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# **RESEARCH ANALYSIS AND EVALUATION**

## **रिसर्च एनालिसिस एण्ड इवैल्युएशन**



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## Live-in-Relationship : A Curse or Need of the Hour

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Live-in-relationship is a de facto union in which couple shares common bed-room without solemnizing marriage. In fact it is non-marital relationship prevailing in West with the name of common law marriages, informal marriages or marriage by habit, deemed marriages etc. It is a form of interpersonal status which is legally recognized in some jurisdictions as a marriage even though no legally recognized marriage ceremony is performed or civil marriage contract is entered into or the marriage registered in a civil registry. These deemed marriages are legally binding in some countries but have no legal consequences in others.

### Some characteristics of live-in-relationship are:

1. These marriages are not solemnized. 2. Cohabitation alone does not constitute such marriage. 3. The couple must hold themselves out to the world as spouse for a significant period of time. 4. There must be mutual consent of the parties to the relationship constituting a deemed marriage. 5. Both parties must be of legal age to enter into a marriage. 6. Both parties must be otherwise qualified to enter into a marriage. In India these marriages have place neither in statutory law nor in personal laws but the instances of such relationships are growing day by day in the modern age of globalization.

### Historical Background:

The concept of live-in-relationship is not new in India. In ancient time it was known as "maitri - karar" (friendship agreement) in which a written agreement was made between the people of two opposite sex that they would live together as friends and look after each other. The term live-in-relationship is defined neither in dictionary nor in law. Live-in-relationship means a woman living with a man as husband and wife for a reasonable period, without marrying him. In the words of an American Anthropologist "living together at least five days a week for at least three months, not legally or religiously married, yet sexually intimate, with or without the goal of marriage in the future." These relationships are called and stigmatized as socially ambiguous and sexually exploitative relationships.

### Causes of Such Relationship:

Whenever one thinks about live-in relationship the first question which comes in mind is, why couples

believe in having such a relationship instead of legally, religiously and socially sanctioned marriage? There may be many answers to it such as-

1. It is the part of young men and women who are away from home especially abroad without any family or local guardians for studies or work. The country's open culture forced them to adopt this relationship for emotional support and to mitigate the finances. In India this trend is prevalent mostly in cosmopolitan cities in circles where people work in advertising, hotel, airlines or people in the art industry - music, theatre etc.
2. Some time couples move in together mainly because they are in love and they want to spend more time together. But they know that their partners are not a good match for a long-term relationship. Others want to make sure that they are compatible before a lifetime commitment.
3. Some couples who are engaged and soon to be married also decide to move in together before the wedding to save the money for a wedding and do not want to pay two rents.
4. However, some couples also might live-in together if they decide not to get married or they figure out that in due course they cannot marry each other because of some legal hurdles.
5. If an analysis is made of need of such relationships, avoiding responsibility would emerge as the prime reason. The lack of commitment, the disrespect of social bonds and the lack of tolerance in relationships have given rise to alternative to marriage.
6. For sake of independencies and privacy included in such a relationship, someone would think it to be an ideal move.
7. Some couples who live together like gay and lesbian couples are prevented from marrying.

### Legal Perspective:

A man and woman of major age can live together without marriage and can share the same room and bed without violating the provisions of criminal law. From the criminal law perspective it is said that cohabitation is not a crime in India, if it is with their free consent. A person had induced a lady to have sexual intercourse with promise to marry her but subsequently refused to marry, it was held that no offence is committed because the cohabitation has taken place with the



consent of the girl. If a full grown up girl voluntarily agrees to cohabit on assurance of marriage, it is not rape.

Justice Mallimath Committee as well as the Law Commission of India states that if a woman has been in a live-in-relationship for a reasonable period, she should enjoy the legal rights of the wife. The Committee also recommended the amendment of the definition of wife under Section 125 of the Criminal Procedure Code so that a woman live-in-relationship can get the status of a wife.

The Maharashtra cabinet, under the chairmanship of the then Chief Minister Vilasrao Deshmukh, had approved the recommendations of the Committee amidst of controversies. Although many have appreciated, others opposed it saying that it will demolish the sanctity of marriage; government has adopted double standards and taken contradictory stands on women's rights. The same government some time ago prohibited bar dancers who also deserve legal protection. But still it is not a law even in Maharashtra.

Live-in-relationship before marriage resembles "taking a car for a test drive". Recently the Honourable Supreme Court of India held in the case of *Tulsa v/s. Durghatiya* that a live-in-relationship should be treated as equivalent to marriage is a clear proof that judiciary set to change the dynamics of such relationships and has provided a base to accept such relationship. The Mumbai and Delhi High Courts also upheld recently to sanctify live-in-relationship.

There is no marriage in the eye of law if it is not solemnized with necessary ceremonies (Section 6, Hindu Marriage Act 1955). Marriage cannot be proved by long cohabitation with each other, even the accep-

tance of society that the parties live as husband and wife. The illegitimate child can inherit the property to his mother only though the child of void and avoidable marriage is entitled to inherit the property. The offspring's of such relationship are as illegitimates so they cannot inherit.

The Protection of Women from Domestic Violence Act 2005, under Section 2(f), all benefits is bestowed on woman living in such kind of arrangement by reason of being covered within the term "domestic relationship." - Under the provision of section 27 of IPC when continuous cohabitation for a number of years between a male and a female is proved they are presumed as husband and wife.

### Conclusion:

In Indian traditional society the concept of live-in-relationship should be analysed in the light of patriarchy, gender equality and sacramental nature of marriage. The legal sanction for live-in relationships is meant to work to the advantage of women who become victims of their circumstances, even if it was a matter of choice, it is based on the assumption that the relationship is not between equals; therefore women need protection by the courts from the patriarchal definition of marriage and such relationships too. So far as the legitimacy of children by live-in-relationship is concerned, these children will have a right to their parent's property. The stigma attached to illegitimacy has often prevented the acknowledgement of such a child and hence accorded a socially peripheral status to such children. In many countries it is sanctioned mainly to legalize gay relationship. In India, since it is not socially permissible, the law enacted for them by those countries cannot act as guiding force.

## REFERENCE

- \* *Amitava Bhattacharya v/s. Smt. Aparana Bhattacharya* AIR 2009 (NOC) 2410; \* *S.M. Syed Abdul Basith v/s. Assistant Commissioner of Police* AIR 2009 (NOC). \* *Sharma, Dr GL & Dr YK Sharma*, (2008), "Social Anthropology", Jaipur: University Book House Pvt. Ltd. ISBN 8181981707. \* The Constitution of India. \* The Hindu Marriage Act, 1955.