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# **LEGALITY OF LIVE-IN – RELATIONSHIP IN INDIA**

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## **ABSTRACT**

Live-in relationships in India have been the subject of much debate and discussion in recent years. In India, live-in relationships have become increasingly common in recent years, particularly in urban areas. This shift reflects changing attitudes towards dating, marriage, and individual freedom. However, live-in relationships in India still face social and cultural stigmas, and there can be legal and familial challenges as well. Traditionally, Indian society has been conservative when it comes to relationships, and the concept of live-in relationships has not been widely accepted. This study examines the official status of live-in relationships in India.

*Keyword: Live-in – relationship*

## **INTRODUCTION**

A live-in relationship, sometimes referred to as cohabitation, in simple terms, is an arrangement where a couple decides to live together without getting married. It is a partnership between two individuals who choose to live together, share expenses, and build a life without entering into a legal marriage. This arrangement is based on mutual consent and is a reflection of the evolving dynamics of modern relationships, where individuals prioritize companionship, emotional support, and shared responsibilities without the formalities of marriage.

One of the reasons for the increasing prevalence of live-in relationships in India is the changing attitudes towards marriage and relationships. Young adults are increasingly prioritizing personal freedom, career aspirations, and compatibility over traditional concepts of arranged marriage. As a result, many individuals prefer to live together before committing to marriage in order to understand each other better and ensure compatibility.

At the same time, live-in relationships in India can be seen as a way to challenge societal norms and gender roles. By opting for a live-in arrangement, couples are choosing to prioritize equality and mutual respect as the foundation of their relationship, rather than adhering to traditional expectations and stereotypes.

## **FACTORS FOR LEGAL ACKNOWLEDGEMENT OF LIVE-IN – RELATIONSHIP IN INDIA**

In India, while there is no specific legislation that comprehensively governs live-in relationships, several essential factors contribute to the legal recognition and protection of couples in such relationships. Here are some key factors to consider for a live-in relationship to be acknowledged legally:

1. **Mutual Consent**: For a live-in relationship to be considered legally valid, it is essential that both partners enter into the arrangement willingly and with mutual consent. Coercion or force negates the notion of consent and can have legal implications.
2. **Duration and Stability**: The duration and stability of the relationship may be considered in legal proceedings. While there is no fixed time frame that defines a live-in relationship, a sustained and committed cohabitation over a period of time may be taken into account when assessing the nature of the relationship.
3. **Public Visibility**: The public acknowledgment of the relationship and the couple's conduct in society can also be relevant. Public recognition and perception of the couple as partners can play a role in establishing the nature and legitimacy of the relationship.
4. **Financial Interdependence**: The financial aspects of the relationship, including shared living expenses, joint financial commitments, and pooling of resources, can demonstrate the couple's interdependence and commitment to a shared life.
5. **Intention to Treat Each Other as Spouses**: The intention of the partners to treat each other as spouses and to live together as a family unit is a significant factor. This can be demonstrated through joint decision-making, emotional support, and shared responsibilities akin to those in a marital relationship.

6. Stability and Exclusive Commitment: A stable and exclusive commitment to each other, often demonstrated by the absence of other simultaneous relationships, can be indicative of the seriousness and fidelity within the live-in relationship.
7. Parenting and Child Care: When children are involved, the nature of parental responsibilities, caregiving, and raising the child as a family unit can be considered in establishing the legal recognition of the live-in relationship, especially concerning the rights and responsibilities toward the child.
8. Economic Partnerships: The sharing of economic and household responsibilities, joint acquisition of assets, and contribution to the household's management and well-being can support the claim of a legal partnership in a live-in relationship.

## LEGAL STATUS OF LIVE-IN – RELATIONSHIP IN INDIA

In India, the legal status of live-in relationships has evolved over time, primarily through judicial interpretations and legislative actions that have shaped the recognition and protection of individuals in such partnerships. While the country does not have specific legislation addressing live-in relationships, several legal developments have contributed to acknowledging the rights and entitlements of partners in such arrangements.

1. ***\*Legal Recognition by the Supreme Court\****: The Supreme Court of India has recognized live-in relationships as a valid form of partnership, acknowledging the rights and obligations that arise from such cohabitation. In a series of landmark judgments, the Court has affirmed the legitimacy and legal standing of live-in relationships.
2. ***\*Protection Against Domestic Violence\****: The Protection of Women from Domestic Violence Act, 2005 (PWDVA) extends protection to women involved in live-in relationships, recognizing their entitlement to legal remedies and safeguards against domestic abuse and violence. The Act acknowledges the broader concept of domestic relationships, encompassing live-in partnerships.
3. ***\*Maintenance Rights\****: Partners in live-in relationships, particularly women and children, have been granted maintenance rights by Indian courts under various legal

provisions. This allows individuals in such relationships to seek financial support from their partners in the event of separation or termination of the relationship.

4. ***\*Inheritance and Property Rights\****: Recent legal interpretations have expanded the scope of inheritance and property rights for partners in live-in relationships. In cases where partners have shared assets or acquired property together, courts have recognized the rights of individuals in live-in relationships to claim inheritance and property entitlements, akin to those of married couples, under certain circumstances.
5. ***\*Children Born Out of Live-in Relationships\****: Judicial pronouncements have clarified the rights of children born to partners in live-in relationships. Children born out of such partnerships are entitled to maintenance, inheritance, and the same legal rights as children born within a formal marital context.
6. ***\*Prevention of Immoral Trafficking Act\****: The Immoral Traffic (Prevention) Act, 1956, seeks to address issues related to trafficking and exploitation. The Act prohibits the exploitation of individuals through the establishment of brothels or living on the earnings of prostitution, aiming to protect individuals from exploitation in various intimate relationships, including live-in partnerships.
7. ***\*Challenges and Legal Ambiguities\****: Despite the progressive legal developments, challenges and ambiguities remain, especially concerning the absence of comprehensive legislation specifically addressing the legal nuances of live-in relationships. This can lead to uncertainties and legal disputes, particularly in matters of property rights, financial obligations, and child custody.
8. ***\*Need for Clarity and Legislative Action\****: Given the evolving nature of societal relationships and partnerships, there is a growing call for legislative clarity on the rights, responsibilities, and legal recognition of live-in relationships. Critics argue that the absence of explicit laws can lead to legal uncertainties and disparities in the treatment of individuals in such partnerships.

## CASE STUDIES REGARDING LIVE-IN – RELATIONSHIP IN INDIA

In India, the legal status of live-in relationships has been a subject of debate and evolving jurisprudence. While there is no specific legislation governing live-in relationships, the Supreme Court of India and various High Courts have delivered judgments recognizing the rights of partners in such relationships and outlining the legal framework for protecting their interests.

Here are several case studies that shed light on the legal status of live-in relationships in India:

1. **\*Payal Sharma v. Superintendent, Nari Niketan & Ors. (2001)\*<sup>1</sup>**:

In this landmark case, the Delhi High Court held that live-in relationships are not illegal or immoral. The court emphasized that two consenting adults have the right to live together and cannot be subjected to any criminal prosecution or penal action.

2. **\*D. Velusamy v. D. Patchaiammal (2010)\*<sup>2</sup>**:

In this case, the Supreme Court of India recognized live-in relationships as valid and granted legal recognition and protection to couples in such relationships. The court laid down essential criteria for the legal recognition of live-in relationships, including mutual consent, duration and stability, public visibility, financial interdependence, exclusive commitment, and intention to treat each other as spouses.

3. **\*Indra Sarma v. V.K.V. Sarma (2013)\*<sup>3</sup>**:

The Supreme Court reiterated the legal validity of live-in relationships and extended protection to women in such relationships by recognizing their rights under the Domestic Violence Act, 2005. The court held that women in live-in relationships are entitled to seek protection and remedies under the legislation, ensuring their rights to residence, maintenance, and protection from domestic violence.

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<sup>1</sup> (2001), AIR 2001, All 254

<sup>2</sup> (2010), 10, SCC 469

<sup>3</sup> (2013), AIR 2014, SC 309

4. \*Madan Mohan Singh v. Rajni Kant (2010)\*<sup>4</sup>:

In this case, the Supreme Court reiterated the rights of partners in live-in relationships by recognizing the legal obligation of the male partner to provide maintenance and support to the female partner and their children born out of the relationship. The court emphasized the need to protect the rights of women and children in live-in relationships.

5. \*Sunita Kumari Kashyap v. State of Bihar and Anr. (2011)\*<sup>5</sup>:

The Patna High Court recognized the legal validity and rights of partners in live-in relationships, stating that the status of live-in relationships cannot be termed illegal, and partners in such relationships are entitled to protection under the law.

These case studies illustrate the evolving legal recognition and protection afforded to partners in live-in relationships by Indian courts. The judgments highlight the principles of equality, individual autonomy, and the protection of rights, irrespective of the formalities of marriage. While the legal status of live-in relationships continues to be shaped by judicial interpretations and evolving societal norms, these cases demonstrate a significant shift in recognizing the rights and entitlements of partners in such relationships within the Indian legal framework.

It is important to note that while these judicial pronouncements have provided significant legal clarity and recognition to live-in relationships, the absence of specific legislative provisions governing such partnerships can still present challenges and uncertainties for individuals involved in such relationships. Consequently, seeking legal guidance and understanding the implications of entering into a live-in relationship remain crucial for individuals seeking recognition, protection, and remedies under the existing legal framework.

## **LEGISLATION DEALING WITH LIVE-IN – RELATIONSHIP**

In the eyes of the law in India, a live-in relationship is not considered an offense. The Supreme Court of India has held that two consenting adults have the right to live together, and such cohabitation cannot be deemed illegal or immoral. The court has emphasized that individuals in live-in relationships have the right to live their lives as they deem fit, without facing criminal

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<sup>4</sup> AIR 2010, SC 2933

<sup>5</sup> AIR 2011, SC 1674

prosecution solely due to their choice of living arrangement.

The legality of live-in relationships in India has been the subject of judicial interpretation and evolving jurisprudence. While there is no specific legislation governing live-in relationships, various court judgments have recognized the validity and rights of partners in such relationships. The Supreme Court has outlined criteria for the legal recognition of live-in relationships, emphasizing factors such as mutual consent, duration and stability, public visibility, financial interdependence, exclusive commitment, and intention to treat each other as spouses.

Moreover, Indian courts have extended legal protections and rights to partners in live-in relationships. For instance, partners in such relationships are entitled to seek maintenance, protection against domestic violence, and recognition of the rights of children born out of such partnerships. The legal landscape surrounding live-in relationships continues to evolve, reflecting changing societal dynamics and individual choices, and further legislative action is necessary to provide clearer guidelines and protections for individuals in such partnerships.

Overall, the legality of live-in relationships in India is increasingly recognized and protected under the law, with courts affirming the rights and entitlements of individuals in such partnerships. While the absence of specific legislation continues to present challenges, judicial pronouncements have played a crucial role in providing legal clarity and recognition to live-in relationships within the Indian legal framework.

Different laws related to live-in – relationship in India are as follows:

### **1. Indian Evidence Act**

Under Section 114 of the Indian Evidence Act, when a man and a woman have continued to live with each other for a long time as a couple the Court can believe in any reality that it believes is likely to have occurred, with respect to the natural course of events and human action in their relationship to the realities, circumstances, and situation. There is a strong religious emphasis on marriage.

## **2. Domestic Violence Act 2005**

Two people live or have lived with each other in a shared home at some point, whether they are connected by consanguinity, marriage or by another relationship like marriage or adoption or relatives who live as a joint family as mentioned in Section 2(f) of the Domestic Violence Act 2005.

When the Court broadly interprets the expression "relationship in the nature of marriage," which is incorporated in the description of domestic relationship, it presumes that live-in relationships are included within the field of the expression because the terms "nature of marriage" and "live in a relationship" are synonymous in the Indian judiciary.

This Act has been extensively lauded as the primary legal mechanism for identifying the presence of adult heterosexual relationships that are not marital. The Act defines an "aggrieved person" as "any woman who is or was in a local relationship with the respondent and claims to have been subjected to physical or psychological abuse at home."

## **3. Criminal Procedure Code 1973**

According to the Justice Malimath Committee and the Indian Law Commission, a female who has been in a live-in relationship for a long term should be entitled to the spouse's legal privileges. Similarly, the Committee proposed modifying Section 125 of the Criminal Procedure Code's definition of "wife." The word "wife" has been redefined to comprise women who had previously been in a live-in relationship.

Now, against her will, his accomplice has abandoned her in order to provide the position of wife to a woman in a live-in relationship. And as soon as she is granted status, she is given the right of maintenance under section 125 of the CrPC, 1973. However, there is a dispute that even if the wife's position is offered to women in a live-in relationship, the partners cannot divorce since they are not legally married. Therefore, how can women assert their right to be maintained under Section 125 of the CrPC, 1973.

## CONCLUSION

In conclusion, live-in relationships in India reflect the changing social dynamics and evolving attitudes towards marriage and personal freedom. While they face challenges related to social stigma, legal recognition, and familial acceptance, live-in relationships also offer individuals the opportunity to prioritize equality, mutual understanding, and compatibility in their partnerships. As Indian society continues to evolve, it is likely that live-in relationships will become increasingly accepted and normalized, paving the way for greater legal and social support for individuals choosing this relationship structure.

Overall, live-in relationships in India are a reflection of the evolving attitudes and values of a changing society. While there are challenges and barriers to acceptance, the increasing prevalence of live-in relationships indicates a shift towards more progressive attitudes about relationships and marriage. As Indian society continues to evolve, it is likely that the acceptance and prevalence of live-in relationships will also continue to grow.

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