

A STUDY ON ISSUES RELATING TO HOMOSEXUAL PARTNERS IN LIVE-IN RELATIONSHIP: THE UNCOVERED AREA AND THE LAW

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ABSTRACT

All individuals have the fundamental rights to choose their own partner and live together irrespective of one's sexuality and gender identity. Moving into a Live-in Relationship is a person's choice. This may be a heterosexual partner or a homosexual partner. The Landmark judgment on 17th of October 2023 in *Supriyo Chakrabarty v. Union of India*, the Supreme Court denied marriage rights or civil union among the Homosexual partners but recognized the rights to have relationship of their own choice, which was previously decriminalized in the year 2018 in the case of *Navtej Singh Johar v. Union of India*. This paper is a study on homosexual partners living together in an arrangement of Live-in relationship. The main objective of the study is to find out the issues relating to live-in relationship among the among homosexual partners after decriminalization of section 377 of IPC. The paper will discuss the detail study of homosexual partners' issues in live-in relationship and the escape clause focusing on the laws and guidelines of different countries where homosexuality is recognized and legalized, relating to Live-in relationships among homosexual partners. The judiciary and the legislature need to play an important role in matter related to the homosexual partners domestic issues in live-in relationship. It should be highlighted that simply embracing homosexuality, recognising their relationship, and allowing them to live together does not solve the problem. There are also some key concerns to address.

Keywords: Gay, Homosexual, Live-in Relationships, LGB, Same-Sex.

1. Introduction

Post recognition of LGBTQIA+ persons came up with many factors which are still untouched. The only recognition of these community in the society by decriminalizing the Section 377 of the Indian Penal Code (IPC) (now *Bhartiya Nyaya Sanhita, BNS*) isn't the victory, there are beyond more questions and factors to look for. Nonetheless, the Supreme Court in *Supriyo Chakrabarty v. Union of India* (W.P.(C) No. 1011/2022), denied the Same-Sex marriage rights, the query regarding the Same-Sex live-in couple remains unmarked. When the partners are in live-in relationship regardless their sexual orientations or gender identity, issues relating to such relationship shall be taken into consideration. Such issues may be relating to violence among the partners, adoption, inheritance, custody of a child during separation or issues that often occurs in heterosexual live-in partners. The concept of domestic violence is not confined to heterosexual persons neither it requires the marital status of the couples. Violence can happen to any person in any relationship whether married or

unmarried. The Same-Sex domestic violence is in less observation. The reason behind the same is lack of awareness in the society about sexual orientation and gender identity and proper laws and guidelines relating to the same. The law is self-prejudice that the domestic violence may only be subject to women/ female and are abused by their husband/male partners only in a relationship called marriage (Serra, 2013). The word domestic violence needs a beyond interpretation than the preconceived notion of female survivor in a heterosexual relationship. The reason behind the invisibility of domestic violence among same sex are the international laws and the National laws which have excluded the very fact which in a true sense exist and equally exist in a homosexual relationship same as it exist in heterosexual's relation.

1.1 Concept Live-in Relationship

Live-in relationship is not a new concept. Live-in relationship means where a partner lives together or is living together without marriage for a longer duration, indulging into emotional and sexual intimacy relationship (Goswani et.al, 2021). The existence of live-in relationship is from the medieval periods. These connections persisted in prehistoric communities as well. The first unmarried pair in history is Adam and Eve. Because there was no such thing as an institution of marriage in those days, Adam and Eve were unaware of the status of their relationship. They coexisted because of interdependence and the survival of the fittest idea. Their relationship was not defined by any marriage ceremonies or symbols.

Though, Marriage is the mainstream of a family and mean to be the social institution and permanent infrastructure. Along with marriage, the rest of the legal rights flows like, adoption, maintenance, inheritance, succession and so on. In live-in relations, two persons enjoy the some of the rights as marriage. Decades before, the relationship was not considered to be moral and ethical specifically in Indian society. People accept the concept as west culture and immoral. But the very concept is to know the person closely before indulging into marriage. In common word 'the compatibility of the partners has to be tested'. Every individual in a society has the right to choose their own partner and so as living together in an arrangement of live-in relations, is absolutely one's personal choice.

2. Research Methodology

The study is doctrinal in nature. The information gathered is based on the primary and secondary source of data collection. The primary data are gathered through the legal documents and judgements of the Supreme Courts. The legal materials were gathered through research in libraries and online sources. The secondary data are collected from book, articles, and newspapers.

3. Live-In Relationship in Indian Society

As discussed, Indian society had never accepted the concept of live-in relations considering it to be west culture or beyond Indian tradition and culture. The society in India believe in the existence of pure form of relationship i.e., the recognition of relationship by birth, marriage, and adoption. In India before the validity of the live-in relationship, this arrangement was a taboo. Even in some corners of the country, it is still considered as not legal or an arrangement which is beyond cultural ethics i.e., the act not recognized by the society at large. There are no provisions in India expressly mentioned the concept or definition of live-in relationship, nevertheless, it is legal in the eye of Indian laws. There is no such social rule or culture or customs in India to deal with the concern matter as well. The apex court through its judgement in *Payal sharma v. Nari Niketan*, (2001 (3) AWC 1778) recognized the idea of live-in relationship in India and further in various judgments issued guideline from time to time and detailed the concept of live-in relationship for further references. A major part of concern is the arrangement of live-in relationship is yet to be normalized in

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heteronormative society, so the question of homosexual's live-in partners is beyond the imaginary border line. The Indian society have an uncanny reaction to such arrangement as they carry with the mindset that it's not a cultural norm. Likewise, legality of homosexuality also creates an unreal view in the eyes of many. Hence, live-in together is far away from the deliberation. But the judgment in *Supriyo Chokrabarthy v. Union of India*, (See Supra note 1) detailed a miniature on homosexual relationship and their legality in the society as a partner who can live together or can have a relationship unaccompanied by marriage. Nutshell, live-in relationship is not illegal for any individuals notwithstanding a persons' sexual orientation or gender identity.

3.1.The Heteronormative Society and Live-In Relationship

When we say 'heteronormative society' that means the consideration of heterosexuals i.e., the sexual attraction people towards opposite sex, as normal in the society which is accepted at ease. The society at large accept the heterosexual partners and assume as this is how the society exists or functions from the beginning. For this heteronormative society, accepting the arrangement called live-in relationship was difficult. It was never accepted by the Indian society at first place. Some corner of the nation, receive it positively, but some remained one and the same. The issues that raised in the live-in relationship are - societal acceptance, cultural ethics, homosexual partners, property rights in religion difference and LGBT community and Gender biased (Dr. Sepaha,2021). But the issues relating to the applicability of the laws is detailed and discussed by the Supreme Court in its time and again judgements.

3.2.Homosexuality and the Society

In India, homosexuality is a topic of discussion. Homosexuality and Indian society are still standing in two different poles. The major difficulties of homosexuals in the Indian society are the absolute acceptance at the first place. At present days, homosexuality has no absolute acceptance considering it not normal or different or beyond cultural ethics. It has been believed that the concept of homosexuality in the Indian society is based on culture and has been derived from western world. But the very fact is, in India existence of homosexuality is from the ancient era (Dr. Singh, 2023). The book called 'Tritiya Prakriti' describes the existence of this 'third sex' from the Vedic period and it is not a new concept that evolved with time. The acronyms 'LGB' stands for Lesbian, Gay, and Bisexual, where Lesbian is called '*Svairini*', Gay is called '*Kliba*', and Bisexual is '*Kami*' (Das Wilhelm, 2003). These three '*svairini, kliba, and kami*' have had been existing from Vedic period where they were allowed to live on their own conduct and system and were accepted by the then society in an absolute manner. Many Vedic literature like Kamasutra and Vats Ayana discuss on the concept of homosexuality and homosexual behaviour. During the medieval period homosexuality was rare in practice but there are cases of their existence. The research says, many Muslim empires used to have relationships with men though it was then and is against Islam (See Singh, supra note 7). Also, in Hindu literature/text it is mentioned that homosexuality is not beyond the cultural norms neither it is a disability.

The 'order of nature' was criminalised by the British. The Indian Penal Code, 1860, section 377 referred to it. After the verdict in the case of *Navtej Singh Johar vs. Union of India* (2018 INSC 790) section 377 was decriminalised (*Ibid*). In 2023, same-sex marriage recognition is denied by the Supreme Court in the case of *Supriyo Chakrabarthy v. Union of India* (W.P. (C) No.1011/2022). Homosexuality in India is still a controversial topic to discuss, and the battle remains on.

3.3.Homosexual Partners in Live-In Relationship

Every Indian citizen is guaranteed certain fundamental rights by the Indian Constitution, which cannot be violated. Every person is entitled to these fundamental rights, regardless of their caste,

colour, gender, or religion, among other factors. No one should be subjected to discrimination on any grounds. Each Indian citizen is equal before the law and has a right to equal protection under it. Right to personal liberty, including the freedom of expression of one's sexuality. Right to be free from exploitation. Therefore, in *Navtej Singh Johar v. Union of India* (See supra note 10), the Supreme court in its judgment said, regardless of an individual's sexual orientation and gender identity, LGBTQ individuals are similarly entitled to all these above rights guaranteed by the Constitution of India (See Singh Supra n 9 &7).

Nevertheless, apart from all these rights guaranteed by Indian Constitution, when the marriage and civil union among same-sex partners became the concern of these community, a petition was filed by one Supriyo Chakrabarty in the Supreme Court. Unfortunately, recognition of same-sex marriage is denied on 17th of October 2023 in case of *Supriyo Chakrabarty v. Union of India* (W.P. (C) No.1011/2022). Furthermore, the Apex Court allows that the homosexuals can have relationship and the homosexual partners can live together of their own choice. Though there is a recognition of homosexual relation, the visibility of only option available for them is living together in arrangement of live-in relationship. Now, the question of issues/ consequences that will put up are – (i) Who is going to take care of the domestic offence among the homosexual partners that might occur in live-in relationship? (ii) What and where are the laws that will protect them? And (iii) Are the homosexual partners secured by the law of the nation in relations to domestic offences? All these questions shall be taken into note when we are discussing on the homosexual partners' union when live-in together without marriage in a society. Only agreeing to their relationship doesn't brush up the discrimination against them. The proper implementation of laws will bring a non-discrimination environment and security.

Henceforth, post judgment numerous cases will arise in matters relating to violence among same-sex partners. The research shows that there are cases of violence among the same-sex partners living together in an arrangement of live-in relationship. Very few have been reported and actions against it has taken place.

4. LEGISLATIVE AND JUDICIAL INTERPRETATION

4.1. Heterosexual Partners Rights in Live-in Relationship

For the concept of Live-in relationship, there is no provisions mentioned under any laws that defines or recognizes the concept. In absence of any law on the concept of Live-in relationship which defines the status, the Judiciary has played an important role providing guidelines for Live-in relationship with its time and again judgments (Pandey, 2021). The validity of Live-in relationship is acknowledged by the Judiciary through its judgment in the case of *Badri Prasad v. Dy Director of Consolidation* (AIR 1978) SC 1557, which is first case post-independence. The Apex court recognized the concept of live-in relationship as the partners in this case were living together without marriage for fifty years and gave a legal validity to their relationship. Also, the Apex court observed this concept in another matter *Patel and Others* ((2006)8 SC 726), that the idea of live-in relationship is basically relationship between two persons which cannot be an offence under the law even though the concept is immoral and shameful for the society. Also, in *S. Khushboo v. Kanniammal* ((2010) 5 SCC 600), the Supreme Court held that live-in relationship is considered as a Constitutional right i.e., right to life guaranteed under Article 21 and where couples living together with their own consent cannot be considered as a crime or cannot be an offence under the law. Such act is not illegal. Further, in *D. Velusamy v. D. Patchaiammal* ((2010) 10 SC 469), the Supreme Court for the validity of live-in relationship lay down certain conditions that is the couple shall have the legitimate age to get married, that being unmarried the partner shall be qualified enough to go into a lawful marriage

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and voluntary cohabitation and living together for notable time period, placing the point with clarity that neither a man and a woman can claim or guarantee the benefits of lawful marriage when the partners are living together only for sexual reasons. Hence, the partners need to meet the conditions laid by the Apex Court for permitting Palimony (Kansal & Bhargava,2023). Additionally, the Malimath Committee and the Law Commission of India recommended that of a woman is living with a man for a notable period, the woman shall be given the status of 'wife' and the rights afterwards as like lawful marriage.

In 2013, the landmark case *Indra Sharma v. V.K.V Sharma* (AIR 2014 SC 309), the Supreme Court considering and validating the theory of live-in relationship and giving a footing of a wife to the women in such relationship, raised the point of Domestic violence that might occur among the partners in such relationship. Looking on to this, the apex court requested the parliament to acquire the required changes to the Protection of women from Domestic Violence Act, 2005 for the security of women in the relationship. Another case that dealt with the maintenance of children and women under Section 125 of Cr.P.C. The aggrieved women in live-in relationship can claim before the court of laws if any issue separation or issues of maintenance is raised, under section 125 of Cr.P.C. Nutshell, Section 125 of Cr.P.C. is available to all women falling under lawful marriage or out of lawful marriage but a legally recognised relationship. The queries of legitimacy of offspring resulting from a Live-in relationship/cohabiting couple obtained a clearance in the case of *S.P.S Balasubramanyam v. Suruttayan* ((1994)1 SCC 460). This is the first case in which the Supreme Court upheld the legitimacy of the child resulting from live-in relationship as ruling to the first judgment on such relationship by the apex court in 1978 post-independence, the partners living for a notable period of the time in the society are to be considered as married couples. Henceforth, child born out of such relationship where the partners have lived for longer notifiable period, are the legitimate child. Further in the case of *Revanasiddappa v. Mallikarjun* ((2011) 11 SCC 1), the Supreme court held that children from such relationship were supposed to be regarded as independent of their parents. They will all be granted the same rights and benefits as the offspring of lawful marriages.

In an undivided joint Hindu family, the offspring of a live-in relationship or cohabiting couple are only eligible to inherit the self-acquired/self-owned property of their parents, not the ancestral coparcenary property. According to section 16 of the Hindu Marriage Act of 1955, an illegitimate child would be regarded as legitimate for all intents and purposes, including the right to inherit their parents' property. The Hon'ble Supreme Court has further declared that a spouse cannot claim or inherit property on behalf of their children while the marriage is still in effect. In the case of *Revanasiddappa v. Mallikarjun* (2023 SCC Online SC1087), the Supreme Court designated as children resulted from such relationship as 'legal heirs' and awarded them an inheritance. It was decided in *Vidhyadhari v. Sukhranabai* ((2008) 2 SCC 238), that a kid born during a fair length of time in a live-in relationship could not be refused inheritance.

From above discussion, it shows that for Live-in relationship in India almost have all the rights that flows in marriage. Though there are no appropriate laws relating to live-in relationship, the Judiciary has played an important role in protecting the rights of partners especially female and children. The partners and the offspring resulting from such relationship are protected under the existing laws i.e., the Protection of Women against Domestic Violence Act, Maintenance under Section 125 of Cr.P.C, and Inheritance under the Personal Laws.

4.2.Homosexual Partners' Rights in Live-in Relationship

Homosexuality in Indian Society still doesn't have acceptance in absolute sense. The judgement of the Supreme court in the case of *Navtej Singh Johar v. Union of India* (AIR 2018 SC (CRI) 1169), decided

that it was unconstitutional to apply Section 377 of the Indian Penal Code (now *Bhartiya Nyaya Sanhita*, BNS) to consenting adult homosexual sex and decriminalised homosexuality. Nevertheless, in *Supriyo Chakrabarty v. Union of India* (W.P.(C) No. 1011/2022), the Supreme Court denied the recognition of same-sex marriage allowing homosexual partners to have relations of their own choice. Regardless of all, the salient part to be noted i.e., while in live-in relationship, can the homosexual partners get the protections under the existing law like the heterosexual partners? The reason behind the concern is that the judiciary has approved their relationship (excluding same-sex marriage), which leads to rise in cases relating to Live-in relationship among the homosexual partners and consequences afterwards. The judiciary by approving their relationship fails to touch the issues connected to homosexual partners in live-in relationship. About such issues, the judiciary of different States have taken part in approving with a fine reasoning. Unlikely, few states have denied the fact.

There are many judgments of High Courts of different States confirming that partners of same sex are free to live together as living together in an arrangement of live-in relationship is neither illegal nor an offence under the law. The Kerala High Court in 2018 came up with a case *Sreeja S v. Commissioner of Police* (2018 SCC Online Ker 3578), where the lesbian couple Sreeja and Aruna living together in same-sex relationship. The parents of Aruna filed a missing complaint to the police and later sent her to mental hospital for her treatment. Aruna during the proceedings of the court mentioned before the court that she has been living with her partner Sreeja on her own will and consent. The Court held that living together in an arrangement of live-in relationship doesn't violate the law neither is illegal for any person irrespective of their sexual orientation and gender identity. Further, the Court grant the couple to live together freely on their own conduct. In August 2020, in *Chimanyee Jena v. State of Odisha* (W.P. (C) 57/2020), the High Court of Odisha upheld the cohabitation among two persons irrespective of their gender. Also, the Court held that the women in same-sex relationship living together or in live-in relationship are protected under the Protection of Women against the Domestic Violence Act, 2005. In 2022, another Kerala case *Adhila Nasarin v. Commissioner police* (W.P. (CRL) No.476 of 2022), here two female Muslim individual who were in live-in relationship named Fathima Noora and Adhila Nasarin. The lesbian partners had been separated by their families and Adhila Nasarin one of the partners had been charged with kidnapping her partner Noora. The Petitioner also received treat calls from her partners family. The Court upheld the matter in favour of the couple stating two adult women shall not be banned neither can be forcibly separated. The women have all the rights to stay freely in the society without any discrimination as they are not violating the law in any means.

The above discussion shows that live-in relationship is not an illegal neither barred by law. Any persons irrespective of their sexuality and gender identity may move into such relationship on own will. Nevertheless, the Judiciary also failed to touch the foremost part of the homosexual victims in live-in relationship. This is clear that living together is not an illegal though there is no particular provision defining such relationship. The concerning area is that which law is going to protect the victims in homosexual live-in relationship. In coming years, there will be cases full of homosexual victims in live-in relationship and the judiciary cannot set aside such matters. Cases such as gay demanding from his gay partner for maintenance or cases like domestic violence among the gay partners or cases of adoptions, surrogacy, and inheritance. Similarly, same cases will rise in case of lesbian partners. The question is whether a victim of homosexual live-in partner can approach the court? If so, what are the laws available to them? Unlike heterosexual live-in partners, homosexual rights and homosexual partners' rights are not protected by the existing laws neither there are any changes, nor any new law has been enforced.

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Table 1: - Issues relating to Homosexual partners in Live-in Relationships

ISSUES	INSTANCES
Domestic Violence	<ol style="list-style-type: none"> 1. In case of violence among the gay couples, the gay victim of domestic violence doesn't have any particular provision for his protection against domestic violence in a live- relationship to approach the court of law (neither the male victim in heterosexual relationship). 2. In case of violence among the Lesbian couples, the specific law i.e., the Protection of women against Domestic Violence act, 2005, is the provision under the existing law available for the protection of lesbians who are the victims of domestic abuse in Live-in relationship?
Maintenance	In Live-in relationship among gay couple, if one partner denies maintaining the other, can he claim for maintenance under Section 125 of Cr.P.C. Likewise, in Lesbian live-in partners, whether maintenance under the same law is available and when the partners are Hindus, then whether they are protected under Hindu Personal Law.
Adoption	In case of adopting a child in live-in relationship, one among the two can only legally adopt under the provision of CARA and the Hindu Adoption and Maintenance Act and is recognized as adoptive father or mother. There is no provision for joint adoption. Whereas there will be no parenting rights for the other partner, neither is recognized as adoptive father or mother cannot be legally eligible for parenting. Though, there are other provisions that can deal with such situations, however there is a need of specific provisions or law concerning these matters.
Inheritance	Like adoption, there is no specific law of inheritance for homosexual live-in partners. For example, if one of the partners dies in such relationship, the other partner in the relationship cannot succeed or inherit those properties of the deceased partner unless the deceased had made a Will or Gift in his/her partner's name.

HETEROSEXUAL V. HOMOSEXUAL

Table 2: - Applicability of various laws

SEXUALITY	RIGHTS AVAILABLE
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5. COMPARATIVE ANALYSIS

	Domestic Violence Act	Maintenance	Inheritance	Adoption
Heterosexual partners	YES	YES. Under Section 125 of Cr.P.C	YES	YES Under Hindu Adoption and Maintenance Act and Central Adoption Resource Act
Homosexual partners	NO	NO	NO	NO

5.1.Canada

In Canada, same-sex relationship and marriage have recognition since 2005 and become the fourth country to take the steps. For the recognition and legalisation of same-sex marriage the Parliament of Canada enacted a new law i.e., the Civil Partnership Act. Besides recognition and legalisation of same-sex marriage, in 1999 the Supreme Court of Canada stated that the same-sex cohabiting couples shall have recognition as ‘common law relationship’ and shall have all legal and financial rights and benefits same as common law spouses in opposite-sex/heterosexual relationship (Hogg, 2004).

Cohabitants have access to a wide range of benefits and entitlements due to the expansion of several statutes by the federal government of Canada and the governments of the individual provinces. Instances like: - (i) the Employment Pension Plans Act of Alberta defines ‘spouses’ as unmarried individuals who have lived together for at least three years and who consistently present themselves as consorts in their community. This also included the same-sex cohabitants, (ii) Newfoundland's enlarged forms of the term ‘spouse’ found in the Family Law Act and Matrimonial Property Act apply to persons who have entered into void marriages in good faith, but not to persons who have lived together, and (iii) lastly and more widely, the Federal Government has stipulated that unmarried individuals are included in the definition of spouses for the purposes of the Canada Pension Plan (Common-Law Marriage in Canada’s Common-Law Provinces, 1996).

5.2.United States (U.S)

The U.S recognises the validity of same-sex marriage after the Supreme Court judgement in *Obergefell v. Hodge* (576 U.S. 644). The apex court granted all legal rights and benefits to same-sex married couples same as entitled to opposite-sex married couples. Like, the Canadian laws for same-sex cohabiting partners, the U.S too recognises the relationship as ‘common law marriage’ irrespective of sexual orientation. When two people live together for a set period, identify as a married couple, and ‘intend to get married’, the relationship is known as a common-law marriage. Not all states recognise common-law marriages, even though same-sex couples have the same legal right to one as heterosexual couple. Furthermore, each state has its own common-law marriage statutes. In Colorado, Hawaii, Illinois, and New Jersey, same-sex couples are permitted to form civil unions in addition to being married. Nearly all the rights and obligations of marriage are available in domestic partnerships in California, Oregon, Nevada, and the District of Columbia (NCLR, 2020) Certain states offer a distinct legal status known as a civil union or comprehensive domestic

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partnership, which confers all or almost all the state law's unique rights and obligations upon married individuals. A great step forward in the battle for same-sex couples' equality is the establishment of civil unions and comprehensive domestic partnerships. Nonetheless, there are a few key distinctions between marriage and complete domestic partnerships and civil unions i.e., (Ibid)

- (i) Most of the rights, advantages, and obligations of marriage that are granted by the federal government are not available to participants to a civil union or domestic partnership, and
- (ii) Even though some states have passed legislation, it is unclear whether other states would recognise domestic partnerships or civil unions.

5.3. United Kingdom (UK)

In United Kingdom, the couple living together in an intimate relationship are called as common law spouses (Fairbairn et. al., 2022) The cohabitants need to proceed under an agreement called 'cohabitation agreement' and get legal protections under the existing laws. The Law commission Report recommend guideline time and again relating to the rights for cohabitants. It is to be noted that the UK government has taken a remarkable step for the protection of cohabitants. And the important thing to be taken into consideration is that neither the law commission report nor the existing UK laws expressly mentioned any gender specific provision. It has focused on individual and persons in general. Rights available to the cohabitants are: - (Ibid)

1. Rights of children of cohabitants and birth registration – The cohabitants have the right to claim for maintenance of the child in three situations i.e., (i) when the child doesn't normally live with the parents referred as the non-resident parent, (ii) when a person is in care and protection of the child everyday basis called as the person with care, and (iii) when the parents are separated. In all these three situations it not necessary enter a child maintenance arrangement for the maintenance of the child. But in anyway the Child Maintenance Service (CMS) is available if needed.

The provision under the Welfare Reform Act 2009 intended to prerequisite joint registration of births in cases of parents of a child are unmarried or are not civil partners.

2. Domestic Abuse among cohabitants: - Cohabitants in UK have similar benefits as the married couple. Part IV of the Family Law Act 1996 gives protection to the cohabitants including the same-sex cohabitants. The Domestic Violence Crime and Victims Act of 2004 expanded the protections already in place for same-sex partners' rights, particularly about occupation orders, by allowing couples who have never shared a residence to apply for non-molestation orders.
3. Inheritance Rights: - Previously, inheritance rights have not been provided to the partners in common law marriage or cohabitants. The Law Commission in its proposal in 2011, urge for the extension of rights to inheritance for certain cohabitants. The Law commission Published its report called 'Intestacy and Family Provision Claims on Death' which includes a draft bill as 'Inheritance (Cohabitants) Bill'. The intestacy rules were designed to grant 'qualifying cohabitants', who had cohabited for five years, terminating just prior to the deceased's death, the automatic right to inherit from one another upon death without going through the legal system. If the child was living with the couple when the deceased passed away, this claim would start to accrue after two years of cohabitation.

6. SUGGESTION AND CONCLUSION

From the above detailed discussion and study, it is to be noted that though live-in relationship is now have been accepted and recognized after the apex court judgement in *Indra Sharma* (AIR 2014 SC 309) case. Subsequently, the theory of live-in relationship is treated very normal in nature. For all that, a major part of concern is when we talk about live-in relationship or any kind of relationship, it is always implicitly must be 'heterosexual' relationship i.e., the relationship between a male and a female. Notwithstanding, the existing concept of relationship / live-in relationship with regards to homosexual couples, there is the need to make a room or space in the society. Post-verdict in *Supriyo Chakrabarty*, the matters that must be taken care of are the after consequences of only permitting for the homosexual relationship. To begin with, if two homosexual individuals (including either gay or lesbian or bisexual) are living together in an arrange of live-in relationship, then under which laws they are protected against the issues of domestic violence between them. Furthermore, in case of gay men relationship in a Live-in relationship, which laws will protect the victim among the partner, as Indian laws are not gender-neutral or laws that protect men. As to the third point, in case of adoption and surrogacy, the rights of child is the primary factor that must be taken care of. The entitlements of children resulting from such relationships in case of heterosexual couple or through adoption or through surrogacy is protected under the existing laws. The Judiciary and the government need to move slight ahead to find out the solution to such issues. The above discussed countries are far more ahead from India. India needs to enact specific laws concerning to such matters considering the countries having specific laws regarding Live-in relationship among same-sex partners. 'Homosexual partner' is the foremost concern. It is important to be noted that, only accepting homosexuality and recognizing their relationship and allowing them to live together. isn't the end of the problem. There are furthermore concern which are major in part to look after.

Concluding from above-mentioned discussion, the Judiciary needs to think in a wider ambit to protect the rights of homosexual live-in partners same as the rights of heterosexual partners in such arrangements are protected. The Judiciary and the government need to move slight ahead to find out the solution to such issues. The above discussed countries are far more ahead from India in matters relating to live-in relationship i.e., 'common law marriage' which includes the same-sex partners also and the provisions are not gender specific. India needs to enact specific laws or make such amendment which doesn't include any gender specific provisions concerning to such matters considering the countries having specific laws with regards to Live-in relationship among same-sex partners.

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10. AUTHOR CONTRIBUTIONS

The manuscript represents original research and makes a significant contribution to the study of non-binary existence in the traditional society and the consideration of the homosexuality in the heteronormative culture.

11. ETHICS APPROVAL - Not Applicable

12. DATA AVAILABILITY

The data supporting the findings of this study are available from the corresponding author upon reasonable request. The data available are from the mixed primary and secondary sources. The mixed Primary data are collected from observations and interactions with the LGB groups. The secondary materials collected are from books, article, newspapers, magazines, and websites. There is genuineness in collections of data through the mixed source.

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