage” which had certain prerequisites which were well laid in the landmark case of *D. Velusamy v. D. Patchaiammal*⁴¹ as follows:

- a) “The couple must hold themselves out to society as being akin to spouses.
- b) They must be of legal age to marry.
- c) They must be otherwise qualified to enter into a legal marriage, including being unmarried.
- d) They must have voluntarily cohabited and held themselves out to the world as being akin to spouses for a significant period of time.”⁴²

In another instance, the High Court of Allahabad in the case of *Mohit Agarwal. v. State of U.P.*⁴³, while recognising the live-in relationship between an unmarried man and a married woman has stated that:

“Live-in relationships have become part and parcel of life and stand approved by the Honourable apex court. The live-in relationship is required to be viewed from the lens of personal autonomy arising out of the right to life guaranteed under Article 21 of the Constitution of India, rather than, notions of social morality.”⁴⁴

The court while making such a statement was of the opinion that the judiciary is not supposed to question the couple’s decision to live-in together.

⁴⁰ *Ibid.*

⁴¹ 2011 Cri LJ 320.

⁴² *Ibid.*

⁴³ Criminal Misc. Writ Petition No. – 1479 of 2022.

⁴⁴ *Ibid.*

Therefore, in the presence of the above contrasting decisions of the various High courts, it would be hard to rule out whether live-in relationships are truly undermining the basic tenets of social morality and destroying the cultural and social values of the Indian society in a true sense.

VII. CONCLUSION

As discussed above, there are several reasons that incline the present society towards opting for unmarried cohabitation over traditional marriage, and simultaneously the fact that time never stops cannot be falsified, therefore, the change is also inevitable. It would be grossly incorrect to say that the advancement in both the technological and social spheres has toppled Indian society. Also criticising the radical change brought to the Indian society due to the influence of western civilisation would not be correct as a transformation of the society is imperatively needed in order to save it from getting stuck in a stagnant situation where progress develops at a very low pace.

Though it is partly true that with the adoption of live-in relationships, a considerable portion of the Indian culture has been altered but it is just a reflection of the change, which is nothing but the demand of the changing social norms of the Indian society.

It cannot be called to be the one blitzing upon the well-established institution of marriage rather it could either be called as either a prelude or an alternative to it. As far as the benefits arising out of a live-in relationship are concerned, it cannot be called beneficial in a generalised manner as different people in India perceives it differently. As the society at large has not given acceptance to this new kind of relation forming process, it works both as a boon and a curse for different people at the same time. However, it cannot be denied that live-in relationships are becoming an integral part of the Indian society. Therefore, they should be channelized in such a way efficient enough to make them adjust swiftly within the society. This could not take place in the absence of particular legislation with regard to their proper regulation and redressal mechanism. Also, it is difficult to synchronise them in the shades of varying judgments with regard to their moral standing in society. Thus, it is suggestive that the Honourable Supreme Court should come to the forefront and conclusively determine its social position in the Indian society.