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Recognition and Protection in Live-in relationship vis a vis Legally Recognized Marriage: Legal Study

NAVMI JOSHI¹

ABSTRACT

Live-in relationship is a concept which allows two individuals to live together, without getting married, along with the fact that their fundamental rights persist to be protected wherein the legal validity of their relationship is recognised but in some cases, the controversies are handed over to the judiciary and the question of the legal validity of their bond lays down in the hands of judiciary. This is because of its big denial by the society which characterizes it in an unethical way of living together. The challenges which have been overcome with the efforts of our government authorities provides a better understanding for the society with respect to the reasons, such as, preventing the instances of Bigamy, which is a crime under the legal provisions. The research pertains to how the concept, has helped solve a lot of issues vis a vis a legally recognised marriage. The developments in the legal provisions pertaining to live-in relationship give a discretion to the individuals to take more time and enjoy living together until they possess their ties of marriage. The cases have been highlighted which show the trends of judiciary in recognising the legal validity of live-in relationship and legal status of the partners.

Keywords- *Live-in relationship, Marriage, Bigamy, Controversies, unethical.*

I. INTRODUCTION

The concept of *live-in relationship* in a nation like India has had an integral impact on the social, political and economic status of women in India. The policies in regard to live-in relationship have gone through a lot of *amendments (The Constitution of India)*², improvements, changes and repeals in order to bring out a particular system or set of laws and policies that are able to bridge the gaps between the violation of the rights of women and making the laws justifiable for them in order to use the concept of live-in relationship for the narratives as the right tool for their empowerment. Tracing back the history of live-in relationship in India, this concept was basically brought in to foster the rights and the interest of both the partners to inculcate equality and justice and to promote unity amongst all. Live-in

¹ Author is a student at Law College Dehradun, Uttarakhand University, India.

² India, C. A. (2020). The Constitution of India.

may be a newly developed name in modern India, but it has a lot to do with the origins of people like Adam and the Eve. Without a doubt, they were the first unmarried couple in history.³ Because Adam and Eve were not married, they did not know the details of their relationship. Our relationship with nature has inspired us to live together, especially based on Darwin's conflicting beliefs.⁴ God gave birth to the first two precious people on the planet, aroused a selfish desire for stability in relationships, which led to marriage. Different cultures, different regions have their own principles and international expressions. Different types of weddings and celebrations take place all over the world.

II. THE PRIMITIVE THOUGHTS

Shahu, who was the *Maharaja of the state of Kolhapur*, in the pre independence period had a major contribution in abolishing the system of untouchability which was prevalent in the *British India*. After going through several discussions and reports in the post independence period, the practice of *untouchability* was ultimately outlawed by the *Constitution of India*⁵ and the economic backward classes were the the main target at that time. The percentage of reservations followed up to the extent of 50% for the backward communities to have equality and justice amongst all the citizens of the nation and to promote educational and employment status of such communities. This represents how the developments in the legal system were initiated targetting the victim's fundamental rights.

*The Constitution of India*⁶ has been one such integral legislation that has provided for certain provisions in order to impart fundamental rights to the partners in a live-in relationship.

Different relationships around the world allow to explore different concepts such as monogamy and cohabitation. With the emergence of unique relationships in developed countries and in many developing countries, the history of these relationships has provided insight into the reasons and conditions under which these new types of relationships are formed. Generally, the institution of marriage determines a couple's marital status and does not require fidelity or registration.” Otherwise, single people agree to live together as lovers, form society as a couple and inevitably marry. This formula was mainly used to protect women after prolonged intoxication. If they qualify, the court will grant them all the rights of a wife or widow. The principles of the Commonwealth are similar to those of modern society.⁷ According to Kent,

³ LIVE IN RELATIONSHIP: PRACTICE, CONCERNS AND REMEDIES. (2020b). Journal of Xidian University, (5). <https://doi.org/10.37896/jxu14.5/214>

⁴ Kirpal, S. (2020). *Sex and the Supreme Court*. Hachette India

⁵ India, C. A. (2020). *The Constitution of India*.

⁶ India, C. A. (2020). *The Constitution of India*.

⁷ Kirpal, S. (2020). *Sex and the Supreme Court*. Hachette India.

New York became the marriage norm in *Fenton v. Reed*⁸ in 1809, an informal marriage that follows the path of a legal couple who are not in the habit of celebrating or congratulating their loved one before the official ceremony. The specific requirements for common law marriage vary depending on the region where the system is recognized. However, all nations agree that the marriage is valid. In 1877, the courts extended their jurisdiction in accordance with the common legal principle that the system has increasingly come to an agreement between the court and the translator.

III. THE SOCIAL CONTEXT OF MARRIAGE

Nineteenth-century judges emphasized that the legal practice of marriage was not based on controversy, but in fact on the various relationships that society and economic classes imposed on it. This diversity is how different societies view legal marriage, and social norms vary by decade and region. Thus, it appears that this class has an important history in relation to the couple model. Inevitable divorce is the only solution for a marriage, which can lead to relationship failure and frequent marriages. Indian society, which is moving from a difficult marriage to a romantic marriage, is now moving towards “coexistence”.⁹ This relationship is seen in big cities, and in the trading system, both men and women are reluctant to enter the export industry. India has embraced Western ideas and lifestyles, and one of the most important aspects of these lifestyles is the concept of co-existence in its current context. According to Manu, there were premarital relations during and after the Vedic period, but very rarely. Therefore, the idea of cohabitation before marriage is not new in India. There has always been a sense of unity in society. Marriage was common in ancient India, but Hindu literature describes and endorses premarital sex. The term "domestic relationship" is new, but the concept is old. In the Vedas we identify eight types of marriages: Brahma Vivah, Divya Vivah, Arsha Vivah, Prajapati Vivah, Asura Vivah, Gandharva Vivah, Raksha Vivah and Paisha Vivah. In the early Vedic period, Gandharvas were known for their good nature and marriages that took place before sacred ceremonies were naturally famous after them. Officials are skeptical about whether sex groups should be included in the category of legal marriage. Buddhist doctrines support the view of some thinkers that the union of love is interdependent and should therefore be praised. The same is true of Angiras, the first thinker to mention Bhavabhuti in Malati-Madhava. Social Gandharvas within the accepted matrimonial group.¹⁰ The tribunal, considering the repeated incidents of cohabitation in India, observed that there is no legal right

⁸ Agrawal, N. (2021). *Her Right To Equality*. Penguin Random House India Private Limited.

⁹ Kirpal, S. (2020). *Sex and the Supreme Court*. Hachette India

¹⁰ Kirpal, S. (2020). *Sex and the Supreme Court*. Hachette India

in such a relationship. It is clear from the law that employers in India are not entitled to alimony.¹¹

The Supreme Court dismissed a maintenance claim filed by a woman alleging she had been in a relationship for several years (we have already reviewed the High Court decision). In the law of 2005, the Parliament recognized the new social phenomenon emerging in our country of coexistence. This was found by the Supreme Court in *S Khushboo v. Kanniyammal*¹². In the 2013, Supreme Court judgment in *Inder Sharma v. VKV Sharma*, the Supreme Court clarified several points as there was no specific law and no specific guidelines were followed. These guidelines help to establish such relationships under the Domestic Violence Act 2005.

Keeping in mind the concept of coexistence, the Supreme Court has defined five categories that can be proven in court.

The court held that the expressive nature of the cohabitation fell within *Section 2(f) of the Protection of Women from Domestic Violence Act 2005*¹³ and provided guidelines for a better understanding of these relationships. At the same time, the whole relationship must be analyzed closely, that is, all aspects of the relationship between individuals, including personal factors, must be taken into account.¹⁴

IV. RIGHTS OF THE CHILD

But at the same time, the Court found it necessary to protect children's rights, especially relationships. In January 2008, a Supreme Court bench led by Justice Arijit Pasayat ruled that children born out of wedlock should not be treated as unlawful. In August 2010, the Supreme Court ruled that a long-term cohabitation relationship could be considered a marriage and that children born to such a couple were not illegal.¹⁵

Let the victims not just cry and crawl, for the Law tries to run, and the society learns to walk. As there have been many debateable topics amongst us, live in relationship also stands within the same purview as it has undergone a lot of debates since its emergence.

As we see, due to the result of globalisation and increasing literacy rate, we cannot escape away from our duties. The concept of live-in relationship is definitely paving a smoother way for all of us towards a better understanding and co-operation amongst partners to check their

¹¹ Agrawal, N. (2021). *Her Right To Equality*. Penguin Random House India Private Limited.

¹² Nigam, S. (2019). *Women and Domestic Violence Law in India*. Taylor & Francis.

¹³ Agrawal, N. (2021). *Her Right To Equality*. Penguin Random House India Private Limited.

¹⁴ Nigam, S. (2019). *Women and Domestic Violence Law in India*. Taylor & Francis.

¹⁵ LIVE IN RELATIONSHIP: PRACTICE, CONCERNS AND REMEDIES. (2020b). *Journal of Xidian University*, (5). <https://doi.org/10.37896/jxu14.5/214>

compatibility, which is an essential element because commitment is above any other aspect when we see a bond, and, the leverage which is available as the consequence, that any of the partners could walk out of the relationship whenever they would want makes it an adequate option for the partners. Such a binding would have a legal consequence which would not have a long term impact on their lives. Similarly, the concept of live-in relationship has seen a lot of view points because of the unfavourable mind set of the society due to the stereotype thoughts which still exist because of the fact that it should not be supported and needs to be removed without any of its essence prevailing within the society.

V. LIVE-IN RELATIONSHIP VIS-À-VIS MARRIAGE

The pros of staying in a live-in relationship from the viewpoint of the people involved is because of the convenience that it possesses and that the mentality of the people regarding marriage is now becoming more like the wastage of money and social drama in front of the society which is just for the sake of flaunting rather than the actual bond which exists as a matter of superior importance in the family.¹⁶ The legality of the concept of live-in relationship in the eyes of the society is a big question mark. The acceptance by the society is the biggest hurdle to be overcome by the partners entering in a live-in relationship which has to be solved at this point of time whereby we have seen a lot of up gradation in all the aspects in the world but this concept still does not stand at the forefront competitive edge unlike the improvement in the society.¹⁷

Focusing on the changes of the society along with the legal aspect, *Section 377 and 497 of Indian Penal Code, 1860*¹⁸ reflect the biggest evolutionary changes that have been made by decriminalization of homosexual cohabitation because law has been playing an integral role along with the societal change thereby improving the economic status of the country.¹⁹ It seems like the definition of the concept of live-in relationship is still under construction because of the lack of the legal aspect as it has not been defined in any of the legal statutes as of now and portrays the least relevance with the traditions being followed in the country. The court has taken cognizance of diversified instances into consideration have taken the freedom to scratch this concept through the judgements that they have been imparting in order to let the society accept the fact that it is not an evil. It takes care of the rights of the people who start to crave for a relationship when they want no strings to be attached.²⁰ Law in itself carries an

¹⁶ Das, P. K. (n.d.). *Protection of Women from Domestic Violence*. Universal Law Publishing.

¹⁷ Kirpal, S. (2020). *Sex and the Supreme Court*. Hachette India.

¹⁸ Agrawal, N. (2021). *Her Right To Equality*. Penguin Random House India Private Limited.

¹⁹ Nigam, S. (2019). *Women and Domestic Violence Law in India*. Taylor & Francis.

²⁰ Agrawal, N. (2021). *Her Right To Equality*. Penguin Random House India Private Limited.

obligation but the concept of live-in relationship does not lay any legal binding but attracts obligations indirectly towards the partners in order to impart justice to the victim partner. View points of none could be denied, be it the one's against it, or the favourers of the concept because we are living in a democratic country and every citizen has got *the right to freedom of speech and expression under Article 19 of the Constitution of India*.²¹ While framing and execution of the laws the executive legislature and judiciary take care of the rights of the citizens of the country as well as the mutual interest of the society by balancing both of them.

The ironical situation arises when a married partner enters into a live-in relationship with an unmarried partner. What would be the legal justification for the victim in this instance? Women being a part of the vulnerable section of the society, the Judiciary has been taking several measures in order to take care of their rights, being a major aspect of the concept because it is usually the women who fall into the trap of becoming the victims as a result of live-in relationship when the male partner walks out of it, especially in an instance, when a child is born through a live in relationship.²² The concept of Live-in relationship attracts the attention of the individuals who consent to live together mutually with each other along with the protection of their fundamental rights whereby they possess the recognition of a legally entitled status towards their bond in the eyes of the citizens through the pillars of the government i.e. the judiciary, executive and the legislature. These pillars stand at the forefront in coping up with the challenges posed due to circumstances which eventually deal with the controversies that come up due to non acceptance of live-in relationship on the part of the society. The concept has now entailed legal validity through the legal provisions which have been given importance with the majority of the houses and our fortunate executive authorities responsible for the implementation of these provisions.

VI. LEGAL FRAMEWORK

Like a voidable marriage or a void situation, the rights of the child born from a domestic relationship, also falls within its ambit. The applicability of the *Hindu Marriage Act 1955*, provides for the legitimacy of a child born, succession and property rights.

The legal prerequisite for entering into a living relationship are somewhat similar to a recognised marriage in India which states that the aspect of mental soundness, the legal age of marriage and the consent of partners is satisfied then the partners are considered to be able to

²¹ India, C. A. (2020). *The Constitution of India*.

²² Agrawal, N. (2021). *Her Right To Equality*. Penguin Random House India Private Limited.

legally and satisfactory live in a live-in relationship.²³

The Domestic Violence Act of 2005, was the first Act that was considered as the non marital heterosexual adult act for such relations.²⁴ The basic purpose of the Act was to protect the victims from any abusive act such as harsh behaviour from their partners like physical, mental, verbal or any other act. The most important benefit of this provision is that it does not only apply to the married couples but also applies to the couples living in a live-in relationship.

This was the major effort that was done on the part of the lawmakers including the Judiciary that they included the concept of live in relationship within the ambit of the essence of marriage where women being the victim are protected through the applicability of the provisions of *The Domestic Violence Act of 2005*.²⁵

The provisions of the *Indian Evidence Act 1872*, state that the court may presume the existence of any fact which it thinks likely to have happened, to the common course of natural events human conducted public and private business in relation as to the facts of the particular case. Suppose there is a man and a lady who live together for a long time as a couple then it would be presumed as a *marriage* under the Indian Evidence Act.²⁶ This not only provides legal binding to the couple but also imparts protective essence to the women in case of any act of happening that would arise for them.

Present cannot go in parallel terms with the past due to the dynamic changes in the society and the ongoing time period we have seen a lot of changes around us and that also demand the changes in the way of living, standard of living as well as the mind set to be grown up in order to adapt to the need of the society to reach the desired end of the globalised world and the laws are the means to it.²⁷

Imparting justice does not only extend up to the person whose rights have been violated but also extends up to what the society wants and what the government wants. A balance is maintained between the needs of the society and the needs of the government within the democratic opinion, so that there is a way out through legal impositions and the lawmakers are able to implement certain provisions which balance both the aspects considering the mutual objectives of all.

²³ Das, P. K. (n.d.). *Protection of Women from Domestic Violence*. Universal Law Publishing.

²⁴ LIVE IN RELATIONSHIP: PRACTICE, CONCERNS AND REMEDIES. (2020b). *Journal of Xidian University*, (5). <https://doi.org/10.37896/jxu14.5/214>

²⁵ Agrawal, N. (2021). *Her Right To Equality*. Penguin Random House India Private Limited.

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²⁷ LIVE IN RELATIONSHIP: PRACTICE, CONCERNS AND REMEDIES. (2020b). *Journal of Xidian University*, (5). <https://doi.org/10.37896/jxu14.5/214>

VII. JUDICIAL APPROACH

In the landmark judgement, *Payal Sharma v. Nari Niketan*²⁸, the court was of the opinion that the partners, even if they are not married, could live together if they are willing to do so, being regarded as immoral by the society but it would not at all be considered illegal in the eyes of law which is the primary pillar.

In the case of *Chellamma v. Tillama*²⁹, the Supreme Court considered the female partner as the wife in the live-in relationship. Therefore even through the judgement and the fact stated hereby it is clear that the marriage and the provisions relevant with it play a vital role in their application towards the concept of live-in relationship and still give the partners their convenience without any legal binding just tying them with the legal obligation that they ought to adapt to, with the freedom of living together.

In the case of *Manmohan Singh and Anr. v. Rajni Kant*³⁰, a live-in relationship is not considered as an offence.

Any of the partners in a live-in relationship could not be a victim because of either of them but it could be possible due to any person from the society, any other citizen of the country, any person within the family. The protection that has been given by the court in such a situation through a new legislation which has been enacted by the parliament as a request by the Supreme Court which has been based on the guidelines given by it so that the victims could be protected from any such wrong that is caused by the society or could be caused by the society because of such a relationship.

The statute allowing the women partner to inherit the property of a partner is an example of the effort done by the Supreme Court through the case of *Dhanu Lal v. Ganesh Ram* which took into consideration the fact that live-in relationship is considered as a legally married bond and the women would be entitled to inherit the property after the death of her partner. In the case of *Malarkodi v. the Chief Internal Audit Officer(2021)*³¹, it was held that the legal improvements through *Section 494 Indian Penal Code*, (bigamy), does not take into consideration the live-in relationship between a married person and an unmarried person and it is clear that only a second marriage attracts criminality and not a married person entering into live-in relationship. The ironical situation of live-in relationship being considered in the nature of marriage persists so the object of the Domestic Violence Act which provides protection to

²⁸ Agrawal, N. (2021). *Her Right To Equality*. Penguin Random House India Private Limited.

²⁹ Jawale, K. V. (2012). Live-In Relationship: Recent Development and Challenges in India. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.2046460>

³⁰ Agrawal, N. (2021). *Her Right To Equality*. Penguin Random House India Private Limited.

³¹ Agrawal, N. (2021). *Her Right To Equality*. Penguin Random House India Private Limited.

the female partner from violence of any sort because of the husband or the male partner prevails , and it has been viewed that various High Courts have denied the victims from protection due to moral grounds because live in relationship violates the essence of marriage and promotes *bigamy*.

VIII. LIVING IN THE SOCIETY DEMONSTRATES LIVING FOR THE SOCIETY

The reality is to live in the society and live for of the society and none can actually escape from it. When a married partner enters into a live-in relationship , it promotes bigamy. The fact to be considered here is to focus on providing justice especially for the women in this instance , as she is on the unsecured end when she consents to live-in with a married partner . Thus, the primary object of enforcing and applicability of the laws ought not to be forgotten.³²

The emergence of live-in relationship has been seen from several decades but the only difference is that the concept has now it has become quite open to all. Whereas , in the past , it used to be a hidden concept and was considered as a big social taboo. The traces of the concept of living relationship have an evidence amongst the *Tribes of Jharkhand ,Rajasthan* in the *Bhil Tribes ,NATA Pratha* ,and amongst the *GARASIA community*³³ which all constituted non marital cohabitation. Orthodox opinions would never end in the society and it is evident that the acceptance by the society is more time consuming as compared to the judicial improvements of the legal system in the nation.

IX. RELATIONSHIP IN THE NATURE OF MARRIAGE

Section 2 of the protection of women from *Domestic Violence Act, 2005* has undergone a detailed scrutiny because some of the key provisions of the section are very important to be taken into consideration within the ambit of whether it is correct to consider relationship actually in the nature of marriage.

The integral issue that was taken up was regarding the voluntary sexual intercourse that the women had undergone without maintaining a particular time period of stay with her male partner for even a few days would ever entitle her for the maintenance or not has been proved through the judgement held in *M. Palani v. Meenakshi*³⁴ which finally stated that a woman could claim maintenance in such an instance where she just had voluntary sexual intercourse which was sufficient to enable her to file the application of maintenance under the , *The Domestic Violence Act 2015*, as the respondent had no promise with her regarding marriage.³⁵

³² Das, P. K. (n.d.). *Protection of Women from Domestic Violence*. Universal Law Publishing.

³³ Nigam, S. (2019). *Women and Domestic Violence Law in India*. Taylor & Francis.

³⁴ Agrawal, N. (2021). *Her Right To Equality*. Penguin Random House India Private Limited.

³⁵ Agrawal, N. (2021). *Her Right To Equality*. Penguin Random House India Private Limited.

To consider whether a relationship would be considered in the nature of marriage needs proper assessment by the judiciary. The scope of live-in relationship is much wider than that of a marriage and it is a new phenomenon which has also led to emergence of endless issues which need to be resolved.³⁶ Marriage is an eternal Bond and has a big shelter of law as well as a big support by the Indian society as it is presumed by the society that when a couple marries, they are inseparable for seven births. Ending of a marriage is quite cumbersome as compared to a domestic relationship because it requires lengthy and costly procedures. When we look at live-in relationship just for the purpose of convenience or as a test of partners to live-in together just before the marriage, it could also lead to various issues and challenges.

X. PROBLEMS

- The biggest challenge that is borne by the couples entering into live-in relationship is the acceptance by the society and the partners are harassed by the society especially by the older people.³⁷
- Live in relationship could end at any time because of lack of commitment due to the freedom it possesses. Any fight would leave the partners separated rather than by resolving as in the case of marriage.

(A) Justice Malimath Committee Report

It was one of the first recommendations which sought to amend *Section 125 of the CRPC* laying down maintenance right of the parents, children and the neglected wife. The definition of wife included any female partner in a domestic relationship got a wider extent through the judicial interpretation of this provision as a woman in a live-in relationship in the nature of marriage.³⁸

(B) The Maharashtra Government Proposal 2008

It followed the recommendations of the *Malimath Committee* and aborted attempt to amend *Section 125 of Criminal Procedure Code* which had brought the issue of the legality of live-in relationship through extending the applicability of the meaning of wife under *Section 125*.³⁹

(C) Protection Of Women From Domestic Violence Act, 2005 (PWDA)

It covers any sort of domestic abuse towards the victim being a woman who has been in a domestic relationship or who has been subjected to any such act of violence by the other party

³⁶ LIVE IN RELATIONSHIP: PRACTICE, CONCERNS AND REMEDIES. (2020b). *Journal of Xidian University*, (5). <https://doi.org/10.37896/jxu14.5/214>

³⁷ Kirpal, S. (2020). *Sex and the Supreme Court*. Hachette India.

³⁸ Kirpal, S. (2020). *Sex and the Supreme Court*. Hachette India.

³⁹ Agrawal, N. (2021). *Her Right To Equality*. Penguin Random House India Private Limited.

which has been stated under *Section 21 of PWDA 2005*.⁴⁰

The constitutional validity of the meaning of *Section 2 (f)* of the Domestic Violence Act was challenged in the case of *Aruna Pramod Shah v. Union of India*⁴¹ which had undergone the opinions of Delhi High Court and the lawyers collective and *ICRW 2008*, which defined common law marriage as referring to individuals who have left together for a substantial period and they represent to the world that they are married. Some of the factors considered to determine a common law marriage or whether the party is decide in the same household have children from the relationship.⁴²

Rape Accusations - There has been an alarming high rate of rape acquisitions being filed up to the police officials by the victims mostly due to the ending of a dissolution of live-in relationship, false promises or refusing to marry further or staying along for the further time. Whether forced sexual intercourse in a domestic relationship be considered as rape or not as compared to a marital rape is a matter in question.

The dissolution or breakup of a living relationship has no legal ending in the eyes of law and is counted as ambiguous and unclear because it does not lay any legal back up regarding the applications of the parties as to a formal procedure like that of divorce under the law in regard to marriage.⁴³

(D) Adoption

According to the report by the *Central Adoption Resource Authority* which over ruled the decision it gave previously of stopping living partners from adopting a child laid down certain provisions and requirements if a couple into a living relationship wants to adopt a child, the applicability of the pre-requisites is as follows- that the partners should be mentally stable, financially secure and physically healthy to raise a child with higher motivation and the consent of both the partners is required . It is only possible for them to adopt the child if they are in a stable relationship. It has been done in order to protect the rights of the children.

XI. SUGGESTIONS

The provisions for women regarding maintenance within the purview of domestic relationships exist extensively but there is a long way to go in order to reach the similar justice level in the favour of men . Achieving justice for men in the domestic relationships simply seems to be a

⁴⁰ Judicial Approach Amidst Growing Live-in Relationship. (2022). *Law and World*, (1), 27–34. <https://doi.org/10.36475/8.1.2>

⁴¹ Nigam, S. (2019). *Women and Domestic Violence Law in India*. Taylor & Francis.

⁴² Das, P. K. (n.d.). *Protection of Women from Domestic Violence*. Universal Law Publishing.

⁴³ LIVE IN RELATIONSHIP: PRACTICE, CONCERNS AND REMEDIES. (2020b). *Journal of Xidian University*, (5). <https://doi.org/10.37896/jxu14.5/214>

far cry as was held in the case of *S. Khushboo v. Rani Amal and Anr.*⁴⁴ Live-in relationship needs to be assessed not just on the basis of the pre-requisites laid down for what a couple adapts to for each other but live in relationship stands at the dull end, as compared to marriage which requires proper guidelines and requirements to be fully filled in order to protect the partners from any of the bad consequences.⁴⁵ Having a separate legislation for this concept because of the increasing cases of couples entering into live in relationship which is being evidently observed nowadays especially in the urban and metropolitan areas, becomes a must and it should carry separate and special provisions taking into consideration pin-pointed aspects for the justice of all. Live in relationship is a perfect example of how our culture has been influenced with that of the Western one. The increasing percentage of population indulged in this concept of living relationship is the real time evidence as to how our society is developing. The legal provisions in itself pose to be the biggest challenge when we see the need to fill the gaps and to solve the controversies and somehow assists to characterise the changes that are required to be implemented in the public arena. Marriage always stands on a stronger edge as compared to the preconceived connections but when the apex court establishes the legality of the concept of live-in relationship, it facilitates and inhibits stable and peaceful notions amongst the youth, youngsters, family members and the entire country. The level of judiciary poses to be the biggest challenge when we see the decisions taken by our Honourable Courts. When a decision is given by the lower court magistrate the decision against the legality of live in relationships, it is opposed by the judges in appeals which therein follow. When the situation turns out to be controversial in a and a merit person wants to enter into a living relationship then the situation has to be focused with the sizes in accordance with the provisions of the Hindu Marriage Act 1956. The concept of live-in relationship helps in curbing the cases of bigamy and proves out to be an effectual remedy to support peaceful relations amongst the partners.

XII. CONCLUSION

When we talk about the provisions in regard to live in relationship, we have seen the judicial interpretation of statutes in such a way that the justice is adequately provided to women in all areas in accordance with the development made by the judiciary in the legal system as well as by the efforts of the law makers in the country, where the interpretation needs to be done flexibly. The applicability of the provisions calls for considering women in a way that in order to impart their rights, their relationship is considered in the nature of marriage where as where the strict interpretation is required such as the instance of *Section 498A* did not apply and the

⁴⁴ Agrawal, N. (2021). *Her Right To Equality*. Penguin Random House India Private Limited.

⁴⁵ Das, P. K. (n.d.). *Protection of Women from Domestic Violence*. Universal Law Publishing.

court rejected the claim made by the petitioner when he demanded dowry from her live-in partner. The provisions conclusively result in favour of women, being the vulnerable section of the society. The extent of immoral opinions laid down by the society towards the live-in couples does not leave them in an illegal position but rather a legal one. The pre-independence judicial efforts are also evidential as in the case of *Dinohamy v. WL Blahamy*.

Living together was held as a part of right to life and personal liberty under the *Indian constitution (Article 21)*. This provision has not only enabled all the citizens of the country to enable them with their justified rights but has also enhanced the meaning and the objective of the Constitution of India.

If both the partners have attained the age of majority then no one can stop them from living together and even if they are living together their bond would be considered a legally valid bond.

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