

# The Status of Live- in -Relationship in India

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## ARTICLE DETAILS

### Article History

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### Keywords

1. Live-in-relationship: means unmarried couple lives together in a long term relationship that resembles a marriage.
2. Concubine: a woman who lives with a man but has lower status than his wife or wives.
3. Sacrament marriage: a religious sacrament in which a man and a woman are bound in permanent relationship for the physical, social and spiritual purposes of dharma, procreation and sexual pleasure.

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## ABSTRACT

Live in relationship implies two individuals' lives respectively under a similar rooftop without marriage. Indian has sacrament marriage system and a couple needs the social sanction to live together. A marriage isn't the bunch of two individuals, yet the tie of two families in India. Thus the joint family system also exists in India. At an early age, Indian male had kept both concubine and married woman. But Live in Relationship is the new version of modernization and it is the boon of western culture. Recent era, people are very busy they have no time for relationships. They are alone everywhere and need to companion, but his/her companion must have no expectation with the relationship means no commitment and responsibility and no any obligation to continue the relationship. Thus, marriage system day by day loses its value. They want to live like a free bird without any restrictions. The scenario is totally changed in the name of development. The children span the childhood in the hostel and after that lives where they are getting jobs. Parents have no time to look after them and they have also no time for parents. People are living scared life in the modern nation.

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## 1. Introduction

In India, people are not accepted a couple is living under the same roof without performing the marriage ceremonies. Live in relationship is a sin against morality. The peoples are becoming modern by wearing modern clothes and using modern equipment, while their mentality has not changed yet. Married women always believe in wearing a saree, suit and dupatta and staying in the veil. Indian methodology is that the woman is only going to live in the boundary wall and she has no right and then she is born to have children. In modern India, women are working outside and they are managed home also. But people's thinking has not changed for women. In spite of all this, Live in relationship access in India. Despite all its assumptions, modernity has given birth to live in relationship. Now, this live in relationship has replaced marriage system. A long as a couple are willing, they can remain together but both are compelled to stay together in marriage unless they will die. Nowadays living relationship is becoming very popular in India. No doubt, living relationship is against Hindu civilization, yet people like it. In a living relationship, two people live together and enjoy the benefit of cohabiting. Such relationships are increases in big cities. Few people are thinking that this type of relationship is ruining Indian Civilization. Despite the criticism, the live in relationship is adjusting in our India.

## 2. Discussion:

### 1. Meaning of Live In Relationship:

Live in relation means two humans living together in the same house without marriage. Live in relationship in short means cohabiting; two people are deciding to live together in a particular period or permanently for emotional and sexual relationship. In India, no law related to live-in relationships has yet passed. There is no any law where the rights and obligations of the parties are defined. In the absence of law, the

court has viewed that where a couple is living together for a long time, the law will presume they were legally married. In 2005, Domestic Violence Act was passed which states that the woman who is living in the live in relationship, she has right to claim maintenance under this Act if she files the complaint against her partner. According to court view, the children are legitimate who are born due to live in relationship and they will get a share in the property. In metro cities, live- in relationship is not considered wrong and there are a few conditions to full-fill the criteria of live in relationship. These are following:-

- a) A woman age must be 18 years and male age must be 21 years.
- b) Both are un married
- c) Free consent of both parties to maintain sexual relations.
- d) Shared household
- e) Domestic relationship
- f) Social behavior with public
- g) Intention and conduct of parties
- h) Financial arrangements between parties and etc.

### 2. Legal Provisions For Female Partner And Children:

In India, no law has been made for live-in relationship and any rights for female and children. Yet some rights have been given to women and children. A woman without marriage cannot claim any rights like a property right, maintenance right, religious right etc. These rights are not available to unmarried woman who live in relationship. But few committees, NGO and laws said that female partner can claim maintenance right and right against domestic violence. But in India a woman can claim the rights against a male partner on the condition of marriage. She should be married woman and marriage is an essential for the social foundation from which legal rights and obligations are emerging. But the present scenario forced the judges, lawmakers and people to think about a woman who

lives in relationship without marriage. Many Cases come before the court related to dispute between partners of the live in relationship. Thus, the National Commission for women has told the Ministry of women and child development that the live in partner should be included in the section of 125 of Criminal Procedure Code right to maintenance. That is why that female (live in partner) is now the right of maintenance under sec.125 of Criminal Procedure Code. No law recognizes the term of Live in relationship in India. However, in the term of 'Domestic Relationship' has used the expression 'Relationship in the nature of marriage' in the Domestic Violence Act, 2005. Thus the nature of marriage means couple resembles to married couple and they are staying with each other for a long period.

Children are also getting legal status who are born from live in relationship. Such children are called legitimate children and they also get a share in the property. They are also included in the section 16 (3) of the Hindu Marriage Act and they can claim the inherit property, but doesn't claim right against Hindu Ancestral Coparcenary Property. The child which is born out of illicit relationship has also right to get maintenance under section 125 of Criminal Procedure code, 1973. Due to live in relationship the child was born, people knew that his parents are living as husband and wife for a long period, that children can get the right of property and they can claim for the right of maintenance under section 125 of Criminal Procedure code.

### 3. Judicial Pronouncements:

There is no doubt Live in relationship is immoral for the Indian people, but it is not illegal in the eye of law. Live in relationship is an alternative to marriage and people are starting to like it very much in today's era. Indian constitution provides us the Article 21 Right to live with dignity which states that every citizen has the right to learn his life according to his own and Article 14 Right to equality which states that everyone is equal before the law. There is no doubt the clearly define law regarding the live in relationship, yet the judiciary is trying to provide the rights to the parties of live in relationship and their children. In India, there is definitely a need of strict law which gives the rights and obligation to the female and children. In spite of all this, a lot of problems are being raised in India regarding live in relationship because women don't get all rights alike married women, then the court has provides few rights to the female partner like Right against Violence, Right to property and Right to live with dignity etc. Therefore Courts are recognizing this type of relationship in certain cases. The renowned judges of India have passed remarkable judgments in the live in relationship and provide justice to the people. There are few cases:

- a) Badri Parsad versus Dy. Director of Consolidation, this is the first case in India, in which live in relationship was recognized. In this case held that partners have been living together without marriage for 50 years. Thus, the Supreme Court considered the live in relationship as a valid marriage.
- b) Payal Sharma versus Superintendent, Nari Niketan, Kalindari vihar Agra and others, the court held that Indian is conservative, they believes in custom and rituals. A man and woman are living together without marriage, it is immoral for Indians, but not in the eye

of law. According to law, major person (male and Female) can live together, it's not illegal.

- c) Patel and others case, which has court observed that the person (male and Female) who lives together without marriage and commit pre-marital sex is not illegal.
- d) Vidyadhari Versus Sukharana Bai, the Hon'ble court said that the female has right to maintenance as well as her children from the live in relationship has right inherited property of the parents.
- e) Varsha Kapoor versus UOI & Ors this case court held that female who lives in relationship has right to claim justice against domestic violence from mother in law and male partner.
- f) Talsa versus Durgathiyawhich has court decided that children from the live in relationship does not illegitimate they are legitimate children. They have right under Succession Act.
- g) The court held that if a woman is aware that live in partner, male has already married and two or more children then female who live in relationship will not entitle for any claim that the married woman gets.
- h) Madan Mohan Singh Versus Rajni Kant, court observed that Live in relationship is not a time pass relationship and there is some obligation for this. In short live in relationship is not just when you want it; it is left when you want. The partners have their emotions associated with the relationship.
- i) Chanmuniya versus Virender kumar singh the court held that if a woman has been living with a man for a long period before marriage then they are considered married. The woman can claim for maintenance to the man under the protection of women from domestic violence Act, 2005.
- j) D. Velusamy versus D. Patchaiammal, the Supreme court held that live in relationship is not just cohabiting but staying together for a long period. One night sex is not included in the Live in relationship and the woman cannot claim maintenance under the protection of woman from domestic violence Act, 2005.
- k) Khushboo versus Kanniammal and Anr in this case court observed that Live in relationship is permissible in the eye of law. When man and woman are together, who can stop them? Our constitution under Article 21 gives them Right to Live with Dignity.
- l) Alok Kumar Versus State, the Delhi High Courtheld that violence with a woman is a criminal offence. The male beat a woman and marries someone else is an offence. In this case woman has been living with a man for five years and after that the male has to marry someone else without telling her. Thus court said woman has right to claim maintenance under section 125 of criminal procedure code.

### 3. Conclusion:

Lastly, Live in relationship is neither a sin, nor a crime, but still the people of India consider it immoral. The court has passed a lot of judgments in favour of live-in relationship system. It is not a crime in the eyes of law. The Supreme Court held that a living relationship comes within the ambit of right to life under Article 21 of the constitution of India. The court

further held that live-in relationships are permissible and the act of two major living together cannot be considered illegal or unlawful. The law is adopting it according to circumstances, but not adopting by people. Live in relationship is against the

mythology of Indians, but still our new generation is adopting it. This relationship is the gift of modernity, now it depends upon the Indians, whether they accept it or not.

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