

LIVE- IN- RELATIONSHIP- ITS NATURE IN INDIA

ABSTRACT:-

In this paper tries to discuss on the provisions of live in relationships in India.

Live-in-relationship is valid in India. According to Article 21 of Indian constitution i.e. Protection of life and personal liberty, every person has freedom to choose their life partner with the way of marriage or any other suitable way and article 21 of Indian constitution also provide freedom to couples to live in relationships as the couples get much time to know each other well before getting married or making a decision to live whole life together. But as a coin has two faces live-in relationship also has two phases i.e., positive and negative.

INTRODUCTION:-

In India development of people and our country is on the peak. Everything is changing with the time very rapidly. *India is well known for its religious practices* all over the world. Our traditions and customs are being followed in today's time also. Our customs says that a relationship is incomplete without the tag of "marriage". Today more than 30% of people are living in live in relationship in India. Our culture promotes a valid marriage rather than live-in-relationships as live-in-relationships are only for self enjoyment, understanding the nature of the partner and pleasure, they don't have rights and liabilities for their partners. It doesn't require any legal proceedings to get separate from the partner. A man doesn't have any responsibilities towards the woman. He can leave her without her consent anytime or at any place and vice-versa. The woman doesn't get any legal status in the society as a wife gets by a valid marriage.

MEANING:-

Live-in-relationship is a relationship in which two people i.e. man and woman reside at a same place for a period of time without getting married. There is no codified law in India for unmarried couples who are in live-in-relationships. In a live-in-relationship man and woman doesn't require any divorce or legal proceedings for separation.

POSITIVE IMPACTS OF LIVE-IN-RELATIONSHIP:-

- 1- To test the compatibility before they commit to a legal union.
- 2- To maintain their single status for financial reasons.
- 3- Most of couples go for live-in-relations because they hate to be divorced.

NEGATIVE IMPACTS OF LIVE-IN-RELATIONSHIP:-

- 1- Lack of support from families and friends.
- 2- Lack of commitment
- 3- In India couples do not get that much respect as they can achieve by getting married.

- 4- SHRADDHA WALKER MURDER CASE:** shraddha and Aaftaab were in a live in relationship since two years. Aaftaab strangled his girlfriend shraddha and chopped her body into 35 pieces and disposed of them in different parts of Mehrauli (Delhi).

HISTORICAL BACKGROUND OF LIVE-IN-RELATIONSHIP IN INDIA:-

Though 'Live in relationship' term may seem distasteful to some, nonetheless it is practice prevalent since ancient times. The purans also have a mention of Gandharva marriage which does not require involvement of the family members in the rituals. Even Lord Krishna and Radha lived together according to mythology.

BADRI PRASAD VS. DY DIRECTOR OF CONSOLIDATION (1978¹):

For around 50 years, a man and a woman, as the facts in this case unfold, lived as husband and wife. An adventurist challenge to the factum of marriage between the two, by the petitioner in this special leave petition, has been negative by the High Court. A strong presumption arises in favor of wedlock where the partners have lived together for a long spell as husband and wife. Although the presumption is rebuttable, a heavy burden lies on him who seeks to deprive the relationship of legal origin. Law leans in favor of legitimacy and frowns upon bastardy. In this view, the contention of Shri Garg, for the petitioner, that long after the alleged marriage, evidence has not been produced to sustain its ceremonial processes by examining the priest or other witnesses, deserves no consideration. If men and women who live as husband and wife in society are compelled to prove, half a century later, by eyewitness evidence that they were validly married, few will succeed. The contention deserves to be negative and we do so without hesitation. The special leave petitions are dismissed.

UNMARRIED COUPLES – RIGHTS IN INDIA

There is no codified law for unmarried couples or whom marriage is not completed. But there are several women who face many problems while having incomplete marriage or live-in-relationship.

According to report of 2003 of reforms of criminal justice system it was observed that evidence regarding a man and woman living together for a sufficiently long period should be enough to draw the presumption that the marriage was performed according to the customary rites and ceremonies of the parties. And thus, it is proposed that the word wife in section 125 CR.P.C. should be altered to include a woman who was living with man like his wife for a reasonably protracted period. It was also observed that the word wife needs some important changes also.

¹ 1978 AIR 1557, 1979 SCR (1) 1

It is judgment that law will presume where boy and girl are living together for a period of time. And that relation is open to all and consists some evidences also. In a case of *Marvin v. Marvin*² court used a new expression of 'palimony' has been coined, which is a combination of 'pal and 'alimony' for social obligation of a man entering into a live-in-relationship with another woman, without the formalities of marriage. And it was held that the provision of the family law act does not govern a non-marital relationship; such as a relationship remains subject solely to judicial decision.

The Supreme Court ruled that live-in relationships are lawful and two adults living together cannot be regarded as illegal or unconstitutional.

- Unmarried couples have the right to roam and sit together in public places as long as no "obscene act" takes place.
- If a live-in couple has resided under the same roof for some years, then any child born to them will not be illegitimate. The Supreme Court decided that children born to a live-in couple are legitimate.
- Unmarried couples engaging in consensual sex in private places cannot be harassed by the police. The right to privacy includes sexual autonomy and also protects unmarried couples.
- There is no law forbidding unmarried couples from renting or buying a home together. Unmarried couples can live together and buy or rent a property and become joint owners.
- The Protection of Women from Domestic Violence Act, 2005 also includes the right of partners in a live-in relationship to receive protection from domestic violence and abusive relationships.³

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

A child born in live-in-relationship *is considered as a legitimate child in India*. He/she have all the same rights and liabilities if they were born out of a valid marriage. The child will be considered as legal heir and will have all the rights in his father's property.

In case of *Bharatha matha vs. R Vijay reenganathan & ors* (2010)⁴:-

It was held by hon'ble Supreme Court that a child born in a live-in-relationship will be considered legitimate children and will be allowed share in ancestral property.

CONCLUSION:-

Observing all the above facts live-in-relationship is that, these types of relationships are grey shade. They have both good and bad impacts on our life. As stated above India is well known for its culture worldwide. According to Indian society many people do not accept live-in-relationship and if we see our Indian Marriage Act it also says that a man and women who are

² [(1976) 18 Cal.3d 660]

³ <https://www.shethepeople.tv/law-and-her/legal-rights-of-unmarried-couples/#:~:text=Unmarried%20couples%20can%20live%20together,domestic%20violence%20and%20abusive%20relationships.>

⁴ [(2010)11 SCC 483]

in a live-in-relationship are not considered as husband and wife. To make a relationship good or bad it only depends upon the people who are in such type of relationship, a man and woman together makes a relationship good or bad.

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