



RIGHTS OF WOMEN IN LIVE-IN RELATIONSHIPS AND IT'S EFFECT ON THE SOCIETY

Dr. Jyoti Selukar

Associate Professor

Bar. Sheshrao Wankhede College of Arts and Commerce, Khaperkheda

e-mail ID: jyotiselukar@gmail.com

Abstract

Live in relationship' is a living arrangement in which an unmarried couple lives together in a long-term relationship that resembles a marriage. Such a relationship is also known as Common law marriage i.e. informal marriage or marriage by habit and repute. Live in relationship form a characteristic feature and style of living of couples, especially those in metropolitan areas. However, the definition and ambit of live in relationship is very unclear, there is no specific legislation in India on this subject, and the laws are in the form of court verdicts which varies from case to case. This paper has tried to analyse the rights of women in live-in relationships in India and effects of live-in relationships in the society.

Key Words: Live-in relationship, metropolitan, ambit, legislations, verdicts.

Introduction:

India is known for its democracy and family system. Generally, people are very much attached to their families and the topmost priority of every ideal Indian is his family. The main reason is the kind of faith and respect people have on marriage. The social institution of marriage is the biggest strength of this diversified country. Irrespective of faith, people regard marriage as an integral part of their lives and believe that moral values and traditions are to be followed and preserved for a healthy society. 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. 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 and Gadharva marriage (one of the eight Hindu marriage forms). In this mold of matrimony the both uses to consider each other as husband and wife in front of god and keeps this as a secret. The advanced version of this popularly known as live in relationship. The term live-in-relationship is defined neither in dictionary nor in law. It has been called by various terms, such as living



together, shacking up, cohabitation, serial monogamy and living in sin. There is no specific law to regulate live- in relationships in India and the Hindu Marriage Act, 1955 does not recognize such relationships. However, the Protection of Women from Domestic Violence Act, 2005 recognizes the right of women in a live- in relationship which is 'in the nature of marriage' to receive maintenance/ alimony and protection against any form of abuse. In 2008, the National Commission for Women recommended that women in live- in relationships must be given the right to maintenance under Section 125 of the Criminal Procedure Code, 1973. However, recently it was observed that it is divorced wife who is treated as a wife, not a woman who hasn't been married and therefore, cannot claim maintenance under Section 125 of CrPC.

Rights of Women in Live-in Relationships:

The Rights of Women in such relationships do not have much condolence except some traces of assistance offered by the Protection of Women from Domestic Violence Act which covers in its ambit "relationship similar to marriage" or live-in relationships. The definition of "domestic relationship" 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. Hence the words in the nature of marriage are self-explanatory and buy within its meaning the social concept of live-in.

Furthermore, in the recent years the recommendations by various committees and NGO's have awaken the spirits of justice in the interest of women specially aggrieved by such relationships. Apart from this the Hon'ble Supreme Court has also given landmark judgments make its stand clear on the issue. For instance in the landmark case of D. Veluswami v D. Patchaimmal it was held a woman in a live-in relationship is not entitled to maintenance unless she fulfils certain parameters, the Supreme court had observed that merely spending weekends together or a one night would not make it a domestic relationship.

1-Maintenance rights

In the year 2003, after the suggestions of the Malimath Committee, Section 125 was fused in the CrPC (Criminal Procedure Code) to adjust the meaning of 'wife' and extend it to include women who were in a live-in relationship. This guaranteed that her Financial Needs were taken care of by the partner if she was not able to maintain herself or if the relationship got alienated. Likewise, protection against all types of abuse is secured under the Domestic Violence Act, 2005 just like married women.



2-Right to Property

After the amendment in 2005, the women's right to ancestral property is secured by the Hindu Succession Act, 1956. This provides her rights to ancestral and self-acquired property, like son, regardless of her marital status. So, whether woman is married or in live-in- relationship, the right to parental property will accrue to her by birth, while the property acquired by oneself will be divided according to the will.

3-Children's Inheritance Rights

The Supreme Court (SC) of India had held that if a man and woman living together for a long period of time, would be considered as married and will enjoy all rights also the children born to live-in partners are treated as Legitimate. Such children have the right to self-acquired properties of their parents according to the Section 16 of the Hindu Marriage Act.

CrPC Section 125 provide rights to the children that they can always claim maintenance even if their personal laws doesn't offer maintenance to them. In case the live-in partners are estranged, still they have obligation to maintain their children.

In *Bharata Matha & Ors. Vs. R. Vijaya Renganathan & Ors.* Case, the SC has also ruled that Child born out of a live-in-relationship may be permitted to inherit parent's property but does not have any right to claim against Hindu Ancestral Coparcenary Property.

Effect in the Society:

This fashion of live-in relation has affected all the youth of the society for various reasons. Nothing escapes without leaving drawbacks. No doubt such relation gives two partners the maximum opportunity to right to liberty, right to privacy, right to life. But the negative point must be realised as well. Below I have listed few points resulting to such relationship.

1-Breaking down of marriage institution

Marriage is a social union or legal contract between people that creates kinship. It is an institution in which interpersonal relationships, usually intimate and sexual, are acknowledged in a variety of ways, depending on the culture or subculture in which it is found. Such a union, often formalized via a wedding ceremony, may also be called matrimony. Therefore, it would be easily mentioned that live-in relationship is but degrading the valued of marriage which is recognised as social union unlike live-in relationship where there is only well of two people. Marriage leads to a bonding between a man and woman and this ensures security for children. Let us also caution the protagonists of live-in relationships that parting of ways, for one reason or the other, will leave



behind deep scars of being used and rejected. Progenies of such relationships will also end up as misfits in society

2-In and out relationship

Other easy way of defining the term “live-in,” is “walk-in and walk-out” relationship which entails no obligation on the parties. “It (live-in relationship) is a contract of living together which is renewed every day by the parties and can be terminated by either without the consent of the other. Thus, people who choose to have a live-in relationship cannot complain of infidelity or immorality. Therefore, we can say it nothing more than personnel enjoyment.

3-Anti-Hindu and live-in relationship

The Bharatiya Janata Party (BJP) has agitation over legalising live-in relationship as anti-Hindu. The party state that according to the Hindu Marriage Act, 1955, there is no provision for a second wife among Hindus. Hence, enabling the mistress to get the status of a legally married wife in all matters, including share in property, inheritance, and maintenance is contrary to the Act as well as Hindu customs

4-Negative identity

Everyone has the moral liability to adhere to life-enriching norms to enable the future generations to be proud of their birth, cultural traditions and national identity. Why should children be made to bear the cross of the skewed behaviour of their parents? Responsible parents will leave a valuable legacy and not vicarious liabilities to the progeny.

Even when parents normatively raise their children, many precautionary measures are required to insulate them from the ill-effects of the unsanctioned societal deviations and the vicious projections of modernity. India cannot afford to throw its proven and time-tested merits of its custom to the winds.

5-Weakens social relationship

As such relationships are choice of two individual wish to make their own family without the will of their parents there is always expectation of weak relation between the parents of the spouse family. Therefore, it is no doubt that there is always change of conflict of ideas and opinion in the family as a result it will laterally lead to weaken the relation between other member of the family. So, over all it is no it has a better negative effect in the society.

Conclusion:

Live-in relationship in India is still considered taboo. Though certain verdicts given by many courts have recognized live-in relationship, but still majority of people in India considered it immoral. Live-in relationship is evolved and determined by Supreme Court in many cases. However, there is no such



legislation that lays down the provisions regarding Live-in relationship. As we know, India is known for its cultural values, the concept of live-in relationship is considered improper by the society but is not illegal in the eyes of law. It was considered very unambiguous concept by most people. Later, Supreme Court of India stated that live-in relationship is Right to Life and cannot be held illegal. However, there is need to formulate and make laws clear, all the confusions and loopholes should be removed to give status to the relationship and rights to the parties, children born out of the live-in relationship, which is an utmost need to secure the future of such children. The court also tried to improvise the condition of women borne out of live-in relationship by defining their status under Domestic Violence Act, 2005. For clarity of their status various amendments should be made. The judiciary's effort to safeguard the interest of such couples and children is a welcome step to the gradual social changes.

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