

LIVE-IN RELATIONSHIP: WOMEN AND THEIR SOCIAL RIGHTS

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Abstract

Marriage is an integral part of Indian culture and tradition. It is currently opening its doors to western culture, which is vastly different from Hindu culture. In India, the concept of a live-in relationship was ambiguous until the Supreme Court took the initiative to fill the hole left by the absence of express legislation. Cohabitation or living together is a way for polygamists to avoid breaking the law and for partners to view their relationship as a personal and private matter unaffected by religious, political, or patriarchal institutions. This article seeks to draw attention to the current condition of live-in relationships, especially as it relates to the social rights of women.

Paper Identification



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1. INTRODUCTION

If somebody believes that the concept of a live-in relationship is a new propensity in India, they may be mistaken. The practise of heterosexual couples engaging in live-in relationships without legitimate and ceremonial weddings has been practised in India for a long time. It was not considered sinful in society for a

man to have a non-marital relationship with a woman who was not his wife. Keeping Concubines as Avarudh Stris for fun and enjoyment was not forbidden in the culture. Keeping a mistress outside of the marriage is also a source of pride and evidence of prosperity.[1]

However, in a few districts of Gujarat and Maharashtra, the "Maitri Karar," or "friendship arrangement," flourished. It was essentially an agreement between two heterosexual people who chose to be in a non-marital relationship. It is vital to note that such a living arrangement must occur between a married man as well as a single woman, as well as an agreement that she will not claim any other rights other than those of an intimate sexual connection.[2] The agreements served as a kind of insurance for the ladies who chose Maitri Karar. These arrangements were eventually referred to be live-in relationships once they were registered with the District Collector Office.

After independence, societal ideals associated with personal autonomy and individual rights emerged. Bigamy was become a criminal at the period, and women were more aware of their own rights. This Avarudh Stris practise has recently been declared unlawful because to moral and legal concerns. However, in India's major cities, the practise of living together is becoming more common. It is the western culture that is inspiring and following today's contemporary India, where a new kind of quasi cohabitation is prevalent in most western nations.[3]

It is the evolution of a mindset in which young people, without disqualifying themselves from a legal marriage, choose cohabitation over marriage. Indian culture does not acknowledge such a connection for several reasons that have been classified. There are two primary reasons why live-in relationships are frowned upon by Indian culture, namely the significance of marriage and women's reliance on males.[4] However, in metro centres, live-in relationships are increasing at such a rapid rate that the majority of the young population considers marriage to be a failing institution. Unlike many western nations such as the United States, Canada, France, and the United Kingdom, India continues to ignore the live-in relationship overall. Because the traditional values in the community and the female's reliance on the male, India still views marriage as the best shaping element of society. When a woman's marriage status changes, her legal status, social reliance, economic dependency, and domicile all alter. The same cannot be said for non-marital cohabitation, such as a live-in relationship.[5]

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married man as well as a single woman, as well as an agreement that she will not claim anyone else rights other than those of an intimate sexual connection.[7] The agreements served as a kind of insurance for the ladies who chose Maitri Karar. These arrangements were eventually referred to be live-in relationships once they were registered with the District Collector Office.

After independence, societal ideals associated with personal autonomy and individual rights emerged.[8] This Avarudh Stris practise is now outlawed because to moral and legal concerns. It was a period when bigamy became a felony and women were more aware of their own rights. 17 However, in India's major cities, the practise of living together is becoming more common. It is the western culture that is inspiring and following today's contemporary India, where a new kind of quasi cohabitation is prevalent in most western nations.[9]

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2. LIVE-IN RELATIONSHIPS IN INDIA AND THEIR NEW DYNAMICAL ASPECTS

When two people enter into marriage, they are committing themselves to one other in a way that is both sacramental and legal. Even though nowadays, most weddings are solemnised for the sake of legality instead of religious holiness, it cannot be disputed that the status of married has its historical and traditional roots in the religion of marriage itself. In the 1960s, a new kind of non-marital cohabitation evolved in western nations, and it has since expanded around the globe. One can wonder whether non-marital relationships were commonplace back then, too. In a live-in relationship, the notion of secularism is adhered to, therefore religious foundations are not given precedence in the selection of a potential spouse. However, despite its secular character, the institution of marriage is linked to personal laws of the country, the majority of which have been formed and codified via religious, social, and legal means. For married couples, it is important to remember that the sacrament of marriage is essentially protecting the sacredness of the union of a man and woman.[12]

The idea and practise of non-marital relationships and which was before sex is not a new one in practically every corner of the globe. Non-marital relationships, like marriage, are founded on societal standards that serve to sustain a community. As a result, it's possible that recognising marriage only is incorrect. Behavioral expectations for couples, commitment between the spouses, and contributions to marital stability are all that matter in today's age of individual autonomy and choice. According to sociologists, a "live-in relationship" may be a term that is "under-institutionalized." As in non-marital relationships there is no set system to govern the behaviour of the couple as there is in marriage laws, the couple's behavioural expectations are vary according to their manner of experience in the partnerships.[13]

When comparing marriage to other types of relationships, the legitimacy of a marriage usually comes out on top. Couples that engage into a legal and socially enforceable marriage contract may rest easy knowing that their dependents' financial well-being will be protected. Family members who are married share a common social life and provide care and support for one another are said to be "married." Laws governing financial assistance and property distribution are implemented after the breakup of a marriage. The spouse, who is a dependent, receives some financial protection under these divorce provisions. The notion of legal rights and obligations is thus unusual in live-in partnerships, which is worth emphasising. 40 While there is no legal barrier against two heterosexual people living together as a couple without being married, this is how the term "live-in relationship" has come to be used in modern society. Traditional Indian culture, however, disapproves of such living arrangements for a variety of reasons. In a live-in relationship, if the woman is financially reliant on her male partner, it may establish a subordinate position for the woman.[14]

There are a lot of reasons why people choose to cohabitate. Due to the fact that one or both of the parties are already married, they often choose to live together rather than enter into a legal marriage. In other cases, partners choose to live together rather than be married because it better reflects their whole philosophy of life. To put it another way, if one or both parties had previously been married, their rights as cohabittees may be affected by their past union's spouse or children's rights, which might affect their legal status.[15]

Non-marital cohabitation may change based on the effect of various nations on relationship satisfaction and wellbeing. Unmarried cohabitation is more widespread in that nation since it has been made a legal status in that country. If you consult with the resources available, you'll quickly learn about the most common

reasons why people choose to live with their significant other rather than move out. Any marriage that is solemnised in accordance with legal and religious requirements generates an unbreakable set of rights and obligations that cannot be renounced. Because there are no established rights and obligations in a live-in relationship, there are only the most limited and constrained remedies available if a right is infringed.[16]

Individualism and a focus on one's job have resulted in city dwellers leading more busy lifestyles, leaving little time for raising a family in the traditional sense. In today's world, it's usual to spend less time at home and much more time at work. Women are increasingly leaving the home to work, and as a result, they are unable to dedicate adequate time to their families and children. People also want to live a life that is free of stress and obligation. There are several reasons why people in India choose to remain with their partners rather than divorce because of the country's harsh divorce laws. A final divorce decision may take years to be issued if a divorce petition is filed and the parties have to deal with the problems and pain that the litigation entails. Short-term relationships may be easily initiated via a live-in arrangement.[17]

Another way to look at it is that the concept of marriage comes with a slew of legal requirements that live-in couples are exempt from. The entire premise of live-in partnerships is referred to as "taking a vehicle for a test drive" since no legal formalities are required for someone to enter or leave the relationship. Before getting married, it's best to get to know the person you're about to marry and avoid putting yourself into a legal situation.

A second reason to consider a live-in relationship is when a young person is away from home for further education or job in a metropolitan area or overseas. They are compelled to embrace the country's open culture as a result of a lack of both emotional and financial support. A similar pattern can be seen openly

in multi-ethnic metropolitan cities in India, particularly in locations where people work in multinational corporations and other multifunctional, modernised occupations, such as advertising, hotel and airline management, and the arts - music and theatre, for example. When two people fall in love and want to spend more time together, they often opt for a live-in relationship. Their connection, on the other hand, does not meet the criteria for a long-term commitment like marriage. So they choose a pre-marriage live-in relationship to ensure compatibility before making a long-term commitment. So, in essence, it serves as a pre-marital compatibility test.[18]

After being engaged, some couples prefer to live together in order to save money for the wedding by sharing a rent payment instead of paying for separate apartments. The idea of a live-in relationship as a long-term commitment is not new, but it is becoming more popular among couples who aren't married. Because of this, it falls under the category of a "live-in" relationship. The most common explanation given for the existence of these partnerships is a desire to escape responsibility. Alternatives to marriage are being sought because of the decline in the value of social ties and customs, as well as a low tolerance in romantic relationships. This is why a live-in relationship may be a good option for those who value their right to personal freedom and privacy. A veto is placed on the marriage of certain couples, such as gays and lesbians.

In 2018, the Supreme Court issued a landmark judgement on the subject of adultery. Under Section 497 of the Indian Penal Code (IPC), adultery is no longer punishable by law in India. The aggrieved party may now seek a divorce on a civil basis rather than a criminal one if a married woman continues to maintain non-marital cohabitation with some other man while her marriage to her husband is still ongoing.

Court: "A moment has arrived when society must realise that women are equal to men in every industry."
— Supreme Court in *Joseph Bright v. Union of India*

Primarily, this regulation looks to be rather outdated. Our tendency to provide notice becomes stronger as society advances and additional freedoms are granted. For this reason, we feel the need to give notice. Thus was declared by the Supreme Court that, "Section 497 is founded on gender preconceptions regarding the position of women, and it is contrary to Article 15 of the Constitution's non-discrimination norm. Section 497 is unlawful because it violates Article 21 of the Constitution's rights of dignity, liberty, privacy, and sexual autonomy."

In the West, the current version of a live-in relationship is widely accepted. It's not only the West that's bringing this idea to India. Two people of different sexes living together and engaging in marital acts without the sanctity of a real marriage is known as a live-in relationship. Cambridge described it as: two individuals who live together and have sex but are not married, according to the dictionary. Live-in partners is a common moniker for these people. People used to dwell together in close quarters when they weren't educated or civilised and had to rely on each other's blood to survive. It's very uncommon for individuals to choose a live-in relationship as an alternative to marriage because of a variety of reasons, including the fact that it's simpler to enter and exit than a traditional marriage, as well as the fact that it doesn't need a lot of time and effort.

Concubinage is sometimes mistaken for a live-in relationship, however this isn't always the case. Because the guy with whom she is living is already married, it is possible that the woman engaging in concubinage has a lesser social and economic status than he does. Men of great social and economic rank are expected to have concubines, according to popular belief. There are a variety of reasons why two people could live together. Most individuals who choose for live-in relationships do so because they wish to test their compatibility or improve their financial security before getting married, for example.

We may see this in rural communities, where everyone is governed by established social standards and their actions are constantly scrutinised by family and friends. In cities, however, there really is no such social barrier since no one cares about the private lives of others. As a result, a person living in a city has a great deal of freedom to do as they like. The majority of today's youth have access to plenty of free time and resources, so they're eager to spend it with those they care about. Therefore, in this environment, it is possible to get into a long-term live-in relationship without the need of marriage. Marriage between two heterosexuals from different social groups or castes, regardless of their religious beliefs, is still frowned upon by the majority of people in India. However, in the event of a live-in relationship, these prerequisites are not necessary.

The phrase "common law marriage" refers to a legally recognised live-in partnership that confers rights and responsibilities on the parties involved, both during the partnership and after its breakup. An informal marriage is one formed out of habit and good reputation. When two heterosexuals live together as married couple under the terms of a common law marriage, there is no official ceremony to commemorate the union.

The following are some of the fundamentals of common law marriage:

1. Cohabitation alone does not form a common law marriage; the pair must be recognised by others as husband and wife, and
2. A common law marriage is created when two people in a relationship freely choose to engage into a legally binding contract.
3. When it comes to age, both partners must be of legal marriageable age, else parental approval is required.
4. It is also necessary for both partners to be of sound mind and unmarried to get into a marital relationship.

3. CONCLUSION

The choice to marry or not to marry, as well as the decision to be in a heterosexual relationship, is a very

personal one. Domestic Violence Act 2005 will also apply to their partnership. As a result, it is evident that a live-in relationship is not the same as a marriage. If the husband is in a live-in relationship, it is harmful to the legally married wife and her children, as well as to the woman who is forced to live in such an unrecognised connection. As a result, since personal law is the primary legislation managing the relationship eminence and recognises the status or right to inherit property, it must be clarified and definite in order to avoid the aforementioned effects, and a change is required. As a result of the change in society, it is necessary to identify the problem and provide a meaningful and effective remedy. Though the legislature and court attempt to accept this notion in our culture, which is completely unique and foreign to our cultural ethos, it is also necessary to consider its impact on the legal marital interests of the parties coming into this partnership.[19]

The rights and duties of a cohabiting spouse should be established, and the children born from such a relationship should have a safe future, as we can see from legislation in many nations throughout the globe. The Indian courts have attempted to improve the situation of women who are the result of live-in relationships by bringing them under the DV Act, 2005. As a result, the judiciary's endeavour to bring live-in relationships out of the closet and protect the interests of such spouses and their children is a welcome step forward in the social evolution.

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