



Live-in Relationships and Law in India: A Legal Perspective

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ABSTRACT

Live-in relationships, or cohabitation arrangements, have become increasingly prevalent in India due to evolving social norms, urbanization, and financial independence. Despite the judiciary's efforts to decriminalize and recognize such arrangements, the legal status of live-in relationships remains ambiguous, primarily due to the absence of specific legislation. This paper explores the legal perspective of live-in relationships in India, focusing on judicial precedents, the rights of partners, and the social and legal challenges individuals face in such arrangements. The Supreme Court and various High Courts have acknowledged the rights of individuals in live-in relationships through several significant rulings, such as *Khushboo v. Kanniammal* (2010), *Indra Sarma v. V.K.V. Sarma* (2013), and *Revanasidappa vs. Mallikarjun* (2011). These judgments have established that women in long-term, live-in relationships should have the same rights as married women, including maintenance and protection under the Domestic Violence Act of 2005. However, couples in live-in relationships still face social stigma, resistance from families and communities, and difficulties in securing accommodation. The lack of clear legal guidelines and the need to safeguard women's rights in cases of abandonment are also significant challenges. The paper suggests legal reforms, including establishing a comprehensive legislative framework, creating an optional cohabitation registry, promoting education and public acceptance, and ensuring inclusive legal provisions for all gender identities and sexual orientations. These reforms are necessary to address the current ambiguities surrounding live-in relationships and provide a more precise framework for their recognition and regulation while respecting societal norms and personal liberties.

Key Words: Live-In Relationship, cohabitation, violence, maintenance, stigma

INTRODUCTION

As societies evolve, they develop new norms, lifestyles, and environments. Alterations in societal standards influence individual cognitive processes, leading to shifts in collective thinking. Societal transformations occur across the spiritual, moral, and legal dimensions. To prevent disorder during such transitions, it is imperative to establish regulations that govern changes in social values.

A cohabitation arrangement, commonly referred to as a live-in relationship, is a situation where two individuals reside together without being legally married. Although this concept may appear straightforward, it has profound implications. Beyond merely sharing a living space, partners in a cohabitation arrangement assume rights and responsibilities analogous to those of married couples but without the familial obligations typically associated with matrimony.

Initially perceived as immoral and unlawful, cohabitation arrangements gained acceptance as societal values shifted. This practice is becoming more prevalent in India owing to changing social norms, urbanization, and financial independence. Despite the judiciary decriminalizing such arrangements, societal attitudes remain somewhat resistant. The legal status of cohabitation arrangements continues to be ambiguous primarily because of the absence of specific legislation addressing this living arrangement.

Significance of Topic

Live-in relationships remain contentious in numerous familial and public spheres. The paucity of open discourse often constrains societal perspectives on this topic. Many individuals perceive discussing such matters as incongruous with their values and potentially compromising their moral standards. Moreover, there was apprehension regarding the reactions of others when broaching the subject.

If individuals possessing knowledge about cohabitation engage in more open dialogue, societal acceptance of such arrangements might increase. Provided that motivations for cohabitation are not deleterious, there could be greater tolerance. There is a misconception that live-in relationships are a Western importation. However, this concept was present in ancient India, but diminished over time due to various factors. Although the Supreme Court has issued several rulings that effectively legalize live-in relationships, this information has not yet permeated general public consciousness. The wider dissemination of these legal decisions through public discourse could enhance awareness and understanding.

Legal Recognition of Live-in Relationships

While Indian legislation does not explicitly recognize cohabitation arrangements, judicial decisions have been instrumental in defining their legal status. Through numerous significant rulings, the Supreme Court and various

High Courts have acknowledged and established the rights of individuals in non-marital cohabiting partnerships.

In the case of *Khushboo v. Kanniammal* (AIR 2010 SC 3196), the Supreme Court determined that cohabitation without marriage was protected under Article 21 of the Indian Constitution as an aspect of personal liberty. The court asserted that a couple electing to cohabit outside the institution of matrimony should not be deemed engaging in an unlawful act.

In 2013, *Indra Sarma v. V.K.V. Sarma* (2013 AIR SCW 6783), the Supreme Court, delineated the various categories of live-in relationships. The court recognized that certain forms of these relationships could be deemed equivalent to marriage under the Protection of Women from Domestic Violence Act 2005 (PWDVA).

In *Revanasidappa v. Mallikarjun* (2011 AIR SCW 2447), Justice A.K. Ganguly stated, "With changing social norms of legitimacy in every society including ours, what was illegitimate in the past may be legitimate today." This assertion implies that the judicial system continuously adapts to societal changes and seeks to shape the society accordingly. Although live-in relationships may be considered morally questionable from a legal perspective, society itself is deemed moral under law. The court determined that when evidence demonstrates that a man and woman have cohabited as spouses, it will be presumed, unless proven otherwise, that they were cohabiting due to a valid marriage rather than concubinage. Consequently, a woman in a long-term, live-in relationship should have the same rights as married women.

In the case of *Chanmuniya v. Chanmuniya Kumar Singh Kushwaha* (2010 AIR SCW 6497), the High Court ruled that the appellant wife was ineligible for maintenance, asserting that section 125 of the Criminal Procedure Code was applied solely to legally married women. However, the Supreme Court subsequently overturned this decision, granting the appellant wife maintenance. The higher court's ruling was predicated on the interpretation that maintenance should be considered within the context of the Protection of Women from the Domestic Violence Act 2005. The Supreme Court determined that women possessed equal rights to claim relief typically available to legally wedded wives.

In the 2008 case, Tulsa v. Durghatiya (AIR 2008 SC 1193), the Supreme Court determined that when individuals cohabit for an extended duration, they are presumed to be in a legal marriage unless evidence is presented to the contrary.

Rights of Partners in Live-in Relationships

1. The Domestic Violence Act of 2005 provides legal protection for women in live-in relationships. In instances where partnership is analogous to marriage, these individuals may seek legal recourse against abuse, financial assistance, and residential rights under this legislation.

2. Regarding property and inheritance rights, individuals in cohabiting relationships do not possess automatic inheritance claims for their partner's assets. However, according to Hindu law, offspring resulting from such relationships are entitled to inheritance rights, as established in the case of *Revanasidappa v. Mallikarjun* (2011).
3. Under Section 125 of the Code of Criminal Procedure (CrPC), the Supreme Court determined that women in cohabiting relationships are eligible for financial support if their partnership exhibits characteristics analogous to a marital union. This rule extends maintenance rights to individuals in live-in arrangements that demonstrate similarities to marriage.
4. Regarding the legal Status and inheritance rights of children, the legislation acknowledges the legitimacy of offspring born to couples in cohabiting relationships and ensures their entitlement to inherit from both maternal and paternal lineages.

Social and Legal Challenges

Although legally recognized, cohabitation arrangements in India encounter numerous obstacles.

1. **Social Stigma:** The most significant challenge is societal disapproval, as traditional Indian culture often considers such relationships to be in contravention of ethical norms. Society, with its various interconnected components, plays a crucial role in shaping attitudes towards these unions. Couples who opt for cohabitation face resistance not only from their families but also from their communities. A major impediment is securing accommodation, as landlords frequently refuse to rent unmarried couples, unless they can provide evidence of their marital status. Family acceptance is another significant challenge, particularly for women. Indian society tends to exhibit greater leniency towards men than women, making it especially difficult for daughters to gain approval for cohabitation. Families often express concern about their reputation among relatives, fearing that permitting such arrangements might lead to a lack of adherence to cultural values. In the event of separation, individuals who have engaged in non-marital cohabitation may face social ostracism. They might encounter difficulties reintegrating into society, as their previous living arrangement is perceived as a violation of social norms, potentially resulting in harassment from community members.
2. **Insufficiently Clear Regulations:** The absence of well-defined legal guidelines engenders uncertainty regarding individual entitlements and responsibilities.
3. **Safeguarding Women's Rights:** A significant number of women in cohabiting relationships experience abandonment without sufficient legal recourse beyond the Protection of Women from Domestic Violence Act (PWDVA).

4. The legal status of same-sex cohabitation partnerships remains an evolving issue. Legal protection for couples residing together in such arrangements is a subject of ongoing juridical development.

Despite the judiciary's acceptance of cohabitation, numerous conflicting court rules have resulted in public uncertainty. The absence of codified legislation regarding such relationships presents challenges for individuals when considering this living arrangement. Concerns arise regarding the potential legal ramifications in the event of relationship dissolution.

There is a pressing need for specific legislation to regulate cohabitation; otherwise, the legal gap will continue to expand. In the absence of a formalized legal framework, societal barriers to cohabiting couples persist and potentially intensify.

Suggestions for Legal Reforms

1. **Legal Framework:** A comprehensive legislative structure should be established to delineate and regulate cohabitation arrangements.
2. **Optional Cohabitation Registry:** A system for voluntary registration could facilitate partners to safeguard their legal entitlements and obligations.
3. **Education and Public Acceptance:** Initiatives aimed at enhancing public understanding can contribute to mitigating negative perceptions associated with cohabitation.
4. **Inclusive Legal Provisions:** Legislation should encompass all gender identities and sexual orientations.

Conclusion:

In contemporary Indian society, cohabitation without matrimony is becoming increasingly prevalent, and judicial rulings have provided legal protection. However, the absence of explicit legislation has led to numerous unresolved issues. Comprehensive legal reforms are imperative to adequately safeguard the rights of individuals in such arrangements while respecting societal norms and personal liberties. These modifications would address the current ambiguities surrounding non-marital cohabitation and provide a more precise framework for recognition and regulation.

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