

Legal And Social Consequences Of Live-In Relationships Vs. Marriage In India: Implications For Family Law Reform And Corporate Life

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Abstract

The aim of the present research paper is to discuss the legal and social impacts of Live-in relations rather than marriage in India with specific reference to working women in relation to family law amendments and corporate employee policies. Essentials of the organisation's history and culture are involved in the study to understand the background to marriage and the changing norms of living together without being married. It, specifically, examines the legal status of the two relationship structures and calls for their legal protection and recognition in the case of live-in partners. To focus on the general impact on Indian society, the social implications of change: modification of family and gender roles, and shifts in peoples' perceptions are considered. Financial aspect of live-in relationship including, property rights, inheritance in case the relationship goes sour or someone of them passes on and, of course, financial independence.

The paper also focuses on the issue of corporations' and workplaces' readiness for social non-traditional types of partnership. Comparing the outcomes of other nations gives hints and tips to India. Finally, author provides the implication on how the policymakers and the corporate leaders could create the society that has less prejudice.

Keywords: Live-in Relationships, Marriage, Family Law Reform, Corporate Policies, India

1 INTRODUCTION

1.1 Introductory information about the evolution of relationships in India

India's social fiber and relationship systems have undergone a massive change in the last few decades. Marriage has for ages been viewed as one of the most hallowed customs that are religious, cultural, and social. But over the time due to the factor such as globalization, Urbanization and exposure to the western culture the perception towards the relationship has changed slowly. It has resulted into the approval and increasing practice of 'lifestyle' or 'live-in relationships' especially among the young people in urban areas. Such relationships including live-in or a sexual partnership without the bonds of marriage contravene the norms of the cultural ideology and condemn the shifts in priorities and values system of the modern Indian society.

1.2 Short Background on Live-in Relationships and Marriage in India

Marriage in India is governed by various personal laws depending on the religion followed; Hindu law, Muslim law, Christian law, and the secular Special Marriage Act. These laws help to establish rights, duties, and even the termination of the marital relationship in various measures. On the contrary, there is no well-developed legal backing for live-in relationships and this results in lots of confusion and different judgments as per the different courts. Though the doctrinal basis of common-law relationships has been accepted in some circumstances by the Supreme Court of India, the relationships are socially controversial and are labeled. The legal recognition mainly seeks to serve the interest of women and children in such relationships by providing remedies to certain problems such as the maintenance of women and children or their inheritance as the case may be.

1.3 Thesis Statement

Thus, the present paper is an attempt to analyze the authorization and legal issues of Live-in relationships and married couples in India. It looks at how these implications call for changes to be made in the area of family law and shape corporate decisions. Analyzing changes in these relationships the paper tries to explain the necessity of an expanded legal regulation of the relationships and corporate management practices adjustment to the new forms of relationships.

2 HISTORICAL AND CULTURAL CONTEXT

2.1 Traditional Views on Marriage in India

Marriage has been practiced in India since ancient times and is one of the most significant pillars of social organization and religious and cultural values. This is considered a holy and permanent bond and people tend to give much importance to the family, caste system, and the community.

The traditional marriage practices are different in the regions or communities depending on the culture of the people. For example, Marriage in Rajasthan is followed as per Hindu or Muslim culture but now people of Rajasthan prefer marriage

of knowledge and feeling to forced marriage (Roy, R., Bairwa, S. L., Bairwa, S., & Kumar, L., 2014) The tribal area of Arunachal Pradesh consists of various practices which include polyandry, polygamy and child marriage which depicts the social structure of the particular area (Borah N, 2020). Marriage in India, therefore, has always been defined by social responsibility, family duties, and reputation of the community over the individual's choice.

2.2 Emergence and Acceptance of Live-in Relationships

Among the new emerging trends in Indian society, live in relationships, where partners do not have official husband and wife status, are also widely spread. These changes are dictated by such factors as urbanization, globalization and media that influences the integration of western cultures.

Younger generations or especially the inhabitants of the big cities are more inclined to experiment with such themes as sexual liberties and relations. Elements like financial independence of women, sexuality revolution, role changes, and a need to check compatibility before tying the knot are the reasons that make individuals to accept live in relations. Still, live-in relationships are still considered rather controversial and many people are against the idea of this kind of partnership and living arrangements.

2.3 Societal Attitudes Towards Both Forms of Relationships

The society's perception towards marriage and live-in relationships in India varies with the generation and region. In the traditional and particularly rural as well as conservative areas, marriage is considered as crucial for society and personal identity.

While elderly people and women in India, especially those belonging to the lower socio-economic classes, are still not very comfortable with the concept of live-in relationships, people living in cities, or those belonging to the younger generations, do not regard it as a taboo but rather a practical solution to today's relationships. But, they still do not enjoy the status that marriage does and are considered to be socially undesirable provided to those living under the same roof.

Which has begun to be recognized legally mostly as a way of safeguarding the rights of women and children, though social acceptance is not widespread and still faces many problems (Bag, A, 2011). This bifurcation gives a clear picture of the conflict between the decades-old Indian values and the globalized modern life style in today's India.

This paper attempts to analyze the legal aspects of live-in-relationship as a novel trend of middle-aged people including the divorced and the widowed persons and how they are accepted by the society.

3 Legal Framework

3.1 Marriage Laws in India

3.1.1 Personal Laws (Hindu, Muslim, Christian, etc.)

Marriage in India is governed by a variety of personal laws that cater to different religious communities. These laws include:

- **Hindu Marriage Act, 1955:** This one is applicable for matters concerning Hindus, Buddhists, Jains and Sikhs. This part establishes the tests for a marriage that will be considered to be valid, the processes for dissolution of the marriage, and matters relating to spousal support and succession.

- **Muslim Personal Law:** Mostly operating under Shariah law, which is non-statutory, it provided for the Nikah marriage, Talaq divorce, and heritage. People can practice polygamy, though it is not encouraged, and women's rights are a matter of controversy.

- **Indian Christian Marriage act 1872-** It defines Laws regarding Christian Marriage in India. It contains provisions on marriage formalities, registration and acknowledgment of marriages and divorce.

- **Parsi Marriage and Divorce Act, 1936:** This act also applies to Parsis' marriages and divorces and some aspects of inheritance.

Essentially, each of these personal laws embodies the religious and cultural traditions of the particular groups and cause a heterogeneity and even contradiction in the legal regime (Krishnaleela, S., 2020; Bedi, S., 2022).

3.1.2 The Special Marriage Act, 1954

The Special Marriage Act, 1954 contains provisions of marriage for those who are willing to marry regardless of religious beliefs or, those who cannot marry under the personal law of the religion that they belong to. Key features include:

- **Eligibility Criteria:** The act must be done by mutual consent between two people who are adults and are not related with those to whom they are related in certain degrees.

- **Registration and Validity:** Marriage under this act is civil and the union is recorded with the state hence getting legal backing.

- **Provisions for Divorce and Maintenance:** This act deals clearly with the matters of divorce, maintenance, and restitution of conjugal rights so that any of the parties have the legal right to access the court (Gupta, D., 2016; Talukdar, R., & Chaudhury, M., 2020).

3.2 Legal Status of Live-in Relationships

3.2.1 Judicial Interpretations and Landmark Cases

Live-in relationships in India lack a comprehensive legal framework, but judicial interpretations have provided some clarity:

- Supreme Court Rulings: The Supreme Court has acknowledged the live-in relationship between the two consenting adults as legally valid in case it is long-term and settled. Key cases include:
 - S. Khushboo v. Kanniammal (2010): The court concluded that there is nothing unlawful with live-in relationships under the provisions of the law.
 - Indra Sarma v. V. K. V. Sarma (2013): The court actually set guidelines for entrance of live-in relationships besides stressing the aspects of stability and acceptability in society.
 - Rights of Women and Children: The judiciary has endowed some rights to women in live-in relationships as receiving maintenance and marital status to children born out of the relationship.

3.2.2 Protection of Women from Domestic Violence Act, 2005

The legislation of Protection of Women from Domestic Violence Act 2005 is a noteworthy one that also protects women in live-in relationships.

Key provisions include:

- Definition of Domestic Relationship: The act further defines a domestic relationship to encompass a live-in relationship hence protecting women involved with the suspect in this type of arrangement.
- Right to Maintenance: In a live-in relationship women have the right to get the maintenance in case of abuse or leaving the house in terms provided by the act.
- Legal Recourse: The act also concerns protection orders, residence orders, and other legalizations to protect the rights of the women Part of the women live in their boyfriend's house (Goyal R., 2014; Patil, Y. D., 2011; Narayan, C. L., Narayan, M., & Deepanshu M., 2021).

The two major legal systems that justice the relationship of marriage and live-in relationship in India are Personal Laws with respect to marriage and modern Judicial interpretations. Although marriage has a defined legal framework, Live-in relationships is yet to have a status and heading towards getting a legal body and pound of protection on the grounds of judicial interpretations and certain specific 'special enactments' such as the Protection of Women from Domestic Violence Act, 2005. It unveils the fact that the existing laws require regular changes concerning modifications in relationship patterns within Indian society.

4 SOCIAL CONSEQUENCES

4.1 A. Family Structure and Dynamics

4.1.1 Impact on Traditional Family Units

Thus, it is believed that live-in relationships have affected the traditional Indian family setup in a very special way. All these relationships erode the cultures of joint families and arranged marriages that have been a strong foundation of Indian society. As a result of the live-in relationships most people opt to follow their own decision without paying much attention to conventional norms upheld by the family hence causing changes in the family systems. Such a shift is especially observable in large cities, which illustrate that increased percentages of young people are ready for cohabitation before or without marriage.

4.1.2 The impact on traditional family units is multifaceted

- Reduced influence of extended family in relationship decisions
- Delayed or decreased likelihood of having children
- Changes in intergenerational living arrangements

4.1.3 Changing Perceptions of Family Obligations

The practice of live-in relationships has been another hard blow to the conventional style of Indian families. These relationships do not fit into the conventional structure of joint families and arranged marriages which have formed the framework of Indian society for many years. It is argued that live-in relationships cause deviation from the conventional social norms regarding the family because they offer personal sovereignty over traditional family values. Such a shift is even more evident in the developed world or the metropolitan areas where young men and women prefer to live together and even bear children without getting married.

4.2 B. Gender Roles and Equality

4.2.1 Empowerment and Autonomy in Relationships

Increased numbers of live-in relationships have benefited the society since they have lead to general, and especially women's, emancipation in India.

These relationships often allow for:

- When both partners are financially independent, they carry their own financial responsibilities and hence can spend more time for each other.
- Equal/Proportionate sharing of Domestic-Related Activities
- Enhancement of decision-making by women in matters of relationships

Gender equality does this by shifting power patterns from the conventional male-dominated stereotype and offers equality in relationships (Ghosh, V., 2021).

4.2.2 Challenges to Patriarchal Norms

Live-in relationships are rapidly becoming acceptable in our society and raise a lot of issues against the Indian patriarchal mindset. These challenges include:

- Challenging the need for marriage for social acceptance. The following passage is the continuation of the previous one.
- An analysis of the changes in the presentation and portrayal of male characters to those films, and how this challenges the image of men as mere providers.
- The nature of the cultural narratives also implies the change of the principal attitudes towards the notions of honor and the reference to family status.

As live-in relationships are becoming progressively acceptable in India it is redistributing gender-oriented power relations that are deeply rooted in Indian society from male-dominated family structures.

4.3 C. Social Stigma and Acceptance

4.3.1 Regional Variations in Acceptance

The acceptance of live-in relationships varies significantly across different regions of India:

- The studies reveal that the people living in the urban settings, especially the metropolitan cities are more receptive.
- It is also important to indicate that in rural settings people tend to adhere to more conservative norms.
- These are the coastal regions and states that have a higher literacy level and are more liberal to the various relationship models.

These variations are caused by the differences in the culture and traditions of the Indian regions and by the inequality in the rate of social processes.

4.3.2 Generational Differences in Attitudes

There is a marked generational divide in attitudes toward live-in relationships:

- The current and the next generations are more liberal and tend to consider live-in relationships as a logical progression of modern-day liaisons.
- Elder men and women are more conservative; hence, they regard live-in relationships as a threat to their culture.

The working generation is sandwiched between the roles of middle-aged adults and the younger generation's autonomy in matters of life.

This generational difference in the approach towards the life living together is a key reason why the issue of live-in relationships is still topical in India (Ghosh, V., 2021).

All in all, it can be concluded that the social impacts of live-in relationships in India are significant and multilevel. They are changing the family systems, and questioning gender roles and essentially, competency to be socially acceptable. Thus, despite the existence of advancements in acceptance, prejudice remains high in society, even if it is lower among the younger generation and urban dwellers.

5 Economic Implications

5.1 A. Property Rights and Inheritance

5.1.1 Legal Protections for Married Couples vs. Live-in Partners

In India, the legal framework provides significantly stronger protections for married couples compared to those in live-in relationships, particularly in matters of property rights and inheritance:

- Married Couples: Fully exercise clear legal rights based on several personal laws and the Indian Succession Act. The domestic legislation provides that married partners have an inherent right to receive an inheritance, maintenance, and participation in the property rights of the items bought during the marriage.
- Live-in Partners: Stare in the face of ambiguity on the legal protection. Although there are some decisions of judges who granted some civil rights to the permanent partners cohabiting without registration, these rights are not as equal and unambiguous as those of spouses.

5.1.2 Challenges in Asset Division for Live-in Relationships

The absence of a specific legal framework for live-in relationships creates significant challenges in asset division:

- Lack of Clear Guidelines: It is pertinent to know here that often there are no set legal normative measures as to how the property of the couple involved should be divided in case of breakup of a live-in relationship as is the case with divorce in marriage.
- Proof of Contribution: The partners can have a problem, proving the extent of their contribution with cash to the acquisition of assets, and so on.
- Inheritance Issues: They observed that children born in live-in relationships may have issues in the matter of succession in case of sentimental dispute over fatherhood.

5.2 B. Financial Independence and Decision-making

5.2.1 Economic Autonomy in Different Relationship Structures

The nature of the relationship structure significantly influences economic autonomy:

- Marriage: Typically has components where the financial management of everyday expenses is a collaboration. However, roles are sometimes defined by gender and may sometimes restrict one's economic independence, most often female.
- Live-in Relationships: In general, they give the subject more personal financial freedom. Couple appear to have independent accounts and have more control over financial decision for income earned and amount to invest.

5.2.2 Impact on Savings and Investment Patterns

The choice between marriage and live-in relationships can significantly affect savings and investment behaviors:

- Married Couples: Usually deal with long-term financial planning, such as money management for both partners, planning for their retirement, or saving for something big to be bought. Real estate is typical of them, and they also decide on joint finances (Gurbaxani, A., & Gupte, R., 2021) .
- Live-in Partners: Often exhibit more individualistic financial behaviors. They may prioritize short to medium-term investments and maintain separate savings accounts.

This can result in crossing of different markets in terms of investment but may at the same time be generally less coherent in terms of pooled resources for large investments (Gurbaxani, A., & Gupte, R., 2021) .

As the previous categories have suggested, the COVID-19 pandemic has influenced investment behaviors in accordance with various relationship typologies. For example, A survey conducted in Madhya Pradesh of SIP investments showed a decline of 43% during the pandemic in both married persons and in living together relationships of the same sex (Gurbaxani, A., & Gupte, R., 2021).

The economic implications of choosing between marriage and live-in relationships extend beyond individual financial decisions. They also influence broader economic patterns:

- Wealth Accumulation: Being married can prevent two people from building their wealth independently and thus, can be a disadvantage especially as it can hamper the individual's financial stability in the long run.
- Economic Risk: It could also be seen that live-in partners are exposed to more individual economic risks mainly because of legal situations and breakdown of the relationship.
- Market Impact: Currently, the society seems to be changing with more people developing live-in relationships and this brings some implications on the consumer markets since there could be a greater demand for relativity monetary products as well as services that target individuals.

Thus, it can be concluded that the economic aspects of marriage and live-in relationships are manifested in India as prospective risks and opportunities for individuals and the regulation of the market. Analyzing the changes that take place in contemporary society, it becomes evident that extended types of relationships also require legal and financial regulation to guarantee economic stability for every subject.

6 Implications for Family Law Reform

The research findings have the following implications on the reform of Family Law:

6.1 A. Need for Legal Recognition of Live-in Relationships

The case for and Against Distinguishing Foreign Law

6.1.1 For Recognition:

- Protection of Rights: Despite the fact that live-in relationships are live-in relationships, legal recognition can bring legal security to the partners especially with regard to claims for maintenance, inheritance and property rights especially for women. This is critical in an attempt to achieve economic security coupled with social equity.
- Social Acceptance: The notions of live-in relationships should also gain more legal recognition in order to decrease social prejudice and increase social tolerance with regard to people's decisions in this sphere.
- Child Welfare: In today's world children are born out of live-in relationships should be given legal status so that they can avail the rights of inheritance and the recognition of the society.

6.1.2 Against Recognition:

- Cultural Resistance:- Live-in relationships are generally looked down and are disapproved by society especially coming from rural back grounds and the traditional cultural backgrounds. Deinstitutionalization can, however, be objected against and may receive backlash from tradition-minded people.
- Legal Complexity: If a new legislation to recognise live-in relationships has to be incorporated then it may add to the overburdening legal complexities of Indian personal laws.
- Moral Concerns: It is sad if the government considers this line of thought and when it opts to legalize live-in relationships, it will lead to the derailing of the marriage institution and is deeming moral in the society.

6.1.3 Potential Areas for Legislative Intervention

- Maintenance and Alimony: Specific fair rules for the maintenance and alimony for partners who are in live-in relationships like married people.
- Property Rights: Division of the property status that was co-owned and partitioned by legislation at the time of the relationship.
- Inheritance Laws: Chalking changes in the laws governing inheritance to make children that result from live-in relationships enjoy equal rights as other children.
- Domestic Violence Protections: Improving section ten of the Protection of Women from Domestic Violence Act, 2005 to include live-in relationships in detail.

6.2 B. Challenges in Reforming Personal Laws

6.2.1 Balancing Tradition with Modernity

Reforming personal laws to accommodate live-in relationships involves a delicate balance between tradition and modernity:

- Respecting Cultural Diversity: Thus, these personal laws are mainly founded on the religion and culture of India. This diversity has to be honoured when pursuing reforms aiming at responding to newer forms of social organization.
- Incremental Changes: Gradual and carefully planned changes are very much desirable as compared to sudden changes as the society can gradually adjust to changes which are taking place.

6.2.2 Uniform Civil Code Debates

The debate over a Uniform Civil Code (UCC) is central to discussions on family law reform:

- Pros of UCC: A UCC could easily bring in one set of laws for all the people in the community thereby eradicating the differences and discrimination in between different personal laws. This could help in bringing uniformity in the legal provisions of rights available to the dwellers of live-in relationships.
- Cons of UCC: Proposing a UCC is a very unpopular stand that is most often met with a lot of resistance from religious groups who feel they are being deprived of their cultural and religious rights. The difficulty is to find a compromise that would ensure respect for basic human rights and at the same time meet the cultural needs of a certain community. Also, the contemporary discussions on marriage equality demonstrate the challenges of changing family laws to be progressive and just (Agarwal, A., 2021).

Thus, legal awareness of live-in relationships in India is required but it has to be done carefully concerning the existing culture and social structures. That is why legislative measures should focus on preserving and asserting rights of individuals and at the same time contributing to the society's acceptance. The issues of changing the personal laws as well as the discussions about the vexed question of the Uniform Civil Code presents a much larger picture of social transformation that needs to address the equation that is tradition on the one hand and modernity on the other.

7 Corporate Life and Workplace Policies

7.1 A. Employee Benefits and Entitlements

7.1.1 Bias in Handling Married Employees in Comparison to Those Who are in Live-in Relationships

Hence married people are privileged to get different facilities that are not accorded to people in live-in relationships in the corporate world. These benefits can include:

- Health Insurance: The health insurance benefit usually covers the spouse and children of the employee especially when the employee is married. However, such coverages may not be coverable if the person lives with a partner, depending on the employer's plan.
- Leave Policies: Policies that correspond to the possibility of having a live-in partner, for instance, having a partner's leave in cases of sickness or death of a close one.
- Housing Benefits: Providing for the transportation expenses for his or her live in partners through provision of company cars; providing housing allowances or company accommodations that meet the needs of his or her live in partner and include him or her live in partner as a dependant.

- Retirement Benefits: Pension plans and other retirement benefits often include provisions for spouses, but may exclude live-in partners unless explicitly stated in the policy.

7.1.2 Corporate Policies on Partner Benefits

The latter relates to the fact that some companies are still lagging behind in their decision-making and have yet to embrace more liberal policies that include live-in partners into the sphere of company's benefits. These policies can include:

- Health Insurance: Formally, applying the principles of equality to bring it in parity with the live-in partners as is the case with the insurance coverage of spouses.

7.1.3 B. Discrimination and Diversity on the Workplace

Tackling the Impostors of the Workplace: Biases against Non-Traditional Relationships

Workplace discrimination against individuals in live-in relationships can manifest in various forms, including:

- Social Stigma: Live in relationships make workers susceptible to prejudice by fellow workers or management, which decreases their working conditions and promotion opportunities.

- Unequal Treatment: Special provisions that are provided to employees elicit a positive response while discriminating provisions inspire a negative response among the employees in live-in relationships.

To address these biases, companies can implement the following measures:

- Awareness Programs: Organizing seminars and awareness programmes to let the employees know that there is nothing wrong with different stature relationships.

- Anti-Discrimination Policies: Promulgating clear policies that restrict the rights of employees showing favoritism towards their partner and restricting same rights to other employees regardless their singleness or their marital status.

7.1.4 Creating Inclusive Work Environments

Incorporation of all kind of relationship structures at workplace is an important aspect of diversity and is good for diversity if done properly. Key strategies include:

- Diversity and Inclusion Initiatives: Incorporating a policy that will cater for the gay and lesbians and all other employees that may be single or, in a relationship.

- Employee Resource Groups (ERGs): Creation of company's ERGs that would provide certain sponsorship and assistance to members of non-conventional unions.

- Inclusive Benefits Packages: Adjusting employee benefits so that everyone is included; they should not leave out gay employees...

The literature suggests that organizations that are willing to incorporate their working environment for disabled people will also benefit from better employees satisfaction rates as well as higher rates of employee retention and better organizational performance. Despite the importance of diversity and inclusiveness policies, there are still many organizations that lack discrimination and inclusion principles; this is because organizations that support diversity and inclusiveness have a competitive advantage in the market; they are able to retain the best workers hence creating a diverse and creative working environment.

In conclusion, it can be said that corporate India is slowly waking up to the reality that the evolution of culture has made live-in relationships quite common making policies to adapt to them essential. Mitigating these biases, putting into practice equal benefits, and maintaining a positive organizational climate for unmarried and married employees' is possible, and this makes the organizations to show respect to all employees. It also incorporates modern social attitudes in a way that is likely to increase fairness and output in the media working environment.

8 Comparative Analysis with Other Countries

8.1 Summary of the Legal and Social Position of Live-in Relations in Other Countries

It is worth to note that in many Western countries, live-in relationships, or cohabitation as it is also called, are widely recognized and legal. For example, civil partnership, people who are in cohabitation or those in a domestic partnership in countries like Sweden and France are legally protected. In the United States, cohabitation is legal in most states with different levels of legal acknowledgment of property rights, both parties' rights after death, and children's beliefs. On the other hand, adolescent women and young women in the selected countries of Japan and South Korea still maintain more conservative cultures where Live-in relationships have little legal and social approval.

8.2 Global Experiences for Indian B-Schools

India can learn from these international experiences by:

- Implementing Legal Frameworks: Same sex live-in partners being acknowledged legislatively through partnership that is being offered in civil unions or domestic partnerships.

- Promoting Social Acceptance: Increase the awareness campaigns so that there is acceptance and embrace of people inundry relationship structures.

- Ensuring Child Welfare: Draw strategies that entitle children in cases of live-in relationships as it is done in western countries.

9 Conclusion

Doing and while specifying the similarities and differences between living-in relationships and marriage in India and a comparative study of the two, namely the legal position and social standings and the economic status of the two types, this paper has – Because relationships are changing, family laws should be changed and companies' policies should be broadminded. From the scenario, it can be concluded that the trend is poised for further appreciation, particularly among the youth and the cosmopolitan society. To guarantee legal rights, lawmakers should officially regulate live-in relationships; likewise, CEOs should provide accurate working policies and safeguard employees against discriminative acts. By so doing, India can create a society that is gravitative regarding the different and unique bonds men and women share.

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