



## WHAT IS THE INDIAN LAW REGARDING LIVING IN A RELATIONSHIP?

**AUTHOR-** SHIVANGI KUMARI, STUDENT AT GALGOTIAS UNIVERSITY

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### ABSTRACT

*For a very long time, Indian society resisted the idea of a live-in relationship. Living together before getting married was once considered an offence or crime in Indian culture. Most notably, "One man, one wife" is regarded by the Hindu Dharma as the most revered type of matrimony. However, as individuals begin to develop cognitively, succeeding generations are prepared to accept a few objectionable customs sharing a home. As an illustration, cohabitation is when two individuals decide to live together for an extended period of time or permanently while continuing to have a close emotional and/or sexual relationship. The expression is frequently used to describe unmarried couples. Take the decriminalization of homosexual cohabitation as an example. The most recent rulings, such as the decriminalization of sections 377 and 497 of the Indian Penal Code, demonstrate how the Indian legal system has advanced with society. While living together, there are no particular regulations that must be followed. According to statistics, less than 50% of Indians desire to live in this type of relationship, even if 80% of them now approve the idea.*

**KEY WORDS** – Live in relationship , Decriminalization , Indian Penal Code , Void-ab-Initio , Child Adoption And Regulation Act (CARA) Guidelines

### INTRODUCTION

The desire for a relationship with no obligations led some people to develop a more open mindset, which gave rise to the concept of a live-in relationship. Cohabiting couples are those in a living relationship, with no expectations as the bottom line. In Indian law, there isn't a definition for the idea, though. It is primarily a westernized idea and has little to do with Indian tradition.

Therefore, the Supreme Court occasionally felt free to further develop the idea in its rulings. It differs from getting married. Marriage, often known as wedlock or matrimony, is a socially and ritually aware connection of two people. Partners who live together do not impose obligations. There is no adequate justification for whether a live-in relationship is good or bad when the question is posed. Looking at things from a different angle simply depends on the

individual and their personality. People should feel that living together helps them understand one another better and for many more undeniable reasons. Online marriage registration is possible.

### Indian Law regarding to Live in Relationship

In a traditional marriage, each partner is granted a set of responsibilities and rights that must be fulfilled by them both. Numerous personal laws, including those of Hinduism, Islam, and Christianity, among others, regulate and safeguard a recognized couple's marriage union. Living together without getting married is not subject to any legal consequences in India because the concept of live-in relationships is foreign to the country's legislative system.

A kid is likely to be born because premarital sex is encouraged in living couples. Contrary to the heirs born outside of marriage, these children

have no claim to the inheritance. In addition, they are treated as illegitimate children by society, which is unacceptable. The Honourable Supreme Court absolved them of their unfortunate behaviour.

Legally, live-in relationships were deemed void-ab-initio. However, in a 1978 ruling, the Supreme Court declared these kinds of relationships to be legitimate for the first time. The couple is regarded as being in a legal live-in relationship if all the conditions for a marriage are met, including mental soundness, reaching the legal marriage age, consent, etc. Until proven otherwise, a couple is also assumed to be married if they have lived together for a significant amount of time.

In its great decision in *Indra Sarma v. V.K.V. Sarma* in 2013, the Supreme Court provided five different sorts of cohabitation. Additionally, it said that the Protection of Women Against Domestic Violence Act, 2005's Section 2(f), which sheds light on the said idea, applies to relationships of this nature. In living partnerships, the many aspects of the relationship may end, regardless of the decision the couple makes.

### **Legal protections for women in cohabiting relationships**

Nowadays, couples sought to investigate alternative ways of life. Since they are aware that different people may perceive something differently, living together has grown more prevalent. The patriarchal mentality hasn't completely been abolished from Indian society, despite the fact that most Indian couples accept the idea. On numerous occasions, the male spouse abused and took advantage of the woman. therefore, did not hold out any hope for legal recourse under Indian law. Nevertheless, as cases of harassment and abuse began to rise, the Supreme Court gave the victims the relief made possible by the Domestic Abuse Act. Marriage is not specifically mentioned in this statute, but rather a "relationship in the nature of marriage."

In the current personal laws, married women are the only ones who are given the right to maintenance. However, as these regulations only apply to marriages, women in live-in relationships are never permitted to request maintenance from their male partners.

Later, the courts expanded the definition of support under section 125 to provide a remedy for this. It is dubious to criminalise any guy who fails to maintain a lady properly under the Code of Criminal Procedure.

### **Legal Measures to Protect Children Born into Live-In Relationships**

Children that are born from such a connection often experience mental damage. As the child becomes older, there can be custody or maintenance issues. Such offspring have been deemed legitimate by the courts.

Additionally, they are entitled to property, including both personal property and inherited property. The law decides to safeguard children because there is no specific regulation for the maintenance of children from such partnerships. Thus, section 125 of the CrPC developed. The section contains provisions for all children who are not eligible for legal recourse. Additionally, per Indian law, cohabiting couples are not permitted to adopt a child under CARA's guidelines.

### **CONCLUSION**

Live-in relationships are now legal, but the partners can still choose to end them at any time. It may or may not be advantageous to the couple, depending on their expectations. The acceptance of a live-in arrangement by society represents a significant advancement. There are no personal laws that apply to these interactions. However, the Supreme Court and Indian Law are working to improve things. Additionally, this foreign concept's legal standing is expanding. Living together is defined broadly in India.



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