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Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **LIVE IN RELATIONSHIP: CRITICAL ANALYSIS ON STATUS OF WOMEN IN TERMS OF RIGHTS AND MAINTAINENCE WITH JUDICIAL TRENDS**

AUTHORED BY - RAM TARGHOTRA<sup>1</sup>

## ***ABSTRACT***

*In recent years, live-in relationships have emerged as an alternative to traditional marital setups, challenging societal norms and legal frameworks. This paradigm shift prompts a critical analysis of the status of women within these arrangements, particularly concerning their rights and maintenance, as reflected in judicial trends. While live-in relationships provide individuals with autonomy and freedom of choice, the legal landscape has been slow to adapt.*

*Women in live-in relationships often find themselves navigating a complex web of rights and entitlements, as laws struggle to keep pace with evolving social dynamics. Judicial trends, however, showcase a progressive inclination towards recognizing the rights of women in such unions. Courts have increasingly acknowledged the need for safeguarding women's financial interests and ensuring their right to maintenance, bridging the gap between legal precedents and contemporary realities.*

*As society continues to redefine relationship norms, an ongoing discourse within the legal sphere is crucial for establishing a comprehensive framework that upholds the rights of women in live-in relationships, promoting equality and justice.*

**Keywords:** Live-in relationships, Status of women, Rights and maintenance, Judicial trends, Equality, Justice.

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<sup>1</sup> LL.M, Student, Amity Law School, Amity University Noida, [ram.targhotra99@gmail.com](mailto:ram.targhotra99@gmail.com) .

# 1. INTRODUCTION

## 1.1 OVERVIEW OF LIVE IN RELATIONSHIP

For a long time, living relations have been the subject of controversy, especially in a country like India known for its rich history, traditions and values. Marriage is a lasting bond and a cornerstone of our civilization in India. However, over time Indian society has undergone many changes and as a result of these changes India has now opened the door to the cultural ideas of other countries, 'Living in Relation', which is dishonest and undesirable to anyone.. However, living relationships are nothing new<sup>2</sup>.

A live relationship is a living adaptation in which a legally married couple live longer with each other in what appears to be a marriage<sup>3</sup>. Marriage in India is a ritual, not an official transaction. It is a form of sacrament or ritual purification required in Hinduism. Consequently, the legal and sacred attachment to marriage in India is a sacred description of traditional rituals. Marriage is the most important factor for the development of a civilized society of men and women.

Relationships outside and beside marriage have existed and are better known under the term 'concubinage'. In ancient era it was accepted as 'Maitri-Karar' (friendship agreement) which is an agreement made in written form between the human being of two opposite sex that they would live together as friends and appearances and to look after each other. In ancient period of Rome and China, concubinage was well established (especially between wealthy men and women of lower class) and even in western culture extra marital affairs was at very numerous levels although unlawful.<sup>4</sup>

## 1.2 STATEMENT OF PROBLEM:

In the recent years, we have seen an increase in the number of people in live in relationship. There are instances in Indian society, where live in relationships has led to rise in multiple cases wherein the live female partners have sued male partners for maintenance, for conjugal rights, domestic violence, and for rights of succession. Also there have been several cases wherein allegations of rape

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<sup>2</sup> Dr. S.D. Moharana; A Critical Study of concept of Live in Relationship; Indian Bar Review (2010)

<sup>3</sup> Supra note 2

<sup>4</sup> C. Donahue; The Cannon Law on the foundation of marriage and social practice in the later Middle Ages", (1983) 8, Journal of family History; P:145.



were put against the male partner, simply because the relationship ended and did not result in marriage. Although the Courts have recognized a few rights of the female partners in these relationships, e.g.: right of protection against domestic violence, etc., yet when these relationships end or the couple or either of the partner (particularly male partner) decide to end this relationship, it is the female partner whose situation becomes extremely vulnerable, especially where she was or had become financially dependent on her male partner. Even in the cases where the courts have recognized live-in relationships and granted a few rights to the partners (female), there are certain requisites which are to be present for a relationship to be recognised as a live-in relationship, and if a particular case does not possess such requisites, it would not be considered as a live-in relationship, and no rights would be available, again to the detriment of the female partner in the relationship.

Therefore, the main problem herein, is the lack of availability of rights to the female partners in a live-in relationship as against the male partner as well as the doubts created by the judgments of various courts regarding the status of live-in relationships and the rights resulting from them.

### **1.3 HYPOTHESIS:**

There is a need to regulate the institution of Live in Relationship in present scenario.

### **1.4 RESEARCH QUESTIONS:**

1. Whether live-in relationship should be legalized in India?
2. What is the status of women in live – in relationship?
3. Whether marriage under Indian Law still continue to be a sacramental union or it is converted to a civil contract?
4. What support do judiciary provide to encourage equal rights for woman living in Live in relationship?
5. What are the Legal provisions available for maintenance to women rights in live in relationship?

### **1.5 RESEARCH METHODOLOGY:**

The Doctrinal research methodology is adopted by taking the support of the primary and secondary sources of data. It has drawn insight from various works related to Muslim Law, Hindu Law and other laws, the Constitution of India and various views of legal and religious luminaries. The material has been analysed in detail. All sources of data digital or otherwise have been cited in foot-notes to the

main text. The Doctrinal legal research attempts to verify the hypothesis as first-hand study of authoritative sources. For the purpose of this study the data has been collected through primary and secondary sources. Primary data has been collected from statutes passed by the legislature, decisions of the judiciary, decree and orders of executive, rules and regulations of various administrative agencies. The secondary sources of data collection include books, law journals, periodicals, articles, websites, research papers, newspapers, etc

## 1.6 REVIEW OF LITERATURE:

### BOOKS

**Sanjay Gaur**'s work on *Live-in relationship*, (2011) is a great document. According to this book the best definition of live-in relationship is a mutual arrangement of living under the same roof followed by cohabitation without solemnizing the marriage as per personal laws of the partners or legal formalities to which they are subjects. Moreover, it also focuses on the innumerable lifestyle magazine and widely read news paper's story on live-in relationship and their pros and cons on Indian society.

**Peter de Cruz** in his book *Family Law, Sex and Society: A comparative study of Family Law*, (2010), deals with the development of the law relating to marriage, unmarried heterosexual and homosexual cohabitation or informal domestic partnership in common law and civil jurisdictions within and outside the United Kingdom.

**N. V. Lowe** and **G. Douglas** in the book *Bromley's Family Law*, (2007), it says that there is large increase in the number of couples living together outside marriage. Different reasons are given for this development. For example some couples can't marry, because one of them is in the process of obtaining divorce (or, occasionally, unable to do so. Some wish to avoid financial responsibilities attached to marriage and the others wish to postpone the assumption of the legal incidents of marriage and regard cohabitation as a form of trial marriage or merely 'a pre-marital experience'. Some drift into cohabitation as their relationship becomes more intimate. Some regard marriage as irrelevant and may cohabit because they reject the traditional marriage contract and the assumption of the roles which necessarily seem to go with it.

**Vivek Mathur** in his book *Live-in relationship, Sex and Beyond*, (2011), writes as live-in

relationship is simply a peep into the privacy of individuals who have now openly come up with their views for or against the fundamentals of cohabitation. The book discusses the instances of unwed couples from Indian Mythology underscoring that both premarital sex after marriage with another man or woman was a fact. The book deals with all the emotional and financial issues attached to the concept of 'Live in'. The book is useful for those who are already having the live-in relationship with someone or are planning for such an adjustment in the coming days.

## **2. CRITICAL ANALYSIS OF LIVE-IN-RELATIONSHIP**

### **2.1 HINDU SACRAMENT: MEANING**

Marriage is a social permission for sexual intercourse in Hinduism, although it is a ceremonial rather than a contract<sup>5</sup>. "The activity through which each person or individual is competent to do a certain action.

Reformed marriage is generally believed to prepare men and women mentally and physically to take responsibility for the family and children. Live-in relationship is a walk-in and walk-out relationship in which neither any strings are attached, nor it creates any legal bond between the parties to the live-in relationship. It is a mutual contract to live together which is renewed every day by the acts of the parties and the relationship can be ended by either of the parties without the consent of the other party and one party can walk out at his/her will at any time.

There was no mention of divorce in Hindu literature before marriage was regarded one of the most holy components of society, and it was considered a sacred union as described below:

1. A religious or consecrated marriage contract between a man and a woman is not a partnership<sup>6</sup>.
2. Hindu marriage is a sacramental union, which means a lifelong commitment.
3. The secret union is legal not only in this life but also in the future.

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<sup>3 5</sup> :230/http://www.lexvidhi.com/article-details/socio-legal-aspects-of-live-in-relationships-a-comparative-approach-752.html.

<sup>6</sup> Sunderbai v. Shivnaryana(1980) 32 Bom 81./ http://iosrjournals.org/iosr-jhss/papers/Vol19-issue12/Version-4/F0191242838.pdf

1. Also, the courts determine the status of Hindu marriage<sup>7</sup>:
2. According to Hindu law, a conjugal marriage is a religious relationship that implies ritual obligations.
2. It is not a legal contract in Hinduism.
3. It has been determined by the Bombay High Court that marriage is an act of cleansing the body of an inherited sin that falls within the category of the 10th and last act of purification prescribed by Hinduism.
4. The Madras High Court also came to a similar decision.

## **2.2 LEGISLATION OF HINDU MARRIAGE**

During the reign of Raja Ram Mohan Roy, a staunch opponent of Sati, he abolished the practice and made it illegal. Polygamy was outlawed in Indian law in 1860 after the Hindu Widow Marriage Act of 1856 was passed. In 1869, the Indian Divorce Act was established, and an amendment to the Private Marriage Act legalized interfaith marriages. The Child Marriage Control Act was established in 1929. Prior to the passage of the Hindu Women Sacred Bonds Act, Hindu women in sacred bondage were entitled to alimony and a separate home. The Hindu Marriage Act was proposed in 1955<sup>8</sup>.

Hindu marriage law is also based on ancient customs and traditions that are revered by the common people. As a result, the law also focused on rituals and ceremonies. However, with the Maharashtra government approving long-term direct relationships, the debate on the integrity of relationships in same-sex marriages has taken a new turn<sup>9</sup>. In general, Indian society saw this as a threat to the legal and sacred institution of marriage, as well as to Indian culture. Same-sex marriage and living together is usually the most challenging for the marriage organization. However, are these partnerships really risky?

Due to the influence of multinational culture and the change in the lifestyle of those who work

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<sup>7</sup> Gopalkrishnam v. Venkatnarasara (1914) AIR 191 4 Mad. 432.

<sup>8</sup> Bhavana Sharma; Hindu Marriage: Sacrament to Live in relationship; Civil & Military Law Journal- vol. 47-no.1-Jan-March 2011;P:28

<sup>9</sup> [http://www.zampwiki.zampbioworld.org/?t=Cohabitation:/http://airwebworld.com/articles/index.php?article=1266&PAGEN\\_2=6](http://www.zampwiki.zampbioworld.org/?t=Cohabitation:/http://airwebworld.com/articles/index.php?article=1266&PAGEN_2=6) visited on: 1March 2017

there, direct connections in the major cities (metros) of India are increasing rapidly. Simplification and globalization are major contributors to social change and the evolution of social culture, which is comprised of a variety of societal norms, styles, values, and inclinations. Indians currently enjoy greater freedom in sexual encounters than they had before the establishment of a "holy marriage," thanks to the growth of social morality in the community.

As a result, the law in India is dependent on court rulings that vary from case to case, and the Government of India has not approved any clear rules. In light of Khushboo's comments regarding premarital sex, this actual relationship is a great example of the subject. Direct relationships between two people are permissible, according to the Supreme Court<sup>10</sup>.

Women's rights in domestic partnerships are similarly unknown, but the court acknowledged their existence and stated a readiness to see more legislation, such as the 2005 Protection of Women from Domestic Violence Act, enacted to protect these women<sup>11</sup>. Various additional laws, including marriage, maintenance, inheritance, etc., should be changed to provide full protection to women in such relationships. With regard to the right of cause of birth by such contact, such a case would have statutory child status under the Hindu Marriage Act 1955;

However, no other legal text has speculated on the accuracy of the case arising out of this relationship.

### **2.3 MEANING OF LIVE REALTIONSHIP**

Life relationships between cohabiting spouses but those who maintain their civil status as individuals unrecognized by their religion or government have previously referred to these types of relationships as "extramarital".

A broader definition of life relationship is when two people choose to live together under the same roof for a longer period of time or on a permanent basis and / or cohabitation<sup>12</sup>.

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<sup>10</sup> Dr. Kalpana V. Jawale; Judicial Approach towards Live-in relationship: National and International perspectives; civil and Military Law Journal-vol. 48-no. 3-July-september 2012; P:230

<sup>11</sup> Dr. Kalpana V. Jawale; Judicial Approach towards Live-in relationship: National and International perspectives; civil and Military Law Journal-vol. 48-no. 3-July-september 2012; P:230

<sup>12</sup> Dr. Kalpana V. Jawale; Judicial Approach towards Live-in relationship: National and International perspectives; civil and Military Law Journal-vol. 48-no. 3-July-september 2012; P:125

The legal definition of a living relationship is "unmarried couples living together in the same area to have a long-term relationship equal to marriage." Individuals can find themselves in relationships that live by 'choice' or 'need'.

Relationships formed "by choice" are spouses living together. This can happen even if one or both of them are already married to each other but want to (live) in another relationship. This type of relationship is completely optional. Partners who make a meaningful decision to live together live at home.

Therefore, the concept of life relationship is multifaceted, which includes many concerns such as the rights and responsibilities of the persons involved in the relationship, such as husbands, wives and children. The main purpose of having sex or entering into a live relationship is to test or check their compatibility and compliance with each other before entering into a serious commitment or marriage, but there may be other reasons as well.

### **REASON FOR LIVE-IN-RELATIONSHIP**

Couples can live together for a variety of reasons, from financial difficulties to not committing to a long-term relationship. It is also impossible for them to legally marry because of homosexuality, religion or caste differences<sup>13</sup>.

With the increase in the number of couples it is becoming clear that they want to live together rather than get married. However, living together allows for accurate communication without responsibilities and obligations. And if things don't go right, they are both free to leave their relationship without going to court. Other reasons to join <sup>14</sup>"Live in a Relationship" are as follows<sup>15</sup>

1. **Lifestyle:** Over time, lifestyle changes have taken place in the society. Pre-marriage, boys and girls could not live together, interact, or care for each other as freely as they can today. This represents a huge shift in the way people live.
2. Historically, the average age at which people entered into legal and holy marital ties was quite

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<sup>13</sup> <http://singlemomidad.net/?cat=3>.

<sup>14</sup> <http://granite.sru.edu/~ddailey/cgi/readwebster3?gg+Mon>.

<sup>15</sup> <http://www.girly-show.com/relationships/live-in/cohabitation.html>. Visited on: 15 March 2022

low, and they did so at a very early age. As a result, individuals do not need to consider relationships the way they do today. However, as the average age of marriage increases, the chances of living in it increase.

3. **Moving away from home:** The number of people staying away from home due to various reasons like education, job etc. is increasing. As a result, they do not have constant contact with their families or with them. In addition, as the cost of living in urban areas is very high, partnership is needed for them, which encourages the younger generation to form relationships.

4. **Urbanization:** Due to lack of knowledge and development, people in the Georgian region still believe in old concepts and adhere to their old customs<sup>16</sup>. Cities, on the other hand, adapt quickly to change and have little impact on people's lives. This will provide a better opportunity for people in urban areas to stay.

5. **Social barriers:** This is another motivating factor as many people still do not accept marriages between people of different castes, religions or sexual orientations. As a result, they have no choice but to enter into a living relationship.

### **3. LEGALITY OF LIVE IN RELATIONSHIP**

Couples who cohabit without marriage have been practicing for over a thousand years. In the past, princes, Nawabs and other wealthy people in India had not only many husbands but also many inhabitants in their caves<sup>17</sup>. Direct relationships with women outside of marriage are not considered sinful or religious. A woman lives with a man but not on the level of his wife or wives. (Awarudh women) It is kept for the amusement and pleasure of man. After independence, society matured, two wives were expelled from the law and women's awareness of their rights increased. As a result the practice became extinct<sup>18</sup>.

However, over the past few decades, a new trend of "living for life" has emerged in which men and

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<sup>16</sup> <http://www.legalindia.com/live-in-relationship-among-hindus-reincarnation-of-marriage/>. Visited on 17

<sup>17</sup> The part reserved for the women of the household. [See <http://www.thefreedictionary.com/zenanas>]

<sup>18</sup> VimlaPatil, "Do Live In Relationships Really Benefit Women", THE TRIBUNE, Chandigarh, Sunday, September 23rd, 2003, <http://www.tribuneindia.com/2003/20030921/herworld.htm#1>,

women live together without getting married. For a number of reasons, Indian society, based on tradition and culture, does not approve of these 'live in' arrangements. First of all, Indian culture values a legal union of two people of the opposite sex. Indian women are required to remain virgins until they are married, but a living relationship is contrary to Indian customs and culture. Second, because women are considered financially dependent on men, the uncertainty of such a life puts them in a position of dependence on women. Such relationships are often censored and insulted by society, especially those who keep them secret. These partnerships have not been ratified by law or by the courts.

### **3.1 CONSTITUTION OF INDIA**

In the present scenario in India, there are no specific terms that deal with the concept and validity of life relationships. Article 21, a fundamental right, declares and protects the rights of all persons to life and personal liberty, allowing them to live their lives as they wish. Direct relationships may be wrong or religious in the eyes of traditional Indian culture, but they are not illegal in the eyes of the law.

### **3.2 HINDU MARRIAGE ACT 1955**

The Hindu Marriage Act 1955 does not recognize direct relationships. There is no marriage if the rituals required under the Hindu Marriage Act 1955 are not performed. Although society accepts individuals as husband and wife, long cohabitation with each other does not express marriage<sup>19</sup>.

### **3.3 CRIMINAL PROCEDURE ACT 1973 AND DOMESTIC VIOLENCE ACT 2005**

Domestic abuse is not protected by the Criminal Procedure Act of 1973, which does not recognize living relationships. The Violence Act 2005 was enacted to protect women from violence. A 2005 law, the Protection of Women from Domestic Violence Act, Section 2 (f), provides women all kinds of rehabilitation under the phrase "domestic violence" to safeguard women who are in such partnerships.

In *Yamunabai v. Anant Rao*<sup>20</sup>, when a man remarries in 1988, the second wife ignores the man's alimony, but his second "wife" is not entitled to alimony under section 125. Previous marriage.

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<sup>19</sup> Section 7 of Hindu Marriage Act, 1955; *R.P.P. Mali v. E.G. Kulkarni* (1996) 7 SCC 681.

<sup>20</sup> AIR 1988 SC 644



Although the official sacred marriage bond was not valid, the Supreme Court refused to confirm that they were with each other<sup>21</sup>. Although the man cheated on the lady by hiding his previous marriage, he was allowed to take advantage of this. The legal system refuses to include the spouse's alimony entitlements in the definition of "spouse" under Article 125 of the Nationality Act. The Supreme Court reiterated the same sentiment in *Gokal Chand v Praveen Kumari*, but if the evidence of their cohabitation is refuted, the couple will lose their legitimacy. However, such judgments can serve to legitimize a void bond or marital bond based on the prevailing principle of continuing to live in contact. They did not see life partnerships as a free and legal arrangement of marriage bonds. The growing situation of living, however, informs that demand is growing, especially for those who are concerned with 'conditions'.

### **3.4 MALIMATH COMMITTEE REPORT**

The Malimath Commission report on improving the criminal justice system was prepared in November 2000<sup>22</sup>. The findings of the Malimath Advisory Committee's research were published in 2003. "The first suggestion was to change Article 125 of the Code of Criminal Procedure. This article deals with the administration of the spouse, as well as the management of children and guardians. Another thought was in reference to the definition of 'husband' that can be found in Section 125 of the Refugee Protection Act<sup>65</sup>. This definition stipulates that it is essential for a woman to dwell with another male companion. The traditional marriage will persist so long as the conditions can be tolerated. As a result, an expanded word for 'wife' came into being, which was obviously developed against the backdrop of secondary partnerships between men who had been married before and which was not meant to be taken into consideration.

### **3.5 NATIONAL COMMISSION FOR WOMEN**

The National Committee for Women made a similar proposal in June 2008 to defend these women's rights. In addition, if a guy leaves a woman in a living relationship, the acquaintances should be permitted to continue. According to NCW authorities, many women have been duped into thinking that a guy is not married or divorced and is subject to Hindu marital law or practices.<sup>23</sup> The NCW also advocated for changing the concept of a life partnership to exclusively cover long-term

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<sup>21</sup> By Kusum, "Cases and Materials on Family Law", 1st. ed. 2007, p. 161

<sup>22</sup> <https://www.rgnul.ac.in/PDF/d0fb7efc-5940-42a4-980f-7e5c2d565c44.pdf>

<sup>23</sup> NCW wants another name coined for live in relationships. Times of India, December 2011; P:7.

relationships, as well as reforming marriage and property rights rules to simplify financial rights for "wives" and protect the rights of first wives. They had been saved. The Protection of Women from Domestic Violence Act of 2005 was the first to recognize resident partners as married couples. Because life partners might be a married man and a married woman or vice versa, people who select a direct connection cannot blame each other for adultery or obscenity.

An indoor living relationship is also not prohibited, according to the Allahabad High Court. Mishra J and Katjo J both agreed. It is not criminal, even if society thinks it unethical. There must be a distinction between morality and legality.

In another instance, the Supreme Court ruled that under Section 114 of the Indian Evidence Act, if a man and a woman dwell under the same roof for a specific amount of time, they are regarded to be living as spouses. To live together as a husband and wife The youngster is nota fugitive.

As a consequence, the state Supreme Court issued and upheld a number of decisions. The Supreme Court recently stated and exhibited a good trend toward legalizing direct partnerships and ensuring the rights of spouses in direct relationships, which may be intended to safeguard spouses in life-relationships<sup>24</sup>. Divorce may be tough, unlike marriage, because there are no legal or financial limits on this relationship.

Direct connections are increasingly accepted in society, according to a two-judge Supreme Court decision. "Direct partnerships have been the norm in recent years," Justice Deepak Mishra and Justice Pravola C Pant observed. It's against the law."

## **JUDICIAL DECISIONS REGARDING LIVE-IN-RELATIONSHIP**

### **4.1 WOMEN'S RIGHTS IN A LIVE IN RELATIONSHIP**

"In every civilization, including ours, societal standards of legitimacy are evolving, and what was illegitimate in the past may be lawful now."

— *In Revanasiddappa v. Mallikarjun*, Honorable Justice A.K. Ganguly<sup>25</sup>

A man's connection with a woman is deemed lawful if it is based on a legitimate marriage, and it is considered criminal if it is not based on marriage regulations. A live relationship is a long-term

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<sup>24</sup> Payal Katara vs. Superintendent Nari Niketan and others, AIR 2002 at p. 229

<sup>25</sup> 2011(2) UJ 1342 (SC)

relationship in which an unmarried couple lives together and seems to be married. In the conventional sense, it is symbiosis. The primary premise behind establishing a vibrant relationship is that an apprehensive pair will want to determine whether they are compatible before committing to anything long-term. Couples in love relationships may not see any advantage or value in marriage institutions, or their financial circumstances may preclude them from marrying for marital purposes. Whatever the cause, it is obvious that in an aboriginal society where marriage is considered "committed," an increasing number of couples are opting for a living relationship, sometimes even as an indefinite game plan, in lieu of marriage<sup>26</sup>. Various social, monetary, and legal difficulties emerge and continue to exist under these conditions. Marriage and family connections may be greatly affected by seeing someone. It also aims to use legal means to lower the living conditions of married couples in India. The Supreme Court of India, in *Lata Singh v. Uttar Pradesh* and others, has held that what is not considered criminal under the law may be unethical. "Although it may seem immoral," it is emphasized that if two adults engage in sexual intercourse, it is not considered a crime.

### **WOMEN'S RIGHTS IN A REAL RELATIONSHIP**

The rights of the female partner in the cohabitation relationship are largely secured and integrated with existing law and committee recommendations. As evidenced by the judgments given in many cases, the courts are also prepared to limit the benefits of women's involvement in such relationships. The Protection of Women from Abuse of the 2005 Housing Act protects women who fall into two categories, husband and wife, and spouse, i.e. relationship within the nature of marriage, as they both fall within the definition. "Residential relationship" under Section 2 (f) of the Act.

### **WOMEN ARE PROTECTED FROM DOMESTIC VIOLENCE UNDER THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT OF 2005.**

- Residence order (Sec. 19)
- Protection order (Sec. 18)
- Custody order (sec. 21)
- Monetary Relief (sec. 20)
- Interim and ex parte order (sec. 23)
- Compensation order (sec. 22)

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<sup>26</sup> Mulla, Sunderlal T Desai, Principles of Hindu Law, State Mutual Book & Periodical services, Limited, ed.16,1990

## **RECOMMENDATIONS OF THE JUDGE MALLIMAT COMMITTEE**

The Center has set up a Malimat Committee to make recommendations for changes to the CrP.C. The committee's recommendations are based on the living rights of women:

According to Section 125 of the Refugee Protection Act, the definition of "wife" is as follows: Code It has to be revised so that it recognizes as a man's wife a woman who has cohabitated with him for an appreciable amount of time as his wife<sup>27</sup>.

If a man and a woman have been living together as spouses for a sufficient amount of time, Section 494 of the Indian Penal Code need to be modified so as to make it the norm for any party to treat the woman as if she were a married man after a fair amount of time has passed. Try saying "person who has sex with another person's husband or wife who has committed adultery" instead of "person who has sex with another person's spouse who has caused adultery"<sup>28</sup>."

In spite of the conclusions of the Malimat Commission, Maharashtra's sole indication of interest in defending the rights of polygamous women has been a demand that specific suggestions be put into practice. Because upholding morals required courting the anger of the law enforcement, the center made the decision to steer clear of them.

## **CONCLUSION AND SUGGESTIONS**

### **CONCLUSION**

The God designed the world to be a kingdom of open and honest communication. Both the connection between God and man and the relationship between man and the rest of creation are accurate representations of reality. Even conversations with no room for acceptance have been given the green light by policymakers in recent years. Relationships in one's life are an example of this aspect of the topic.

There are two things that we are unable to change in our modern environment. The first of these is accountability, and the second is a requirement. These are the two fundamental aspects of life, both of whose importance and meaning have developed over the course of human history. At a young age, parents plant the seed for their children's competitive nature by comparing them to other youngsters in their immediate environment. Every achievement and every success story is evaluated in relation

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<sup>27</sup> SC lays down conditions for women seeking maintenance in live-in relationships'. Available at: [http://articles.timesofindia.indiatimes.com/2010-10-21/india/28261410\\_1\\_domestic-violence-act-live-in-relationship-maintenance/](http://articles.timesofindia.indiatimes.com/2010-10-21/india/28261410_1_domestic-violence-act-live-in-relationship-maintenance/)

<sup>28</sup> Committee on Reforms of Criminal Justice System, Government of India, Ministry of Home Affairs. CHAIRMAN Dr. Justice V.S. Malimath. SECRETARY - Durgadas Gupta. Members - S. Varadachary, IAS, (Retd.), Amitabh Gupta, IPS, (Retd.), Prof. (Dr.) N.R. MadhavaMenon, D.V. Subba Rao,

to the accomplishments of others who have achieved similar levels of success. Therefore, if these young people pushed all they had towards beating the competition, it is not wholly their responsibility if they are unsuccessful.

Women in our culture have historically been discriminated against, mistreated and abused, not only outside but also in their homes, contributing to their plight:

- i. Insensitivity to their rights and their dignity.
- ii. Economic dependence on men; and
- iii. Illiteracy

Marriage and living in partnership are not synonymous. Religious, spiritual, emotional, legal and social factors play a role in why people marry in a holy marriage. The organization of the legal and spiritual community stems from a desire for social stability, which is crucial to the survival of races, while at the same time protecting property rights and protecting the race. The legal and sacred relationship of marriage is more valuable than all other types of relationships and unions in India and its importance cannot be overstated. Although the divorce rate is high, there are some emotional, cultural, and family pressures on engagement marriages that prevent you from making hasty divorce decisions.

Living together is not a viable alternative to marriage. They are two different entities, which must be considered. From a legal standpoint, cohabiting couples also face social beliefs. The majority of Indians are opposed to the idea of developing sexual relationships or living together, as they are seen as a threat to Indian culture, morals and social norms. The idea of living in big cities was born. The stigma that our culture places on a divorced person is a measure of the compatibility test before it is permanently committed.

- The goals of two people in a domestic relationship may be different from the goals of a married couple.
- They can live together and be completely independent to share the apartment or to share stress or pleasure without any commitments in their relationship.
- Although living together helps to assess compatibility, the choice to enter into a sacred joint marriage is made by the two parties involved.

It is necessary for the partner to avoid falling into the trap before they may regain the legal status that is awarded to spouses in direct partnerships. Because direct connections are required to conform to the same norms of honesty, accountability, and financial balance that govern sacred ties, the court

tends to frown against the formation of such partnerships as a result of this legally recognized dictum. The majority of the time, in this version of Directions, women are given preference over sharing. In the same vein, just because the law

## **SUGGESTIONS**

Despite the fact that life partnerships may now be recognized by the law, there are no suitable constitutional protections or rules in place to protect the rights of the women and children who are engaged in such relationships. A few clauses have been tacked on here and there to various preexisting laws, but no all-encompassing legislation, statute, or constitutional provisions have been adopted that are entirely concerned with cohabitating in partnerships. It is advocated that a robust support system be provided for them in the form of a constitutional commitment.

After a predetermined amount of time, "Living in a Relationship" must be given legal status and must be granted all of the legal rights that society gives to the child born in the relationship, as well as to the partners in the relationship, inheritance, protection, maintenance, and their own legal issues, as well as they must be safe if the relationship ends for any reason such as their legal issue, separation or injury.

It would also be interesting to find out whether the definition of a living relationship is covered by Section 125 of the Criminal Procedure Code. Because the objective of entering into a "life partnership" is to avoid all of the difficulties that are associated with marriage relationships, it follows that the husband is responsible for the inheritance and the upkeep of the family. The vast majority of Indians are unable to conceptualize cohabitating outside of marriage.

It's reasonable to assume that after a particular amount of time has passed, a relationship in your life may be deemed solid. Additionally, regardless of the views of their parents, children who are born to female partners in these types of unions should be guaranteed an inheritance and rights to an inheritance.

It is essential that the female partner take some time to unwind in order to effectively convey the significance of this connection. If a person begins a romantic or sexual connection with a surviving husband or married partner, that individual need to be regarded as potentially dangerous.

There has to be a specialized legal provision that favors the partner in a domestic partnership who bears the brunt of the relationship's negative consequences. In the end, sooner or later Indian society will accept living relations, and the Indian judiciary will be more likely to accept unquestionable judgments with a diminished sense of respect for the benefits of equality, justice, and good morals.

Ultimately, sooner or later Indian society will accept living relations.

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