

Traffic congestion is one of the common problems faced by nearly all the people in India. The fundamental reason behind this is that the existing roadways are not capable of handling the increasing number of motor vehicles on roads.

Cities like Delhi, Mumbai, Kolkata, Chennai, Patna, Lucknow, etc, have to deal with this common problem of traffic. They have to deal with thousands of cars running through the streets each day. They share the same problem of traffic and the reason behind the problem is also same; increasing number of cars on the road, poor road management, poor practices on behalf of employers, etc.

The population has increased, and therefore more people are adding into the city's population day by day. Cities have limited capacity but over-crowding leads to chaos. A city has a limited capacity to expand due to lack of proper planning and infrastructure. A Street in a city with a lane on each side before might not suffice after few years when the population has increased.

Limited space and lack of proper infrastructure add to the problem. Planning plays a significant role in building any infrastructure. Government fails to see the future and act on it. Hence, cities are forced to work with the routes they already have. This being the vital reason for traffic congestion.

India has the second largest road networks in the world and it accounts for 10% of worldwide road fatalities. From this point of view, Road safety responsibility becomes essential for everyone. Traffic laws become imperatively crucial there are few laws regarding traffic laws are discussed in the paper, which needs to be known to all who travel and drive.

Law relating to Registration of Vehicle

Registration is a proof of ownership, and it is also an important document for the sale of a vehicle and transfer of its ownership. [\[1\]](#) Vehicle Registration is mandatory under the purview of section 39 of The Motor Vehicle Act, 1988 that falls under the Concurrent List of Schedule VII of the Constitution of India. Section 39 prohibits driving of any unregistered motor vehicle and states that no owner of the vehicle should permit driving of an unregistered vehicle in public place, which is not registered under the provision of the MV Act. The exception to this provision is cars with the dealers. Section 192 of The Motor Vehicle Act, 1988, states that whoever drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of Section 39 shall be punishable with a fine, which may extend to five thousand rupees but shall not be less than two thousand rupees for a second time or subsequent offence with imprisonment which may extend to

one year or with fine which may extend to ten thousand rupees but shall not be less than five thousand rupees or with both.

The implementation of various provisions of this Act rests with the State Governments.

How to register your vehicle and what documents one should need for it

To register a new, private, non-commercial vehicle, you need to apply in the prescribed form (either available online or with the concerned local authorities) to the RTO (Regional Transport Officer)/Transport Department of the area of your residence.^[2]

On purchasing a new vehicle, the owner must apply for registration within seven days from the date of delivery of the vehicle with the following documents:^[3]

- Filled in Application Form (Form no. 20). The form is available with all registering authorities in every state across the country

- Sales Certificate in original (Form no. 21). supplied by the dealer/seller at the time of delivery of the vehicle

- Road Worthiness Certificate (Form no. 22). supplied by the manufacturer and handed over by the dealer at the time of delivery of the vehicle

- Attested copy of a valid Insurance Certificate

- Proof of Identity

- Proof of Residence

- Customs Clearance Certificate if the vehicle has been imported.

- Challan Receipt

- Affidavit on Rs. 3/- non-judicial stamp paper

- Chassis Pencil print

Additionally, a one-time road tax and a required registration fee is necessary, the vehicle is physically inspected by the Inspecting Authority and a unique Registration Mark assigned to the vehicle for display thereon.^[4]

In the case of joint ownership, the registration of vehicle can be applied by one of the owners. If a vehicle registered in one state and kept in another state for more than twelve months, then the owner of such vehicle has to approach the registration authority for assignment of new registration mark within whose jurisdiction the vehicle is.

Section 49 of The Motor Vehicle Act, 1988, talks about the change of address and states that the owner of the vehicle is required to approach the authority within 30 days whose jurisdiction he has shifted for recording the change of address.

What are Indian traffic rules, and what should one do in case of an accident or other medical emergency

Indian traffic rules encompass a comprehensive set of regulations and guidelines established to ensure safety and order on the roads across the country. These rules are enforced by law enforcement agencies to mitigate the risk of accidents and protect the lives of road users.

When it comes to driving in India, adherence to traffic rules is paramount. This includes obeying speed limits, following traffic signals, yielding to pedestrians, using indicators while changing lanes, and maintaining a safe distance from other vehicles. It's also mandatory to wear seat belts while driving or riding in a vehicle, and helmets for motorcyclists and pillion riders.

In the unfortunate event of an accident, it's crucial to act swiftly and responsibly. The first step is to stop immediately and assess the situation. Check for injuries to yourself, passengers, and others involved, including pedestrians or cyclists. If anyone is injured, it's imperative to call emergency services (dial 100 in India) for immediate medical assistance. Providing first aid to injured individuals while awaiting help can make a significant difference in their outcomes.

In addition to attending to injuries, it's essential to report the accident to the nearest police station as soon as possible, ideally within 24 hours. Indian law mandates reporting accidents involving injuries or property damage. When

interacting with the authorities, provide accurate information about the incident and cooperate fully with their inquiries.

Furthermore, exchange contact and insurance details with the parties involved in the accident. This includes names, addresses, phone numbers, vehicle registration numbers, driver's license details, and insurance policy information. Documenting the scene of the accident through photographs can also be beneficial for insurance claims and legal proceedings.

Beyond accidents, Indian traffic rules also dictate actions to take in case of other medical emergencies on the road. If you encounter someone in need of medical assistance, promptly call emergency services and provide any necessary aid within your capacity. Remain with the individual until help arrives, ensuring their safety and well-being.

In summary, understanding and adhering to Indian traffic rules are essential for safe and responsible driving. In the event of an accident or medical emergency, swift and appropriate action can mitigate harm and potentially save lives. By following these guidelines, individuals contribute to creating a safer and more orderly road environment for everyone.

Law relating to Driving License

As per the Section 3 of the Central Motor Vehicle Act, 1988 nobody can drive at any public place until he holds an effective driving license issued to him authorising him to drive the vehicle. A motor cab or motor vehicle hired by a person for his personal use or rented under a scheme to drive a transport vehicle is an exception. Section 5 of the Motor Vehicle Act, 1988 talks about the responsibility of the owner to not to allow one's vehicle to be driven by others.

Different types of driving license^[5]

1. Learner's License

The Learner's License is a kind of temporary license. It is valid up to only six months. It is issued on the basis of the place where you reside or where you work or on the basis of the school or the place where one intend to receive driving instructions. Learner's license holder is not eligible to drive a transport vehicle unless he drives a light motor vehicle (LMV) for one year.

Learner's License to drive an LMV: Under this provision, no person under the age of 18 years shall be eligible for a learner's license and to drive a motor vehicle without gear except in writing with the person having the care of the person (guardian). A medical certificate is an essential requirement for the application form in case of the vehicle other than LMV.

2. Permanent Driving License

The Permanent driving license is issued after thirty days (to apply within 180 days) from the date of issue of the learner license. It is presumed that the person who gets the permanent driving license should be familiar with all the vehicle systems, driving, traffic rules & regulations.

3. Duplicate Driving License

Duplicate License is issued in the case of loss, theft, or on mutilation of the original license. The required documents are:

- An LLD application form LLD.[\[6\]](#)
- If license gets lost, you need to submit a copy of FIR for the same.
- Challan clearance report from RTA Office (in case of commercial license renewal)

The duplicate license functions similar and is valid for the same period as the original license. It is always recommended to keep a photocopy of the original license or particulars of license noted down in order to make it easier for the issuing authority to locate the particulars from their record.

4. Motorcycle License or Two-wheeler License

A motorcycle licence or Two-wheeler license is issued by the Regional Transport Authority (RTO) to permit driving of only two-wheeler vehicles like the bike, scooter, moped etc.

5. Light Motor Vehicle License (LMV)

The Light Motor Vehicle License is issued to drive light motor vehicles only. The Light motor vehicle includes the jeep, motor car, auto rickshaws, taxi, three-wheeler delivery vans etc.

6. Heavy Motor Vehicle License (HMTV)

It is issued to drive Heavy Motor Vehicle. Heavy Motor Vehicle includes heavy vehicles like trucks, buses, tourist coaches, cranes, goods carriages, etc. A person with HMTV license can drive light vehicles but a person having Light Motor Vehicle License is not permitted to drive heavy vehicles.

7. International Driving License

The motor licensing authority also issues International Driving License. A person visiting the country is required to collect the license from there within one year period. Documents which are required to produce address proof, birth certificate, valid passport and valid visa. The validity of this license is for one year.

Age limit for obtaining the driving license

Anyone who is above 18 years of age is eligible to obtain a driving license by following the prescribed procedures. But a person who is under the age of 16 years can drive a motor vehicle of engine capacity not exceeding 50cc.^[1] No person under the age of 20 years shall be eligible to drive a transport vehicle.

Documents required for obtaining a driving license:-

An application for a driving license shall be made in form no.4 and shall be accompanied by:^[1]

You need an effective learner's license to drive the vehicle of the type to which application relates.

You have to pay appropriate fee as specified for the test of competence to drive and issue of license.

Nationality Proof and citizenship Proof. (Attested photocopies)

One recent passport size photograph

A driving certificate in Form No. 5 & 14 issued by the school or establishment from where you received instructions.

Category of the vehicle, you are applying for the license.

Suspension of driving license

According to section 19 of The Motor Vehicles Act, 1988 a license can go for suspension if he has caused death or grievous hurt of one or more persons. Conditions where Licensing Authority can revoke a license are:

Habitual Criminal

Drunkard

Addicted to Psychotropic substances and Narcotic Drugs.

Does any fraud or misrepresentation in obtaining the Driving Licence.

Has used or is using a motor vehicle in the commissioning of offenses.

Driving to cause danger to public based on previous conduct.

Any person, who is under the age of 18 years, has been granted the learner's license, but at present, he is not under the care of such guardian.

In case the vehicle is lost or destroyed or become permanently incapable^[10], the registering authority has the power to cancel the registration of the vehicle.

The driver of any motor vehicle is duty bound to produce a license for examination if called by the authorities. Another thing is that if one's vehicle is involved in any accident then, the person is duty bound to stop the vehicle.^[10]

Law relating to Pedestrian

Indian law under the Motor Vehicle Act, 1988 and other related act provide for preventing the vehicles from running on footpaths. There are various Acts that safeguard pedestrian rights indirectly. The Indian Penal Code (1860) sections 279,^[11] 304 (*Punishment for Culpable Homicide not Amounting to Murder*), and 336^[12]/337/338 protects the public, which includes pedestrians, against rash driving and negligence by motorists. The Motor Vehicles Act

(1988), sections 7-38 talks about penalizing the motorists exceeding speed limits and license regulation, etc., indirectly protecting vulnerable road users. Section 138 clause (h & i) empowers the State Government to prevent motor vehicles from using the pavements for driving or parking. The Rules of the Road Regulation (1989) has three rules mentioning pedestrians or their right of way, which are:

The duty of the driver to slow down when approaching a pedestrian crossing (Rule 8)

That no driver can park a motor vehicle near a traffic light or on a pedestrian crossing or a footpath (Rule 15)

Motor vehicles are not allowed to drive on the footpaths or cycle lane except with permission from the police officer on duty (Rule 11)

The Municipal Corporation Acts also protect public roads and streets by terming all obstructions illegal unless made with the prior permission of the collector. They are entitled to ascertain the footpath width based on a width of the public roads. Under the Persons with Disabilities (equal opportunities, protection of rights and full participation) Act (1995), the government must provide for auditory signals, engraving on the zebra crossings, slopes in pavements for easy access to a wheelchair, and warning signs at appropriate places.^[13]

Drunken Driving

Impairment by alcohol is a major factor in causing accidents and it has been found in a study that alcohol was present in between 33% and 69% of fatally injured drivers, and in between 8% and 29% of drivers involved in crashes who were not fatally wounded.^[14] Alcohol consumption by drivers also puts pedestrians and riders of motorized two-wheelers at highest risk. Section 184 of The Motors Vehicles Act, 1988 talks about driving by a drunken person or by a person under the influence of drugs. It shall be punishable for the first offence with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both; and for a second or subsequent offence, if committed within three years of the commission of the previous similar offence, with imprisonment for a term which may extend to two years, or with fine which may extend to three thousand rupees, or with both.^[15]

Section 205 talks about presumption of unfitness to drive and states that in any proceeding for an offence punishable under section 185 if proved that the accused when requested by a police officer at any time so to do, had refused, omitted or failed to consent to the taking of or providing a specimen of his breath for a breath test or a blood sample for a laboratory test, his refusal, omission or failure may, unless reasonable cause, therefore, is shown, be presumed to be a circumstance supporting any evidence given on

behalf of the prosecution, or rebutting any evidence presented on behalf of the defence, with respect to his condition at that time.^[16]

Penalties for traffic offenses^[17]

Key:

- **RRR:** Rules of Road Regulations 1989
- **MVA:** Motor Vehicles Act 1988
- **MMVR:** Maharashtra Motor Vehicles Rules 1989
- **CMVR:** Central Motor Vehicles Rules 1989

There is absolute need for strict traffic laws and its compliances as a number of road accidents are increasing day by day in the country. Rigorous road safety programs alone cannot ensure the road safety. There is a need to understand that we have not jumped on the road to enter a race or overtake others but to travel through it. We should not only ensure our safety but others too by following traffic laws.

Offences Related to Driving Licensing and Documentation

Driving without a Valid License: Fine of Rs. 500/- and/or imprisonment up to 3 months. (Section 3 read with 181 of the Motor Vehicles Act)

Allowing a vehicle to be driven by a person without a Valid License: Fine of Rs. 1000/- and/or imprisonment up to 3 months. (Section 5 read with 180 of the Motor Vehicles Act)

Not carrying required documents: Fine of Rs. 100/-. (Section 130(3) read with 177 of the Motor Vehicles Act)

Driving without Valid Insurance: Fine of Rs. 1000/- and/or imprisonment up to 3 months. (Section 130 read with 177 of the Motor Vehicles Act)

Driving without a Valid Permit: Fine ranging from Rs. 2000/- to Rs. 5000/-. (Section 130 read with 177 of the Motor Vehicles Act)

Driving without Valid Fitness: Fine ranging from Rs. 2000/- to Rs. 5000/-. (Section 130 read with 177 of the Motor Vehicles Act)

Vehicle without Registration Certificate: Fine of Rs. 2000/-. (Section 39 read with 192 of the Motor Vehicles Act)

Offences Related to Driving

Driving by a Minor: Fine of Rs. 500/-. (Section 4 read with 181 of the Motor Vehicles Act)

Allowing an Unauthorized person to drive: Fine of Rs. 1000/-. (Section 5 read with 180 of the Motor Vehicles Act)

Driving without Helmet: Fine of Rs. 100/-. (Section 129 read with 177 of the Motor Vehicles Act)

Offences Related to Towing of Vehicles

Offences related to towing of Two Wheeler: Fine of Rs. 100/-. (RRR 177 of the Motor Vehicles Act)

Offences related to towing of Car, Jeep, Taxi, Auto Rickshaw: Fine of Rs. 200/-. (RRR 177 of the Motor Vehicles Act)

Offences related to towing of Truck, Tanker, Trailer: Fine of Rs. 600/-. (RRR 177 of the Motor Vehicles Act)

Offences Related to Pollution

Smoking in Public Transport: Fine of Rs. 100/-. (Section 86(1)(5) read with 177 of the DMVR)

Pollution Not Under Control: Fine of Rs. 100/-. (Section 99(1)(a) read with 177 of the DMVR)

Fixing multi-toned/shrill horn: Fine of Rs. 500/-. (Section 119 of the CMVR)
(and so on for each offence...)

Offences Related to Motor Vehicles

Using Vehicle in Unsafe Conditions: Subject to court challan. (Section 192 of the Motor Vehicles Act)

When a motor vehicle is out of state for more than 12 months: Fine of Rs. 100/-. (Section 47-177 of the Motor Vehicles Act)

Particulars to be printed on transport vehicles: Fine of Rs. 100/-. (Section 84(G)-177 of the Motor Vehicles Act)

(and so on for each offence...)

Offences Related to Commercial Vehicles

Plying in 'NO ENTRY' Time: Fine up to Rs. 2000/-. (Section 115-194 of the Motor Vehicles Act)

Violation of Time Table: Subject to court challan. (Section 11/177, 2/177, 66/192 of the Motor Vehicles Act)

High and Long/Load in Vehicles: Fine of Rs. 100/-. (RRR/177 of the Motor Vehicles Act)

(and so on for each offence...)

Offences Related to Parking

Parking in the direction of flow of traffic: Fine of Rs. 100/-. (Section 22(a) RRR 177 of the Motor Vehicles Act)

Parking away from the footpath towards the road: Fine of Rs. 100/-. (Section 15(2) RRR 177 of the Motor Vehicles Act)

Parking against the flow of traffic: Fine of Rs. 100/-. (Section 15(2) RRR 177 of the Motor Vehicles Act)

The concept of a live in relationship was a practice avoided by Indian society for a long time. Living together before tying the knot is an offence or crime to the Indian culture previously. Most importantly, the Hindu Dharma prefers 'One man, one wife' as the most sacred form of matrimony. But as people start to evolve mentally, the successive generations are ready to accept a few refusing practices.

Living together For example, cohabitation is a situation in which two people choose to live together for an extended period of time or permanently while maintaining an emotionally and/or sexually involved connection. The phrase is most usually used to refer to unmarried couples.

For instance, let's take the case of decriminalisation of homosexual cohabitation. The recent judgements, like the decriminalising section 377 and

497 of the IPC, shows how the Indian laws have also evolved along with society.

One need not follow strict rules while in a live-in relationship. Statistics reveal that 80% of Indians now support the concept of live in relationship and less than half percent prefer living in this form of life.

What is the meaning of a Live-in Relationship?

The idea of live in relationship evolves from the broadened mindset of the people who started to crave for a relationship with no-strings-attached.

A living relationship couple are the ones who cohabit, with no expectations being the bottom line. However, there is no legal definition to describe the concept in Indian law. It is more of a westernised theory with very less relevance with the Indian tradition.

So the Supreme Court, at various instances, took the liberty to elaborate on the concept through their judgements. It is different from a marriage. (Marriage or wedlock or matrimony, is a socially/ritually knowledgeable union of a couple). Live in relationship partners don't force on obligations.

When asked if a live-in relationship is good or bad, there is no proper explanation on if it is good or bad. It merely depends on the person and one's personality on looking from a different perspective.

People ought to believe that when living together, they can understand each other better and also for many other reasons, which cannot be denied. You Can Register Marriage Online.

What Does Live in Relationship Law Say?

In a typical marriage, the partners are given certain rights and duties to be performed by either of them. There are several personal laws such as Hindu laws, Muslim laws, Christian Laws, etc. that govern and protect the marital bond of a recognized couple. Live In Relationship, being an alien concept to the Indian legislature, does not have any live in relationship law for couples who live together without marriage involved in the relationship.

Since living relationship also support pre-marital sex, there are high chances of a child being born. These children, unlike the successors born out of wedlock, do not have any rights over the inheritance. Besides this, society treats them as illegitimate children, which is unacceptable. However, the Hon'ble Supreme Court cleared them of this ill-fated. And granted them the status of a legitimate child along with the right to property.

Live in relationships were legally considered void-ab-initio. But in a judgement in 1978, such relationships are valid for the first time because of the Supreme Court. If the requisites of a marriage such as mental soundness, the fulfilment of the legal age of marriage, consent, etc. are all satisfied, the couple is considered to be in a legal live-in relationship. The

couple is also regarded as married if they live together for a considerably long period until proven otherwise.

The apex court has given five different types of living together in the excellent judgement of Indra Sarma Vs V.K.V.Sarma in 2013. It also stated that such relationships fall within the ambit of Section 2(f) of the Protection of Women Against Domestic Violence Act, 2005 that provides an insight into the said concept. In living relationship, the facets of the relationship might come to a conclusion, irrespective of any decision made by the couple.

Legal Provisions for the Protection of Women in a Live in Relationship:

Couples wanted to explore various types of living, nowadays. live in relationships has become common since they know that the perception of understanding might vary. Though Indian couples widely accept the concept, the patriarchal mindset has partially not been eradicated from society. Women were taken for granted and mistreated by the male partner on various occasions. But did not have any hope for legal remedies in Indian Live in relationship laws. However, as cases of harassment and violence started increasing, the Supreme Court provided the victims with the relief, produced under the Domestic Violence Act. This act does not specify marriage but as a 'relationship in the nature of marriage'.

The right to maintenance is also a provision exclusively provided for married women in the existing personal laws. Still, as these laws do not govern anything less than a marriage, the women in a live in relationship cannot, at any instance, ask for maintenance from the male partner.

The courts later gave this a remedy by widening the scope of support under section 125. From the Code of Criminal Procedure, criminalising any man who does not provide proper maintenance to the woman is questionable.

Legal Provisions for the Protection of Children Born in a Live in Relationship:

Mental trauma affects children who are born out of such a relationship. There could be custody problems or maintenance problems as the child grows. The courts have declared such children to be legitimate.

Additionally, they have the right to property, not just ancestral but also self-bought property. Since there is no special live in relationship law for the maintenance of children born out of such relationships, the law decides to provide children with protection. Thus, evolved section 125 of the CrPC. The section includes provision for all children who cannot claim remedies in their laws. The Indian law for live in relationship also does not allow the couples living together to adopt a child as per the terms laid down by CARA.

Position Of Live-In Relationships Abroad

Live-in relationships, also known as cohabitation or de facto relationships, refer to unmarried couples living together in a committed, long-term relationship, similar to marriage but without the legal formalities. The

acceptance and legal recognition of live-in relationships vary significantly from country to country, and even within different regions of a country.

Western Countries: In many Western countries, live-in relationships have become increasingly common and widely accepted. The legal rights and protections for cohabitating couples have also improved over time. Some countries, like the Netherlands and Sweden, have even recognized cohabitation as a legal status with similar rights and obligations as marriage.

North America: In the United States and Canada, live-in relationships are prevalent, especially among younger couples. Cohabitation has become a social norm, and many states and provinces have laws that address certain aspects of cohabitation, such as property rights and child custody.

Asia: The acceptance of live-in relationships varies widely across Asian countries. In more liberal and urbanized areas, cohabitation may be common and tolerated, while in more conservative or rural regions, it might be frowned upon or even illegal. For example, India has seen an increase in live-in relationships among the younger generation, but the legal status is still somewhat ambiguous.

Middle East: Cohabitation is generally not widely accepted in many Middle Eastern countries due to cultural and religious reasons. In most cases, it is not recognized legally, and unmarried couples may face societal pressure or legal consequences.

Africa: Acceptance of live-in relationships in Africa varies from country to country and largely depends on cultural and religious influences. In some regions, it is more common and tolerated, while in others, it may be frowned upon.

Oceania: Countries like Australia and New Zealand have relatively progressive attitudes towards live-in relationships, and they provide certain legal protections for de facto couples in areas such as property, inheritance, and welfare.

Position Of Live-In Relationships In India

In India, cohabitation was considered taboo since British rule. However, attitudes have changed, particularly in big cities, where live-in relationships are now more accepted. Nonetheless, in rural areas with conservative values, cohabitation is still often frowned upon.

Under the Protections of Women and Domestic Violence Act, 2005, female live-in partners have certain economic rights. The Maharashtra Government approved a proposal in October 2008, suggesting that a woman involved in a live-in relationship for a 'reasonable period' should be granted the status of a wife. The determination of what constitutes a 'reasonable period' is based on the specific facts and circumstances of each case.

The National Commission for Women recommended to the Ministry of Women and Child Development on 30th June 2008 that the definition of 'wife' as described in section 125 of Cr.P.C. (Criminal Procedure Code) should be amended to include women involved in a live-in relationship. The purpose of this recommendation was to bring the protection of women from domestic violence in line with that of legally married couples. The Justice Malimath Committee, set up by the Supreme Court, supported this view and stated that if a man and a woman live together as husband and wife for a reasonable long period, the man should be deemed to have married the woman.

The Malimath Committee also suggested amending the word 'wife' under Cr.P.C. to include a 'woman living with the man like his wife,' making a woman in a live-in relationship entitled to alimony. On 16th September 2009, the Supreme Court, in a case, observed that a woman doesn't need to strictly establish a formal marriage to claim maintenance under section 125 of Cr.P.C. This means a woman in a live-in relationship can also claim maintenance under this section.

In another case, the Allahabad High Court ruled that a woman of about 21 years of age, being a major, has the right to live with a man even without getting married if both parties so wish. The Supreme Court further observed that if a man and a woman are involved in a live-in relationship for a long period, they will be treated as a married couple, and any child born to them would be considered legitimate.

Pros And Cons Of Live-In Relationships

The Supreme Court's controversial statement regarding live-in relationships and pre-marital sex has sparked intense debate across the country. This historic observation has upset many conservative groups who fear that it may undermine the sanctity of marriage. A fragment of society, including notable social activists and prominent figures, has expressed their views on this matter.

Maa Ghara Foundation Trustee, Rutuparna Mohanty, expressed concerns over the potential adverse effects of the ruling. She hopes that the government will take appropriate steps to safeguard the rights and dignity of Indian women and protect society from potential chaos. Mohanty believes that such a ruling could lead to increased instances of child pregnancies and spread HIV/AIDS despite its aim to restrict multiple partners. She also worries that children born out of live-in relationships may not receive proper upbringing.

Some social scientists have identified serious social issues such as adolescent girls' early pregnancies, drug abuse, violence, and juvenile delinquency. They argue that the controversial ruling could legalize objectionable social behavior, leading to a more spoiled new generation that prefers live-in relationships over arranged marriages.

BJP spokesperson Shaina raises concerns about the amendment's implications on the Hindu Marriage Act, which does not provide for a second wife among Hindus. She believes that granting the status of a legally married wife to a mistress, including property, inheritance, and maintenance rights, goes against both the Act and Hindu customs.

Those in favor of the freedom to choose live-in relationships see the recent observations as a positive step emphasizing individual freedom. They believe that such relationships allow partners to understand each other better without legal complexities, making it easier to walk out of the relationship if needed. They argue that people should be free to live as they wish as long as their actions do not harm others.

Women from various walks of life welcome the progressive moves regarding live-in relationships, viewing them as a reflection of societal changes and pragmatism. Some feel that the younger generation is becoming more realistic and should have the freedom to make informed choices about their relationships.

It is important to note that live-in relationships have been a subject of debate for a long time, with discussions revolving around whether such relationships can be legally recognized. While it is legal for unmarried individuals to live together in many places, the law traditionally favors marriage and reserves certain rights and privileges for married individuals.

Despite legal recognition, the law does not actively promote live-in relationships, as it traditionally supports the institution of marriage. However, in some cases, the law seeks to protect women from patriarchal power dynamics that can exist even in live-in relationships.

Legitimacy Of The Child Born Out Of A Live-In Relationship

In a previous case involving the legitimacy of a child born out of wedlock, the Supreme Court made a significant ruling stating that if a man and a woman are in a long-term live-in relationship, they will be treated as a married couple, and any child born from this relationship will be considered legitimate. Moreover, the recent amendments to the Domestic Violence Act, 2005, provide protection to women engaged in such relationships for a 'reasonable long period' and grant them the status of wives. A Supreme Court Bench, led by Justice Arijit Pasayat, emphasized that children born from such relationships will no longer be labeled as illegitimate. The law now favors legitimacy and rejects the terms 'whoreson' or 'fruit of adultery.'

Inheritance Rights

The Supreme Court ruled that a child born out of a live-in relationship is not entitled to claim inheritance in the Hindu ancestral coparcenary property (in the case of an undivided joint Hindu family) but can only claim a share in the parents' self-acquired property. This decision overturned a Madras High Court judgment that presumed marriage due to the long relationship and

allowed children born from live-in relationships to have a share in ancestral property.

The Bench, comprising Justices B.S. Chauhan and Swatanter Kumar, reiterated a previous ruling that considers illegitimate children, for practical purposes including succession to their parents' properties, to be treated as legitimate under the legal fiction contained in Section 16 of the Hindu Marriage Act, 1955 (which deals with legitimacy of children of void and voidable marriages). However, the scope of this rule is limited to the properties of the parents, and they cannot inherit properties from any other relatives based on this provision.

A child born out of a live-in relationship may only make a claim on the person's self-acquired property. Some argue that this interpretation may also allow the child to claim a share in the parents' ancestral property, as Section 16 permits a share in the parents' property. Thus, it can be debated that the person is entitled not only to self-acquired property but also a share in the ancestral property.

The Apex Court clarified that while a legal marriage exists, a spouse cannot claim a live-in relationship with another person and seek inheritance for the children from the property of that other person. Such a relationship with another person while the spouse is living is considered 'adultery,' not a 'live-in relationship.' It is important to note that 'live-in relationships' are permissible in unmarried heterosexual couples. However, if one of the said persons is married, the man may be guilty of adultery, and it would be considered an offense under Section 497 of the Indian Penal Code.

Conclusion

Despite live-in relationships becoming legal, they remain non-binding for the partners. Depending on the expectations of the couple, it could be an advantage or disadvantage. It is a big step forward for society to accept a practice such as live-in.

These relationships are not governed by personal laws. However, the Indian Law/Supreme Court is trying to bring in change on live in relationship law. Moreover, the legal position of this foreign concept is being expanded. India has a wide definition of live-in relationships.

Know All About the Divorce Laws in India

Introduction

Divorce is one of the most devastating occurrences that can happen to any marriage since it is a major life disruptor that may lead to a lot of stress—financial, emotional, and even spiritual.

Because divorce is a private matter, it is related to religion in India, and there are several Divorce laws in India.

For Jains, Sikhs, Hindus, and Buddhists in India, the Hindu Marriage Act of 1955 governs the divorce laws in India and the related procedures.

The Indian Divorce Act of 1869 oversees divorce laws for Christians, the Parsi Marriage and Divorce Act of 1936 governs divorce laws in India for Parsis, and the Dissolution of Muslim Marriage Act of 1939 governs divorce laws for Muslims.

All inter-community weddings are regulated by the [Special Marriages Act of 1954](#).

Grounds for Divorce as per the Hindu Marriage Act of 1955

The following explanations of divorce law in India are provided by the [Hindu Marriage Act of 1955](#).

Adultery— Adultery is described as the act of participating in any kind of sexual activity, including extramarital relations. Adultery is a serious criminal offense that needs strong evidence to be proven. A 1976 amendment to the legislation stated that a single instance of adultery was sufficient grounds for activating the divorce laws in India.

Cruelty— A spouse, has the right to file for divorce as per the divorce laws in India if they have been subjected to any mental or physical harm that threatens their life, limb, or health.

Desertion— The abandoned spouse has the right to file for divorce on the grounds of desertion if the other spouse voluntarily deserts them for at least two years.

Conversion – The other spouse may file for divorce if the other spouse converts to a different religion as per the divorce laws in India.

Mental Illness – A mental illness may lead to divorce if the petitioner's spouse has an incurable mental disease or is insane and cannot be expected to remain married.

Leprosy – The other spouse may file a petition because they have a “virulent and incurable kind of leprosy,” according to the divorce laws in India.

Venereal Condition – The other spouse may file for divorce if one spouse has a serious illness that is easily communicable. Venereal infections include sexually transmitted conditions like AIDS.

Renunciation – If one spouse joins a religious organization and renounces all worldly activity, the other spouse is entitled to a divorce or separation according to divorce laws in India.

Not Heard Alive – If a person is not seen or heard for seven years by those who would typically hear of them, it is assumed that they have passed away. The other spouse should file for divorce if they want to get remarried or immediately consult a [divorce lawyer](#).

No Resumption of Cohabitation – If the couple doesn't start living together again after the court has issued a separation order, it constitutes grounds for divorce laws in India.

These are the other grounds for divorce in India, and only a woman may file for them.

If there is a history of rape, bestiality, or sodomy with the husband.

The first wife may file for divorce if the union is solemnized before the passage of the Hindu Marriage Act and the husband remarries while she is still alive.

If a female marries before the age of fifteen and separates from her spouse before the age of eighteen, she is entitled to a divorce as per the divorce laws in India.

The woman may apply for a divorce with [legal consultation](#) after a year of no cohabitation and the husband's failure to make the court-ordered support payments.

Grounds For Divorce under Dissolution of Muslim Marriage Act 1939

The Dissolution of Muslim Marriage Act, 1939, specifies the following grounds for divorce for Muslims in India.

The husband's whereabouts had been unknown for the past four years.

The husband has neglected to care for his wife for at least two years.

The spouse spent at least seven years behind bars.

The partner is unable to carry out his marital obligations.

If a girl gets married before becoming fifteen and decides to get divorced before turning eighteen as per the divorce laws in India.

The husband exhibits bad behavior.

The following grounds for divorce are listed in the Indian Divorce Act of 1869:

Infidelity.

Conversion to a new religion.

At least two years before the divorce, one of the couples had leprosy, a communicable venereal disease or mental disorder.

Has not been seen or heard from in at least seven years can lead to separation as per divorce laws in India.

Disobedience to the restoration of matrimonial rights for at least two years.

Inflicting cruelty and producing mental pain of which can be hazardous to one's health and life.

A divorce can be requested based on rape, sodomy, or bestiality by the wife.

Parsi Marriage and Divorce Act of 1936: Grounds for Divorce (Amendment 1988)

A seven-year absence without interruption.

Pregnancy by a man other than the husband provided the husband was unaware of the occurrence at the time of marriage and did not engage in sexual activity after learning of the condition as deciphered by divorce laws in India.

Failing to consummate a marriage within a year.

Insanity is if the other spouse was unaware of the fact at the time of the marriage and the divorce was filed within three years of the marriage. Within two years of the end of the marriage, the divorce must be filed with consultation from a divorce lawyer.

Any grave sexual offense, including adultery, bigamy, fornication, rape, and others;

Cruel behavior;

Giving the wife a venereal disease or forcing her into prostitution is prohibited as per divorce laws in India.

Seven years or more behind bars.

Two years or more of desertion ;

Unable to live together again after receiving a maintenance order.

