

Exploring the Dynamics and Implications of Live-in Relationships a Comprehensive Analysis

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Abstract

This paper aims to provide a comprehensive analysis of live-in relationships, examining their dynamics, implications, and societal perceptions. The concept of live-in relationships has gained significant attention in recent years, challenging traditional notions of marriage and cohabitation. Through an examination of existing literature, legal considerations, and societal perspectives, this paper sheds light on the factors influencing the rise of live-in relationships, their impact on individuals and society, and the need for a nuanced understanding of this evolving relationship model. The findings of this study contribute to the ongoing discourse on relationship dynamics and offer insights for policymakers, researchers, and individuals navigating the complexities of modern relationships.

Keywords: Live-in relationships, cohabitation, societal perceptions, relationship dynamics, legal considerations.

Introduction

India is a nation that is gradually welcoming western concepts and lifestyles, including the idea of live-in partnerships. In terms of law, a man and woman's relationship is legitimate if it is founded on a valid marriage and illegal if it is not in accordance with the Marriage Laws. An unmarried couple living together in a long-term relationship that resembles marriage is known as a live-in relationship. It's referred to as cohabitation in everyday speech. Before making a commitment, the interested pair wants to evaluate their compatibility with one another, which is the primary premise of a live-in relationship.

Cohabitation is now a widespread practice among people in the West. There are many different reasons why people might cohabit. Before getting married, one of these reasons can be to gauge compatibility or provide financial security. Additionally, some interracial or interreligious marriages are not legal or permitted, thus they may not be able to legally wed if they are of the same sex, for example. Other reasons include cohabiting before marriage to prevent divorce, as a way for polygamists or polyamorists to avoid breaking the law, as a way to avoid paying the higher income taxes some two-earner married couples (in the United States) must pay, as well as the negative effects on pension payments (for older people), and as a result of philosophical opposition to the institution of marriage. Some people may opt for cohabitation because they believe their relationships should be private and personal affairs free from the influence of governmental, religious, or patriarchal institutions. Most places allow unmarried persons to cohabit, while certain zoning regulations forbid more than three unrelated people from residing in a home or apartment. There are still certain states that forbid fornication, or illicit intercourse between an unmarried man and woman, but these laws are no longer upheld. Historically, the law has been skewed in favor of marriage. The stability of the family, which is the fundamental societal unit, depends on

marriage, according to public policy. Many rights and privileges are reserved by law for married people in an effort to uphold and promote marriage.

Living together as a pair without formally wedlocking each other is known as a live-in relationship and is frowned upon in India. However, for a number of reasons, such relationships have recently become more widespread. In the lack of any explicit laws, regulations, or traditions on the matter, the Supreme Court has established some criteria in its ruling to govern such relationships. After evaluating these rulings systemically, this article attempts to determine the current legal stances regarding live-in partnerships in India. Having a live-in relationship with another consenting adult is not unlawful, and if the two show themselves to the public as husband and wife and live together for an extended period of time, the relationship is regarded as legal.

In India, there are no explicit laws, societal norms, or traditions governing live-in relationships. As a result, the Supreme Court has taken the initiative to enlarge on the idea through its decisions at various points in time and has released rules for handling such relationships.

This article attempts to evaluate earlier rulings made by the Supreme Court and determine the current legal views on cohabiting couples.

Legality of Live-In Relationships

According to Indian law, living together as consenting adults is not deemed to be unlawful. Despite being viewed as immoral, a live-in relationship between two consenting adults of opposite sex is not illegal, according to a 2006 ruling in the case "Lata Singh v. State of U.P."¹ Although the concept of a live-in relationship is viewed as sinful by society, it is unquestionably legal in the eyes of the law, as the Supreme Court noted in the significant case of Khushboo vs. Kanaimmal and another. Living together cannot be considered unlawful because it is a right to life.

Live-in relationships can become legally recognized as marriages if they last for a long time and the couple presents themselves to society as husband and wife.

Badri Prasad vs. Dy. Director of Consolidation, 1978

This was the first case in which the Supreme Court of India recognized live in relationship and interpreted it as a valid marriage. In this case, the Court gave legal validity to a 50 year live in relationship of a couple. It was held by justice Krishna Iyer that a strong presumption arises in favour of wedlock where the partners have lived together for a long term as husband and wife. Although the presumption is rebuttable, a heavy burden lies on him who seeks to deprive the relationship of its legal origin. Law leans in favour of legitimacy and frowns upon bastardy.

Tulsa & Ors vs. Durghatiya & Ors, 2008

The SC provides legal status to the children born from live in relationship. It was held that one of the crucial pre-conditions for a child born from live-in relationship to not be treated as illegitimate are that the parents must have lived under one roof and co-habited for considerably long time for society to recognize them as husband and wife and it must not be a "walk in and walk out" relationship. Therefore, the court also granted the right to property to a child born out of a live in relationship.

D. Velusamy Vs. D. Patchaiammal, 2010

The judgment determined certain pre requisites for a live-in relationship to be considered valid. It provides that the couple must hold themselves out to society as being akin to spouses and must be of legal age to marry or qualified to enter into legal marriage, including being unmarried. It was stated that the couple must have voluntarily cohabited and held themselves out to the world as being akin to spouses for significant period of time. The court held that not all relationships will amount to a relationship in the nature of marriages and get the benefit of the Domestic violence Act. It further clarified that, if a man keeps women as a servant and maintains her financially and uses mainly for sexual purposes, such relationship would not be considered as marriage in the court of law. Therefore to get such benefit the conditions mentioned by the court must be satisfied, and has to be proved by evidence.

S. Khushboo vs. Kanniammal & Anr, 2010

The Supreme Court in this case dropped all the charges against the petitioner who was a south Indian actress. The petitioner was charged under section 499 of the IPC and it was also claimed that the petitioner endorsed pre-marital sex and live in relationships. The court held that living together is not illegal in the eyes of law even if it is considered immoral in the eyes of the conservative Indian society. The Court stated that living together is a right to life and therefore not illegal.

Now a day's Live-in relationship is no more substitute to the marriage. It is having its own stand in society and in law of the country. Five kinds of live-in relationship were identified by the court in - *Indira Sarma vs. V.K.V. Sarma*

1. Domestic relationship between an adult male and an adult female, both unmarried. It is the most uncomplicated sort of relationship.
2. Domestic relationship between a married man and an adult unmarried woman, entered knowingly.
3. Domestic relationship between an adult unmarried man and a married woman, entered knowingly. Such relationship can lead to a conviction under Indian Penal Code for the Crime of adultery.
4. Domestic relationship between an unmarried adult female and a married male, entered unknowingly.
5. Domestic relationship between same sex partners (gay or lesbian)

The Court stated that a live-in relationship will fall within the expression "relationship in the nature of marriage" under Section 2(f) of the Protection of women Against Domestic Violence act, 2005 and provided certain guidelines to get an insight of such relationships. Also, there should be a close analysis of the entire relationship, in other words, all facets of the interpersonal relationship need to be taken into account, including the individual factors.

The Court in this case affirmed that the relationship in the present case is not a "relationship in the nature of marriage" because it has no inherent or essential characteristic of a marriage, but a relationship other than "in the nature of marriage" and the appellant's status is lower than the status of a wife and that relationship would not fall within the definition of "domestic relationship" under Section 2(f) of the DV Act. In this case the appellant admittedly entered into a relationship with the respondent despite of knowing that the respondent was a married man with two children born out of the wedlock who opposed the live in relationship since the inception. The court further added, "If we hold that the relationship between the appellant and the respondent is a relationship in the nature of a marriage we will be doing an injustice to the legally wedded wife and children who opposed that relationship. Consequently, any act, omission or commission or conduct of the respondent in connection with that type of relationship,

would not amount to "domestic violence" under Section 3 of the DV Act, as there is also no evidence of a live-in relationship between the appellant and the respondent as per the given guidelines". The Court held that the relationship between the appellant and the respondent was not a relationship in the nature of a marriage, and the status of the appellant was that of a concubine. Furthermore, the Domestic violence Act does not take care of such relationship which may perhaps call for an amendment of the definition of section 2(f) of the DV Act, which is restrictive and exhaustive.

SPS. Balasubramanyam v. Suruttayan

According to Section 114 of the Indian Evidence Act, a man and woman who live together for a long time and who feel they continue to be husband and wife are not breaking the law if they have children together. This ruling demonstrated that long-term live-in relationships are treated similarly to marriages in legal terms. In order to eliminate people who enter into a live-in relationship "by choice" without intending to get married, the courts may define a live-in relationship as "living together as husband and wife" given that this is still a contentious issue.

Discussion

In the case of a live-in relationship, a legal divorce between the parties is not likely. Until this form of connection is not recognized by the law, the partners cannot legally separate, according to a detailed analysis of the laws governing marriage. While starting a live-in relationship may appear simple, whether "by choice" or "by necessity," This official relationship seems to be tough to end. There is currently no legislation addressing the division and security of their separate or joint property after they separate, despite the fact that the legal implications of this arrangement are uncertain. Women frequently find themselves in a disadvantageous situation in Live in relationships. The Supreme Court has set instructions to control such relationships as well as to safeguard the rights of the women participating in the relationship. The social standards and ideals of the younger generation have altered.

Conclusion

It is imperative that laws regarding live-in partnerships are clear and take into account the modern social milieu in India, which is built on culture and custom. To preserve the rights of partners and children born from these relationships, live seeing should only be permitted when a significant amount of time has passed since the couple first moved in together. Human rights and a unique way of life often entail living together and connecting. India's societal structure is incredibly astounding, despite its widespread presence in the largely accepted Western nations. This may be understood by the fact that in India, marriage is still the most common type of relationship.

Live-in relationships might be acceptable in some situations, but there is no denying the significance of the institution of marriage in preserving social order.

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