Live in relation is not defined anywhere under any statute and even the status of live in relationship in society is not clear. A live in relationship may be defined as a living arrangement in which an unmarried couple lives together under the same roof in a long term relationship that resembles a marriage. Institution of live in relationship essentially differs from institution of marriage; while marriage promotes adjustments, the foundation of a live in relationships is freedom of an individual. However, in India common man is still not ready to accept live in relation as a concept. Under the present prevalent legislation, the women are given protection and maintenance under Domestic Violence Act 2005. However, judiciary has discussed and interpreted the status of Live in relationship in India at length in various cases.

The debate on, whether the live in relationships should be allowed; or looking into India’s culture and traditions the status should stay the same, continues. Those in favour of Live in relationship argue that with time society need to change . However, those who oppose live in relationship discuss on culture and tradition of India. However what is to be looked into is whether live in relationship is a problem or solution to current societal problems.

Comparing the two opinions and analysing live in relationship the authors in this article will analyse the different legal provisions, compare the same with legal framework of other countries and how judiciary has interpreted the same. The article also seeks to cover the short comings and makes an effort to recommend a solution for the same.

Key words: Live in relationship, domestic violence, legality, morality, culture.

1 Fourth Year, B.B.A. LL.B. (Hons.) NMIMS Kirit P. Mehta School of Law, Mumbai. 
2 Third Year, B.B.A. LL.B. (Hons.) NMIMS Kirit P. Mehta School of Law, Mumbai.
INTRODUCTION

“Law takes its own time to articulate such social changes through a process of amendment. That is why in a changing society law cannot afford to remain static. If one looks at the history of development of Hindu Law, it will be clear that it was never static and has changed from time to time to meet the challenges of the changing social pattern in different time.”

- Hon’ble Justice A.K. Ganguly & G.S. Singhvi in Revanasiddappa & other vs Mallikarjun & others

Live in relationship preexisted in India from ancient times; however the term might tend differ. Vedas and Shastras has a mention about eight type of marriages, Gandharva type being one of them. Gandharva is just word-of-mouth commitment and it neither involves a particular ritual to solemnise marriage and nor the family of the couple is involved. Although responsibility and commitment in these marriages is similar to any of the other types of marriages ordained in the traditional texts. Thereafter during Mugal Raj there was a system of Slavery wherein King used to keep slaves and live in with them for how much ever time the King desired without any legal wedlock. However, during the British Raj, live in relationships have been a taboo which is no longer entirely true amongst couples today.

The expression 'live-in-relationship' in its common sense implies that two individuals living together without aiming to set up any sort of lasting connection between them. This sort of relationship has developed fundamentally out of comfort. Partners in such sort of relationship at first do not have the commitment with each other. The fundamental component that works in such relationship is understanding and compatibility between such accomplices. Because of modernization and city culture, we are watching this kind relationship in few sections of Indian culture. Some attempted to characterize live-in-relationship by watching that it is a course of action by unmarried Couples for leading a long-going relationship as similar in case of marriage.

The primary thought, as indicated by a few, of living together or directing a live-in-relationship is that the intrigued couple needed to test their understanding and compatibility for each other

3On March 31, 2011, Arising out of Special Leave Petition (C) No.12639/09, Para27
before going for some dedication. Live-in-relationship is a true union in which couple shares common bed-room without solemnizing marriage. It is non-conjugal relationship acquired its identity from West with the distinctive name like, custom-based law relational unions, casual relational unions or marriage by propensity, and so forth.

The live-in-relationship is a living game plan in which an un-wedded couple lives together in a long haul relationship that looks like a marriage. India has no specific laws for Live-in-relationship” neither Criminal Procedure Code, 1973 nor by The Indian Succession Act 1925 nor by The Hindu Marriage Act, 1955 Explains the term Live in relationship however the only expression which is relationship in the nature of marriage” is incorporated inside the meaning of „domestic relationship” and that too not clear and it is interpret for the purpose of Protection of rights of the women in India who are in live in relationship.

It is a type of relational status, and in some jurisdiction it is perceived as legal and valid despite the fact that no lawfully perceived wedding service is performed Some strong couples trust that going for a wedding is only a misuse of cash, since they think their affection needn't bother with any paper confirmation or social dramatization. Generally Live in relationship is practiced in the metropolitan and urban areas. Such practice is as yet a social forbidden and immoral according to the society.

HOW LEGISLATION IS DEALING WITH LIVE IN RELATIONSHIP

There is no specific statue which deals with live-in-relationship in India. The void marriage is not a marriage in the eye of law. the connection existing in void and voidable marriage is compared with live-in-relationship as comprehended in its mainstream sense and it can be seen that various Legislations deals with various Rights arising from the Live in relationship and it does not matter whether the Right is of the women or the children born out of that relationship the various legislations are:

**Indian Evidence Act**

Section 114 of Indian Evidence Act provides that The Court may assume the presence of any reality which it supposes prone to have happened, respect being had to the basic course of
natural occasions, human action and open and private business, in their connection to the facts, circumstances and situation therefore Where a man and a lady live respectively for a long spell of time as a couple then there would be assumption of marriage.

**Domestic Violence Act 2005**

Section 2(f) of Domestic Violence Act 2005 defines “Domestic relationship” means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family. The court when widely interpret The expression Relationship in the nature of marriage’ which is incorporated inside the meaning of domestic relationship presume the Live in relationship to be covered under the ambit of the expression as the words nature of marriage and live in relationship according to Indian judiciary stand on the same line and meaning.

This Act has been generally hailed as the main lawful Act to perceive the presence of non-conjugal grown-up hetero relations. This Act characterizes an "aggrieved individual" who will come under the ambit of this Act as "any lady who may be, or has been, in a local association with the respondent and who asserts to have been subjected to any Physical or mental abusive behaviour at home.

**Criminal Procedure Code 1973**

Justice Malimath Committee and additionally the Law Commission of India expresses that if a female has been in a live-in-relationship for a sensible period, she ought to have the legitimate privileges of the spouse. The Committee likewise prescribed the alteration of the meaning of "wife" under Section 125 of the Criminal Procedure Code and a revision is made and now the expression "Wife" incorporates the ladies who were prior in live in relationship and now his accomplice has abandoned her at his will so that a lady in live-in-relationship can get the status of a wife. and soon as soon as the status is given to her the privilege of maintenance has been given to her under section 125 of CRPC but still a debate is there that even if the status of wife is given in Live in relationship to the women still the partners cannot give divorce to each other as they are not legally married so how can the women claim the right to maintained under the Section 125 of C.R.P.C. 1973.
**HOW JUDICIARY HAS ANALYSED LIVE IN RELATIONSHIP IN VARIOUS CASES**

Indian legal System especially Judiciary has taken a lead in demonstrating a correct way for the advance of Live in relationship couples. This Article, investigate the pattern of Indian Judiciary in connection to live-in-relationship. The decision of Apex court is considered as the rule that everyone must follow under the Indian Constitution, the choices are to be taken after and regarded.

Judiciary is neither explicitly reassuring nor precluding such sort of live in relationship in India. The Judiciary is just rendering equity as per law in a specific case. The primary worry of the Judiciary is to keep the unnatural birth cycle of equity that is administration of Justice.

Since the privy Council times a presumption have started to be made for couples living together without legally married and it can be seen in A. Dinohamy v. W.L. Blahamy⁴ where the Privy Council stood firm that, where a man and a lady are proved to have lived respectively as spouse, the law will presume, unless the opposite be obviously demonstrated that they were living respectively in result of a legitimate marriage, and not in a condition of concubine.⁵ Now the Supreme Court of India in the earliest case of Badri Prasad vs. Deputy Director of Consolidation⁶ has recognized the live in relationship as a valid marriage was that of, in which the Court gave legal validity to the a 50 year live in relationship of a couple.

**In Payal Katara v. Director Nari Niketan Kandri Vihar Agra and Others⁷** the Allahabad High Court decided out that "a woman of around 21 years old being a major, is free to go anyplace and can live with anyone without getting married if the women wishes to."⁸ Again on account of Patel and Others⁹, the Supreme Court has held that live in connection between two grown-ups without marriage can't be understood as an offense.

**In Lata Singh v State of UP and Anr**¹⁰. The Apex Court held that live-in relationship was allowed just between unmarried people of heterogeneous sex. If the situation is something where the man is married it is an act of Adultery under Indian Penal Code but not of marriage and if there is any children from that situation than the children wound be precluded to acquire the property u/s 16 of the Hindu Marriage Act, 1955. Subsequently, live-in relationship could

---

⁴ A. Dinohamy v. W.L. Blahamy, AIR 1927 P.C. 185
⁵ ibid
⁶ AIR 1978 SC 1557
⁷ (2006) 8 SCC 726
⁹ ibid
¹⁰ [2006] INSC 383 (7 July 2006)
be 'a risky thing' between a spouse and a non-husband as it could prompt an offense of adultery, but not 'marriage'. In Landmark case of S. Khushboo versus Kanniammal and Anr\(^1\), the Supreme Court has held that living relationship comes under the ambit of Right to life. The Court held that the act of two grown-ups living together can’t be unlawful.

The Supreme Court on account of D. Velusamy v. D. Patchaiammal\(^2\) has held that, a relationship in the way of marriage under the 2005 Act should likewise satisfy some fundamental criteria. Simply putting in ends of the week together or a one night stand would not make it a household relationship. It additionally held that if a man has a "keep" whom he maintain financially and uses principally for sexual reason or potentially as a slave it would not consider, as they would like to think, be a relationship in the Nature of marriage. The Supreme Court in the D. Velusamy v. D. Patchaiammal case made it clear that if the man has a live-in with a lady just for sexual reasons, neither one of the partners can guarantee advantages of a lawful marriage. So as to be qualified for palimony, a relationship must consent to specific conditions. The conditions set down are

- The couple must hold themselves out to society as being much the same as companions;
- They should be of legitimate age to get married;
- They should be generally fit the bill to go into a lawful marriage, including being unmarried;
- They should have deliberately lived together for a noteworthy timeframe.

Considering that the judgment would avoid numerous women who are in live in relationship with someone, from the advantage of the Domestic Violence Act, 2005, the court said it is not for this court to administer or alter the law. The parliament has codified the expression relationship in the Nature of marriage and not "live-in relationship". The court can't change the wordings or the interpretation of the statute.

The Need for giving the Living Relationship a status of marriage is just necessary for the administration of justice and protection of the Rights of Man or Women which can be seen in the case of Abhijit Bhikaseth Auti v. State Of Maharashtra and Others\(^3\). The Malimath

\(^2\) AIR2011SC479
\(^3\) CRIMINAL WRIT PETITION NO.2218 OF 2007
Committee\textsuperscript{14} and the Law Commission of India additionally recommended that if a lady has been in a live-in relationship for extensively long time, she must be given the legitimate status as given to Wife after marriage. In recent case, as of late it was seen that a divorced wife is dealt as a wife with regards to Section 125 of CrPC however the live in partners can't get divorced, and henceforth they cannot claim the benefit of maintenance Section 125 of CrPC. The Protection of Women from Domestic Violence Act, 2005 considers women who are not legally wedded, but rather are living with a male individual in a relationship, which is in the way of marriage, likewise similar to wife, however not comparable to wife. Section 2(f) of the Act characterizes domestic relationship which implies a connection between two people who live or have, anytime of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family. Thus, the definition of domestic relationship includes not only the relationship of marriage but also a relationship 'in the nature of marriage. In another leading case of \textit{Koppisetti Subbharao Subramaniam versus Condition of Andhra Pradesh}\textsuperscript{15}, the Supreme Court held that the classification "dowry" has no magical charm. It alludes to a request of cash in connection to a conjugal relationship. The Court have not accepted the contention of the defendant that since he was not legally married to the complainant, Section 498A did not make a difference to him in a stage ahead in shielding the lady from badgering for dowry in a live in relationship.

Since the base has been prepared for the Live in relationship by various Judicial Pronouncement the recent Supreme court Judgements dealt with the Live in relationship in detail and conditions for the legitimate Live in relationship that can be given the Status of Marriage as in Land mark case of \textit{Indra Sarma} on 26th November 2013 SC held that: "Live-in or marriage like relationship is neither a wrongdoing nor a Sin however socially in admissible in this nation. Long-standing relationship as a mistress, however not a relationship in the nature of a marriage, obviously, may on occasions, deserve protection since that female won't not be finically independent, but rather we are anxious about the possibility that that DV Act does not deal with such relationship which may require an amendment of the meaning of Section 2(f) of the DV Act, which is prohibitive and Exhaustive." The court also requested that Parliament get appropriate changes to the Protection of Women from Domestic Violence Act, or institute a

\textsuperscript{14} Available at http://mha.nic.in/pdfs/criminal_justice_system.pdf, as visited on 10\textsuperscript{th} April 2017
\textsuperscript{15} Criminal Appeal No. 867 of 2009, Arising out of SLP (Crl.) No. 4496 of 2006
reasonable enactment so that ladies and youngsters conceived out of live in relationship are secured, however those sorts of relationship won't not be a relationship in the nature of a marriage.

The five sorts of live in relationship the SC court came across in Indra Sharma case\textsuperscript{16} are as per the following:

- The initial one is a domestic relationship between an adult male and an adult female, both unmarried. This is the most uncomplicated kind of relationship.
- The second one is a domestic relationship between a married man and an adult unmarried woman, entered intentionally. This is a tricky hazy area. This one can prompt a conviction under Indian Penal Code for Adultery.
- The third one is a domestic relationship between an adult unmarried man and a married woman, entered knowingly entered purposely. This is additionally a dangerous grey area.
- The fourth one is a domestic relationship between an unmarried adult female and a married male, entered unknowingly.
- The fifth one is a domestic relationship between two gay or lesbian partners.

The Court has cleared up that the above are simply illustrative not Exhaustive. A Landmark Judgment on 13 April 2015 by the seat comprising of Justice MY Eqbal and Justice Amitava Roy, the Supreme Court decided out that couples living in live in relationship will be presumed legally married.

The SC court likewise said that in the event that the man dies, then his accomplice would acquire his property. Since 2010, the Supreme Court has decided for ladies proclaiming that ladies ought to get the rights as that of a spouse, in the event of live-in couples.

**STATUS OF LIVE- IN RELATIONSHIP IN OTHER COUNTRIES**

**SCOTLAND**

Scotland is a country wherein Live in relationship is legalised by Family law (Scotland) Act of 2006. This also led in legalising 150,000 couples who were living together in the country.

\textsuperscript{16} Indra Sharma Vs. VKV Sharma, Criminal Appeal No. 2009 of 2013 arising out of Special Leave Petition (Criminal) No. 4895 of 2012
Section 25 (2)\(^7\) stated that in determining for the purpose of any of section 26 to 29 whether a person (A) is cohabitant of another a court of law can consider a person as a co-habitant of another person (B) the court shall have regard:

- The length of the period during which they lived together,
- The nature of the relationship during that period and
- The nature and extent of any financial arrangements.\(^8\)

In case there is a breakdown of live in relationship a cohabitant can apply for financial support from the court, under section 28.

IRELAND
Even though live in relationship is legally recognized in Ireland, public opinions are against the new legislation that aims to facilitate legal rights for cohabitating couples to demand maintenance or share their property with the financially dependent partners. The legislation in Ireland is applicable to unmarried couples of same sex and also couples from opposite sex, provided that they have been cohabitating for at least 3 years or 2 years if they have children. The government aims at providing financial and legal protection to cohabitants who are dependant in event there is a death or break up.

UNITED KINGDOM
Live-in relationships is covered by the Civil Partnership Act of 2004. A man and woman living together in a sexual relationship are referred to as "common law spouses", the expression is not wholly correct in law in England and Wales. The UK feel that live-in partners owe each other more than that to be worthy of the term.. If a cohabiting couple separates, the courts have no power to override the strict legal ownership of property and divide it as they may do on divorce.\(^9\)

\(^7\) Available at http://www.legislation.gov.uk/asp/2006/2/section/25
\(^8\) Available at http://www.indialawjournal.org/archives/Volume2/Issue_2/Article_By_Saakshi.Html (last visited on 15th April, 2017)
\(^9\) Available at http://lawyerslaw.org/to-live-or-not-to-live-in-a-live-in-relationship/ (Last Visited on 2\(^{nd}\) April, 2017 3.00P.M.)
CONCLUSION

In Indian culture, marriage is as yet considered as spiritual and endless union. In any case, with evolving times, Indian culture is gradually opening its entryways for western culture and ways of life Live-in-relationship shape a trademark highlight and style of living of couples, particularly those in metropolitan regions. With each passing day number of unmarried couples living together is scaling high. Dwelling together or in India is however not unlawful, but rather it is considered as socially and ethically dishonourable but the live-in-relationship' is no longer an oddity to Indian culture. It will remain in picture for long. Live-in-relationship' couples are increasing in number; in the meantime the status of marriage remain unaffected. Time was when foundation of marriage was sine qua non of Indian culture however not presently.

Development of live-in relationship appears to represent a test to the solid foundation of marriage. Separation of joint family framework has offered consent to satellite families. Spread of education of females has prompted an arrangement of Indian lady who are gaining and capably helping their partners coming about into development of two fold salary families.

The general public expects the consistency from the legal with reference to such touchy issues. The Judiciary while managing such issues ought to have minded approach rather that pompous. It is our conclusion that it is not fitting to sanction of all sort of live in relationship which needs reality. A comparative study presents a different picture of Live in relationship in different countries as the situations and circumstances of each country is unique. In such manner we ought to not aimlessly take after what is going on in different nations, as the societal structure of our nation is unique in relation to them. In the meantime we ought not to disregard to consider the genuine beat of our general public in the light of everyday encompassing exercises.

We arrive at the conclusion that however judiciary has provided various case laws and various legislations that deals with Live in relationship however not clearly, there is urgent need of lawful arrangement on live in relationship and also the codification of Law with respect to live in relationship which show obvious picture remembering the present Indian social setting which remains on the establishment of convention and culture. Live in relationship ought to be allowed legitimate status but it should be considered after fulfilling certain criteria like period of cohabitation, protecting partners rights and rights of children born out of Live in relationship.
and other rights which is necessary so that right of everyone affected through this relationship protected.

The live in relationship might be immoral, however not unlawful. The Judiciary has concurred legitimateness to the idea of live in relationship and hosts ensured the privileges of the gatherings and the offspring of live in couples which makes it pointless to go into its detail or enactment of particular law delating with this subject so urgently there is no law which makes a live in relationship unlawful or invalid.