



Review Article

Living in Relationship - An Indian Perspective

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ABSTRACT

It is an arrangement where two people who are not married live together in an intimate relationship, particularly an emotionally and/or sexually intimate one, on a long-term or permanent basis is a common pattern among people in the Western world, Common reasons being wanting to test compatibility or to establish financial security before getting married. Although live in relationship has been legally recognized in some countries but in India it is neither legally nor socially recognized. These people indulging in living in relationship may represent in society as married couple for the purpose of leasing a flat or place to live, Marriage, for an Indian couple is a sacred union and compared to living together before you tie the knot, a marriage is more preferred to many, first in foremost because it is legal and above all you have gain high respect in society. Live-in relationships are legal in India. Recent Indian court rulings have ascribed some rights to long term cohabiting partners. Female live-in partners have economic rights under Protection of Women from Domestic Violence Act 2005

Key words: Living, Relationship, Indian

INTRODUCTION

A living arrangement in which an unmarried couple lives together in a long-term relationship that resembles a marriage.

“It’s better to have a live-in relationship rather than having a divorced life!” This is common and quite rational line favoring live-in relations in the world. Live in relationship are not new for western countries but these days the concept is adjusting its roots in east also. The word live in is controversial in many terms in eastern countries. But the 2K generation is so much influenced with this concept, in the whole world. The legal definition of live in relationship is “an arrangement of living under which the

couples which are unmarried live together to conduct a long-going relationship similarly as in marriage.^[1]

Why live in?

This is a general question which can strike at anybody mind that when arrangement of marriage is for two persons in love then why couples are leaning towards the live-in relationships. This question can have multiple answers, but this have been found that almost all the couples perusing a live-in relation are willing to get married someday. But before that they want to spend some time with one another, for understanding each other and to figure out their compatibility. Because they believe

that if they found themselves incompatible after marriage then they will have no choice other than compromising their life-styles. Some couples believe that going for a wedding is just a waste of money, because they think their love doesn't need any paper certification or social drama. The reasons can be numerous depending upon different mental set-ups.

The law traditionally has been biased in favor of marriage. Public policy supports marriage as necessary to the stability of the family, the basic societal unit. To preserve and encourage marriage, the law reserves many rights and privileges to married persons. Cohabitation carries none of those rights and privileges. It has been said that cohabitation has all of the headaches of marriage without any of the benefits. Cohabiting couples have little guidance as to their legal rights in such areas as property ownership, responsibility for debts, custody, access to HEALTH CARE and other benefits, and survivorship.

Live-in Vs Marriage^[2]

There are some couples (excluding gay and lesbian) who are living together from years but they still don't want to get married. For avoiding unsuccessful live-in relationships and for all couples who are confused about getting married before and during live-in relations, here are some recommended steps which will help them to take some healthier decision –

- Take decision to live with each other seriously and with great care.
- Couples should be very clear about their expectations from each other before they go for living with each other. Why are you going for live-in relation? You should be very clear about this.
- Remember living with each other doesn't make a guarantee that after this a guy will turn from somebody

who says "I will never get married" to somebody who make purpose on his knees. Expectations should be limited and never try to improve your relation, just live-in because you have a smooth going relation.

- Don't think that after living-in or after marriage your partner will change.
Fix a time for living with each other. You should not waste too much of your time in trying to establish compatibility, if it does not exist, accept that.
- Sign some agreement for live-in to handle finances and to set limits of physical relationships.
- Be clear with the fact that what is acceptable to you and what is not. It will help to have a rational decision about your partner.
- Avoid pregnancy, because in cohabitation relations the birth of children is found to be unwanted by both of the parents. Under these circumstances, it will be detrimental for future of child as well as for healthy relationship between the couple.
- Finally if you are deciding to go for marriage discuss with each other that what will change and what will not.
- Listen to your heart and go for a decision for which you don't need to blame anybody in future. Learn where to be emotional and where to be rational.

Living in relationship and Indian Law

In an observation that will cheer votaries of pre-marital sex and live-in partners, the Supreme Court on Tuesday opined that a man and woman living together without marriage cannot be construed as an offence.

"When two adult people want to live together what is the offence. Does it amount to an offence? Living together is not an offence. It cannot be an offence," a three judge bench of Chief Justice K G Balakrishnan, Deepak Verma and B S Chauhan observed.

"Please tell us what is the offence and under which section. Living together is a right to life," the apex court said apparently referring to Article 21 which granted right to life and liberty as a Fundamental Right.

The court said even Lord Krishna and Radha lived together according to mythology.

The apex court said there was no law which prohibits live-in relationship or pre-marital sex.

Film Industry, is mirroring in its films the 'live-in' relationships, a recent social phenomenon that is spreading in Indian society. Hindi movies like Fashion, Raaz, Salaam Namaste so on are all embedded with this theme. Present society is forced to accept this arrangement amounting to an alternative to marriage due to fast spreading western culture. All these movies are given U certificate.

A Supreme Court ruling putting live-in relationships on par with marriages raises difficult questions. Will it pit one woman's right to legal protection against another's? Does it overlook bigamy?

In January 2008, the Supreme Court validated long-term live-in relationships as marriages. A Supreme Court bench headed by Justice Arijit Pasayat with P Satisivan declared that children born out of such a relationship will no longer be called illegitimate. "Law inclines in the interest of legitimacy and thumbs down 'whoreson' or 'fruit of adultery'," the court added.

Equal rights

The recent ruling is only the latest in a series of recommendations by various

bodies seeking equal rights for the married woman and live-in female partner. A recommendation by the Justice Malinath Committee to the Law Commission of India (2003) stated that if a woman has been in a live-in relationship for a reasonable time, she should enjoy the legal rights of a wife. The Protection of Women from Domestic Violence Act (2005) provides protection to women at the hands of their husbands as well as live-in partners, and his relatives. When the law came into force in October 2006, it did not distinguish between the woman who is married and the woman who is in a live-in relationship.

The view from the courts

A Madhya Pradesh High Court judgement in 1985 dealt with the case of Loli, who had lived for several years with Radhika Singh. Together they had five daughters and a son. The trial court dismissed the case made by Singh's sister-in-law that Loli should not have property rights as she was just a mistress. The sister-in-law had sought her rights over the property, and contended that Loli had started living with Singh even when her first husband was alive, and therefore, there could not be a presumption of valid marriage. But the appellate court set aside the trial court's order, a stand the Madhya Pradesh High Court also agreed with.

Thus, a uniform view appears to emerge from the courts, when one looks at the history of cases on the question of live-in relationships. It appears that, by and large, legal sanction for live-in relationships is based on the assumption that they are not between equals, and therefore women must be protected by the courts from the patriarchal power that defines marriage, which covers these relationships too.

To marry, or not to marry?

Live-in relationships among urban, educated, upper-middle class young people began as a declaration of independence, as a

way of keeping away from the 'shackles' of institutionalised marriages. In fact, it's a willful rejection of the institution of marriage, of the stereotypes it engenders, and of the restrictions and inequalities it has come to stand for. But, legal sanction granted to a live-in relationship may put it back in the trap that live-in partners sought to evade in the first place. This legal sanction implies that live-in relationships are bound by the same rules of fidelity, commitment and economic stability that marriage is structured in.

Social geographer Soma Das says that people who opt for live-in relationships do so because they do not believe in marriage. "If live-in relationships are treated on par with marriage, many young men and women may not really like to get into such open relationships. At the other end, ensuring maintenance and giving legal sanction to live-in relationships will not make the position of the female partner equal to that of the wife because social acceptance in Indian society will take a very long time. It still does not have a mindset that accepts the estranged female partner of a live-in relationship."

Psychologist Shenaz B Ilavia believes that live-in relationships are still confined to a marginal segment of society which she calls the elite, upper middle class. "Theoretically, it may sound like a better proposition than marriage, but very few people actually opt for it. A live-in relationship is not a substitute for marriage," she says.

The Malimath Committee has recommended that a woman living with a man like his wife for a reasonably long period be recognized as his wife and the term 'wife' in Section 125 of the Criminal Procedure Code be amended to include such a woman

Section 497 of the Indian Penal Code deals with adultery a situation that could be

given birth to by extended friendship or 'living-in' relationship. This legal provision adjudicates a man who commits adultery liable for punishment of simple or rigorous imprisonment up to 5 years or with fine or both. Here woman abettor is not punishable. The aggrieved husband of woman can seek prosecution against the adulterous man. Presumption of law is that woman is a property possessed by husband. What is the status of a married woman in living in relationship?

Why some researchers believe couples who live together are at a greater risk for divorce.^[3]

They may be more accepting of divorce.

They may be less committed to marriage.

They may have married for the wrong reason, e.g., pressure from family or having a child together.

They may think they know all there is to know about marriage already.

They may have too high expectations of married life and get disillusioned early in their marriage.

They often have poor conflict resolution skills.

They may not be able to handle financial decisions together.

Reasons Couples Decide to Live Together

Economic or practical reasons.

Concerns about a long-term commitment.

Fear of divorce.

Convenience.

To give the relationship a trial run before marriage.

Lack of faith in marriage as an institution.

Escape from family home.

Compromise with partner who doesn't want to be married.

Companionship.

Cohabitation Concerns

More than 50% of couples who live together before marriage end up apart either through just moving out or divorce later on.

According to the U.S. Census Bureau, unmarried couples account for some 5.5 million households in the U.S. Evidence also shows that couples who live together may not discuss important or troublesome issues in their relationship.

CWA (Concerned Women for America), in their article Cohabitation up 85 Percent state, Americans are turning to cohabitation as security against divorce. But in doing so, they are placing their cherished relationships in even greater jeopardy. Cohabitation is not the answer to the rising divorce rate. Understanding, communication, selflessness, and commitment to the marriage vow"

Cohabiting Problems

Parental disapproval

Lack of common purpose

Gender issues

Division of labor disagreements

Money problems

Questions to Ask Yourself Before Living Together ^[4]

Why do you want to live together?

Are you aware of the possible higher risk factors for divorce for cohabiting couples?

Why don't you want to get married at this time?

Are you aware of the legal aspects of living together?

Have you considered having a cohabitation agreement

There has long been a need for a well-balanced, comprehensive and up-dated self-report measure of dyadic relationship quality. The aim was to test the new Quality of Dyadic Relationship, QDR, on 90 men and women living in long-term relationships and on 94 men and women constituting 47 couples visiting family counseling. In the first group A, the experienced entire quality of the relationship, QDR index, was found to be 22, with a possible range between 5 and 30, which means rather a good quality in the relationship. The dimension Dyadic

Consensus showed the highest marks together with Dyadic Satisfaction, indicating that these men and women did not just stay together by force of habit. In group B, the QDR-index was 20 before and 22 after counseling. Dyadic Sexuality was found to be lowest in both group A and B. QDR seems to be an instrument with good validity and reliability also in these study groups, according to the factor structure and Cronbach's alpha. ^[5]

CONCLUSION

The concept of live-in relationships is far different from that of marriage. Marriage is a lifetime commitment whereas a live-in relationship is an arrangement by choice entered into by individuals who want to run away from responsibilities. Most of the people going in for live-in relationships are those who just want to enjoy life with fun for some time but are afraid of the responsibilities that come along with being committed. They desire the emotional/physical security of a relationship as well as the freedom and independence that comes with being single. Giving live-in relationships legal validity will mean the dilution of social morality, social obligations and family bonds. It also amounts almost to legalizing prostitution.

The scenario in India where more and more women are financially independent and contribute to the family kitty, with laws in the Indian constitution to protect the Indian women, the living in relation is become an option, hence to protect the institution of marriage the government should not to legalize ^[6]

Live-in relationship will eventually lead to a lot of mental turmoil and practical complications like child custody. No one can guarantee that in such relationships children will not be born. Who will look after the women involved when they pass their prime and no one wants to 'live in'

with them? I do not know why we want to change our culture and traditions and imitate westerners, where the state takes care of old people which is not so in India. This will lead to lesser trust and decorum between couples and also more divorces and litigation.

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