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THE IMPACT OF FAMILY LAW ON DOMESTIC PARTNERSHIPS AND COHABITATION IN INDIA- Gayatri Pradhan¹**Abstract**

This study looks at how family law affects cohabitation and domestic partnerships in India. Religious ideas have traditionally dominated Indian family law, creating a complicated legal environment for non-traditional couples. The traditional and standards of marriage and family structures are under threat due to the rise in domestic partnerships and cohabitation. This study examines the protection and legal recognition that domestic partners and cohabiting couples get, with an emphasis on recent legislative and judicial developments. It also looks at how these legislative changes may affect children's rights and gender equality on a social and cultural level. The results point to a progressive change in family laws to make them more inclusive, but there are still a lot of obstacles to overcome. The report ends with suggestions for additional legal changes to better accommodate the changing dynamics of cohabitation and domestic partnerships in India.

Keywords: Family law, Domestic partnerships, Cohabitation

INTRODUCTION

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India's family law is a major factor in controlling domestic partnerships and cohabitation agreements. Understanding how current legal frameworks affect the rights and obligations of individuals in these interactions is crucial given the way relationships are changing and the social landscape. India is a culturally diverse country with a wide range of traditions and conventions that shape family dynamics and behaviours. However, in order to guarantee fair treatment for everyone, contemporary issues like the increase in live-in partnerships and non-traditional family structures call for a reassessment of legislative regulations. This study looks at how family law and domestic partnerships interact to determine how present laws affect cohabiting spouses' rights and offer possible solutions measures to deal with any potential inequities or imbalances.

Historical Background

India's family law has a long history and has changed over time to take into account the evolving nature of domestic relationships. Ancient writings like the Manusmriti and the Arthashastra, which described the duties and responsibilities of family members within the social structure, are the origins of family law in India. An important step toward codifying Hindu rules regarding marriage, divorce, and succession was the Hindu Marriage Act of 1955. The scope of family law has been enlarged to account for societal developments by subsequent revisions to this act and the creation of other laws like the Hindu Succession Act of 1956 and the Special Marriage Act of 1954. Even with these developments, there are still issues with making laws more in line with modern society and bolstering protections for cohabitation and domestic partnerships. Further reforms are desperately needed to guarantee that the legal system in India stays responsive to the changing requirements of its residents, as the country continues to struggle with the intricacies of family dynamics.

Domestic Partnerships' Legal Recognition in India

The legal discourse in India is still heavily influenced by the conventional family structure, making the recognition of domestic partnerships a sensitive topic. There is currently a dearth of comprehensive legislation addressing the rights of domestic partners, despite the Supreme Court of India's significant progress in recognizing the rights of people in non-marital partnerships, as seen by the historic ruling in *Navtej Singh Johar v. Union of India*.

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Individuals in domestic partnerships face difficulties with regard to property rights, inheritance rights, and social security benefits because of this legal ambiguity. Law professionals and civil society organizations have called for reform, but there hasn't been much success in passing laws that expressly address the rights and obligations for domestic partners. This gap in the law not only makes it more difficult to safeguard people in domestic partnerships, but it also feeds prejudice against non-traditional family arrangements.

Overview of Cohabitation and Domestic Partnerships

The family structure landscape has changed dramatically in the last few decades as more couples opt to live together and form domestic partnerships. Important rights and protections that were formerly only available to married couples are now granted to unmarried couples through domestic partnerships, which give them legal legitimacy. Although domestic partnerships are not specifically regulated by law in India, the judiciary has broadly accepted the idea, enabling couples to use the legal system to assert their rights. On the other hand, cohabitation describes a situation in which single people share a home. The frequency of this phenomena has increased as a result of shifting economic and societal norms. Nevertheless, cohabiting partners are not afforded the same legal safeguards as married or domestic partners, which might result in recognizing possible weak points in the event that a relationship ends. There will probably be more clarification and codification of the rights and obligations of individuals in domestic partnerships and cohabitation as family law develops to accommodate a wider range of family configurations.

How India's Family Law Affects Cohabitation and Domestic Partnerships

Domestic partnerships and cohabitation agreements are greatly influenced by Indian family law, which also shapes the legal rights and obligations of the parties involved. Couples who opt to live without getting married face uncertainty because domestic partnerships are not legally recognized in India. This frequently results in issues with inheritance, property rights, and child custody. Because they could not have access to legal protection or redress in the event of a dispute or separation, people in these kinds of relationships are also more susceptible to exploitation and abuse in the absence of a clear legal framework². Furthermore, the majority of India's family rules are founded on customary social norms and values, which might not sufficiently handle the variety of interactions that are present in contemporary

² Robin Fretwell Wilson, *Reconceiving the Family* (Cambridge University Press, 2006).

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society. To better address the rights and reality of people in domestic relationships and cohabitation arrangements in India, family law reforms are therefore desperately needed.

Duties and Rights for Domestic Partners

The division of duties and rights between the partners is another essential component of domestic relationships. Cohabiting couples in India are not legally recognized, which leaves a big gap in their rights and responsibilities. Domestic partners frequently lack comparable legal protections, while married couples have benefits like spousal support and inheritance rights. Domestic partners may therefore experience difficulties with regard to property rights, decision-making power, and financial support. To protect domestic partners' safety and well-being, legislators must address these inequalities and provide a framework outlining their rights and obligations. Establishing precise rules will help domestic partners Build relationships with assurance and confidence, creating a more just and encouraging atmosphere for all parties.³

CONCLUSION AND SUGGESTIONS

In conclusion, it is clear that family law in India has a significant influence on how domestic partnerships and cohabitation function. Over time, the legal environment surrounding these relationships has changed, giving those in non-marital unions varied degrees of recognition and protection. Even while the legal framework provides some protections, there are still loopholes that must be filled in order to guarantee equal rights and treatment for all domestic partners. Furthermore, the application and enforcement of family laws are still influenced by society attitudes and cultural norms, underscoring the importance of raising public knowledge and providing education about the rights of those in non-traditional partnerships. It is crucial that legislators continue to bolster and elucidate the laws governing domestic partnerships in the future enhance the general well-being and welfare of Indian cohabiting couples⁴.

The study's conclusions provide insight into the intricate interactions that domestic partnerships, family law, and cohabitation have in the Indian setting. According to the report, cohabiting couples and domestic partners face significant obstacles when it comes to property rights, inheritance, and social security because they are not legally recognized or protected. In addition, the patriarchal structure of many Indian family laws frequently makes already-

³ Rachana Choudhary, *Domestic Dynamics: Understanding Indian Family Law* (Ink bound Publishers, 2023).

⁴ Alicia Danielsson, *Family Law Challenges in a Changing Society* (GRIN Verlag, 2014).

existing disparities within domestic partnerships worse, especially when it comes to the autonomy and rights of women. These results highlight the pressing need for legal changes in India that acknowledge and encourage the variety of intimate relationship types that exist there. Policymakers can encourage more equity, security, and stability for all parties involved in domestic relationships by modifying family laws to reflect the realities of modern partnerships. This will develop a society that is more inclusive and just.



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