



JUDICIAL INTERPRETATION AND STATUS OF LIVE IN RELATIONSHIP IN INDIA

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ABSTRACT

The notion of live-in partnerships, in which couples cohabit but are not legally married, is not clearly defined by Indian law, creating doubt about its legal and social status. This study analyses the opposing viewpoints on live-in relationships, assesses the legal criteria and how they are applied by the courts, and highlights the absence of explicit legislation addressing this problem in India. The writers investigate pertinent statutes, such as the Indian Evidence Act and the Protection of Women from Domestic Violence Act, which provide persons in live-in relationships some recognition and protection. In addition, the study examines major legal judgments that have affected the status of live-in couples, particularly the rights of children born from such unions. The judiciary's role in interpreting and establishing the legal framework governing live-in partnerships is explored, with emphasis on Supreme Court judgements that acknowledge the legality of these relationships and offer certain rights and safeguards. The study continues by underlining the need of establishing a complete legal framework to handle the intricacies and obstacles of live-in relationships in India, including concerns pertaining to the LGBTQ+ community, property rights, and inheritance.

Key words: *Judicial Interpretation, Live in Relationship.*

1. INTRODUCTION

A relationship where both parties live together is not precisely defined by law, and even its social status is unclear. If two people who have not been wed live together and have a committed, long-lasting connection which displays marriage-like characteristics, they are said to be within a live-in relationship. Understanding and compatibility between the partners are key elements that make such an association successful. Live-in relationships are often prevalent among urban especially urbanized locations. Society still views this action as immoral and forbids it.

The issue of whether living together ought to be permitted is still being debated. According to proponents supporting cohabitation, humanity will inevitably change. People who oppose, nevertheless, often reference Indian cultures and traditions. However, it's important to consider if

commuting is a cause of or a remedy towards the current societal issues.

In this paper, the authors will contrast the two perspectives of view, look at a relationship where both parties live together, and evaluate the many legal requirements and the way the court applied them. presently no explicit legislation, regulation, or tradition throughout India that deals with this. The Indian Dynasty Act of 1925, the Hindu Marriage Regulation of 1955, and the Statute of Criminal Procedure of 1973 do not address the matter. Despite using the phrase "live-in a connection," the sole phrase that echoes the notion of "domestic engagement" as specified in the Prevention and Intervention of Domestic Violence Amendment Act of 2005 is "relationships in the spirit of marriages." The Justices of the Supreme Court of the nation issued a landmark decision in 2010 that categorically upheld the liberty and advantages of persons who engage in relationships with other people despite broadening the research study's scope. A partnership that involves living

together is difficult to legally recognize owing to a variety of complex, controversial, and complex issues.

Unlike getting hitched to the other in a sanctioned ceremony, living alongside or residing would be frowned upon in India. The LGBT community's official papers, cultural considerations, rights to property, bequests and gift privileges, and a multitude of uncertain waters need to be correctly handled. The article attempts to identify issues while also offering a solution[1].

1.1 DEFINITION

In India, the principles of an intimate relationship have not been codified by law. A live-in affair is essentially an arrangement involving two people of identical gender or distinct genders who live regularly as a couple, in either a separate house or in an identical one, whether or not there is the expectation of a future long-term commitment. This is similar to marriage despite the fact that they are not bound together by the sacred knot of wedding. Although they just live together, they are nonetheless legally married. It is classed as domestic. Even while this appears to be a connection that is without strain and constrained by any regulations, it is really rife with challenges, obligations, and legal repercussions.

According to the legislation, a live-in affair is "a scenario when both individuals reside separately to establish a relationship that lasts a long time similar to marriage."

One such connection is a live-in collective bargaining organisation, in which a boy and girl have a romantic relationship before being married and, if they are happy with one another, either tie the knot or live together indefinitely. One the opposite end of the spectrum, this act looks to be unique and is being performed at this very moment. Though it is not always wrong to maintain relationships, premarital sex is handled in a relationship where both parties reside. Overall, this relationship lessens the couples' societal influence and fostering marital harmony.

Cohabitation is an eternal or everlasting agreement that occurs when two individuals decide to live together while maintaining a close emotional along with sexual bond. Single couples are the most frequent subjects of this expression[2].

2. LAWS RELATED TO L.I.R

Indian Evidence Act

According to the Indian Information Act of 1872, the court may presume the presence of any truth that it thinks to have happened, according to the ordinary course of climatic occurrences, human conduct, and public or private business surrounding the circumstances of the specific case. The

Evidence Law of 1872's Section 114 governs this procedure. 1 It might be used to find couples who reside together. If an individual and woman were married together for a substantial period of time, there is a likelihood of marriage among Paragraphs 50 through 114 of under Indian Attestation Ordinance of 1872[3].

Domestic Violence Act of 2005

The Protection about Women Concerning the The impact of Domestic Violence Act (hereinafter PWDVA) of the same name may have been the first legislation to acknowledge live-in relationships by providing advantages and safeguards to women and she have not yet tied the knot but are nevertheless living with a man in an association that is akin to but isn't the same as marriage or comparable to being got hitched but not just the similar as proposing (Auroshree, 2010).

A native his connection can be characterised just like an arrangement between a couple who currently communicate a home or have in the past, irrespective of whether they are related through reliability, getting married, or a different kind of partnership like practise, or regardless of whether they are close cousins living together because a family in common.3

The Court assumes that connections that are located in come up within the meaning of thinks the term " interaction like getting married," and therefore is encompassed in the notion of an at home connection, generally, simply since the expressions "all the fact that is simple of union" along with "live-in a connection" are identical in Indian legislation. As the primary legal instrument for identifying adult heterosexual couples which have not become passionately committed, this Act has garnered great appreciation. According to the Act, a "aggrieved lady" is any woman who had or now has close ties to the party in dispute and claims to have been subjected to physical or mental assault at work.

A woman having the obligation to file a complaint with PWDVA if she suffers verbal, emotional, physical, or economic neglect. Additionally, women's possessions may be taken away from her and her utilizations of resources could be denied. The victims of abuse are entitled to a range of safeguards and privileges under this statute.

Live-In Relationship Children in the case of "Tulsa vs. Durghatiya," the Court of Appeals decided that a live-in partnership could not be a "walk in and walk out" the arrangement whereas kiddos conceived to it could not be regarded as unlawful if their parents provided a place of residence for an extended length of time before getting recognized as a husband and a wife. In accordance with Articles 16 of the Hindu Relationship Act, 1955 as well as Chapter 26 of the Special Union Act, children born through unconstitutional nuptials or in situations where a

declaration of nullity is given in respect of a marriage that is unconstitutional should be natural or regarded to be legal. nevertheless, in line with the provisions of Subsection (3) of the same Act, such children's capacity of succession is limited to the parent's alone. If their parents weren't legally wed, their kids don't have ownership rights to the Hindu Undivided Family's (HUF) property. The Supreme Court of India upheld the entitlement of death for kidnapped kids diagnosed out of a live-in relationship in the proceedings of *Revanasiddappa & a subsidiary versus Abdul Mallikarjun & Ors* (2011), 6, and *Bharatha ultimately Matha & Anr* instead of *R. Vijaya Renganathan & Ors* (2010), 5. It also deemed the right to property as a right guaranteed by the Constitution to the unlawful youngster[4].

3. ROLE OF JUDICIARY

A live-in relationship is not illegal.

The US Supreme Court has declared that if two persons share a home just as though they were a couple who are in a relationship that will last, and sometimes have children, then there is a presumption they have been connected for a significant amount of time. If they were wed the exact same guidelines would govern them both and their relationship. The court in Allahabad recognised living together in *Payal Yadav v. Nari Niketan*. The panel composed of the Judges M. Katju couple R.B. Misra said, "In our view, although a man couple a woman have no relationship, they may live alone if they so wish." Even though society considers it wicked, it is not against the law. Virtue and law are not the same thing. Following a ruling by the Supreme Court, a woman who belongs to a woman person under nineteen years old is entitled to travel anywhere she wants and can settle down with whoever without getting hitched if she just wishes[5].

*Kanniammal v. Khushboo & anr*8

In accordance with the ruling of the Supreme Court within this particular instance, a live-in relationship is protected under the 21st article of the Indian Constitutionally. The court also ruled that partnerships with two authorised adults who cohabit are legitimate and neither illegal nor criminal. Even if two individuals are not legally married, being jointly is not considered illegal. Additionally, there had been no limitations on partnerships with another person or sexual activity prior to marriage.

In *D. Velusamy against D. Patchaiammal* (2010), the Supreme Court distinguished between live-in relationships and unions like conjugation as well as laid forth the circumstances for which a woman with a relationship that involves living together may pursue the upkeep pursuant to the provisions of section 125 of the Regulations of Criminal Procedures, as changed in in 1973. The prerequisites that follow must be met in order to qualify for support from a particular affair[6]:

- The couple must exhibit themselves to society as though they were each other's husbands.
- To marry, both parties must be of legal marriageable age.
- Both participants in the relationship must be legally qualified to marry, including being unmarried.
- Both parties to the relationship must cohabit freely and must treat each other as if they are each other's spouse for an extended period.

In a landmark ruling, the nation's highest court previously considered the topic of live-in partnerships in-depth and stated the requirements for couples who live together to be given the status legal wedding. *Siddhartha Ranga v. V.K.V. Sarma*¹⁰, ruled on the 25th of November 2013, by a two-judge appellate bench consisting of K.S.P. Krishnamurti and Pinaki Shankar Ghose, J., held that although living together or marriage-like arrangement nonetheless never illegal nor immoral, it is socially unsuitable in this country.

The Supreme Court outlined five distinct types of relationships that involve living together in the *Indra Singh* case, whereby the concept of such relationships might be assessed and demonstrated in a legal setting. These are what they are[7]:

In the first, an adult male and adult female whose happen to be single are sharing a home. This refers to the most fundamental relationship the form of goods or

The second concerns an adult woman who has remained unmarried and arranging an intimate affair with a man who has previously hitched. This is a scary, ominous location. Sexual assault is a crime under the Indian Medical Code, and it is penalised.

In the third situation, a married woman as well as a mature unmarried guy intentionally and freely join into a relationship that takes place at home. Another hazy region that the can be hazardous is this one.

The third scenario is an inadvertently formed marital connection that exists between a married man as well as a mature divorced female;

Domestic unions that involve gay or lesbian partners are not recognised under the PWDA, and they are also not permitted to be promoted to as marriage-like relationships in the legislation.

People who live separately will be treated as legally weds, the Indian Supreme Court said in a landmark decision on April 8, 2015, by an appellate court likely probably consisted of up of the justices M.Y. Eqbal with Amitava Roy. The arrangement further provided that the woman within the marriage was to be allocated to the assets within the case of the passing of her companion.

In *Badri Prasad v. Dy. Head of Reconstruction* (12), the high court established the legality of live-in partnerships and recognised the existence of a fifty-year live-in relationship. In accordance with Justice Krishna Iyer's ruling, if a couple have resided together as couple for a sizable period of time, they have an overwhelming presumption in support of marriage. The premise could be disputed, but it would be difficult to challenge a relationship's legitimacy (Anuja Agrawal, 2012).¹³

The Supreme Court ruled that heterosexual, unrelated individuals are only allowed to engage in live-in relationships in *Lata Singh v. States of UP and Anr.* 14. The arrangement is unlawful if the man has previously tied the knot, according to Chapter 497 of young Indian Medical Code, and if you have kids involved. as a consequence, Section 16 of these Hindu Wedding Act, 1955 forbids the children from acquiring land. When discussing a long-term mutually beneficial union must be factored into account; it shouldn't be referred to as a "walk through and walk out" connection^[8].

In *S.P.S. Balasubramanyam v. Suruttayan* (15), the legitimacy of children born from an intimate relationship was first acknowledged. According to the Court of Appeals, if a man as well as a woman are believed to have been living together under the same roofing for a period of years, a presumption of marriage will be created under Chapter 114 of the Act on Evidence. According to the Evidence Act, they're considered a married couple with children of law. The High Court additionally provided an interpretation of Article 39(f) of the Indian Constitution, which establishes the foreign policy of the nation. Provision of opportunities and resources for young people's healthy growth in conditions of equality and dignity, including safeguarding them from exploitation and monetary and moral desertion.

Only women who are legally married may file a claim pursuant Article 125 of the Cr. P.C., based to the Highest Court's ruling in *Chanmuniya v. Chanmuniya Kumar Singh Kushwaha*¹⁶. With the justification that Section 26 the PWDVA, 2005 should be taken into consideration while applying the provisions of subsection 125 of the CrPC, the Supreme Court reversed the High Court's decision and ordered compensation for the appellant's wife. The Court of Appeals ruled that women who cohabit have the exact same entitlements and advantages as couples that have become legally married.¹⁷^[9]

Giving an ongoing partnership the status of marriages is just necessary for the maintenance, the social order and the safeguarding of a male's or females as rights, as shown in the circumstance of *Abdul Bhikaseth Auti v. State about Mumbai and Others.* 18 *Malimath Report* 19 as well as an Indian law commission recommended that if a woman had been living alongside a man for a substantial length of time after marriage, she would receive the same legal status as a

female partner. Women who have not tied the knot legally but are living with an accomplice in a situation that simulates marriages but is not the same as being spouses are covered under the Safeguarding of Women form Physical Battery Act of 2005. A domestic his connection is one across individuals who are closely associated with one another by connection of blood, marriage, or an association resembling marriage, adoption, or which are close relatives residing collectively as a couple and who currently reside in or have previously resided in a shared home, as described in Section 2(f) within the Act. As a result, in in addition to getting married, partnerships "in the sense of marriage" are also considered to be household connections^[10].

4. Conclusion

Although it may be unusual and forbidden in India, live-in relationships are becoming increasingly widespread elsewhere. People are unwilling to take on obligations or committed to a lengthy, dedicated relationship in today's society. Prenuptial settlements are regularly acknowledged, and domestic cohabitation is increasingly widely recognised, between other things. Additionally, youth are more tolerant of other gender identities. Live-in relationships have not been acknowledged by society, but courts have! Since it is currently no legal restrictions on this form of connection, partnerships that involve living together are not seen as criminal.

We conclude that while the legal system has created a number of case laws and rules addressing relationships with one another, they sometimes aren't clear. Legal guidelines on them are urgently needed to provide a clear image while also taking into consideration India's modern social milieu, which is founded on imaginative culture and heritage. Hinduism still is trying to authorise the practise, which entails passing specific legislation to address guardianship, or maintenance, and succession issues as well as other issues related to relationships with people who live together. nevertheless, the ability of live-in partners to inquire about prevention is now acknowledged under the law known as the Protection about Women from Violence at Home Act.

The legality of live-in relationships has been decided by the Supreme Court and numerous high courts in light of laws including the Domestic Violence Act, which is part of the Criminal Procedure Code, and the Evidence Act. Women in live-in relationships thus have a right to housing and possessions outside the current legal system. To preserve the rights of both parents and kids born from these relationships, live-in unions may only be permitted after a sufficient amount of time has passed since living together. Their ability to be alluded to as having been "justified" is the primary outcome of the judgement.

In order to prevent our fundamentally rooted Sanskar during relationship from being seen as archaic by

generation after generation, the administrators' main objective is to develop a plan that understands partnerships that reside together as legal partnerships while additionally promoting esteem for customary Indian social ethics along with customs and customs. Therefore, it is made clearer by the explanation above. A relationship where both parties reside is difficult to legally recognise owing to a variety of hazy, complex, and unresolved issues. To get over the complications that still surrounds the couple living together, a unique legislation that focuses socio-legal along with secular topics is required.

5. SUGGESTIONS

In light of the study's findings, we suggest that: • The Parliament should establish laws regulating "live-in couples" that addresses several issues relating to individuals involved: V Rights of Maintaining of the Parties; V Definition and Characteristics of a Live-In Relationship; V The safeguarding from Dowry Request and Need domestic Violence; V Rights of The custody of Kids; and V Issues of The reliability and also The inheritance process by Kids); V Rights from Prison of Children; V Issues of The reliability along with likewise The inheritance process by Kids; and V Rights of Maintenance of the Parties. Mandatory registration should also be required for any laws to be effective. It is crucial to inform them that there are now no laws in place to protect their privileges in the event of an intimate relationship. They may only seek defense or remedy by drawing on precedents of law.

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