



Opinion Of The Hon'ble Supreme Court Over Live- In Relationship And Its Legitimacy

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Abstract

Live-in relationships are a type of living arrangement in which an unmarried couple lives together for an extended period of time in a manner that is similar to that of a married pair. Live-in relationships are particularly common among educated urban groups as a means of avoiding the limits and disadvantages of official marriages while maintaining their independence. From planned weddings to love marriages and now to the "live-in relationship," a noticeable shift may be observed in our society. Upon closer examination of the necessity of such partnerships, it becomes clear that avoiding accountability is the primary motivation for maintaining them. In a case that reflected on the increasing prevalence of live-in relationships in India, the Court pointed out that such relationships do not confer any legal rights on either party. The Honorable Supreme Court was dealing with a claim for maintenance made by a woman claiming to be her husband in the context of a live-in relationship that had lasted for more than a year. Cohabitation or being in a live-in relationship is frequently associated with a human rights and individualistic mindset. However, despite the fact that it is quite prevalent in the majority of western countries, the reality in India with relation to the social fabric is significantly different.

Keywords: Supreme Court, live- in relationship, legitimacy, marriage, etc.

1. INTRODUCTION

It's a gradual process, but India is steadily opening its doors to western ideals and lifestyles, including the idea of live-in relationships. When it comes to marriage law, a man's relationship with a marriage is legitimate if it's legally recognised and legal if it's not. In a live-in relationship, an unmarried couple lives together in a long-term relationship that has the appearance of marriage. In every day parlance, it is cohabitation. For those interested in living together, a live-in relationship is intended as a way to assess their compatibility prior to getting married. As a way to avoid the limits and disadvantages of formal weddings, live-in relationships are particularly common

among educated urban groups in the United States [17]. But a live-in relationship can never replace the institution of marriage. When it comes to security and emotional fulfillment, such a relationship cannot compare to marriage. As a preliminary to a marriage, some people believe that a live-in relationship is beneficial, as it allows one to get to know their future spouse.

The Western World has adopted cohabitation as a typical style of living. Multiple factors can lead to people living together. Prior to getting married, some people may want to verify their compatibility or establish financial security with their future spouse. For example, certain interracial or inter-religious marriages are not legal or permitted if they are of the same sex. There are also reasons such as avoiding divorce by living with someone prior to getting married [12], avoiding higher income taxes paid by two-income couples (in the United States), negative effects on pension payments (among older people), philosophical opposition to the institution of marriage and believing that living together is no different from getting married. Some people choose cohabitation because they believe that their relationships are private and personal and should not be governed by governmental, religious, or patriarchal organisations [13]. However, certain legal zoning restrictions forbid more than three unrelated people from living in a house or apartment. Fornication, or sexual contact between unmarried men and women, is still illegal in a few states, but these prohibitions are no longer enforced. In the past, the law has been skewed towards marriage. When it comes to family stability, public policy promotes marriage as a necessity. For the sake of preserving and encouraging marriage, the law grants married people various rights and privileges [14]. All of these rights and privileges are absent during cohabitation. It has been argued that cohabitation has all the difficulties of marriage without any of the benefits.

2. ORIGIN OF LIVE-IN RELATIONSHIP

The concept of living in a relationship is not new in our society [15]. The only change now is that people are more open about their feelings about it. They were formally known as "Maitraykarars," and they were written agreements between persons of opposite sex who agreed to be friends, live together, and look after one another. From planned weddings to love marriages and now to the "live-in relationship," a noticeable shift may be observed in our society. Upon closer examination of the necessity of such partnerships, it becomes clear that avoiding accountability is the primary motivation for maintaining them. Because of a lack of commitment, a disregard for social links [18], and a lack of tolerance in romantic relationships, alternatives to marriage have risen in popularity. On the basis of assumed commitments, Joel D Block, a renowned Psychologist in New York, has distinguished between three types of relationships. "Going together implies sexual exclusivity; living together adds to this an agreement to merge daily routines and marriage, which carries with it the notion of long-term commitment and permanence. Living arrangements fall in the middle of the spectrum

between the least limiting (such as living with someone) and the most complex (such as living alone) (the marriage). In fact, the nature of the intimacy allows a couple to provide feedback to one another in order to notice and alter relationship-defeating behaviours. It has an element of convenience to it as well."

When we apply living relationships to a typical class of people, we discover that they are less common since this class is scrutinised more heavily in society as a whole. Contrary to this, both the high-income group and the lower-income group are in a position to readily accept emerging types of interpersonal connections [13]. An impoverished girl in desperate need of refuge can consider it no damage to live with a man of slightly higher financial standing without marrying him if she does not have any reservations about doing so. For the sake of their children's happiness, even parents are gradually beginning to impose restrictions on their children's living arrangements [19]. Because of our hectic schedules, we are unable to investigate the background of a couple that has decided to relocate to a different location or city. On the one hand, the cities of India are instances of the continuation of trust in weddings, but on the other hand, they are examples of the attractiveness towards living arrangements.

3. IS A LIVE-IN RELATIONSHIP EQUAL TO A RIGHT RELATIONSHIP, OR IS IT INEQUAL?

Someone has correctly stated that the world was created in the same way that God established a kingdom of right relationships. There was a right relationship between God and his creation. There was a right relationship amongst the individuals. Between people and the rest of creation, there existed a harmonious interaction. Now that relationships devoid of any sanctity are even being referred to as "right" by policymakers, we can only imagine what would be possible in God's beautiful and pure kingdom. No other type of connection can ever be compared to a relationship as long-lasting as marriage. As a result, while the choice of living in a partnership may appear appealing, the reality may not be quite as glamorous. They may be technically feasible, but their long-term success in life, which would eventually necessitate the company of a lifelong mate, is uninteresting.

3.1 Live in relationship in Indian social background

In India, the concept of a live-in relationship is a new one [15]. The word "unmarried pair" was not widespread at the time and the term "live-in relationship" was not used to describe it. Because of the changing times and attitudes of the people, these relationships have become more prevalent in the mainstream of society. The number of such relationships is steadily increasing, and the Supreme Court of India has been forced to treat the subject seriously as a result of this. Due to the most recent developments in the case, it is now possible to discuss the consequences of such partnerships on Indian society. Marriage in India is regarded as a sacramental tie

between two individuals, and it is celebrated as such. In many areas across the country, the concept of wife and family [16] continues to be accorded the highest priority. Since the time of British administration, cohabitation had been considered forbidden. The same cannot be said for metropolitan places such as Bangalore, Mumbai, Kolkata, Chennai and Delhi; nevertheless, it is less common in rural and semi-urban areas, which tend to have more conservative views, than in metropolitan areas. Despite the fact that it is not prohibited in India, the majority of people believe it to be abnormal and despise it. With a population of over 1 billion people, it's possible that less than 2% of the population is involved in live-in relationships. Not only does it lack public support, but the Indian sectarian structure makes it difficult to pass any legislation on the subject. There are several delicate issues to be considered regarding the relevance of live-in relationships in Indian public life, and some of these are highly sensitive. It is commonly known that the majority of Indians adhere to traditional values in their daily lives when discussing the country's cultural heritage and traditions. Promoting an uncommon concept such as live-in relationships will undoubtedly cause a stir in society [15], resulting in numerous upheavals. It also has a negative impact on the long-held values of institutions such as marriage and the family. It may result in a situation in which such behaviours are potentially harmful to the status and rights of women, which have already been disregarded for generations. Most significantly, young girls are at risk of being exploited by unscrupulous men, with the result that the girls become victims of lust and their lives are ruined as a result of their misguided beliefs. In recent decisions, the Supreme Court ruled that all live-in relationships do not qualify as a partnership in the form of marriage for the purposes of obtaining the protections of the Prevention of Women from Domestic Violence Act 2005.

3.2 Is Indian society ready for a Live-in-Relationship model of intimacy?

First and foremost, we must all shift our perspectives. Can live-in relationships ever become the norm in a country where weddings are still arranged and females are conditioned from childhood to accept their parents' choice? The trend is catching up in the metros, where live-in partnerships are becoming more common. More and more couples are choosing to live together before getting married in order to determine their level of compatibility. But what about couples who live in smaller cities? After all, metropolises do not represent the entirety of the country. Are parents in, say, Ranchi or Kanpur, open to the idea of their children living with them? What are the chances of them allowing their daughter to stroll into such a situation? Despite all of the progress that has been done, India continues to be characterized as a conservative society. The topic of sexuality is rarely broached in public, and the occurrence of unmarried couples living together is mostly restricted to high-powered professionals in metropolitan areas. Indeed, the Domestic Violence Bill, which was just passed by Parliament, includes violence against women who are in live-in relationships as a form of abuse. The fact remains that, while the system may be preparing itself for change, the fact remains that

mindsets have not yet changed. In this case, it is the woman who is starting out at a disadvantage [16]. Whenever a relationship collapses, she is the one who is held accountable. And if there is violence between partners in a live-in situation, no one steps in to help them out. In this case, as in the previous one, the onus is on the woman, and people pronounce judgment on her character. It is impossible for our society to progress unless and until we change the way we raise our daughters. Only a few of middle-class parents can truly claim that their daughter has the freedom to choose whether or not she wants to marry or simply live with a man. Ours is a patriarchal society with a strong female role model. Couples are slain in our country simply for having the courage to fall in love. There are some regions where caste panchayats decide the destiny of young couples who defy the social norm and marry outside their caste. Take, for example, what happened lately in Muzaffarnagar.

4. OPINION OF THE HON'BLE SUPREME COURT OVER LIVE- IN RELATIONSHIP

The Supreme Court's ruling, which made instant news and spread like wildfire across national media, was a case in point in a case that reflected on the increasing prevalence of live-in relationships in India, the Court pointed out that such relationships do not confer any legal rights on either party. It is clear that a concubine is not entitled to any maintenance under Indian law, despite the fact that Additional Solicitor General Indira has expressed strong opposition to the decision's use of gender-insensitive language. However, since the decision is set to stand, it is clear that she will not receive any maintenance. The Honourable Supreme Court was dealing with a claim for maintenance made by a woman claiming to be her husband in the context of a live-in relationship that had lasted for more than a year [16].

Because the concept of palimony, which applied to such relationships, was not recognised in India, the Court determined that even though the Domestic Violence Act recognised live-in relationships to some extent, not all such relationships were entitled to maintenance unless they met the conditions stipulated by the Court. The Supreme Court also commented on such relationships as common-law marriages and the popularity of live-in marriages as a social phenomenon [18], despite the fact that they were formerly deemed taboo and even acknowledged by the Parliament in provisions of the Domestic Violence Act of 2005. As a result of this, a Supreme Court bench composed of Justice MarkandeyKatju and Justice Thakur made the following observations in this regard: "We believe that Parliament, by the aforesaid Act, has drawn a distinction between the relationship of marriage and a relationship in the nature of marriage, and has provided that in either case, the person who enters into either relationship is entitled to the benefits of this Act." It appears to us that, in the aforementioned Act of 2005, Parliament has taken notice of new facial phenomena that has evolved in our nation and is known as live-in relationship. This new type of connection is still uncommon in our nation, and it can only be found in small pockets of huge Indian cities,

but it is extremely widespread in North America and Europe. The law states that when a husband abandons his wife, he must pay her with financial support, which is referred to as alimony in most nations. The law did not previously provide for the maintenance of a woman who had been in a live-in relationship with another man without being married to him and who had then been abandoned by him, but this has since changed.

5. THE LEGITIMACY OF A LIVE-IN RELATIONSHIP AND ITS IMPLICATIONS

The Supreme Court of India has declared that having a live-in relationship and having pre-marital sex does not constitute a criminal offence in India. The Supreme Court of India issued these views in a case involving Indian actress Khusboo, who had made statements in a magazine interview a few years earlier advocating premarital sex and the use of contraception that were later challenged. It is fascinating to note that we are still debating these topics in India in the twenty-first century. The vast majority of the world has moved on. However, I am pleased that the Supreme Court took up this matter and defined the position of the courts on such a sensitive subject as this. This has increased the pressure on the Indian government to establish regulations that will control such partnerships as well as define how issues such as custody and other difficulties would be handled when it comes to children born as a consequence of such relationships in the country [19]. Other than the Indian economy, there is a lot of expansion going on. Under the surface of Indian society, there is a sexual revolution taking place. The younger generation is dating earlier and more frequently, the number of people who live together is increasing, and the number of people who break up and go on to new relationships is also increasing, all of which are positive trends. Celebs from Bollywood and Indian sports (especially cricket) are abundant, and they tend to live a more permissive lifestyle than previous generations of celebrities did. Despite the fact that Bollywood is an early predictor and not a typical representation of where Indian society is today, it is an excellent indicator of where it is headed. However, the most annoying aspect is that there is no actual evidence accessible concerning what is taking place. Is it true that pre-marital sex and a live-in relationship are becoming more popular in urban areas only? Is it restricted to specific social strata or to a specific geographical region? Data that can be quantified is vital because it allows educational institutions, social groups, and the government to be more targeted in their support.

6. CONCLUSION

We can say that cohabitation or being in a live-in relationship is frequently associated with a human rights and individualistic mindset [14]. However, despite the fact that it is quite prevalent in the majority of western countries, the reality in India with relation to the social fabric is significantly different. This can be understood in light of the fact that, in India, marriage remains to be the institution of choice over all other forms of cohabitation. Although mature unmarried couples who choose to live together under the same roof should not be outlawed or frowned upon, this does not imply that they

should be discouraged from doing so. The efforts of the judiciary to defend the interests of those who live in such arrangements are unquestionably a positive step forward for the greater good of the society at large.

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