



LIVE-IN RELATIONSHIP- A DOOM OR A BOON?

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In the fast advancing and modern era along with all the possible incumbent of modernity and trimming of backward cum narrower thinking, live-in relationship is still considered to be one of the infamy sins of society. Live-In relationship is a simple concept where two people are in a relationship and living together. However, the twist in the plot is that here two people are residing together but are not officially married. In legal terms, it is an arrangement where a couple lives together but without entering into the contract of marriage. Marriage is a contract where two people with the required capacity enter into a contact of cohabitation. Slightly different from it, a couple who has all the needed capacity to enter in a contract starts to cohabit together, but without entering into any contract. Such kind of cohabitation is relied upon because of the short temper of youths, increasing number of separations or to test the compatibility before entering into a legal relationship. This concept has not been able to accede evenly in the roots of Homo sapiens mind. While talking about it, alacrity can be easily seen in the nerve signals of humans. Being a socio-legal issue, various laws in reference to it are passed in India as well as different parts of the world. In spite of such laws passed on the matter of live-in relationship of being licit, liberty of an individual and akin, this kind of cohabitation is still considered to be nefarious.

To be clear about live-in relationship, it is of utmost importance to get proper insight of marriage, the legal relationship. The dictionary meaning of term marriage is, “the legally or formally recognized union of two people as partners in a personal relationship (historically and in some jurisdictions specifically a union between a man and a woman)”. In simple terms, marriage is a contractual relation entered upon by two persons with the consent of each other, after attaining the age of majority, which results in biological or adopted children and affine. Nuance to marriage, live-in relationship means an arrangement in which an unmarried couple lives together in a long-term relationship that resembles a marriage. Couples cohabit, rather than marry, for a variety of reasons. They may want to test their compatibility before they commit to a legal union.

Perhaps, India has advanced in all the corners of development, but still there are certain world widely accepted issues like inter-caste marriages, homo marriages, and societal acceptance to

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transgender and so on which are insatiable to Indian society .live-in relationship is one of them. In India, where marriage is a jubilant, live-in relationship is a nadir. Except in some metropolitan cities and that too limited to certain areas, live-ins is considered to be no less than umbrage. The persons cohabiting in such relationship faces infamy and is deemed to be inept to be a part of civilized society. In Indian context, live-ins is definitely a doom. It is highly considered to be something which leads to death of norms and values of a society; something which will lead to India towards a terrible fate.

The appropriate term for live-in relationship is cohabitation. In India, various laws have been formulated to give it a social status which says that there are certain conditions which are to be fulfilled for constituting a live in relationship. At present, thousands of cases related to divorce, separation and aftermaths are witnessed. It is very common to see a callous partner cajoling the other one for want of physical satisfaction, money-making or stratified social status. This kind of living together for mere satisfaction of material desires often leads to mental breakdown of the other one. To overcome this dilemma, “Merely spending weekends together or a one-night stand would not make it a domestic relationship,” said a bench of Justices Markandey Katju and TS Thakur. The Supreme Court also says that the couple must hold themselves out to society as being akin to spouses; they must be of legal age to marry; they must be otherwise qualified to enter into a legal marriage, including being unmarried; and they must have voluntarily cohabited for a significant period of time.

However, for the first time, live-ins was recognized in the case of: *Badri Prasad vs. Dy. Director of Consolidation, 1978*. It was the first case in which the Supreme Court of India recognized live in relationship and interpreted it as a valid marriage. In this case, the Court gave legal validity to a 50 year live in relationship of a couple. It was held by Justice Krishna Iyer that a strong presumption arises in favor of wedlock where the partners have lived together for a long term as husband and wife. Although the presumption is rebuttable, a heavy burden lies on him who seeks to deprive the relationship of its legal origin. Law leans in favor of legitimacy and frowns upon bustard.

Although, live-ins has started to grow in India for a longer period of time, but it is still a matter of strict denial on the part of parents. We live in a country, where a daughter is the most valuable treasury of her family. Indian family is very utterly conscious about getting their daughter married to someone who don't fall under the circle of their caste and in this kind of dogmatic situation, live-ins are no less than a curse for such families. In such caste ridden society and denials of parents, peer pressure, societal pressure, two persons often start



to cohabit together for better understanding a long lasting relationship. ver to enjoy the fruits of live-in, such cohabitation must be for at least a specific period of time. As said earlier, a short span or one night stand cannot be termed as live-in relationship.

For the upliftment and protection of women in live-ins, the Ministry of Women and Child Development was urged by the National Commission of Woman to include female live in partners in the definition of wife as described in the Section 125 of Cr PC. The objective of these recommendations was to harmonize various other sections of law with the Protection of Women from Domestic Violence Act, 2005. Justice Malimath Committee of the Supreme Court recommended that this be turn into a law by all states. The committee had observed that “if man and woman are living together as husband and wife for a reasonable long period, the man shall be deemed to have married the woman.”

The Malimath Committee also recommended that the word ‘wife’ under Cr.PC. be amended to include any “woman living with a man like his wife”.

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. The definition of domestic relationship includes not only the relationship of marriage but also a relationship ‘in the nature of marriage’.

The case which decided the status of a child born out of live-ins was of: *Tulsa & Ors vs. Durghatiya & Ors, 2008*. The Supreme Court provided legal status to the children born from live in relationship. It was held that one of the crucial pre-conditions for a child born from live-in relationship to not be treated as illegitimate are that the parents must have lived under one roof and co-habited for a considerably long time for society to recognize them as husband and wife and it must not be a "walk in and walk out" relationship. Therefore, the court also granted the right to property to a child born out of a live in relationship.

Any specific law related to the status of child born out of live-ins is yet not very clear. 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 clarity. However, the Hindu marriage Act, 1955 gives grants the status of presumption of legitimacy in favor 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. Thus, 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. Again in the absence of a specific legislation, the Supreme Court of India took the initiative to safeguard the interest of children of live in couples. In the case of *Bharata Matha & Ors. vs. R. Vijaya Renganathan & Ors.*, the Supreme Court of India has held that child born out of a live-in relationship may be allowed to succeed inheritance in the property of th parents, if any, but doesn't have any claim as against Hindu ancestral coparcenaries property.

When any kind of separation takes place in the ongoing live-ins, the views of personal law are quite different. Hindu law has provided for maintenance of child by the father whereas in Muslim law, the right of such maintenance is upon the mother. Section 125 of the Criminal Procedure Code provides remedy to children who are unable to claim maintenance under personal laws. Section 125 provides a legal right to children, wives and parents to claim maintenance.

Section 125 of the Criminal Procedure Code accords a legal right to maintenance to wives. Malimath Committee Report and the 8th Law Commission recommended inclusion of women in a live in relationships within the purview of this Section.

Despite of all such laws to aid this kind of relationships, duress is still prevalent regarding it. A backward point of society is still trying to emend such relations. However, after all such enervation, there has also been some support.

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Some of the other insights from the survey were that over 80% of Indians support the concept of live-in and among these 26% would choose lifelong live-in relationship as a way of life if they can. A whopping 86% feels that lust is not the only factor that drives live-in relationships and 45% believe that live-in relations are to test the compatibility of a couple before they dive in to marriage.

Haplessly, there are many people who are against it. This kind of relationship is thought to be inimical to the society. It is an instigating topic for a certain generation and areas excluding metropolitan cities. The thoughts regarding it are multifarious. Some say that, people enter



into in to escape the responsibilities and duties arising out of marriage. The others say that Live-in relationships promote pre-marital sex. People indulge in it anyway. It is considered to be of low profile. It is also argued that live-ins is the outcome of western culture and modernity because of British Raj. Another argument resets that one meeting is enough to judge a person for being a life partner, live-ins is just a blindly-followed-fashion.

In the long-run, it can be capitulated that live-ins are not a way to escape responsibility. Instead, it confers more responsibility upon such persons. Relationship is the petal of flower like life. a damaged one can nullify the beauty of entire flower and plant. Not all live-ins are bilk. Even marriage leads to divorce in certain circumstances, then why is separation in live-in relation considered to be such a doom? A curse? Where India is advancing in all fields of lifestyle, there is an urgent need of transferring live-in relationship from a doom to a boon.