

From Taboo to Tolerance: Changing Social Attitudes towards Live-in Relationships in Urban India after Supreme Court's Recognition

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Abstract: *This paper examines how live-in relationship are being perceived and regulated in Urban India, tracing their journey from being socially unacceptable to being legally acknowledged. Factors like globalization, rapid urbanization and a changing outlook among the youth have led to cohabitation challenging conventional notions of marriage and the rigid caste system. While conservative groups and community panchayats still oppose such unions, often resulting in social conflict, the judiciary has proactively intervened to fill the vacuum left by the legislature. Further, recent legislative developments at the state level, such as mandatory registration of live-in relationships under the Uniform Civil Code (UCC), indicate a shift towards formal recognition of cohabiting couples. Ultimately, the paper highlights how judicial activism and evolving legal standards are reshaping social acceptance in urban India and emphasizes the urgent need for a comprehensive central law to regulate live-in relationships.*

Keywords: Live-in Relationships, Urban India, Supreme Court Recognition, Uniform Civil Code, Domestic Violence Act, Personal Autonomy, Women's Rights.

1. Introduction

It goes without saying that 'live-in relationships' is the offspring of the baffling complexities of the institution of marriage. The **Hindu Marriage Act 1955** says in **Section 5** "A marriage may be solemnized between any two Hindus, if the following conditions are fulfilled, namely:

- 1) Neither party has a spouse living at the time of marriage
- 2) At the time of marriage neither party
 - a) Is incapable of giving a valid consent to it in consequence of unsoundness of mind; or
 - b) Though capable of giving a valid consent, has been suffering from the mental disorder of such kind or to such an extent as to be unfit for marriage and the procreation of children; or
 - c) Has been subject to recurrent attacks of insanity
- 3) The bridegroom has completed the age of twenty-one years and the bride, the age of eighteen years at the time of the marriage;
- 4) The parties are not within the degree of prohibited relationship unless the custom or usage governing each of them permits of a marriage between the two;
- 5) The parties are not the sapindas of each other, unless the custom or usage governing each of them permits of a marriage between the two;

The Act has not taken into account the postindustrial society where globalization has a considerable impact on the young minds. They have adopted the cross-border culture. They do not belong to one sect, creed, ideology, cult, caste. Their open mindedness and responsiveness has challenged the well established conventions and customs. The social taboos and customs do not accept 'live-in relationships' but the Supreme Court of India said that women in live-in relationships "in the nature of marriage" are protected under **Section 498A of the IPC and Section 85 of BNS in Aug 2026** while hearing the case of **Dr. Lokesh B.H and Others Vs State of Karnataka and ANR**.

Live – in relationship is a practice/system where two unmarried partners of the opposite sex decide to live together like a married couple. This custom relies on mutual consent. The society does not recognize and accept this practice. Our country does not have any national statute or central parliamentary legislation pertaining to govern live-in relationships in India. It is also a bare fact that Manusmriti and Vedas speak about **Gandharva Vivah** where the bride and groom live together without getting the parents' consent and society's recognition. **Justice S Srimathy** of the Madras High Court observes that women in live-in relationships deserve protection by granting them the status of a 'wife' under the traditional concept of Gandharva Vivah. In the case of **S Khushboo Vs Kanniamal and Anr on 28 April 2010** citing **Lata Singh Vs State of UP and Anr**, the Apex Court observed that "a live-in relationship between two consenting adults of heterogenic sex does not amount to any offence... A major girl is free to marry anyone she likes or "live with anyone she likes"

Conflict between Law and Morality

The orthodox Indian Society does not accept live-in relationship. There are innumerable instances to prove that the society forgot the constitution to uphold its traditions and customs. The cases of Honour Killing speak volumes of the society's perception towards love marriages and live-in relationships.

National Crime Records Bureau

Year	No. of Honour Killing Cases
2014	28
2015	251
2016	77
2017	92
2018	29
2019	24
2020	25
2021	33

A considerable number of cases go unrecorded because of the societal pressure and family obligations. There is no specific legislature for the honour killing accused. They are convicted **under IPC 302 OR 307**. The Apex Court of India ruled that “the right of two consenting adults to choose a life partner is a fundamental right under **Articles 19 and 21** of the constitution “in **Shakti Vahini Vs Union of India (2018)**. So, the social norms and taboos emphasize the Brahm Vivah wherein the parents fix the marriage and the bride and groom agree to the proposal without any hitch. The communities do not have any scope for love marriages and live-in relationships. But it has been observed that the people residing in metropolitan cities prefer to combating without marriage. This number rises 5% to 15%. The perception of Khap Panchayats is altogether different from the reality. The change in the perception and outlook of the young has brought a sea change in the Apex Court’s viewpoints. The Apex Court ruled that a daughter, sister or son’s human rights “are not mortgaged to the so-called or so understood honour of family, clan or the collective”. The struggle between ethics and law has divided the society in multiple compartments. Violence in the name of traditions and custom has challenged the laws of the constitution. Those who believe that an adult male or an adult female should not be allowed to choose their partners must focus on the **Women’s Reservation Act 2023** brought into force by the Union Law Ministry on 16 April 2026 wherein women reserves one third (33%) of all seats in Lok Sabha, State Legislative Assemblies and the Legislative Assembly of the National Capital Territory of India. How can an adult female, who has not been given liberty to take her own decisions pertaining to her life, take decisions regarding the security of the nation and its citizens? Time has changed. Those who do not keep pace with the ever changing times remain backward. They become losers ethically and constitutionally.

Feminism and Live-in Relationship

Feminism implies “the belief and aim that women should have the same rights and opportunities as men” as per Oxford Advanced Learners’ Dictionary. Feminists believe in personal autonomy, equal opportunities, gender equality, economic liberty and political freedom. The rigid social structures and norms must not hinder women’s growth in this world of competition. Women have witnessed child marriage, domestic violence, bondage, sexual harassment, humiliation because of dowry, rape and molestation. The urban woman who has migrated from a village to metro city to explore new avenues does not conceive of the social norms to decide her life. She is radically influenced by the doctrine of Feminism. The arranged marriages have been challenged by the city dwellers. A modern woman does not wish to go to a family of strangers. She has no idea of their interests, hobbies, family traditions, eating habits, and so on. **Pandita Ramabai** pioneered the feminist movement in India. She was a Brahmin widow. She raised her voice against women’s oppression and tried her level best to improve the plight of Hindu child widows. **Uma Chakravarti**, mother of Feminism in India, challenged the caste system to safeguard women. The number of pending cases of divorce in the courts of law speaks volumes of the institution of marriage. In my opinion the stereotypes are controlling and trying to control the whole world. “People are constantly subjected to stereotypes based on their nationality, region, caste, gender, disability,

sexuality, skin color, physical appearance and race”. (Handbook on Combating Gender Stereotypes by Supreme Court of India.) Those who opine that women are incompetent, submissive, only for household chores are stereotypes. They also want that women should marry in her caste only. The Allahabad High Court in **Payal Katara Vs Superintendent Nari Niketan Kandi Vihar Agra and others** ruled that “a lady of about 21 years of age being a major, has the right to go anywhere and that anyone- man and woman even without getting married can live together if they wish”.

The Apex Court Vs UCC on Live-in Relationship

India does not have any codified law so far as the live-in relationship is concerned. But the Apex Court laid down some conditions pertaining to live-in relationship in the case of **D. Velusamy Vs Patchaiammal (21.10.2010)**. They are as follows:

“33. In our opinion a ‘relationship in the nature of marriage’ is akin to a common law marriage. Common law marriages require that although not being formally married:

- 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.

In our opinion a ‘relationship in the nature of marriage’ under the **2005 Act** must also fulfill the above requirements, and in addition the parties must have lived together in a ‘shared household’ as defined in **Section 2(s)** of the **Domestic Violence Act**. Merely spending weekends together or a one-night stand would not make it a ‘domestic relationship’.

The court specifically mentioned that if a person has a ‘keep’ who is used only for sexual purpose is not a relationship in the nature of marriage. It has been observed that the urban youth prefers live-in relationship in this era of materialism. They do not compromise on their personal autonomy and economical independence.

It would be pertinent to cite a new development in this area. The Uniform Civil Code, Uttarakhand, implemented on 27 January 2025 made it mandatory for the unmarried cohabiting couples to register their live- in relationship within 30 days of entering into it on the Uttarakhand UCC Portal. This rule is applicable to heterosexual couples only.

The Uniform Civil Code of Madhya Pradesh Act 2026 maintains that live – in relationship is legally recognized but it is subject to strict reporting to the local register within one month. Only the registered live-in couples will get the inheritance rights to their children and maintenance rights the deserted female partners.

The Gujarat Uniform Civil Code Act 2026 also recognizes the live-in relationships under a formal legal and regulatory framework. The registration is mandatory with the local register. The time limit is one month. If the couples fail to

register, they are liable to legal penalties, fines and imprisonment.

Rights of Live-In Women

The live-in relationship is a matter of choice only. An individual falls in love with someone (of the opposite gender) and decides to live under the same roof. The **Section 2(s)** states that it is 'shared household'. The couple lives in a domestic relationship and shares the economic burden together. But if a woman is deserted by a man, it becomes difficult for her to survive in the Indian society. As per the norms of the society she has lost her chastity and character. The Supreme Court of India filled the statutory vacuum to protect the women of live-in relationship. Moreover, it safeguards the rights of the child also. The absence of a comprehensive legislation leaves women and children vulnerable. The Apex Court ruled that "An aggrieved person under the Act can approach the Magistrate under 12 for the relief mentioned in **Section 12(2)**. Under **Section 20(1)(d)** the magistrate can grant maintenance while disposing of the application under **Section 12(1)**. It further stated that "**Section 26(1)** provides that the relief mentioned in **Section 20** may also be sought in legal proceeding, before a civil court, family court and criminal court".

The protection of Women from Domestic Violence Act 2005 recognises not only the relationship of marriage but also a relationship in the 'nature of marriage'. The court emphasizes that the conditions must be fulfilled. In **Badri Prasad Vs Director of Consolidation and Others** the Apex Court ruled that "where the partners lived together for long spell as husband and wife there would be presumption in favour of wed-lock. The presumption was rebuttable, but a heavy burden lies on the person who seeks to deprive the relationship of legal origin to prove that no marriage took place. Law leans in favour of legitimacy and frowns upon bastardy."

The children born out of live-in relationships are legitimate and have the right to their parents' property. The Self Acquired Property of their parents can be inherited as per the law. But they do not have the right to inherit the coparcenary or ancestral Joint Hindu family property belonging to distant relatives. Undoubtedly, there is no automatic inheritance rights for live-in couples. But women have the right to shared residence, maintenance under **Section 125 CRPC** and joint property ownership.

It is obvious that the live-in relationship is legal as it is recognized by the Apex Court. The partners have the liberty to choose and live their life as per their choice. The law of the land protects them in every possible way.

Social Acceptance Vs Tolerance

There is no denying the fact that live-in relationships in India, especially in urban India, are increasing day by day. According to the 2011 census, over 1.5 million couples were in live-in relationship arrangement. The actual number is greater than the reported one. But the society has not accepted it in letter and spirit. The main cause of not accepting live-in relationship is the caste system. The Caste System is a blot on the Indian society. It only divides and spreads hatred. The Apex Court ruled in **Lata Singh Vs State of UP and Others** on **07.07.2006** that "The Caste System is a curse on the nation

and the sooner it is destroyed the better. In fact, it is dividing the nation at a time when we are to be united to face the challenges before the nation unitedly. Hence, inter caste marriages are in fact in the national interest as they will result in destroying the caste system. However, disturbing news are coming from several parts of the country that young men and women who undergo inter-caste marriage, are threatened with violence, such acts of violence or threats or harassment are wholly illegal and those who commit them must be severely punished. This is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes".

The society has become a bit tolerant so far as the live-in relationship is concerned. Moreover, the Supreme Court's recognition of live-in relationship has strengthened this system. The process of acceptance comprises acknowledging, allowing, non-judging and non-attachment. The first step is acknowledging the existence of something. The live-in relationships have been acknowledged by the court, states through UCC, and the society. The second step is allowing. The young generation of the metro cities is ready to experience the system of live-in relationship. Non-judging is defined as "taking a non-evaluative stance toward thoughts and feelings. (Baer et al., 2008). Non attachment implies that the world we are living in is transient and so are the traditions and customs. People change their habits, traditions, customs as per their convenience. So one should not stick to specific rituals. They should focus on intrinsic peace which has nothing to do with circumstances. The process of acceptance is going on. Timothy Keller says, "Tolerance isn't about beliefs. It is about how your beliefs lead you to treat people who disagree with you". The educated urban Indian youth comprehends the shackles of bondage. They are free and independent thinkers who have their own ideologies to live and succeed.

2. Conclusion

It would be pertinent to cite the Special Marriage Act, 1954 here. It allows anyone to marry anyone irrespective of their religion, creed, colour, clan, nationality. Marriage is a legal contract under the law. It does not require any religious ceremony to consummate the union. People have personal liberty to take their decisions pertaining to their life. The live-in relationships have practical, emotional and legal advantages. They have constitutional rights under **Article 21**, and Domestic Violence Act. They have the provision for compatibility testing and financial efficiency. The greater personal autonomy is the beauty of the relationships. Undoubtedly, social pressure and judgement suppress the voice of the live-in relationship advocates. One has to recognize the commitment fears and conflict of shared responsibilities, which sometimes become a bone of contention in live-in relationships. In legal framework, the live-in relationship is legitimate in India.

The **242nd report of the Law Commission of India** proposed a bill titled Prevention of Interference with the Freedom of Matrimonial Alliances on 9 Sep 2013 to the Union of India. It proposed, "One major suggestion is that relationships akin to marriage not prohibited by law should also be included in the meaning of the word "marriage" occurring in clause (2) of

the Draft Bill. This means that live-in relationships should also be included and the protection of the law secured for persons in this relationship.... As of now, the marriage laws of our country does not cognize live-in relationships as a form of marriage. Unless a substantive law in the realm of marriage deals with that question comprehensively, it is not advisable at this point of time to bring in such relationships within the scope of the proposed law, whose object is to strike at the root of unwarranted interference of village assemblies even in relation to perfectly legal marriages and to generate important social perspectives on liberty rights and autonomy of individuals.” It was also suggested that the forced marriages should also be brought under proposed law. The considerable number of 498 A cases has changed the perspective of the youngsters. The interference of the so-called social activists, who uphold the caste based system, has been castigated and criticized by the young generation. The proposed bill also says, “The self-styled panchayats or assembly of people constitute a close knit section of people bonded by certain common perspectives and values. Caste plays a pivotal role in this bondage. Having regard to the hegemony and the social or political power available to these panchayats, their dictates on question of caste relationship, matrimony etc. are formidable... The law should aim at counteracting the misdirected power and domineering position of community Panchayats in so far as they act as centers of coercion and intimidation. Regard and respect for life, liberty and autonomy of persons need to be the larger focus and the perceived strength of such assemblies or combinations will have to be appropriately dealt by law.” One has to take it for granted that superstitions and dogmas are wholly opposed to the constitution and laws. Urbanisation, globalization and education have changed the social attitudes towards the live-in relationships and the recognition of such relationships by the Apex Court has significantly impacted the young minds. The judicial tolerance has shaped the social tolerance in urban India. So, there is a dire need of a codified law for live-in relationship couples. It would be pertinent to conclude the paper with the words of the Supreme Court (A bench of Justice **MY Eqbal and Justice Amitava Roy**),” If an unmarried couple living together as husband and wife, then they would be presumed to be legally married and the woman would be eligible to inherit the property after the death of her partner. “The bench also said, “It is well settled that the law presumes in favour of marriage and against concubinage, when a man and woman have cohabited continuously for a long time. However, the presumption can be rebutted by leading unimpeachable evidence. A heavy burden lies on a party who seeks to deprive the relationship of legal origin.”

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