



LIVE IN RELATIONSHIP IN INDIA: A SOCIO – LEGAL STUDY

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ABSTRACT

The concept of live in relationship is gaining prominence in the present day context in India. Judiciary plays a prominent role in the aspect of live in relationship. The present article deals with the socio legal aspects of live in relationship. Live in relationship dichotomy is a highly controversial issue, particularly after various decisions ruled in favour of this by Apex Court. The court has ruled that this form of relationship is legal and not punishable. This paper highlights the problems and challenges facing cohabitation and sheds light on the judicial interpretation of cohabitation. India is lacking legislation specifically dealing with cohabitation, the rights and responsibilities of cohabiting couples and children born of such unions. There prevails better law on live in relationship in other countries. The judiciary plays an important role as the watchdog, promoted residential traditions and broke the orthodoxies of society. It's time to stop tabooing cohabitation and embrace its own strengths and qualities. In the instant article, the author has made an attempt to discuss the concept of live in relationship elaborately. Further, the author concentrates on the reasons why the adult prefer live in relationship in India. The historical perspective has also been analytically discussed. The author focuses on international perspective of live in relationship and a comparative study with the Indian perspective. In the concluding observation, the writer has suggested some valuable suggestion especially for enacting a comprehensive law on live in relationship in India.

Key Words: Live in, Marriage, Court, Relationship, Socio-legal, Interpretation etc

INTRODUCTION

Things are changing rapidly these days. Through globalization, the world has come closer together. Through the media, practises and systems from one region of the world are being adopted by people in other regions, even when they are already in their own country. Especially western culture has influenced our nation's social customs. Influenced by the lifestyle in the West, young people in our country are gradually abandoning basic family customs. For instance, one more aspect of live in relationship is beginning to permeate in our society. It has begun replacing, though not entirely, the extremely sacred union known as marriage. Marriage is a legal tie that entitles the wife and children to maintenance as the legal heirs. To avoid the wife's support, obligations and legal rights to children born as a result of such marriages, couples tend to live together.

Cohabitation is widespread in many Western countries. A life partnership is a partnership in whereby unmarried couples cohabit in order to enjoy a committed partnership akin to marriage. The basic concept behind a live-in relationship is that prospective partners sought to gauge their compatibility before making a long-term commitment. It discusses the prevalence of non-marital partnerships in the West, including various names. This is an interpersonal relationship that can be legally recognized as marriage in some jurisdictions even if the marriage has not been legally consummated, a civil marriage contract has not been concluded, or the marriage has not been registered with the registry office. It is the form of Long-term relationships mostly practiced in big cities. In a large portion of India, which is made up of villages and cities, such practises are still considered taboo. For a variety of reasons, including a lack of tolerance and commitment, there is a gradual movement from the sacrament of arranged marriage to marriage of love and finally to the union of life.

They wish to live in freedom and without any obligations. In this kind of arrangement, two people decide to live together for an extended period of time without getting married. Although there is no formal commitment to marriage, this implies the intimacy of marriage. Couples might avoid the responsibilities of marriage through this kind of connection.

According to the judiciary, a couple is deemed lawfully married if they have been living together for a long enough period of time to benefit from those benefits. Such agreements are not legally binding and have no obligation or liability. Not even in the Hindu Marriage Act of 1955 is it defined. However, the law has made individuals concerned feel at peace in certain recent incidents.

The Legal Commission and the Malimath Committee (2003) contributed to the idea that a woman should gain access to the same legal status as her wife if she stays in the marital home for a longer period of time. However, there are still regulations needed for this because courts haven't yet established any. The Apex Court rendered numerous rulings in favour of cohabitation. The Supreme Court stated in one of its rulings that this was required to satisfy certain maintenance claim conditions. According to the rules, a couple living together must share characteristics and be treated similarly to couples. Both parties must be of legal age to marry. To engage into a marriage contract, both parties must be consenting adults who have lived together voluntarily for a considerable amount of time. The 2005 Domestic Violence Act's ban on benefit claims by cohabiting women was taken into account by the court. The Supreme Court came to the conclusion that it was not the Court's job to change Section or the Act. According to the rules, a couple living together must share characteristics and be treated similarly to couples. Both parties must be of legal age to marry. To engage into a marriage contract, both parties must be consenting adults who have lived together voluntarily for a considerable amount of time. The 2005 Domestic Violence Act's ban on benefit claims by cohabiting women was taken into account by the court. The Supreme Court came to the conclusion that it was not the Court's job to change Section or the Act.

Definition of Section 2(f) of the DV Act does not address relationships requiring modification within the restrictive and comprehensive. Domestic Violence, Adoption of Appropriate Laws to Protect Interest Groups covers children and wives, even if such relationships do not fall within the scope of relationships due to the nature of marriage. The above law considers marriage for an unmarried woman to live in the same shared apartment as her wife. Section 2(f) of the Act contains definitions of domestic relations between the two persons living in the same household or living together at different times. Thus, the broad definition of domestic relations includes not only marital relations, but also those that are "intrinsically marital". Such relationships are especially common in large cities and urban areas where people have more freedom to enter into such relationships. Society has begun to accept it, and although it is not designated as a crime by law, this is doing great damage to the fabric and fibre of the society.

Although there are no laws governing this type of relationship, this interpretation has provided some reassurance to those involved in such relationships. The law imposes alimony, personal security, and child support on women, but regulation of this requires appropriate legislative intervention.

HISTORICAL BACKGROUND

In India, the idea of a relationship-based life is not new. When two persons of different sexes agreed to live together as friends and take care of one another, it was known as a "maître-karar" (friendship agreement) in ancient times. Neither dictionaries nor the law define the phrase "live in relationship." Living with a guy as husband and wife for a sufficient amount of time without getting married is referred to as being in a live-in relationship. According to an American anthropologist, "living respectively no less than five days a week for no less than three months, not legitimately or religiously wedded, yet sexually imply, with or without the objective of marriage later on". These partnerships are demonised as being sexually predatory and socially indefinable.

REASONS WHY ADULTS OPT FOR LIVE IN RELATIONSHIP

There are various reasons why couples opt for cohabitation rather than marriage. The first and common reason is to test compatibility between them. To test whether they can cohabit even after marriage, take responsibility arising out of marriage, etc.

Another prominent reason is that both the partners are in love and want to spend some time together to know more about each other before the commitment for a long term relationship. Some couples part ways during this process as with time they realise that the other person is not their ideal match and some others end up getting married as they find their partner good enough for a lifetime responsibility of long term relationship.

Sometimes couples choose live in relationship as they belong to LGBTQ community. To avoid the gossip and judgments of people and to give try to their relationship mostly people of LGBTQ community opt for a live in relationship as it gives clarity to them regarding their interests, cohabitation, marriage, etc.

The next important reason is that the marriage of the partners is not supported or allowed by their families due to inter-religion, inter-caste, age difference, etc. and therefore the both the partners enter into a live in relationship.

When one or both the partners have experienced unsuccessful marriage and therefore do not want to marry or marry when they think they are ready for it, is one of the important reasons of them choosing a live in relationship.

In the era where people get divorced or cheated easily, live in relationship helps the people who believe in the institution of marriage or if not marrying, want the benefits arising out of marriage.

Some other reasons why couple enter into a live in relationships are:-

- ✚ To maintain single status till they get financially stable
- ✚ Individuals who cannot be legally married /whom law does not allow marrying.
- ✚ When both the partners feel it is unnecessary to get married
- ✚ When both of them want to avoid divorce and to avoid difficulties of separation
- ✚ To avoid the responsibilities arising out of marriage
- ✚ Does not want to give commitment and enjoy the benefits of a marriage
- ✚ Wants to focus on career and has no time for the other
- ✚ To escape the loneliness in their lives.
- ✚ Independence and privacy

INTERNATIONAL SCENARIO

Live-in relationships are recognised as such in several nations or by implicit provisions of numerous laws defending property and housing rights. Many nations have cohabitation contracts that let partners choose their legal privileges. However, the laws of different nations do not all share a common goal to protect the rights of children born out of such relationships. Attempts at interracial relationships would thus be discouraged with legal consequences.

➤ **USA**

The term "cohabitation agreements" is used in the United States of America and expressly refers to the rights and obligations that come with it. The term "palimony" was coined in the United States of America to refer to alimony paid to a woman who had lived with a guy for a protracted period of time without becoming married before he abandoned her. 'Pal' and

'alimony' are combined to form the phrase palimony. The well-known California Superior Court ruling in **Marvin v. Marvin**¹ was the initial ruling on palimony. The case involves the well-known actor Lee Marvin, with whom Lady Michelle cohabited for a number of years without getting married before he deserted her and requested alimony. As a result, in a number of US court rulings, the idea of maintenance has been taken into account and expanded further. The question of whether someone has a constitutional right to palimony has not been addressed by the US Supreme Court, but there have been a number of rulings made by lower courts in various US states. Considering various points of view, some US courts accept them, some entirely reject them, and some accept them with restrictions. As a result, in the USA, the right to palimony is currently being developed.

In **Taylor v. Fields**², the defendant Taylor had an affair with Leo, a married man. Following Leo's passing, Taylor filed a lawsuit against the widow, alleging that she had broken an implied promise to take care of Taylor financially by requesting alimony from Leo's inheritance. According to the California Court of Appeals, the claimed relationship was simply between a married man and his mistress. The putative contract was determined to be defective and unenforceable since it was founded purely on consideration. According to the Court of Appeals, Taylor only sometimes saw Leo and didn't reside with him. There was no indication that the two were living in a safe and meaningful way together.

➤ **UK**

Cohabitation is not legally sanctioned in the UK, and there is no recognized status for them as granted to married couples. There are no maintenance obligations between partners. Unless mentioned in the partner's will, the partners do not have inheritance rights to each other's property. According to a 2010 memorandum submitted to the House of Commons by the Home Affairs Section, unmarried couples are not guaranteed right to inherit each other's property if the relationship breaks down. However, the rights of children born under such relationships are protected by the law. Both parents, whether married or living together, are responsible for the upbringing of their children.

➤ **FRANCE**

¹ (1976) 18 Cal.3d 660, 674

² 178 Cal.App.3d 653

In France, the idea of a live-in relationship is well-established and accorded the most significant weight, allowing two people of either the same sex or of the opposite sex to agree to live together and arrange their lives while also benefiting from marital rights and social benefits. By giving the other party three months' notice, either party or both parties may revoke this Agreement. These contracts or pacts are frequently referred to as "pacte civil de solidarite". Couples can now engage into an agreement for social cohesion because the French National Assembly acknowledged its legal standing in 1999.

➤ **SCOTLAND**

Over 150,000 cohabiting couples now have legal status in Scotland thanks to the Family Law (Scotland) Act, which was first recognised in 2006. According to section 25(2) of the Act, the court shall take into account the length of cohabitation, the nature of the relationship during this time, and the nature and scope of any financial arrangements when determining whether a person is cohabiting with another person for the purposes of determining any section 26 to 29. The partners have the right to seek to the courts for financial help under section 28 in the event that the partnership fails. This only applies in the event of a divorce, not in the event that one of the two partners passes away. If the partner passes away without leaving a will, the surviving partner has six months to petition to the court for financial support from the estate.

➤ **CANADA**

Live-in relationships are regarded as common-law marriages in Canada. According to Section 54(1) of the Family Code, R.S.O. 1990, two individuals who are cohabitating or intend to cohabit and who are not married to each other may agree on their respective rights and obligations during their cohabitation or cessation, or upon death, including ownership or division of property, maintenance obligations, and the right to direct the upbringing and moral education of their children, but they have no right of guardianship or access to the children. Additionally, Section 53(2) says that a cohabitation agreement will be regarded as a marriage agreement if the parties get married.

➤ **AUSTRALIA**

According to Australian family law, even if two individuals are officially married to someone else or in a de facto relationship with someone else, a "de facto relationship" can still exist between persons of the same sex or people of the opposite sex person.

➤ **PHILLIPPINES**

In accordance with Article 147 of the Philippine Family Code, men and women who are physically and mentally capable of matrimony cohabit as husband and wife without the advantages of marriage. Men and women who are engaged in a void marriage are also entitled to equal wages and salaries regardless of whether they are married or not, and property acquired through their line of work is subject to joint ownership regulations.

➤ **NEPAL**

In Nepal, cohabitation is illegal. Although there is an increase in cohabitation, most couples choose to hide their relationship or present as married.

➤ **BANGLADESH**

In Bangladesh, especially in rural regions, cohabitation after divorce is typically penalised through the Salishi system of informal courts.

STATUS OF LIR IN INDIA

Through amendment procedures, the law has had ample opportunity to define these societal changes. It cannot be static; while examining the history of how Hindu law evolved, it is evident that it was never static but occasionally changed to address the difficulties presented by shifting societal patterns at various points in time.

Cohabitation between a man and a woman who are not legally married has been practised for a long time. Even though the word "unmarried couple" already existed, the phrase "live in relationship" was not used to describe it.

Even before independence, sharing apartments were frowned upon in India. The idea is more conservative, despite the fact that it is not advised to demonstrate in cities. Cohabitation is not taken into account. It is morally wrong and criminal in India. The absence of regulations in this sector is the key issue. The rights and responsibilities of cohabiting parties are not governed by any laws. The courts have sought to define the term "live in" because there are no regulations governing the inheritance and succession of property left by a spouse.

The number of people who choose to remain in a relationship rather than get married has significantly increased in recent years. When you take that long into consideration, this exact pattern has been widely acknowledged in western countries, however the idea is evolving in India. However, because living in lacks popular support, it is extremely difficult to enact any legislation concerning the subject.

Protection of Women from Domestic Violence Act, 2005:

The definition of a domestic relationship in the Safety of Women from Domestic Violence Act of 2005 appears to include "relationship similar to marriage" or a live-in relationship. According to Section 2(a), a "Aggrieved Person" is any woman who is or has been in a relationship with the respondent and who claims to have been the victim of domestic violence on the part of the respondent. Sec. 2(f) defines "Domestic Relationship" as a relationship between two people who currently live together or have previously lived in the same home, regardless of whether they are related through consanguinity, marriage, or a relationship that has the same characteristics as a marriage, adoption, or are members of a joint family. In light of this, the phrases used to describe marriage are self-explanatory and purchase within the social idea of live-in.

Justice Mallimath Committee Report:

In November 2000, the Supreme Court received the Justice Mallimath Committee's report, which stated that "if a man and a woman live together as husband and wife for a respectable length of time, the man will be deemed to have married the woman."

The CrPC's Section 125 was approved for amendment by the Mallimath Committee. The committee aimed to broaden Section 125's definition of "wife" "to include a woman who changed into living with the person as his spouse for a fairly lengthy tenure, during the

subsistence of the primary marriage." The lengthy definition of "wife" isn't usually accurate because it's constantly situated against the background of secondary partnerships between already-married men.

The Maharashtra Government Proposal 2008:

In October 2008, the Maharashtra Government made a suggestion that a woman who is living with someone for a "affordable tenure/duration" could earn the status of a wife. The statistics and circumstances of each instance determine whether a duration is a "affordable duration" or not.

Recommendation of the National Commission for Women 2008:

The National Commission for Women recommended to the Ministry of Women and Child Development on June 30, 2008, that woman who are covered by a live-in relationship be included in the definition of "wife" as stated in Section 125 of the Criminal Procedure Code. The movement was viewed as a plot to give second-degree relationships a bad reputation and to also approve of in-law relationships. The movement was perceived as a plot to criminalise second marriages between individuals and to sanction live-in relationships of the modern variety, wherein young women and men choose to form non-marital heterosexual relationships before getting married.

INDIAN JUDICIARY ON LIVE IN RELATIONSHIP

The concept of marriage and cohabitation is increasingly being understood by the Indian court from a traditional perspective to modern existence in a changing society. There is an ominous shadow that hangs over the status of children born through such relationships. There are innumerable judicial cases where the law is inferred. Based on years of cohabitation, judges frequently assumed that long-term partners had recently been married.

The Privy Council established the general rule that it can be definitively proven that a couple lived together as a consequence of a legitimate marriage and were not concubines before becoming independent in **A. Dinohamy vs. W.L. Blahamy**³. The **Mohabhat Ali v.**

³ AIR 1927 P.C. 185

Muhammad Ibrahim Khan⁴ case followed the same general rule. The first case examined after independence was **Badri Prasad v. Dy. Director of Consolidation**⁵, in which the Supreme Court declared cohabitation to be a legal marriage and put an end to the government's concern over the couple's 50-year relationship.

The situation has substantially improved and is now wonderful. In contrast to earlier rulings, the Court now views live-in relationships differently, contending that they are not necessarily unlawful. Cohabitation is not prohibited, according to decisions made by the Supreme Court of Allahabad in instances like **Payal Sharma v. Superintendent, Nari Niketan**⁶, and others. Additionally, it stated that while this may be morally wrong in society, it is not against the law. Morality and law are not the same thing. The Supreme Court declared in the case of Patel and others that cohabitation between two adults who are not legally married cannot be considered a crime. It was also emphasised that there is no law presuming that cohabiting is prohibited. In **Tulsa v. Durghatiya**⁷, where long-term relationships were acknowledged as being akin to marriage, the same proposition was confirmed.

Another encouraging factor for cohabitation was offered by the Supreme Court's ruling in **Kushboo v. Kanniammal**⁸. The prosecution contended that premarital sex advocate Khushboo's comments had a detrimental effect on society's moral fibre. When two adults choose to live together, what is the crime? asked the three-judge Supreme Court panel, which included Chief Justice K.G. Judge Balakrishnan, Justice Deepak Verma, and Justice Mr. B.S. Chauhan. Is it an offence? It is neither a violation nor a criminal. Tell me what the offence is and which portion of any Indian law it falls under, the court continued. Article 21 guarantees the right to life, therefore cohabitation is a right to life. This stance is not, however, legally binding.

In a different instance, the Delhi High Court determined that the cohabitation arrangement was a walk-in and walk-out arrangement. There are no legal terms to this relationship, and it does not establish a legal bond between the partners, according to Judge S.N. Dingra. You have given people newfound hope, the court continued.

⁴ (1929) 31 BOMLR 846

⁵ 1978 AIR 1557

⁶ AIR 2001 All 254

⁷ AIR 2008 SC 1193

⁸ Criminal Appeal 915/2010 @SLP (Crl.)

In the case of **D.Velusamy vs. D.Patchaiammal**⁹, the Supreme Court of India added feathers to hats by defining "live in relationship" and "relationships like marriage" and outlining the requirements for a woman claiming maintenance in a live-in relationship. Judges Markandey, Katju, and T. S. Thakur determined that a woman must fulfil four requirements in order to be eligible for child support, regardless of her marital status: (1) Husband and wife must present themselves to the world as consanguineous spouses for a significant amount of time. (2) They must be of legal marriage age. (3) They must be eligible to enter into a legal marriage, including being unmarried. (4) They must be living together voluntarily.

The parties must reside together in a "shared household" as defined by section 2(S) of the Domestic Violence Act 2005 in addition to meeting the requirements listed above for a "relationship in the nature of marriage" under the Act. Weekend visits or a one-night stand are insufficient to qualify as a domestic relationship. "In our view, not all cohabitation equates to a marriage-like relationship to benefit from the 2005 law," Justice Katju concluded. The aforementioned requirements must be satisfied, and this must be supported by proof. Such a person is not thought to be married in our eyes. Although we are certain that our position would prevent many cohabiting women from enjoying the benefits of her 2005 statute, this court will nonetheless not make or amend the law."

The Supreme Court once more highlighted the predicament of cohabiting children's validity in the case of **Uday Kumar v. Aysha & Others**¹⁰. The court ruled that it is legal. All prior notions about the validity of children born out of cohabitation were thrown in doubt by the judgement. Thus, when it comes to living together, there is more or less uniformity that emanates from the court in a favourable manner. Although these advancements have undoubtedly altered the community's perspective and knowledge, they continue to provide a problem for the future. The aforementioned court decision might make it easier for more people to enter into relationships of this nature. The educated public is gradually coming around to this kind of cohabitation. The general public is adamant that these cohabitation agreements destroy all social and moral sentiments involved with marriage, including dowry, caste, religion, language, area, nationality, and vocation. We'll build a civilised, logical society. The intention behind such a kind of coexisting is admirable and admirable, but in practise it is more of a tragedy than a relief because Western experience amply demonstrates that marriage is the only arrangement that is valuable and binding.

⁹ (2010) 10 SCC 469 20

¹⁰ CrI M.P. No. 6817 Of 2014

LAW RELATING TO LIR IN RESPECT OF WOMEN AND CHILDREN

As is well known, the rule of law serves to ensure social justice as well as the preservation of law and order in society. We also understand that laws do not operate on their own. It functions in a society where social structure is just one of many influences. The law is a tool for social control. There aren't any set guidelines for preserving a relationship. "Live in relationships" are not permitted under either the People's Law or the 1973 Code of Criminal Procedure. However, in order to protect and support women, the 2005 Domestic Her Protection of Women from Violence Act stipulates that victims must be kept out of marriages. However, neither the domestic nor international legislation on the matter is very clear. The legal rights of cohabiting spouses in matters of property, debt obligation, child custody, access to health care and other services, and survivor benefits are not well understood. A wife, children, and parents who are unable to support themselves are covered by Section 125 of the Criminal Procedure Code. Women who are currently married, divorced, or legally separated but not remarried are the only ones who are eligible to request alimony. The Ministry of Women and Child Development was advised by the National Commission on Women to propose including the living female partner for custody under section 125 of the Cr. in June 2008. **Abhijit Bhikaseeth Auti v. State of Maharashtra**¹¹ and other cases' rulings supported this point of view.

The Indian Malimath Committee's and the Law Commission's recommendation that women should have the legal status of spouses if they are in long-term partnerships was adopted by the Maharashtra government in October 2008. The committee recommended that women who have been living with a man as his wife for a fair amount of time be included in the definition of "wife" as it is used in Section 125 of the Criminal Procedure Code. In **Koppiseti Subbharao Subramaniam v. A.P. State**¹², the Supreme Court even went so far as to defend protecting living partners from dowry harassment. His partner had been hounded by the accused for a dowry. Justices Arjit Pasyat and A.K. Ganguly of the Supreme Court rejected the defendant's argument that Section 498A did not apply to him because he was not married to a significant person but rather received "dowry." He claimed that the appellation did not endow it with any special powers. It justified its stance by asking: "How does the law recognise the legitimacy of annulled and children born from an annulled marriage?" It is believed that the term "wife" should be interpreted liberally and inclusively to embrace

¹¹ CRIMINAL WRIT PETITION NO. 2218

¹² AIR 2009 SC 2684

situations where a man and a woman lived together as husband and wife in the **Chanmuniya v. Virendra Kumar Singh Kushwaha**¹³ case. To uphold the true essence of marriage, Section 125 of the Cr. P.C. maintenance obligations cannot include a strict proof of marriage requirement.

In order to comply with the law, one must adopt a clear perspective on intimate relationships and the effects they have. For being victims, numerous lawsuits have been brought. A relationship that is not of the nature of marriage or a relationship is not defined by the Act. The Hon'ble Supreme Court so dispelled all ambiguities in this matter on October 21, 2010.

NEED OF LEGISLATION FOR LIR

The Indian court's decision is noteworthy because different courts have held that cohabitation should not be a bond between couples while other courts have held that if cohabitation lasts for a long enough and reasonable amount of time, it is interpreted that the husband and wife are a married couple, which is permeated by all laws infusing all rights and obligations guaranteed within the framework of the marital relationship.

It also seems odd that cohabitation is covered by Section 125 of the Criminal Procedure Code. It is brought up when the husband is required to pay alimony and inherit the property because the purpose of cohabitation is to avoid any liabilities resulting from the married connection. Equalising the rights of wives and civil partners would promote polygamy and put wives' and civil partners' interests at odds. When examining the masses that characterise India, there is a huge distinction between communal societies and how Indian society views them, aside from the fact that there are no legal penalties and such relationships only exist socially in large cities. The company forbids such connections without seeking legal counsel. The Parliament wants to adopt distinct chapters rather than attempting to preserve housing communities within the bounds of current regulations. Such a fruitless strategy just serves to disadvantageously complicate the legal system.

To address the existing cohabitation concerns, the Indian legal system must devise new tactics. After a certain amount of time, it is reasonable to anticipate that a live-in relationship will last forever. In addition, regardless of the parents' religion, children born from such

¹³ (2011) 1 SCC 141

partnerships should be allowed rights including inheritance and succession. It is important to lessen the burdensome role that certain partners play in these partnerships. People who live together with a spouse who is still alive should be found guilty of bigamy. Support for partners damaged by such relationships should be possible through separate legislation. The more likely it is that India's judiciary will uphold the moral letter of the law and make judgements in accordance with justice, decency, and conscience.

LIVE IN RELATIONSHIP: A CHALLENGE TO THE SOCIETY

Although we have adopted the Western trend of living in couples, our rigid social standards nevertheless make it difficult for us to make this transition. Social activists and some orthodox organisations have long opposed cohabitation before marriage.

Marriage is always in vogue in society. Married persons have numerous rights and privileges under our legal system. Couples may choose to start a committed relationship rather than get married for a variety of reasons. Before getting married, a couple may decide to see if they are compatible or stay single for many reasons. A living relationship can be ended far more easily than a marriage can. These partnerships are supported by modern lifestyles and metro living nowadays. These kinds of arrangements allow participants to feel more liberated in their interpersonal interactions. It might be dangerous to cohabit with someone you are not married to because sometimes obligations fall short of expectations.

Relationship life has long been a hot topic of controversy because it puts our fundamental social structure to the test. The government has protected several privileges for married persons in order to promote marriage. Although being in a relationship is not a crime, there are currently no laws that forbid this kind of union. Because it might be against public policy, courts frequently declined to make these unmarried couples' commitments legally binding.

Several long-standing conventions bind us. But just now, something about our social acceptance is shifting. Supreme Court decisions support this. Supreme Court decisions support this. In the case of **D. Patchaiammal v. D. Velusamy**¹⁴, the court decided that long-term partners should not be regarded as husband and wife by society. Protection for women in relationships is also promised by certain recent legislation developments. However, that does not imply that the courts support such unions. This ruling speaks for women, not people

¹⁴ (2010) 10 SCC 469 20

who are romantically involved. The way one should live is never prescribed by the law. It's part of our culture, in fact. Ethics teaches us how to live.

Unquestionably, our culture requires a regulatory agency to control interpersonal interactions that can increase when people's ideas shift. It is essential to work towards passing law with clear guidelines on how long it takes to offer parties and their children the status, registration, and rights resulting from a partnership.

In **Lata Singh v. State of U.P.**¹⁵, the court itself asserts that something that is not illegal but is nevertheless unethical can be. It is said that having intercourse with another adult with their consent is not illegal, "although it may be considered immoral." Of course, such preventative measures might result in issues that could have been avoided. But it might not be the greatest strategy to just raise the hammer to subdue the daring and bold. Cohabitation has been a hot button issue in the past as well. The legality of male and female cohabitation without marriage has long been a topic of discussion. Unmarried cohabitation has generally been legal due to shifting social norms. Even in a nation like India, which has been influenced by a variety of cultural principles and customs, cohabitation is not permitted by law.

However, this does not imply that the law supports such a connection. Historically, the legislation has been biased in favour of marriage. To uphold and support the institution of marriage, numerous rights and advantages are reserved for married people. Such property, especially cohabitation, is essentially based on the presumption that women are less equal than males, and as a result, must be safeguarded by the law from the patriarchal forces that define marriage and these relationships.

Concluding Observation

Everyone has the right to freely select their life partners with whom to start a family through marriage. Despite the difficulties, the goal of marriage is to establish a sense of connectedness. Although marriage does not ensure lifelong bliss, it does offer safety and legal status in society. An issue of privacy and individual rights, cohabitation arrangements should be changed. Even while there may not be many people who endorse these practises, there are grave worries that someday people may choose them over traditional marriage. In the absence of regulation, Indian judicial wisdom has greatly advanced knowledge of

¹⁵ (2006) 5 SCC 475

cohabitation-related issues and upheld a fair stance. Although the concept of a live-in relationship may seem quite novel and alluring, it can really lead to a variety of difficult issues. Bigamy and numerous partner relationships will become issues, tearing apart the social fabric of the nation. However, unlike wives, the status of women in such partnerships lacks social recognition and respect. The lack of rules makes it more likely that women will be taken advantage of in these situations. According to one study, it's extremely unusual for couples in these relationships to have children. Couples without children, on the other hand, suffer from a lack of affection and parental care, which is detrimental to the interests of their kids. Another major area of concern is the increase in disputes involving child support, child legitimacy, inheritance, etc. While it is true that society must adapt throughout time, moral standards and cultural norms shouldn't be sacrificed in the name of progress. Consequently, there is a pressing need to teach the younger generation about the genuine meaning of marriage. Therefore, it is necessary to educate the present generation about the actual meaning of marriage and family and to help parents realise the importance of respecting their children's wishes and goals by allowing them to select their own life mates. This is only feasible if parents respect their kids' emotions and preferences and give them marriage freedom. Last but not the least, there is need of a comprehensive law on live in relationship in India.