

Status Of Live-In Relationship In Contrast With The Concept Of Marriage In India

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ABSTRACT:

The trend of 'Live-in Relationship' has been a trend that is preferred by the young generation of the country. It is preferable because it enables a couple to enjoy companionship and also the conjugal rights without actually being under the obligation of marrying each other. However the fact cannot be denied that the concept of Live-in Relationship is still not widely accepted by the Indian society at large and is still considered to be a taboo and also is not looked upon with respect. In this paper the author has tried his level best to touch upon all the important aspects of a live in relationship in light of various judicial pronouncements and also has tried to be concise and on point over the issue. In this paper the author has used the '*Qualitative Method of Research*' and has also suggested some important reforms that should be adopted to the social institution of 'Live-in Relationships' more firm in the Indian society. The author hopes that this paper helps the reader to the maximum possible limit.

KEYWORDS:

Live-in Relationship, Couple, Marriage, society, Partner, Social.

INTRODUCTION:

It is a very common saying that the society is dynamic in its nature so as a result everyone and everything need to adapt to the society with the passage of time. It is basic human nature to experience emotions and to live a life full of love and compassion in today's contemporary times. And it is a well acknowledged fact that today's modern and 'advanced' generation has a different mindset all together when it comes to the selection of their partners with whom they are comfortable and emotionally and romantically attached or may be due to any other reason concerned.

Today's younger generation is way ahead of the elderly generation and due to the fact they prefer to know in a much more detailed way about their partners and then take the decision about the future of their relationship. The prevalent societal order is changing in a rapid way as due to the changing professional patters of the people and so are the preferences of people. One of the most significant social institution of the society i.e. Marriage is getting diluted in one or the other form as people are in favour of the Live-in trend as they get to enjoy every right with their partners as they could enjoy in a married life without actually marrying. However it is still to be taken into consideration that the acceptance of such relationships is not very common in the Indian society in general and majority of the proportion of Live-in Relationship can be found in developed cities or metropolitan cities.

MARRIAGE VS. LIVE-IN RELATIONSHIP:

It is a self evident fact that marriage is a more socially accepted norm of the society as it is considered to be a heavenly ritual. On the contrary if we take into consideration the Indian society then the trend of lives in relationship can be said to be a modern trend especially among the youth of the country and still is looked as a taboo in the society when it comes to a male and a female living together before marriage. The idea of Live-in Relationship questions the social status of a couple and specially of a women and in most of the cases the woman counterpart is considered to be impure as living in together with a man before marriage is not considered to be a good notion in the Indian society.

There is basically two fold stand between the active youth of the country and the relatively conservative section of the society. Where in the conservative section of the society gives more value to the institution of marriage and contend that it makes a couple socially acceptable and desirable and out rightly rejects the concept of Live-in Relationships. The young section of the society usually are in favour of the contention that Live-in Relationship gives them freedom and they are also able to enjoy conjugal rights without actually getting bound by the social institution of marriage.

Another argument which is generally advanced in favour of Live-in Relationships is that both of the partners mutually or any of the partner can 'call off' a Live-in Relationship if it's not working out as per their aspirations and expectations at any point of time, however, on the other hand, in the Indian context if once the institution of marriage is established then the couple has to live together for their entire life even if they are or willing to just because of the pressure of the society and the other reason being the status of the family. The couple who are unhappy with their married life have this thought always at the back of their mind that if they split then their respective families would have to face social humiliation along with them.

It makes it obligatory to put in efforts in a marital relationship in order to keep it on the correct page to keep things on track while on the other hand in the cases of Live-in Relationships there are no such obligations and the partners are more liberated and free from their respective ends.

THINGS TO BE KEPT IN MIND WHILE MOVING IN TOGETHER AS A LIVE IN COUPLE:

- A. **THE OBJECTIVE OF MOVING IN TOGETHER**: If a couple wants to have a successful relationship, then the foremost point to be taken into consideration by them is the main reason or objective of moving in together without actually having the 'social licence' of marriage to back them up. It is always advisable to understand that everything has a reason behind it and to figure out that what are they expecting out of the relationship. The reasons at times can be simple, while, at the same time, can bring a couple into dilemma. It might be possible that the couple in a live in wants to find a potential life partner for the future. While on the other hand it might also be possible that the couple wants only casual companionship with the purpose of giving and providing support to each other, and not a permanent tag of being to in their live in partners. So its always better to sit together in a positive mood and have a fruitful discussion over the reason or objective of their relationship at its very inception so as to provide a sound base to the same and have a happy and blissful relationship together.

- B. **LEVEL OF UNDERSTANDING AND COMPETIBILITY:** After figuring out the purpose of the relationship, the next thing which is to be pondered upon is the level of understanding and compatibility that a couple shares. It is an obvious fact that in order to make any relationship successful, trust and understanding are the main requisites. It is also important that one respects the choice of his or her partner and to know their preferences well and also the support plays an important part in any relationship. At the same time it cannot be forgotten that everyone is different in a unique way, so in the same context it also has to be admitted that along with similarities and positive qualities, the differences that a person has with his or her partner should also be respected and efforts should be made in order to resolve the differences.
- C. **SIGNIFICANCE OF FINANCIAL ASPECT:** Another significant aspect is the financial status of the couple as finances play an important role in the sustenance and maintenance of a person's status. In many cases, the financial incompatibility becomes the reasons for a fair proportion of couples to split apart. So it is very important to be supportive in this aspect as well and acknowledge the fact that every individual has a different set of capabilities and abilities and thus the same should be respected and moreover the corresponding partners should motivate the other to do well in their professional aspect which would consequently provide them stability too.
- D. **EQUAL DISTRIBUTION OF RESPONSIBILITY:** When it comes to the personal sphere of a couple then it should be a blissful experience for the couple. The basic aim of a Live-in Relationship is to find good long lasting companionship in their partners and enjoying every right as of that of a married couple without actually accepting or being bound by the social institution of marriage. As one of the popular saying goes '*With rights comes responsibility*', a healthy couple always believes in sharing of responsibilities and implements the same too. Sharing of responsibilities not only lessens the burden on a single partner but also brings maturity and enhances the positivity in the relationship.
- E. **HAVING A 'PLAN B' IN CASE OF A FAILURE OF THE RELATIONSHIP:** Nothing in this world is permanent; everything that takes place has to end one day or the other. The one who takes birth has to go one day. In the same way, in a relationship, though everyone wants it to be everlasting but still not many reach the epitome of being together. But it should be understood that in case even of a failed relationship the world doesn't end and there are a lot of new avenues waiting to welcome an individual. Before initiating a Live-in Relationship every individual has in the subconscious mind that how he or she would handle in case of the failure of the relationship. The approach should be that everyone should have a 'Plan B' so that the individual can come out of the traumatic phase and can recover in a positive way without being negatively affected.

DETERMINANTS TO ASCERTAIN A FAIR AND JUST LIVE-IN RELATIONSHIP:

There are number of parameters that are to be satisfied or fulfilled in a Live-in Relationship in order to be termed as a successful relationship. However there are no fixed determinants to determine the validity of a relationship of a live in nature. But here are a no. of factors that are taken into consideration. These factors or parameters would range from a

considerable amount of time and efforts in a relationship and moving further another important requirement is that the couple should be residing in a common household setup as prescribed u/s 2(s) of the Domestic Violence Act 2005.

Next requirement is that there should be sharing of resources as in shared investment, sharing Household chores, having sexual relationship, not just for Sexual contentment, but also for the production of off springs and taking care of them and moreover enjoying every aspect of together as in like being husband or wife and also providing all sorts of support to their partners be it mental, physical or emotional.

COMPLEXITIES INVOLVED IN LIVE-IN RELATIONSHIPS:

An important point to be taken into consideration under this heading is that even though Live-in Relationship is legal in India but there are still some complexities involved in the concept or idea of live-in relationships.

The major problem in the live-in relationship is that not all the live-in relationships get a status of being 'similar to marriage' and in the same regard there are various factors behind the same:

A Live-in Relationship at times can be toxic too. The basis for any relationship is trust and understanding and along with these, loyalty plays the most significant role to play in a relationship and that's how an ideal relationship should be. But, as a popular saying goes that everything does not always remain ideal. In the same way Live ins can also face many issues ranging from incompetency of the partners to Cheating (which may of different nature) to the adultery or In certain cases misappropriation of property can also be seen in a toxic relationship.

LEGAL BACKINGS TO LIVE-IN RELATIONSHIP:

The most sound legal backing was given to the concept of Live-in Relationship by the Supreme Court in the historic judgement of *D. Velusamy v. D. Patchaiammal*¹ where it was pointed out and Held By The Supreme Court That No Legal Right Arise Out Of Such Relationship And A Live-in Relationship Is Not Illegal Under Any Provision Of The Law Of The Land , And At The Same Time, The Apex Court Also Admitted That The Trend Of Live I Relationships Is On An Increment In The Society And Specially Among The Youth Of The Present Generation.

The Right to reside with the desired partner is a fundamental right under the ambit of Art. 21 as held by the Apex Court in its various judgements. In another landmark judgement of *S Khushboo v. Kanniammal and Anr.*² It was clearly held that 'Living together is a Right to Life'

Another authority over the same point is that of *Indra Sarma v. VKV Sarma*³ where the court observed as follows:

"Live in or marriage like relationship is neither a crime, nor a sin though socially unacceptable in a country like India. The decision to marry or not to marry or to have a heterosexual relationship is intensely Personal."

¹ AIR 2011 SC 479.

² (2010) 5 SCC 600.

³ Criminal Appeal No. 2009 Of 2013, Decided on Nov. 26, 2013.

“Live-in Relationship between two consenting adults of heterosexual sex does not amount to any offence even though it may be perceived immoral”⁴

Further section 2 (f) of the domestic Violence Act provides support or one could say, has effective provisions for Safeguarding women who are in relationship ‘similar to that of the form of a marriage’.

STATUS OF CHILD BORN OUT OF A LIVE-IN RELATIONSHIP:

The Honourable Supreme Court moved one step ahead by upholding the legitimacy of the child born out of a Live-in Relationship in the case of SPS BALASUBRAMANYAM V. SRUTTAYAN⁵ and held that when a male and a female counterpart share the same roof for a prolonged period of time then the fact that would be presumed would be that the couple are living in the same manner as that of a husband and wife (according to Section 114 of the Indian Evidence Act, 1872) and subsequently child born to them would be considered as legitimate.

The mentioned legal case laws and provisions make the picture quite clear about the position of the Indian legal framework or the matter of Live-in relationships.

SUGGESTIVE REFORMS:

There are various suggestive amendments that should be brought in order to provide more sound base to the idea and concept of Live-in relationships which are as follows:

- The definition of the term ‘wife’ provided u/s 125 of Cr.P.C should be broadened through an amendment and should be made to be ‘A women having a relationship similar to that of marriage.’ and a reasonable amount of time should be fixed to regard a live- in relationship as a valid one.
- The Indian Law is also silent over the issue of the relationship of the people of same sex, therefore specific provisions should be made in this regard to provide an empowering provision to the protection of the rights of the Homosexuals.
- The scope of section 2 (f) of the Domestic violence should be broadened as the parliament deems fit keeping in view the live in relationships and necessary changes should be made.
- Efforts should be made to spread awareness among the people about the concept of live-in relationships at the local as well as national level so that the stagnant mindset of the existing society opens up over this emerging trend.

⁴ Lata Singh V. State of UP (AIR 2006 SC 25220).

⁵ 1994 SCC (1) 460.

CONCLUSION:

Live-in relationship is a bond between a couple which helps them to seek companionship and also at the same time the couple gets time to know the corresponding partner in a better way in all variety of situation without being under the obligation of marriage. This paper identifies the emerging trend of live-in relationships. Through this paper various social and legal aspects of the concept of Live-in relationships. Through this paper this can be clearly concluded that live-in relationship in Indian context is still an emerging trend and is not yet developed fully but the courts of justice have taken some bold steps in this regard and has given various judgements by going against the traditional mindset and has also taken care of the legal framework of the land.

Still there is a need for a lot of awareness to be spread in order to strengthen the concept and make it an acceptable norm in this dynamic society.

