

LIVE-IN-RELATIONSHIP: AN INDIAN SCENARIO

Dr. Kalpana Deokar

The oldest institution on earth concerning human relationship is marriage that has survived all odds all over the world. In India marriage has always been considered a sacrament. It is an important institution, where the parents and elder in the family arrange or plan their children's marriage by taking into account factors like age, height, personal values, tastes, background of their families, caste and also sometimes astrological compatibility of the couple.

The joy of marriage blessed with loving respectful children who easily transition from childhood into responsible adult. It is a dream of most man and women found in almost every nation and culture. Traditionally, marriage has been an exclusive bond between a man and women which includes most intimate of acts, the sexual union.

The husband and wife are considered as one in the eyes of law. The legal consequences of marriage that follow add to the sanctity of this relationship. Marriage legally entitles both the persons to cohabit; the children born out of a legal wedlock are the legitimate children of the couple; the wife is entitled to maintenance during the subsistence of marriage and even after the dissolution of marriage and many more. In recent years this traditional and religious approach and pattern has been changing. Some are choosing to have live-in-relationship, children out of wedlock and also homosexual relationships.

The benefits of marriage come with a lot of responsibilities. The marital obligations towards the spouse, towards the family, towards the children and towards the marital house are an inseparable part of the Indian marriage. To avoid the obligations of a traditional marriage and on the other hand to enjoy the benefit of cohabiting together, the concept of live-in-relation has come into picture. Live-in-relationships provide for a life free from responsibility and commitment which is an essential element of marriage. The concept of live-in-relationships is not new to the Indian society, the only difference is that earlier people were hesitant in declaring their status may be due to the fear of the society but now the people are openly in this kind of relationship.

CONCEPT OF LIVE-IN-RELATIONSHIP

A living arrangement in which an unmarried couple lives together under the same roof in a long term relationship that resembles a marriage is known as a live- in-relationship. Thus, it is the type of arrangement in which a man and woman live together without getting married. This form of relationship has become an alternate to marriage in metropolitan cities in which individual

freedom is the top priority amongst the youth and nobody wants to get entangled into the typical amongst the youth and nobody wants to get entangled into the typical responsibilities

Live-in-relationships are not new in our society. The only difference is how people have become open about it. Formally they are known as “Maitray Kararas” or “Maitray Sambandh. It is said that, it is better to have live-in-relationship rather than having divorced life.

The legal definition of live-in-relationship is, “an arrangement of living under which the couple which is married live together to conduct a long going relationship similarly in marriage”.

The attitude towards live-in-relationships indifferent societies is diverse but its definition is the same almost everywhere. It is a kind of relationship in which a couple lives together without marrying each other and without any legal or social commitment. This is similar to marriage when it comes to the relationship between two individuals living together but there are no rights and obligations on either of the partners

LEGAL STATUS OF LIVE IN RELATIONSHIP

The definition of live in relationships is not clear and so is the status of the couples in a live in relationship. There is no specific law on the subject of live in relationships in India. There is no legislation to define the rights and obligations of the parties to a live in relationships, the status of children born to such couples. In the absence of any law to define the status of live in relationships, the Courts have come forward to give clarity to the concept of live in relationships. The Courts have taken the view that where a man and a woman live together as husband and wife for a long term, the law will presume that they were legally married unless proved contrary.

COHABITATION OR LIVE-IN-RELATIONSHIP

Cohabitation is a living arrangement in which two unrelated people are not married but live together and are in a sexual relationship. The attitude toward live-in-relationship in different societies is diverse but its definition is same almost everywhere. It is a kind of relationship in which a couple live together without marrying each other and without any legal or social commitment. This arrangement is similar to marriage when it comes to the relationship between two individuals living together but there are no right and no obligations on either of the partners.

TYPES OF COHABITATION OR LIVE-IN-RELATIONSHIP

The most common types are:

1. Dating Cohabitation
2. Premarital Cohabitation

3. Trial marriage
4. Substitute for legal Marriage

Dating Cohabitation occurs when a couple spend a grate deal of time together eventually decided to move in together for convenience, finances, companionship and sexual accessibility. Such couples are unsure of the quality of their relationship and there is no long term commitment. (Manning and Smock, 2005)

Trial marriage is a type of living together similar to Premarital Cohabitation where the partners want to see what marriage might be like and it's attractive to partners who are doubtful about issues like ethnicity, religion, finances and personalities etc.

Substitute Marriage is a long term commitment between two people who don't plan to marry. For many it's an alternative to marriage. For example one or both partners may be separated but still legally married to someone else or may be divorced and reluctant to marry someone may be very insecure and prefers many kind of relationship to being along. Thus live-in-relationship or cohabitation is more complex than these four classifications suggest especially when children involved. It can include two biological parents, one biological partner or an adoptive partner. In addition to one or both partners may be married, divorced or remarried.

REASON BEHIND LIVE-IN-RELATION:

- They may want to test their compatibility before they commit to a legal union.
- In other cases, the partners may feel that marriage is unnecessary.
- Most of couples go for live-in relations because they hate to be divorced.
- Existed marriage is unsuccessful or legal and social difficulties arose in separation.
- Marriage may not be supported or not allowed by family due to inter-religion, age difference etc.
- Sometimes they scared from responsibilities arose as a married partner, thereafter as a parents.
- Couple gives priority to the career rather than marriage. Therefore live-in-relationship is best option for them where there is no commitment and no time for partner.
- To escape the loneliness in their lives senior citizens have started preferring live in relationships.

BENEFITS OF LIVE-IN-RELATIONSHIP

Live-in-relationship is a matter of personal choice more than anything else. It is fine until the people in the relationship are happy living like this. Societies are also accepting this trend

slowly. There are many reasons for the increase in this trend. The first and most important reason is the increasing importance of individual liberties over the social obligations. The role of social structures and family is decreasing in the live of the individuals.

Majority of the people no prefer to have a settle career, financial stability and professional growth over having a family and getting tried to responsibilities. Marriages are getting short live and the trend of marrying in forties has also increased. This is not a new trend for the societies all over the world and it is being accepted all over now.

Couples have emotional security of an intimate relationship and can also maintain their independence by having their on friend and family member alone (Mc Rae, 1999).

Partners can dissolve the relationship without legal problem and they can leave an abusive relationship more easily. (De Maris, 2001)

Couples who postpone marriage have a lower likelihood of divorce because being older I one of the best prediction of a stable marriage.

Live-in-relationships do not have to deal with in law. (Silverman 2003)

Live-in-relationship helps people to find out how much they really care for each other hen unpleasant realities like payment of bill, hygienic issue come up.

The benefits of marriage come with a lot of responsibilities. The marital obligations towards the spouse, towards the family, towards the children and towards the marital house are an inseparable part of the Indian marriage. To avoid the obligations of a traditional marriage and on the other hand to enjoy the benefit of cohabiting together, the concept of live in relation has come into picture. Live in relationships provide for a life free from responsibility and commitment which is an essential element of marriage.

COSTS OF LIVE-IN-RELATIONSHIP

Some of the costs of live-in-relationship include:

- Loss of identity or a feeling of being tapped, especially when friends are involved.
- Women in live-in-relationships end up doing more household task than many married women do.
- Compare to married couple cohabitants have a weaker commitment to their relationship, low level of happiness, satisfaction and more likely to be in faithful.
- Spouses who cohabit demonstrate more negative behavior after marriage then Marriage then spouses who don't cohabit.

- One should not live together at all before marriage as there is no evidence that cohabitation leads to better or stronger marriage.
- Economic Advantages- “We can save money by sharing living expenses”.
- Companionship – “We are able to spend more time together”
- Increased Intimacy-“We can share sexual and emotional intimacy without getting married”.
- Easy Breakup-“If the relationship doesn’t work there is no messy divorce”.
- Compatibility-“Living together is a good way to find out each other habit and character”.
- Trial Marriage-“Were living together because we will be getting married soon”.

RIGHTS OF A FEMALE IN LIVE IN RELATIONSHIP

In June, 2008, it was recommended by the National Commission for Women to the Ministry of Women and Child Development to include live in female partners for the right of maintenance under Section 125 of Criminal Procedure Code, 1973. The view was also supported by the judgment in *Abhijit Bhikaseeth Auti v. State Of Maharashtra and Others*. In October, 2008, the Maharashtra Government also supported the concept of live in relationships by accepting the proposal made by Malimath Committee and Law Commission of India which suggested that if a woman has been in a live-in relationship for considerably long time, she ought to enjoy the legal status as given to wife. However, recently it was observed that it is divorced wife who is treated as a wife in context of Section 125 of CrPC and if a person has not even been married i.e. the case of live in partners, they cannot be divorced, and hence cannot claim maintenance under Section 125 of CrPC.

The partner of a live in relationship was first time accorded protection by the Protection of Women from Domestic Violence Act, 2005, which considers females who are not formally married, but are living with a male person in a relationship, which is in the nature of marriage, also akin to wife, though not equivalent to wife. Section 2(f) of the Act defines domestic relationship which means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family. Thus, the definition of domestic relationship includes not only the relationship of marriage but also a relationship in the nature of marriage’.

STATUS OF CHILDREN OF COUPLES IN LIVE IN RELATIONSHIP

Since there is no specific law that recognizes the status of the couples in live in relationship, hence the law as to the status of children born to couples in live in relationship is also not very clear.

The Hindu marriage Act, 1955 gives grants the status of legitimacy to every child irrespective of his birth out of a void, voidable or a legal marriage. But there is no specific law that raises any presumption of legitimacy in favour of children of live in partners. The future of children of live in partners becomes very insecure in case the partners step out of their relationship. There comes the requirement of a strong provision to safeguard the rights of such children. There must be provision to secure the future of the child and also entitling the children to a share in the property of both the parents.

CONCLUSION

Cohabitation or live in relationship often tends to be a human rightist and individualistic approach. Despite being highly prevalent in majority of the western countries, the reality with regard to the social fabric of India is drastically different. This can be comprehended from the fact that in India, marriage continues to be the institution that is preferred to any other form of union. But that does not mean that adult unmarried couples who wish to live together under the same roof, should be prohibited or frowned upon for any reason whatsoever. The judiciary's efforts to protect the interests of people living in such arrangements are definitely a welcome step for the greater benefits of the society.

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