

The Indian Live in Relationship Act, 2011

Statement of objects and reasons

The proposed need for such an enactment is due to the increasingly growing population in India who cohabit and are willing to cohabit either before marriage or without having marital obligations absolutely. In order to legitimize and codify a law for providing 'live-in' a status of institution and also to regulate such arrangements preventing abuse of the same this legislation would be implemented. This enactment will enable to keep records of the live-in couples for redressal of disputes and conferring rights to the aggrieved upon proof of the status.

An act to codify the law relating to Live in Relationships in India

Preliminary

1. Short title, extent and commencement: (a) This Act may be called as the Indian Live-in Relationship Act, 2011.

(b) It extends to the whole of India except the State of Jammu and Kashmir.

(c) It shall come into force on such date, as the Central Government, may, by notification in the Official Gazette, appoint.

2. Definitions: In this Act, unless the context otherwise requires,-

(a) 'Domestic violence' bears the same meaning as per Section 3 of the Protection of Women from Domestic Violence Act, 2005

(b) 'Family' in relation to a person means the wife or husband of such person and his or her dependant

(c) 'Live-in relationship' means and includes an arrangement of living under which couples that is unmarried live together to conduct a relationship in the nature of marriage.

(d) 'Marriage' means union of a man and woman through wedlock

(e) 'Competent person' means notwithstanding any provision of law for the time being in force, a male or a female, above the age of 21 years and not married, or divorced or widowed.

(f) 'Registrar' means a Registrar appointed under the Section 3 of the Act.

Registration of Live-in Relationships

3. Registrar of Live-in Relationships: (1) For the purpose of facilitating the proof of Live –in Relationships, the State Government may appoint Registrar of live-in in each district having jurisdiction as the State Government may provide for in rules also providing that the parties to any such arrangement may have the particulars relating to their Live in entered in such manner and subject to such conditions as may be prescribed under the Act.

(2) The Live-in Relationship Register shall at all reasonable times be open for inspection, and shall be admissible as evidence of the statements therein contained and certified extracts there from shall, on application, be given by the Registrar on payment to him of the prescribed fee.

4. Procedure for registration: Any person, willing to enter into a live in arrangement, shall have the status registered with the Registrar of live in relations, with the presence of the cohabiting partner and two attesting witnesses.

5. Particulars of Registration: The Registrar, before registering a live in arrangement should comply the following particulars for registration:

1. The couple should be competent persons as per the Act.
2. Application should be made for registration in the manner prescribed.
3. Certified copies of permanent address proof and age proof of the each partner to be submitted.
4. Additional fees for certified copy of entry, search and inquiry and any other related charges to be paid as per prescribed in the Rules.

5. A notice to be given about such registration for the filing of objections on grounds of incompetency, or breach of any law for the time being in force prior to registration for 30 days.
6. If no objection is received within the period of 30 days, the live-in arrangement can be registered.
7. The Registrar should register the live-in after satisfaction of the particulars by taking the signatures of the parties in the presence of two attesting witnesses.
8. The Registrar should furnish a sealed copy of the registration to the parties.

6. Term of Live-in relationship: (1) A live in relation, once, registered commences from the date of registration and should continue for a minimum of 6 months and maximum upto life time.

(2) No party can dissolve the live in unless the minimum period expires; Provided, a party can apply for the dissolution of the live in under the following grounds:

- (a) Unsoundness of mind of the partner
- (b) Cruelty
- (c) Venereal Disease
- (d) Charges under the Protection of Women from Domestic Violence Act, 2005
- (e) If the partner is leaving India for the purpose of carrying business for personal gain, profession or any such vocation or as a representative of the Government of India for a period more than 180 days.
- (f) any other related matter as above;

7. Dissolution of Live-in: (1) A live- arrangement can be dissolved at the will of *any one* of the partner by making an application to the Registrar in writing, 15 days prior to the dissolution.

(2) A notice of dissolution should be sent to the partner in writing 15 days before dissolution.

(3) After the expiration of such period the couple can terminate their arrangement by affixing their signatures in the dissolution agreement in the presence of the Registrar.

8. Subsequent Live-in Relations: Notwithstanding anything contained in the Article 21 of the Indian Constitution, a person who has had a live-in relation and terminated it, cannot enter a subsequent live-in until the expiry of 1 year from the date of such termination.

9. Maximum number of live-in relations: (1) No person can have more than 4 live in relations in his life time.
(2) Any person who contravenes or attempting to contravene this shall be liable to punishment of imprisonment upto 5 years, fine or both.

Rights of Live-in partners

10. Right of female partner against domestic violence: The female live in partner shall be entitled to protection from domestic violence as per the provisions of Protection of Women from Domestic Violence Act, 2005.

11. Right of child born in live-in relation: (1) Any child born within 290 days of cohabitation of the live-in couple will be deemed to be legitimate.
(2) Such child shall be entitled of inheritance to the self acquired property of the parents but do not have the right in coparcenary property.

Offences and Penalties

12. Live-in by married partner: Any person, being married, shall establish or try to establish a live in relation with any other person during the life of the husband or wife, every such offender, and every person counseling, aiding or abetting such offender, shall be liable to punishment of imprisonment not less than 10 years, fine or both.

13. Publishing or circulating through electronic media or any other means of obscene pictures and exhibitions of live in partner: (a) It shall be unlawful for any person, in a live in relation to intentionally disseminate obscenity on the relation . A person, disseminates obscenity within the meaning of this Article if he or it:

- (1) Sells, delivers or provides or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene; or
 - (2) Presents or directs an obscene play, dance or other performance or participates directly in that portion thereof which makes it obscene; or
 - (3) Publishes, exhibits or otherwise makes available anything obscene; or
 - (4) Exhibits, presents, rents, sells, delivers or provides; or offers or agrees to exhibit, present, rent or to provide: any obscene still or motion picture, film, filmstrip, or projection slide, or sound recording, sound tape, or sound track, or any matter or material of whatever form which is a representation, embodiment, performance, or publication of the obscene.
- (b) For purposes of this Article any material is obscene if:
- (1) The material depicts or describes in a patently offensive way sexual conduct specifically defined by subsection (c) of this section; and
 - (2) The average person applying contemporary community standards relating to the depiction or description of sexual matters would find that the material taken as a whole appeals to the prurient interest in sex; and
 - (3) The material lacks serious literary, artistic, political, or scientific value; and
 - (4) The material as used is not protected or privileged under the Constitution of the India
- (c) As used in this Article, "sexual conduct" means:
- (1) Vaginal, anal, or oral intercourse, whether actual or simulated, normal or perverted; or

(2) Masturbation, excretory functions, or lewd exhibition of uncovered genitals; or

(3) An act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation of or by a nude person or a person clad in undergarments or in revealing or bizarre costume.

(d) Obscenity shall be judged with reference to ordinary adults except that it shall be judged with reference to children or other especially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be especially designed for or directed to such children or audiences.

(e) It shall be unlawful for any person, to knowingly and intentionally create, buy, procure or possess obscene material with the purpose and intent of disseminating it unlawfully.

(f) It shall be unlawful for a person, to advertise or otherwise promote the sale of material represented or held out by said person, as obscene and such person shall be liable to punishment of imprisonment not less than 10 years, fine or both

(i) Nothing in this section shall be deemed to preempt local government regulation of the location or operation of sexually oriented businesses to the extent consistent with the constitutional protection afforded free speech.

Miscellaneous

14. Bar on suits: No suit shall lie in any court of law by any partner regarding matter related to breach of live-in by either partner.

15. Power to make Rules: The Central or State Government shall have the power to make rules on any regard of this Act, from time to time.