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Validity of Live-In Relationships in India

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The law changes by the shifting social patterns of society because it cannot afford to remain stagnant. Live-in relationships are one of them. Since it violates the purity and holiness of marriage, live-in relationships, or living together as a couple without getting married, are frowned upon in India. In India, live-in relationships are becoming more common as a simple alternative to marriage. Although it seems like a stress-free relationship with no legal responsibilities, it contains a lot of problems, responsibilities, and legal liabilities. Recently, efforts have been made to include it under the purview of certain laws. It is no longer a crime in India, and numerous recommendations regarding maintenance, property, and a child's legal status have been published in several judgements by the Apex Court. In India, it is still a contentious subject. Official documents, cultural concerns, property rights, will and gift rights, anti-religion status, the LGBTQIA+ community, and other grey situations require adequate care. Understanding the concept of a live-in relationship and examining the issues and difficulties that couples face is this paper's main objective.

Keywords: *live-in relationships, legal liabilities, maintenance, property, legal status, lgbtqia+, social patterns.*

INTRODUCTION

Change is indeed the one thing that just never remains the same in this world. Indian society has seen a substantial lifestyle change in the recent few years. Premarital sex and live-in relationships are becoming more and more acceptable, however slowly. However, due to the

lack of legitimacy and social acceptability of such ideas, this move has faced constant criticism and intense discussion. In India, there has been a significant shift in how people view relationships. As society begins to accept live-in relationships more and more, the stigma that used to follow people before they moved in is starting to disappear. In the fields of freedom, privacy, professionalism, globalization, and education, this has developed over time. Additionally, it is an effort to get to know one's partner better and establish compatibility to prevent divorce rather than an attempt to get out of duties. In Western nations, live-in partners are more frequently accepted. This is illustrated through prenuptial agreements between spouses, civil union contracts, and legal recognition. People who have lived together over several years and have even had children must abide by the same marital laws as husband and wife, the majority of Western Apex Courts said. This wasn't the situation in India, though. In the current study analysis, researchers are seeking to explore the continuous voyage of the evolution of live-in relationships in India to grasp and so compare the condition of live-in in India with that of developed countries.

LITERATURE REVIEW

An examination may add to current writing only if it is conducted following an assessment of existing writing in the area. Keeping in mind this basic guideline, and to make the current study more progressively focused, the publicly available writing on live-in-relationship will be explored by researchers by experiencing the content and perspectives of the many works done on the relevant issue. Several publications and research articles are included below¹: Marriage has long been regarded as a sacrament in India. From the perspective of the law, the husband and wife are considered one. The legal ramifications of marriage add to the sacredness of this connection. Marriage legally allows both parties to cohabit; children born out of legal wedlock are the couple's legitimate offspring; the woman is entitled to support throughout the duration of the marriage and even after its breakup; and many more benefits.²

¹ Mandeep Kaur, 'Legal Perspective on Live In Relationship In Present Scenario' (2019) 6(1) IJRAR <http://ijrar.com/upload_issue/ijrar_issue_20543497.pdf> accessed 16 January 2023

² 'Status of Live-in relationships in India' (*Helpline Law*, 20 July 2022) <<https://www.helplinelaw.com/family-law/slri/status-of-live-in-relationships-in-india.html>> accessed 16 January 2023

In his book 'Live in Relationship & Hindu Marriage: A Critical Legal Analysis,' Jayanta Ghosh³ provides an endless supply of ongoing prominent living together examples in India, such as grown-up hetero non-conjugal living together, commonly known as live-in relationships, and the subsequent legal moves. While certain popular and legal interpretations seem to suggest legal authorisation and recognition of new forms of non-conjugal hetero living together instances in India, these legal changes do not indisputably indicate such. A simple study demonstrates that the legal modifications are essentially geared at recognising women's helplessness under traditional sorts of non-conjugal relationships. In her book 'Test-driving Marriage,' Beliza Ann Furman⁴ examines the advantages and disadvantages of an unwed, live-in relationship with advice on finances and setting up space, restrictions, and security, and illustrates a variety of living arrangements relationships. She also provides solutions for adjusting to the nuances of informal marriage. Rajiv Bhattacharya's live-in relationship and its influence on Indian traditional culture A critical socio-legal analysis (2016): He has claimed that cohabitation and live-live-in partnerships usually adopt an independent and human-rights-based perspective. However, it has trouble creating a social fabric in Indian society.⁵

ANALYSIS OF THE TOPIC

According to the researchers, a live-in relationship is when two people decide to live together for a long duration of time or permanently while continuing to have an emotional/ premarital sexual relationship. Unmarried people are the ones that use it the most.

INDIA'S HISTORICAL BACKGROUND OF LIVE-IN

- **In ancient India**

The Gandharva marriage, in which a man and a woman mutually decide to get married, is one of the eight forms of marriage described in the Vedas. This excludes the wedding ceremony and

³ Dr. Jayanta Ghosh, *Live in Relationship & Hindu Marriage: A Critical Legal Analysis* (LAP LAMBERT, 2015)

⁴ Beliza Ann Furman, *Test-driving Marriage* (Barricade Books, 1998)

⁵ Rajib Bhattacharya, 'LIVE IN RELATIONSHIP AND ITS IMPACT ON INDIAN TRADITIONAL SOCIETY A CRITICAL SOCIO- LEGAL STUDY' (2015) 2(4) International Journal of Multidisciplinary Trends < <https://docplayer.net/125275154-Live-in-relationship-and-its-impact-on-indian-traditional-society-a-critical-socio-legal-study.html>> accessed 16 January 2023

the participation of the couple's family. Even though it is merely a word-of-mouth vow, it is deemed marriage. Regardless of whether a couple married through a Gandharva vivaha, the commitment and duty were the same as in any other sort of marriage described in the ancient texts. Even within the several types of marriage recognised by the Vedas, some are considered considerably better than others. Both the Brahma and Prajapatya types are highly respected. When a boy's parents have suitable girls for him to marry, he is said to be of the Brahma type. This also includes situations in which a guy selects a certain girl to marry. When a girl's parents have a suitable male for her to marry, it has the Prajapatya character. This involves the swayamvara process, in which the female selects a boy for marriage. The Daiva and Arsha kinds refer to the girl's parents proposing marriage to priests.

In the Asura kind, the boy (or man) pays a large sum of money to the girl's parents before marrying her. The boy (or man) in the Rakshasa sort of argues with the girl's parents and relatives before abducting her against her will. In the Paishaca kind, the boy (or man) seizes the girl against her will and harasses her parents. These three types have been labelled the worst, even though they are still deemed marriage. Even though some marriages are uncomfortable, ancient lawgivers and intellectuals attempted to maintain dignity. Much insight into how to approach relationships and marriage in the present circumstances may be found in the cognitive processes of the forefathers. They were liberal enough to allow numerous actions that had previously been prohibited, including prostitution, sex outside of marriage, pre-marital sex, divorce, widow remarriage, homosexuality, and so on, but only if the conduct followed the path of dharma. A simple deed performed without regard for dharma, on the other hand, was regarded as a grave error.

- **Medieval India**

Concubines were used to produce famous offspring when a lady was unable to conceive. Contrarily, throughout the medieval period, concubinage between two unmarried people became legal, reflecting the status of common-law marriage. Concubinage has been practised throughout history in many different cultures, and concubines have had a variety of social and legal statuses, from sexual servitude to common-law marriage. These divisions have remained

until today. It was around this time when Muslims first came to India. Sex slavery and concubinage were nearly similar ideas in medieval Muslim civilisation, and unmarried people's concubinage or cohabitation lost the value associated with common-law marriage.

- **Current Status in India**

In cases where a woman was unable to conceive, concubines were used to produce notable offspring. The status of a common-law marriage, on the other hand, was mirrored by concubinage between two unmarried people throughout the medieval period. Instead, they have been reduced. After India gained independence, the practice of keeping concubines continued. Long ago, a man and woman in Gujarat entered into a freely agreed-upon friendship contract that stated that neither party would have any claims on the other other than friendship during or after the relationship. Maitray karaars were written agreements between people of the opposite sex to be mates, live together, and look after one another. These relationships are considered to as socially questionable and sexually coercive. In such relationships, the man was always married, while the lady was a single woman who also had to support her parents. Her family happily agrees to such a contract since she feels she would never marry, and that is the only way she will be able to experience a physical relationship with a male, no questions asked. Years ago, when the maitray karaar narrative became popular in the media, it was deemed illegal and the contract was declared obsolete. Even though live-in relationships are a relatively new phenomenon in the modern world, Vedic astrology is well suited to handle the situation in which two people decide to live together for a long time or permanently in an emotional/premarital sexual relationship without getting married to each other.

INDIA'S EVOLUTION OF LIVE-IN

The significant case was *Badri Prasad v Delegate Director of Consolidation*⁶ where the Indian Supreme Court had already deemed the live-in Relationship to be legal. In one instance, the court recognised a couple's years-long live-in relationship and pronounced, "A substantial assumption develops for wedlock when the partners have lived respectively for a long term as

⁶ *Badri Prasad v Dy. Director of Consolidation* (1978) 3 SCC 527

husband and wife." Even though the assumption is refutable, there is a heavy duty on anyone who wants to contest the relationship of legitimate inception. The law favours sincerity and penalizes blatant deviation. Few will be successful if people who live in society as a married couple are required to prove they were legally married by eyewitness evidence fifty years later.

Following that, the Allahabad High Court acknowledged the status and idea of live-in relationships and declared that they are not unlawful in *Payal Sharma v Superintendent, Nari Niketan Kalindri Vihar*⁷ A woman and a man are free to live their lives however they choose without being married, the court said. The court also mentioned that it is not illegal, even though it can be embarrassing for the general public. According to the Hon'ble Supreme Court in *Gokal Chand v Parvin Kumari*,⁸ a man and a woman who live together constantly and are considered as a pair for several years may raise the assumption of marriage. The presumption that can be made about long-term cohabitation is rebuttable, nevertheless, and the court cannot ignore circumstances that undermine or disprove it. Living together is equivalent to having a right to life, according to the Supreme Court of India's decision in the case of *S. Khushboo v Kanniammal and others*⁹ Although it may appear shameful in traditional Indian society, living together is not against the law. South Indian singer Kushboo, who promoted pre-marriage sex and live-in relationships, was cleared of all charges. In this instance, the court determined that while it may be unlawful for two adults to live apart, doing so is not always wrong. In *Madan Mohan Singh & Ors. v Rajni Kant & Anr*¹⁰ it was decided that a long-term live-in relationship cannot be described as a "walk in and walk out" relationship since there is a presumption of marriage between the parties. In one of its rulings, *Alok Kumar v State*¹¹ the High Court of Delhi ruled that a live-in relationship is a connection with no conditions. These associations do not provide couples with a formal legal tie. The court also ruled that while parties are living together as a couple, they cannot express their discontent with immorality or adultery. In a different case, the Supreme Court ruled that under Section 114¹² of the Indian Evidence Act, if a man and a woman

⁷ *Payal Sharma v Superintendent, Nari Niketan Kalindri Vihar* (2001) SCC OnLine All 332

⁸ *Thakur Gokal Chand v Parvin Kumari* (1952) SCR 825

⁹ *S. Khushboo v Kanniammal* (2010) 5 SCC 600

¹⁰ *Madan Mohan Singh v Rajni Kant* (2010) 9 SCC 209

¹¹ *Alok Kumar v State* (2015) SCC OnLine Del 9470

¹² Indian Evidence Ac, 1872, s 114

live together for a long time, the court would recognize their cohabitation as a couple and their children's legitimacy. In the landmark judgement of *D. Velusamy v D. Patchaiammal*,¹³ the court held, "As we would like to conceive, a 'relationship in the idea of marriage' is equivalent to a precedent-based marriage." Although not legally married, customary law unions require that:

- They should be able to get into a lawful marriage even if they are unmarried.
- The duo displays themselves to society as though they were companions.
- They must have reached the legal age of marriage.
- They ought to have established themselves as life partners by residing together for a significant amount of time on purpose. The gatherings must have resided in a "common family unit," as defined under Section 2(s) of the Act, and the connection must be "in the notion of marriage," as defined by the 2005 protest. Weekend getaways or one-night stands don't count as a household connection. Furthermore, not all types of live-in relationships are covered by the 2005 Act to Protect Women from Domestic Violence. All of the aforementioned requirements must be met and documented to benefit from the provisions of the 2005 Act.

LIVE-IN RELATIONSHIP & MARRIAGE

Live-in relationship in India: Although live-in relationships have been regarded in India for many years, no law binds couples to one another if one of them decides to end the relationship. As there is no legal definition of a live-in relationship, it is still unclear what it entails. As previously stated, the court determines whether a woman is entitled to maintenance based on the facts of the case and the Protection of Women Act of 2005. Even though the concept of a live-in relationship is still controversial and not widely accepted in India, the Protection of Women from Domestic Violence Act of 2005 provides support and protection by providing alimony to an unhappy live-in spouse.

¹³ *Velusamy v D. Patchaiammal* (2010) 10 SCC 469

Marriage: In India, marriage is a ritualized and accepted social institution. In essence, the agreement between the spouses puts rights, obligations, and legal responsibilities on one another. Due to India's rich cultural heritage, several laws that specify the standards and processes for arranging marriages in various religions have been formed. Not every union is ideal. Numerous religions have developed marriage laws to address problems that arise throughout partner marriages. If the wife is unable to support herself, she is entitled to maintenance in addition to the principles controlling maintenance under personal law under Section 125 of the Code of Criminal Procedure, 1973. The Protection of Women from Domestic Violence Act of 2005 Section 20(1)(d)¹⁴ has provisions for women seeking extra support on top of the maintenance granted under existing statutes.

LIVE-IN RELATIONSHIP CHALLENGES AND ISSUES

Although the live-in relationship is legal and various court decisions support it, many issues require a critical discussion. Several intricate grey areas that have yet to be peacefully handled are outlined below:

Official documentation: In India, there is still no category for a live-in relationship on any official form. The couple is encountering issues with joint bank accounts, insurance, nominees' names, visa, and so forth.

Moral and societal acceptability: Although live-in is legal in India, unfortunately, they are frowned upon and seen as immoral and forbidden. Couples typically face several difficulties since Indian culture is sceptical of live-in relationships, including antagonism at work, rejection from family, trouble locating a rented house, and rejection by society.

LGBTQIA+ Spouses: The LGBTQIA+ group generally receives little compensation from society, and their link is not acknowledged. There are no laws or rulings that govern live-in relationships, and LGBTQIA+ couples are not taken into account. India does not recognize same-sex marriage or live-in partnerships, notwithstanding the Supreme Court's decision to

¹⁴ Protection of Women from Domestic Violence Bill 2005, s 20(1)(d)

remove Section 377 of the Indian Penal Code 1861¹⁵ which decriminalized consensual same-sex relationships. There is presently no LGBTQIA+ marriage legislation in the Indian legal system, notwithstanding recent liberal interpretations by the Honourable Courts.

Cultural issues: India is renowned for having a wide range of cultures and religions. The impact of globalization on interpersonal relationships in contemporary culture is unsurpassed. Family ties and values, which were traditionally dominant, are changing quickly. Every religion has a unique perspective on cohabitation. Only the 1955 Special Marriage Act permits the difficult matter of interfaith marriage. While Islam and Hinduism are against live-in relationships, Christianity is in favour of it. In India, attitudes are greatly influenced by peoples' beliefs, customs, usages, and culture (Avantika Sarkar 2015). As a consequence, rather than following any set of rules, new norms are adopted based on how widely held they are. Anti-religious live-in relationships are complicated and still a touchy matter, thus it is important to discuss them.

Bias based on gender: The 2005 Protection of Women from Domestic Violence Act recognizes a woman as a man's wife if they have been together for an extended period. She also has a lot of favourable circumstances, including property and upkeep. Unfortunately, neither LGBT couples nor men are protected by it. Men are frequently accused of exploiting women by making up a marriage vow and engaging in sexual assault. There is no provision for male reinforcement in such a circumstance, which may appear paradoxical. For same-sex partners who are sexually assaulted, the same is true. It is necessary to codify particular regulations governing live-in couples to adequately manage these complex issues.

Property rights against religion and the LGBTQIA+ community: For live-in spouses, succession and property rights are the key issues. Children born into a live-in relationship are only given property rights under Hindu law today, and only on their own, not the family's, property. Islamic law has its mechanism for allocating property and has never attempted to initiate a discussion about it. Property rights and protection for the LGBTQIA+ community are not guaranteed. It is illegal for an LGBTQIA+ couple to leave or gift property to a live-in partner.

¹⁵ Indian Penal Code, 1860, s 377

Without adequately settling such forthcoming concerns and codifying appropriate laws, there may be opportunities for fraud and deception, as well as criminal battles within families over property issues.

The National Commission for Women suggested on June 30, 2008, that a woman living with someone else be included in the definition of "wife" under Section 125 of the Criminal Procedure Code. A group known as the "Malimath committee" was also established by the Indian Supreme Court to properly study and recognise live-in relationships legally. According to this council, "a man will be considered as having hitched the woman if a man and a lady are living separately for a reasonably enormous stretch." The committee also proposed that sec. 125 of the Cr. P.C. be amended to include the wording "Females living with the male as his better half," so that a woman in a live-in relationship would be eligible for alimony as well.

THE RIGHT TO MAINTENANCE, UNDER SECTION 125 OF THE C.R.P.C.

Palimony is an expression that is frequently used to describe maintenance in live-in relationships. Sec. 125, Crpc governs the right to maintenance in India. This rule is currently applied to the less fortunate partner in a live-in relationship. It was originally designed to promote social fairness by helping "destitute" spouses, defenceless young children, and elderly parents. A change was made to Sec. 125, Crpc to adjust the definition of "wife" in line with the recommendations of the Malimath Committee on Reforms of the Criminal Justice System. Women who were in a live-in relationship and were subsequently dumped by their spouse have the status of a wife under the current legal framework.

The *Chanmuniya v Virendra Kushwaha*¹⁶ judgement, which had upheld a woman's claim to maintenance under Sec. 125, Crpc, was reversed by the Supreme Court. The justification for granting such a privilege to a woman in a live-in relationship is to prevent a man from abusing legal loopholes by making use of a de facto marriage's advantages while failing to fulfill the marriage's duties. The Supreme Court said in *Kamala v Mohan Kumar*¹⁷ that the term "wife"

¹⁶ *Chanmuniya v Virendra Kumar Singh Kushwaha* (2011) 1 SCC 141

¹⁷ *Kamala v M.R. Mohan Kumar* (2019) 11 SCC 491

should be given a specific definition to advance social justice ideals and protect the constitutionally guaranteed right to dignity. In this instance, a woman and a man had lived together for a considerable amount of time before assuming that they were married. The court found that the lady was entitled to support for both herself and their children. The court concludes that a woman living with someone else has the same right to maintenance as a woman who is legally married.

LEGAL STATUS OF OFFSPRING OF LIVE-IN RELATIONSHIPS

A live-in relationship that lasts a long period may result in the birth of a kid or children. The Central Adoption Resource Authority's Guidelines Governing the Adoption of Children emphasize that live-in spouses are not permitted to adopt children in India. If a couple disagrees about child custody, they can consult a child custody lawyer. In the *Balasubramanyam v Suruttayan*¹⁸ case, children born in live-in relationships were granted legal standing for the first time. The Supreme Court ruled that if a man and a woman share a home and live together for a lengthy period, Sec. 114 of the Evidence Act¹⁹ presumes that they are married. They will therefore be recognized as their own and be entitled to a portion of the family's assets along with any children they have. In the case of *Bharatha Matha v Vijaya Renganathan*,²⁰ the Supreme Court gave children of live-in couples a portion of the property. The Court ruled that children born inside a live-in commitment were not illegal if the union lasted long enough. In a recent landmark decision, the Kerala High Court recognized a kid born into a live-in relationship for adoption as a child born to a married couple.

RIGHTS TO PROPERTIES OF CHILDREN BORN OUT OF LIVE-IN RELATIONSHIPS AND THEIR LEGALITY

An illegitimate kid, boy or girl, can only inherit from their mother due to their illegitimacy; they are not eligible to inherit from either of their fathers. According to Hindu law, inherited rights must be valid. However, the courts have taken various steps in the past to ensure that a live-in

¹⁸ *S.P.S. Balasubramanyam v Suruttayan* (1992) Supp (2) SCC 304

¹⁹ Indian Evidence Act 1872, s 114

²⁰ *Bharatha Matha v R. Vijaya Renganathan* (2010) 11 SCC 483

partner's child does not lose his or her inheritance rights. By Article 39(f) of the Indian Constitution²¹, the court also attempted to protect these components. In the case of *Neelamma & Ors. v Sarojamma & Ors.*²² the Hon'ble Court determined that an illicit child will only be eligible for a stake in the parents' self-acquired property and not the joint Hindu property.

The Hindu Marriage Act of 1955's Section 16 addresses children's inheritance rights and grants legal status to an illegitimate child (born outside of wedlock or raised in the family) only for inheritance-related reasons. As a result, children born to cohabiting partners also have inheritance rights. Both inherited and privately bought properties are covered by these rights. Under the Hindu Succession Act 1956, Hindus are class 1 heirs for joint family property, whether the child is male, female, or both. In Hindu personal law, unlike Shia law, an illegitimate kid has no claim to inherit his father's or mother's property. Instead, he receives his mother's riches rather than his alleged father's. If the children of the live-in relationship are still considered illegitimate, they are not eligible to inherit the property.

In the case of *Bharatha Matha & Anr. v R. Vijaya Renganathan & Ors.*²³ it was determined that a child born in a null or voidable marriage was only eligible to obtain a portion of their wealth and not the ancestral coparcenary property. The Hon'ble Court declared in *Revansidapa v Malikarjun*²⁴ that no child born in a long-term committed relationship may have their right to inherit rejected. In the case of *Vidhyadhari v Sukhrana Bai*,²⁵ the Supreme Court of India made a significant ruling, concluding that children born into a live-in relationship were given the status of "legal heirs" and the necessary inheritance rights. To eliminate the distinction between children born in valid/void/voidable marriages and to confer legitimacy to innocent children who would otherwise be subject to restrictions on their rights that legitimate children would have, Section 16 of the HMA, 1955 was passed.

²¹ Constitution of India 1950, art 39(f)

²² *Neelamma v Sarojamma* (2006) 9 SCC 612

²³ *Bharatha Matha v R. Vijaya Renganathan* (2010) 11 SCC 483

²⁴ *Revansidapa v Malikarjun* (2011) 86 ALR 450

²⁵ *Vidhyadhari v Sukhrana Bai* (2008) 2 SCC 238

THE RIGHT TO CUSTODY AND MAINTENANCE IS AVAILABLE TO CHILDREN BORN OUT OF A LIVE-IN RELATIONSHIP

The maintenance rights of children born from traditional marriages are governed by personal marriage laws, which also apply to children born from live-in relationships. From one personal law to the next, it varies. For instance, in Muslim law, a father is not required to provide for a child born outside of marriage, while under Hindu law, the father is required to do so. In addition, the wife, female companion, and children who are unable to file a personal law maintenance claim are legally entitled to support under Sec. 125 of the 1973 Crpc. According to the Supreme Court, even choosing to live together is a decision that is protected by the right to life. In light of this, it is not a crime. Live-in relationships are therefore permitted in India.

DOMESTIC VIOLENCE CONCEDED TO A FEMALE PARTNER OR CHILDREN RESULTING FROM A LIVE-IN RELATIONSHIP

The Protection of Women from Domestic Violence Act of 2005 was enacted to protect Indian women from abusive (mental, verbal, economic, and physical) marital situations. By Section 2(f) of the act,²⁶ women who live together in a "relationship in the form of marriage" or who are married are both protected. Given all of these factors, the Honourable Supreme Court of India has approved live-in partnerships in a select number of circumstances when they comply with the rules set forth by the law.

LIVE-IN-RELATIONSHIPS PROVISIONS

Position within India: Unmarried couples who live together as husband and wife without the legal recognition of marriage are said to be in live-in relationships. In India, this idea is not commonly acknowledged. Live-in relationships caused a public uproar when they initially came to light because people felt they were against Indian culture and morality. Recent court rulings on in-law partnerships have brought this social issue to the public's attention and clarified it.

²⁶ Protection of Women from Domestic Violence Bill 2005, s 2(f)

India must now take the initiative and join the rest of the world by making live-in relationships legal. A nation like India would indeed permit its citizens to do that. The Apex Court has ruled today that a man and a woman living together without marriage are not guilty of a crime, regardless of premarital sex or live-in partners. "What is the offence when two mature persons wish to live together? Does it constitute a crime? Coexistence is not illegal. The top court ruled that there is no law prohibiting premarital sex or live-in relationships.

Position outside India: For European nations, the "live-in relationship" has the most effect. In most places, living together without being married is legal. The "civil solidarity pacts" established by the law implemented in France in 1999 permit partners to unite and enjoy the same rights as married couples regarding things like taxable income, succession, property, and social assistance even if they are of the same sex. Couples who want to form such a partnership can do so in front of a court clerk, and they can end the partnership either unilaterally or bilaterally by giving the other party a simple written declaration with three months' notice. According to Article 147 of the Philippine Family Code²⁷, when a man and a woman who are legally capable of marrying live together exclusively as husband and wife without the benefit of marriage or under a void marriage, their wages and salaries are owned equally by them, and the property they both acquire through their work or industry is subject to co-ownership laws.

CONCLUSION & SUGGESTIONS

Everyone has the right to live their life as they see fit, according to Article 21 of the Constitution. Being in a live-in relationship is a personal choice; just because the bulk of society opposes it does not mean individuals who choose it should be outlawed or looked down upon for any reason. While potentially unethical, such a link is not illegal. The freedom to choose one's life partner is now recognised by the Hon'ble Court as a fundamental human right, which is important because depriving someone of rights because they chose to live in a relationship affects not only that person's human rights but also his or her freedom of life and movement. As a result, the researchers think that now is the ideal time for the government to adopt a specific

²⁷ Philippine Family Code 1947, art 147

law addressing live-in relationships. Although there is no explicit regulation that oversees a live-in relationship, it cannot be completely ruled out that there isn't a law that prevents it. It is still forbidden in our Indian culture. While living in partnerships may be considered immoral, it is not illegal, as the courts have explicitly recognised in it several cases.

The judiciary endeavoured to offer legal significance to this innovative sort of relationship through a series of decisions, contributing to the protection of the rights of the individuals involved as well as the offspring. However, it is still critical to enact a separate law that particularly handles cohabitation. Without a doubt, the judiciary has taken progressive measures that are crucial to the acceptance of live-in relationships in society. However, the Hon'ble court has generally assumed that these couples must have presented themselves to society as husband and wife and that their relationship has the characteristics of marriage in cases where it has issued rulings granting various rights to women or children in live-in relationships. Researchers ponder why people enter into live-in relationships if they desire their union to be comparable to marriage. By equating a live-in relationship with a partnership akin to marriage, the judiciary has overlooked the main basis for cohabitation, namely the absence of rights and obligations equivalent to those of a married couple. Researchers are not advocating that there should be no rights or duties; rather, they believe that to fully understand this connection, a nova perspective is necessary. The majority of the issues connected to the phrase "live-in relationship" are brought on by the absence of a formal definition of it. People will be perplexed as to what the notion is unless and until it is defined, which will result in the inclusion of extramarital and adulterous relationships under the umbrella term live-in relationship. As a result, the notion must be defined to differentiate between live-in and extramarital and adulterous partnerships. The researchers proposed that the idea be defined as an intimate connection between an unmarried man and an unmarried woman who live together in a shared household for the benefit of clarity among the general public.

The definition of "wife" under explanation (a) of Section 125(1) of the Criminal Procedure Code should be expanded to include women in live-in relationships and unmarried women living with a married man while pretending that the man is divorced, widowed, or single, according

to research. Under Section 2(f) of the PWDVA, 2005²⁸, the concept of a domestic relationship includes unmarried women with a marital tie. Women in non-marital relationships are no longer eligible for protection under the Act as a result of how the court interpreted this provision, nevertheless. The couple must commit for the long term and conduct themselves in public as husband and wife. Since not all live-in couples are required to show themselves to society as married and not all live-in relationships are long enough to qualify as a partnership with marriage-like characteristics, many women in such situations have chosen to stop their relationships. The researchers at the end also suggest changing the definition of a domestic connection to include women whose relationships are not in the type of marriage to fill this gap.

²⁸ Protection of Women from Domestic Violence Bill 2005, s 2(f)