

Live- In Relationship: An Emerging Trend

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ABSTRACT

The institution of marriage is the foundation of peace and order of society and is considered as sacred even by those who view it as a civil contract. Under traditional Hindu Law, it is more religious than a secular institution. The institution of marriage is a sacrament and not a mere socio- legal contract. Marriage improves, refines and ennobles the character. In this era of urbanisation and industrialisation, when India is developing at a rapid pace, where the concept of morality is changing, marriage still holds an important and sacramental position. But it is also a harsh reality that in Indian society we are witnessing a change in the institution of family by way of live- in relationship. Live- in relationship has become an emerging trend of the modern society. A variety of factors have been recognised as reasons for live-in relationship. Couples may want to test their compatibility before they commit to a legal union. They may want to maintain their single status for financial reasons. The courts have held that live- in relationships are not illegal or immoral, and adults have the right to live together even if they are not married. The courts have also held that women in live- in relationships are entitled to the same rights as legally married wives, including protection under the Domestic Violence Act and maintenance. However, there are still many legal and social challenges faced by couples in live- in relationships in India, including property rights, custody of children, and social stigma. It is important for the government and society to recognize and accept live- in relationships as a legitimate form of companionship and provide more legal protection to individuals in such relationships.

Keywords: Marriage, Live- in relationship, Ancient Hindu Law, Maintenance, Inheritance

INTRODUCTION

The institution of marriage is the foundation of peace and order of society and is considered as sacred even by those who view it as a civil contract. Under traditional Hindu Law, it is more religious than a secular institution.¹ Marriage, whether considered as a sacrament or a contract, gives rise to a status. It confers a status of husband and wife on parties to the marriage, and a status of legitimacy on the children of a marriage. For a valid marriage, in most systems of law, two conditions are necessary; one is parties must have capacity to marry, and second is they must undergo the necessary ceremonies and rites of marriage.² According to Ancient Hindu Law, marriage is the last of the 10 sacraments and is a tie, a sacred tie, a tie which can never be broken. It is a relation established by birth to birth. According to Smritikars even death cannot break this relation of husband and wife which is not only sacred and religious but is a holy union also. Once created this sacred tie cannot be untied. It is not a mere contract wherein a consenting mind is indispensable. The institution of marriage is a sacrament and not a mere socio- legal contract. Marriage improves, refines and ennobles the character.³

In this era of urbanisation and industrialisation, when India is developing at a rapid pace, where the concept of morality is changing, marriage still holds an important and sacramental position. But it is also a harsh reality that in Indian society we are witnessing a change in the institution of family by way of live- in relationship. Live- in relationship has become an emerging trend of the modern society. The concept of live in relationship has posed an open challenge to the family system. A continues war is going on between the morals and the legal system as the former does not recognise live relationship because it is the institution of marriage and at large affects the basic unit of society that our family, whereas the latter does not constitute this act of living together by a man and woman as an offence. Live in relationship has posed several questions before Indian society. Marriage confers status of husband and wife on the parties of marriage, provides legitimacy to the children and confers certain rights on the spouses and the children. But accepting live in relationships and giving rights to women and children under it will certainly act as a challenge to the institution of marriage.

¹Dr. Basant K. Sharma, "Hindu Law", Central Law Publications, Prayagraj, 6th ed., 2020, p. 36.

²Dr. Paras Diwan, "Modern Hindu Law", Allahabad Law Agency, Faridabad, 26th ed. 2023, p. 85.

³B.M. Gandhi's, "Hindu Law", Eastern Book Company, Lucknow, 4th ed., 2016, p. 260.

Since in our country certainly, marriage is still viewed as a Sacrament, the very mention of living in relationship has an alternative to marriage is hackles and sometimes even results in tragic consequences. The intelligence is not entirely sure what stand they should take and the law is ambivalent and about what is presently referred to as “Common Law relationship “or” cohabitation”. The usual agreements offered by the antagonist of living relationship are that they are immoral, encourage promiscuity and anti-family. The central assumption in all of these relationship will we the strong family familiar ties that we, as Indian. see as emblematic of our culture perhaps it would be appropriate in today’s climate of growing concern over climbing divorce rates to examine the issue of living relationship in slightly greater depth, a cursory glance at history suggest that marriage has been socially sanctioned form of fort of a better word co-habitation. In our country, marriage has been seen as a subset of the overall family structure and as an integral entity in family formation. Arguably, no other social institution has been accorded sacramental status, as have marriage and inevitably when an institution is considered sacrosanct, and attempt at tinkering with it bound to lead too much distress and even agitation.⁴ The expression live in relationship is synonymous with the term cohabitation. According to the Oxford advanced learner’s Dictionary, Cohabitation means relation of living together of usually an unmarried couple. It has been explained as a living arrangement in which an unmarried couple lives together in a long term relationship that resembles a marriage. In other words, it can be said that live in relationship is an arrangement where two unmarried couples live together as husband and wife on a long term or permanent basis. The term cohabitation is also used to indicate the relation of long-standing living together of two homosexual people or of an unmarried woman with a married man.⁵

HISTORICAL BACKGROUND

The concept of live-in relationship initially was viewed as one of the adverse effect of westernization. But if we look upon the history which makes it very clear that the concept of live-in relationship is not new to India. According to Manu, premarital relationships existed both in Vedic period and afterwards, but was rare occurrence. In olden days, rich men, Zamindars, Princes and Nawabs in India not only had several wives, but also several live-in women in their zenanas. It was not at all considered immoral for men to have live-in relationships with women outside their marriage. Indeed in all parts of India, it was common for man of means to maintain an additional household for his entertainment and relaxation away From his responsibilities. Even if we go through ancient Hindu texts then we will find that nowhere such kind of relationships has been condemned. And children born out of such relationship were considered as a fulius nullius, but in fact they were entitled to maintenance and it had been laid down in number of cases before coming into force of The Hindu Succession Act and Hindu Maintenance Acts. Though these relationships are not openly discussed in ancient Hindu Law. But there are clear of "Dasiputra" and son born to a woman other than wife or concubine or born of adulterers or casual intercourse. In addition, such relations have been upheld by judiciary from time to time. Earlier cases were decided by courts on the basis of two presume of marriage or number of years cohabitation between parties and then legal status of parties has been fixed. The only difference is that now people of two opposite sex would enter into a written agreement to be friends, live together and look after each other. In ancient times, it was known as “Maitry Karar’s friendship agreement. A change is visible in our society from arranged marriage to love, marriage, and now to live in relationship, the only difference is that earlier people were hesitant in declaring their status maybe due to the fear of the society. But now the people are openly in this kind of relationship.

The supporters of live in relationship also try to draw reference to Manusmriti by saying that in ancient India, one form of marriage under unified Hindu law, namely Gandharva was that of living relationship. The Gandharva Vivah, i.e. One of the eight Hindu marriage is an infect a private consensual contract that is given due social legitimacy which is quite similar to that found in a living relationship. But Gandharva was an unapproved form of marriage which had no sanctity. It is not really different from partnerships of personal choice, which includes sexual transactions as in contemporary live in relationship. Even Lord Krishna and Radha live together according to mythology. Live in a relationship also found in tribes of Oraon, Ho and Bishor, the girl enters the house of her lover and does not come out of the house in spite of all the cruelties and insult inflicted upon her. In case the girl does not leave the house for a sufficient period of time. The girl considered married with the young man in feudal society. Sexual relationships between man and women outside marriage was totally taboo and regarded with discussed and horror.⁶ After independence, in the case of *Badri Prasad vs. DY Director of Consolidation*⁷, the Supreme Court observed live- in relationship as valid marriage, putting a stop on the question raised by authorities, on the 50 years of live- in relationship of a couple.

⁴Dr. Divya Sharma, “Concept & Legality of Live In Relationship in India”, Indian Bar Review, Vol. 45(2), 2018. pp. 83-84.

⁵Dr. Anil Kumar Dubey, “Live in Relationship in India: The Socio- legal prospective and Judicial Approach”, Indian Bar Review, Vol. 45(3), 2019. pp. 291-292.

⁶Amanpal Kaur, Dr. Parminder Kaur “Live In Relationship: Position in India”, Indian Bar Review, Vol. 46(2), 2019. pp. 213-215.

⁷Badri Prasad vs. DY Director of Consolidation AIR 1978SC1557.

CONCEPT OF LIVE-IN RELATIONSHIP

Live in relationship as we discussed above i.e. cohabitation is an arrangement where a heterosexual couple lives together on a long term or permanent basis in an emotionally or sexually intimate relationship. Without entering into a formal relationship called a marriage. The term is frequently applied to a couple who are not married in India, live in relationship is still a taboo in the village even though it is an accepted norm among the literate and economically well of class In the cities in the absence of a law to protect the rights of those involved in living relationship walk in and out nature of living relationship is all not always pleasurable to those in involved in these relationships. Now the question arises that why people enters in live in relationship, why it happens in metro cities, and what are the reasons behind the emergence of living relationship. According to the public opinion, due to modernisation and city culture, we observe that this kind of relationship is practised in many parts of the country, couples, cohabit, rather than Mary, for variety of reasons, the economic independence of fair sex, high rent rates in big cities, the increasing number of failed marriages, marriages, ending in the divorce, domestic violence, cases, influence of media and western lifestyle, are the reasons behind the live in relationship. If an analysis is made of need of such relationships, avoiding responsibility would emerge as the prime reason. The lack of commitment, the disrespect of social bonds and lack of tolerance in relationship has given rise to alternative of marriages because lives getting busier and hectic each passing day. Nobody has time to take up additional responsibility.

In such a case live with the person whom you love without bothering about responsibilities and financial issues is worse to give a try. In some cases, the Lord does not allow the marriage between two people like lesbian couple or gay, couples or individuals already married. Similarly, when couple faces opposition to their marriage from society and their family on the basis of caste which is very crucial issue in India, they find solace in live relationship. People generally choose to enter into such consensual arrangements, either to test compatibility before marriage, persons may find themselves in live relationship, either by choice are those where the partners live together in this category relationship is wholly voluntary. There are live partners who are consciously choosing to live as live in. They do not want the status of formal marriage. They are happy to continue to live as live in partners only.

Relationship by circumstances, this may occur in case where the man or woman was led to believe that man was unmarried, or divorced him, but if he or she already had wife or husband living at such time from whom he or she had not divorced as yet, this marriage will not be recognised in law. The relationship that subsisted does become in the nature of a live in relationship. The similar situation occur when the marriage systemised for which the consent is obtained by fraud and couples continue to live together as husband and wife for a considerable time, such a live in relationship is thus involuntary entered into.⁸

REASONS FOR LIVE-IN RELATIONSHIP

A variety of factors have been recognised as reasons for live-in relationship. Couples may want to test their compatibility before they commit to a legal union. They may want to maintain their single status for financial reasons. In some cases, such as those involving gay or lesbian couples or individuals already married to another person, the law does not allow them to marry. In other cases, the couples may feel that marriage is unnecessary. In a British judgement, the reason for live-in relationship was observed as follows: "Cohabitation comes in many different shapes and size. People, embarking on their first serious relationship, more common cohabit than marry. Many of these relationships may be short-lived and childless. But most people these days cohabit before marriage."⁹

MARRIAGE Vs. LIVE-IN RELATIONSHIP

Live-in relationships are considered threat to Indian culture and the institution of marriage but the reality is that behind the success of institution of marriage is that caters to a primal human need it is paramount arrangement for the propagation of human race and also prevents the societies from degenerating into chaos. Marriage is that institution which has full public support and social as well as legal sanction. In ancient times, marriage was considered to be decided by the God and Divinity was associated with it. According to the Hindu Law marriage protects a woman by guaranteeing her legal rights for restitution of conjugal rights in case of desertion, legitimacy of the children, relief in case of cruelty, adultery, impotency, claim of maintenance and alimony etc. On the other hand live-in relationships in India are often seen as a taboo and as in because it exists as long as both the partners were happy with each other. there are absolutely no legal hassles, financial complications or complex negotiation for dividing assets and debts between the partners. The arrangement sounds like a dream come true. The majority

⁸Amanpal Kaur, Dr. Parminder Kaur "Live In Relationship: Position in India", Indian Bar Review, Vol. 46(2), 2019. pp. 212-213.

⁹Dr. Anil Kumar Dubey, "Live In Relationship in India: The Socio- legal prospective and Judicial Approach", Indian Bar Review, Vol. 45(3), 2019. p. 292.

looks at live-in relationships as a dilution of moral and tradition and they considered as an immoral relationship. Lon L. Fuller emphasised the theory of inner morality of law which he means that moral values written into the very idea of law. Live-in relationship in India are often seen as a taboo and a sin. Therefore, the Indian judiciary has from time to time held that long term cohabitation be treated as marriage.¹⁰

FORMS OF LIVE-IN RELATIONSHIPS IN INDIA

Live-in relationships may be roughly classified into three basic groups. This categorization assists in determining of these categories come under the broad scope of the term 'relationship in the nature of marriage.' Continuing with the concept of 'relationship in the nature of marriage,' three scenarios challenge this phrase. The first possibility is domestic cohabitation between two unmarried heterosexual people. Second, adulterous live-in relationships. Finally, there are domestic relationships between same-sex couples. The first sort of live-in relationship is the most popular, prevalent, and recognized, in which two unmarried heterosexual people deliberately reside. However, the majority of public hostility and legal concerns originate from the second and third scenario.¹¹

LAW RELATED TO LIVE IN RELATIONSHIP

Though the law is still ambiguous regarding the legality of such partnerships, a few rights have been provided by analyzing and altering the laws so that the parties can avoid misusing such relationships. Several pieces of legislation are addressed below.

Article 21 of the Indian Constitution

Article 21 of the Indian Constitution safeguards the basic right to life and personal liberty, and it has been decided by various Supreme Court judgments like *S. Khushboo v. Kanniammal and Anr*¹² that the right to life and personal liberty includes the right to cohabit without interruption.

The Protection of Women from Domestic Violence Act, 2005

A domestic relationship is defined in Section 2(f) of the Domestic Violence Act, 2005 as a relationship 'in the nature of marriage' between two people residing in a shared home. A domestic relationship is defined as a relationship between two individuals who reside or have resided together in a shared household at any period of time and are connected by consanguinity, wedding, or a relationship in the nature of marriage, adoption, or are friends and family living together as a family group.

Live-in relationships have the characteristics of marriage because the partners live together for a long period of time and represent themselves as husband and wife. As a result, they fall under the purview of the Domestic Violence Act, 2005, and therefore, a woman in a live-in relationship can seek protection and maintenance under this Act. As a result, this Act legalizes relationships other than marriage.

The Code of Criminal Procedure, 1973

Section 125 of the Criminal Procedure Code allows a wife to seek maintenance from her spouse if he refuses to support her. If a woman is able to form a marriage-like connection, she is eligible to receive maintenance from that man because the court can make the assumption that such a relationship is a marriage and the woman is considered to be a wife. The primary goals of including live-in relationships under the purview of Section 125 are to safeguard women from domestic violence and to increase the legal threshold for partners in live-in relationships to the level of marriage. The Supreme Court expanded on this precedent from the guidelines of the Malimath committee appointed by the Home Ministry. The committee was chaired by Justice Malimath to make recommendations on the aforementioned proposition. The Committee submitted its findings in 2009, proposing that the definition of alimony/maintenance under Section 125 be modified to enable women to obtain it. As a result, the Supreme Court ruled in the case of *Abhijit Bhikase Auti v. State of Maharashtra and Anr*¹³, that a woman is not required to prove marriage to seek maintenance under Section 125 of the CrPC, meaning that a woman in a live-in relationship is also entitled to maintenance. This decision demonstrates our judiciary's liberal and contemporary stance.¹⁴

¹⁰AmanpalKaur, Dr. ParminderKaur "Live In Relationship: Position in India", Indian Bar Review, Vol. 46(2), 2019. pp. 216-217.

¹¹Shraddha Jain, "Are Live- in Relationships legal in India", retrieved from https://blog.ipleaders.in/are-live-in-relationships-legal-in-india/#Forms_of_live-in_relationships_in_India visited on September 10, 2023 at 4:00 p.m.

¹²S. Khushboo v. Kanniammal and Anr (2010)5 SCC 600.

¹³AbhijitBhikaseAuti v. State of Maharashtra and AnrCr. Writ Petition No. 2218 of 2007.

¹⁴Shraddha Jain, "Are Live- in Relationships legal in India", retrieved from https://blog.ipleaders.in/are-live-in-relationships-legal-in-india/#Forms_of_live-in_relationships_in_India visited on September 10, 2023 at 4:00 p.m.

RIGHTS OF WOMEN IN LIVE-IN RELATIONSHIPS

The following are some live-in relationship rules and regulations granted by the Supreme Court of India to a girl for live in relationship:

1. Rights to maintenance

Following the recommendations of the Mali math Committee, Section 125 of the Criminal Procedure Code (CrPC) was added in 2003 to modify the definition of “wife” and expand it to include women who were living with someone. This ensured that her financial needs would be met if she were unable to support herself or if the relationship became estranged. Similar to married women, protection from all forms of abuse is guaranteed by the Domestic Violence Act, 2005.

2. Property rights

The Hindu Succession Act of 1956 now protects women’s right to ancestral property following an amendment in 2005. Regardless of her marital status, living rights to a house give her rights to inherited and self-acquired property, including her son. Therefore, regardless of whether a woman is married or living with someone, she will inherit her parent’s property at birth, while the property she has acquired for herself will be divided per the will of the owner.

3. Rights of Inheritance for Children

Supreme Court in various judgments have laid down that a man and woman who live together for an extended period of time are regarded as married and are entitled to all legal rights, including the treatment of any children they have as legitimate. According to Section 16 of the Hindu Marriage Act, such children are entitled to the self-acquired property of their parents.

Children have the right to maintenance claims under CrPC Section 125, even if their parents’ personal laws do not provide for it. Even if the live-in partners are no longer together, they still have a responsibility to care for their kids.

In the case of *Bharata Matha & Ors. vs. R. Vijaya Renganathan & Ors.*¹⁵, the SC also decided that although a child born out of a live-in relationship may be allowed to inherit their parent’s property, they are not entitled to any claim on Hindu ancestor coparcenary property.

4. Children’s custody rights

When partners leave a live-in relationship, child custody becomes a factor. As there are no special laws governing custody rights for children born in a live-in relationship, the courts handle those situations just like marriage. The courts will consider the minor’s welfare and determine custody in accordance with that, as it is of the utmost importance.¹⁶

CHILDREN’S RIGHTS TO PROPERTY AS PER THE LIVE-IN RELATIONSHIP RULES

Children born to non-marital partners are treated as legitimate and are entitled to all property rights. Under Section 16 of the Hindu Marriage Act, they have the right to self-acquired family property. Even if the live-in parties involved are no longer together, the parents are still responsible for the upkeep of the kids. If they are subject to Muslim law, the parent is not obligated to comply with any such obligations, whereas under Hindu law, the father is required to pay for the maintenance. However, even if their personal law doesn’t favour them, children can always request maintenance under Section 125 of the Criminal Procedures Code. A court official of the first class may, upon evidence of such carelessness or refusal, order such person to make financial assistance for the child if the parent neglects to maintain his or her wife who is incapable of maintaining herself or his illegitimate child (who is not a married daughter) who has reached adulthood and who is incapable of maintaining itself due to any physical or mental abnormality or injury.

Also, keep in mind that a short-term relationship or children born after it cannot be given marriage sanctity. A “walk in and walk out” partnership will not be regarded as a live-in relationship. The Hindu Succession Act states that although children born outside of wedlock are not eligible to succeed their fathers, they are still considered to be associated with their mothers and through her, other rightful descendants who are eligible to inherit from her as well as from him/her. The father’s ancestral property does not belong to a child born outside of marriage, nor does

¹⁵Bharata Matha & Ors.vs. R. Vijaya Renganathan & Ors. AIR 2010 SC 2685.

¹⁶PrakharSushant, Property Rights of a female in live- in relationship and the factors influencing them”, retrieved from <https://www.nobroker.in/blog/rights-of-a-female-in-a-live-in-relationship/> visited on September 10, 2023 at 4:30 p.m.

it belong to a coparcenary in a joint family, but the father may decide to give the child a share that is equal to the share he gives his other children. Children born in a long-term live-in partnership will be treated as legitimate in every way, but he or she cannot enforce a partition.¹⁷

RIGHTS OF CHILDREN BORN FROM A LIVE-IN RELATIONSHIP

Children born from void and voidable marriages are given legality under Section 16 of the Hindu Marriage Act, 1955, and Section 26 of the Special Marriage Act, 1954. The right of inheritance of such children is confined to the parents' properties only. Such children do not have coparcenary rights in the property of the Hindu undivided family and thus cannot claim their parents' ancestral property.

Children born from live-in relationships were granted legal validity in *S.P.S. Balasubramanyam v. Suruttayan*¹⁸ (1993). According to the Supreme Court, if a man and a woman reside in the same house and cohabit for a significant period of time, there is a presumption of marriage under Section 114 of the Indian Evidence Act, 1872. As a result, their children will be recognized as legitimate and eligible to inherit a portion of the family estate.

In *Bharatha Matha v. Vijaya Renganathan* (2010), the Supreme Court gave children born from live-in partnerships a portion of their parents' property. The Court ruled that children born in live-in relationships may not be considered illegal if the relationship lasts long enough.

LEGALITY OF A LIVE-IN RELATIONSHIP

There is no explicit law or custom in India that governs live-in relationships. Thus, via decisions, the Supreme Court has expanded the notion of live-in partnerships and established rules for dealing with such relationships.

The Supreme Court first observed live-in relationships as legitimate in the case of *Badri Prasad v. Dy. Director of Consolidation* (1978). The Court said that under Indian law, a live-in relationship between consenting adults is legal if the requirements of marriage, such as legal age of marriage, consent, and soundness of mind, are met. No rule permits or bans such connections.

In the case of *Lata Singh v. State of U.P.*¹⁹, the Supreme Court ruled that, although live-in relationships are considered unethical, they are not illegal under the legislation.

In another well-known case, *S. Khushboo v. Kanniammal and Anr*²⁰, the Supreme Court ruled that living together is a right to life protected by Article 21 of the Indian Constitution, and thus, despite being considered immoral by society, it is not an offence under the law.

In *IndraSarma v. VKV Sarma*²¹, the Supreme Court held that if both partners are unmarried and enter into a mutual relationship, it does not constitute an offence. The same kind of observation was made in the judgment of *Badri Prasad v. Deputy Director Consolidation* (1978) as well as in the case of *SPS Balasubramanian v. Suruttayan* (1993), that if a man and a woman have resided together for a long duration of time, the legislation will assume them to be legally married unless the reverse is proven. A strong assumption favours marriage, but it is arbitrable, and the person contradicting it bears the burden of proof. Furthermore, children born from such a relationship would be eligible to inherit from the parent's properties.²²

RECENT JUDGEMENTS

In the case of *Payal Sharma v. N. Talwar*²³, the Delhi High Court held that a woman in live-in relationship is entitled to the same rights as a legally wedded wife under the Hindu Marriage Act, 1955 and that a child born out of such a relationship is entitled to maintenance under the Hindu Adoption & Maintenance Act, 1956.

¹⁷Prakhar Sushant, Property Rights of a female in live-in relationship and the factors influencing them", retrieved from <https://www.nobroker.in/blog/rights-of-a-female-in-a-live-in-relationship/> visited on September 10, 2023 at 4:30 p.m.

¹⁸SPS Balasubramanian v. Suruttayan AIR 1992 SC 756.

¹⁹Lata Singh v. State of U.P. AIR 2006 SC 252.

²⁰S. Khushboo v. Kanniammal and Anr (2010) 5 SCC 600.

²¹IndraSarma v. VKV Sarma SLP (CRL.) No. 4895 of 2012.

²²Shraddha Jain, "Are Live-in Relationships legal in India", retrieved from https://blog.ipleaders.in/are-live-in-relationships-legal-in-india/#Forms_of_live-in_relationships_in_India visited on September 11, 2023 at 3:00 p.m.

²³Payal Sharma v. N. Talwar AIR 2018.

In the case of *LalitaToppo v. State of Jharkhand*²⁴, the Supreme Court held that a couple in a live-in relationship can be deemed to be married if they have lived together for a long time and have been accepted by society as a married couple.

Justice H.S Madaan stated in *Gulza Kumari v. State of Punjab*²⁵ that the non-marital relationship is not culturally or morally justifiable. As a result, the petition was rejected. The Supreme Court has affirmed the legitimacy of live-in relationships in several cases, but in *Gulza Kumari*, the Court failed to consider the precedent, which is the rule of the court as it was provided by the top court of the nation. For the proper reasons, the *Gulza Kumari v. State of Punjab (2021)* ruling has garnered a lot of criticism. Within weeks following this verdict, the High Court of Punjab and Haryana announced another decision, but with a totally opposite result.

In *Pushpa Devi v. State of Punjab*²⁶, the petitioners, a female around the age of 21 and a boy around the age of 19, requested the court's protection to safeguard their live-in relationship from their families, who have been willing to kill them just for family reputation. They were unable to marry because one of the applicants, a boy, had not reached the legal marriage age of 21. The Court, through Justice Arun Kumar, awarded the petitioners the right to life and personal liberty on the grounds that both applicants have reached the age of majority and have the freedom to choose. This case appears to emphasize the significance of reaching the age of majority and how it alters the manner in which legal protection is conferred.

In *Rohit Kumar v. State of U.T. Chandigarhand others*²⁷, the Punjab and Haryana High Court has urged the Union Government to outline its plan for dealing with live-in relationships. Noticing that no Act controls these relationships and that once an individual has achieved majority in terms of the Majority Act, 1875 (i.e., 18 years of age), it would be challenging for a court to refuse the validity of a live-in relationship, the Bench of Justice Amol Rattan Singh tried to seek a response from the centre by stating, "...what is recommended is to make sure that too many youngsters with developing minds (not properly matured though they otherwise, theoretically, are of the majority age in terms of the aforementioned Act) would not start living together and end up regretting such choices in life, causing major trauma to their parents and loved ones."

In the case of *Abhishek Chouhan v. Madhya Pradesh State*²⁸, the Madhya Pradesh High Court described live-in relationships as a by-product of the constitutional provision guaranteed under Article 21 of the Constitution, observing that such relationships foster sexual activity and lascivious behaviour, giving rise to sexual crimes.

The Court concluded that, with some exclusions, India has a conservative culture that has not yet achieved such as advanced level of civilization where unmarried girls, irrespective of their religion, participate in lascivious activities with boys only for the entertainment, unless supported by certain future promise of marriage, and that, to confirm her point, a victim should not be required to rely on committing suicide as in the current case.

In the case of *S Rajadurai v. State (NCT) of Delhi & Anr.*²⁹, the Delhi High Court recently held that a live-in relationship between two adults who are married may be socially unacceptable but it is not an offence.

CONCLUSION

It may be inferred that the notion and legal recognition of a live-in relationship in our country have only grown through time, with many judgments by the Hon'ble Supreme Court and the High Courts playing the most important role in providing legal recognition and protection to live-in relationships in India and have helped to address the social stigma and discrimination faced by couples in such relationships. Marriage is seen as a spiritual connection that is recognized as well as highly appreciated in the public sphere. The courts have served as a regulator to remove the taboo in society and allow couples to continue living peacefully with each other and with equal respect in the community. In India, there is no specific law for live-in relationships. A live-in relationship, although recognized by the judicial system, lacks cultural approval and remains stigmatized. Proper legal enactment is essential to safeguard the rights and interests of such parties. In conclusion, live-in relationships have become more prevalent in India in recent years, and the legal framework for such relationships is evolving. While there is no specific law in India that governs live-in relationships, the courts have recognized the validity of such relationships and have provided legal protection to individuals in such relationships through various judgments. The courts have held that live-in relationships are not illegal or immoral, and adults have the right to live together even if they are

²⁴LalitaToppo v. State of Jharkhand AIR 2018.

²⁵GulzaKumari v. State of Punjab CRWP No. 4199 of 2021.

²⁶Pushpa Devi v. State of Punjab CRWP 6314 of 2021.

²⁷Rohit Kumar v. State of U.T. Chandigarhand others (2022) CRWP 8809 of 2021.

²⁸AbhishekChouhan v. Madhya Pradesh State Writ Petition (Cr.) No. 40/ 2022.

²⁹S Rajadurai v. State (NCT) of Delhi & Anr.W.P. (CRL) 208/ 2023 & CRL. M.A. 5217/ 2023



not married. The courts have also held that women in live- in relationships are entitled to the same rights as legally married wives, including protection under the Domestic Violence Act and maintenance. However, there are still many legal and social challenges faced by couples in live- in relationships in India, including property rights, custody of children, and social stigma. It is important for the government and society to recognize and accept live- in relationships as a legitimate form of companionship and provide more legal protection to individuals in such relationships. Overall, the legal framework for live- in relationships in India is still evolving, and there is a need for more comprehensive laws and policies to address the various issues and challenges faced by couples in such relationships.