

PRESENT STATUS OF LIVE-IN RELATIONSHIP IN INDIA: A SOCIO-LEGAL PROTECTION FOR AGGRIEVED

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ABSTRACT

In today's Era live-in relationships are recognized throughout the world. In western countries it is acceptable by the society now but in India, we can say it as a topic of societal censure. The couple who is in a live-in relationship don't get that respect which is given to a married couple and if both partners are being separated or one of them walked out of the relationship then there is no legal remedy to the other party. We don't have a legal system for it. There is no law that binds the parties to their relationship and duties towards their partner or children. Thus, no protection is given to any of them. This is really sad to hear that where we have such a strong Justice administration but on the other side, we failed to provide justice to a party who is suffering from mental, physical pain. Thus, we need to have a proper legal provision for the protection of both partners in a live-in relationship.

Keywords: Aggrieved Party, Legal Provisions, Legal Remedy, Relationship, Society.

Introduction

"Marriages are decided in heaven but without marriage two souls can connect with each other."

It is said that with whom one will marry is already decided by God in Heaven, marriage is a bond of 7 births. But two souls can connect without marrying each other. It doesn't matter that if you marry a person then after that you both are bound with each other for 7 births. There are so many cases of divorce in the present scenario. If two adults want to live with each other or marry each other but before that they decided to know one another better, it's not wrong. They have the right to freedom.

Live-in is a kind of an arrangement where a couple decides to stay together without wedlock. India is a country of values, cultures and customs. People have emotions with their values and cultures. In the era of the 21st century where everything is acceptable in the world, in our rural areas we can see every single person is connected from their roots till today. Thus, society is not accepting Live-in Relationships openly. In metropolitan cities people are now more open minded for this kind of relationship in which two adults of different gender are living together like a married couple without a wedlock. They are capable of giving their consent and thus they have proper knowledge of good and bad things. No one can force a person to live like how they want to live, every person has liberty to live as they want. But if because of any circumstances they got separated or they couldn't manage their relationship or anyone wants to walk out from the relationship then there is no Legal Provisions and remedies for the aggrieved Party. On one side we have strong Legal System in our Country, we always talk about Justice but on the other side we have failed to provide Protection and Legal remedy to an aggrieved party. Now it's a time to talk openly about this matter because nowadays there are so many cases of Live-in Relationship arises in our Country. Live-in Relationship is not illegal in India thus this has become a major issue today. In our country society is still not accepting the couple who are in a Live-in Relationship as well as their relation. Even if a couple is in Live-in and had children from that then also our society don't accept that child is equal to child from a wedlock couple whether the couple got divorced, still they believe that relation as a right and a live-in relation as wrong one. There are failed live-in relationships also and no one wants to talk about them, nobody is there in our

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society who wants to give justice to the aggrieved party despite the fact that everyone started blaming the relationship. There should be a Justice System and Legal remedy for the aggrieved party. In our country we are failing to provide justice to an aggrieved party, it doesn't matter from what that party came into this trouble. No one wants to have trouble in their life. By willingness it is destiny somewhere who plays its role in a person's life.

Difference between Live-in Relationship and Marriage

Sr. No.	Marriage	Live-in Relationship
1.	Union of two adults with formal commitment which is recognized by the law is known as marriage.	It's a kind of an arrangement where two adults decided to live together without wedlock.
2.	Financial affairs are generally handled together.	Financial affairs are generally handled separately.
3.	Divorcing a spouse is more painful.	Relationships can end at any moment as it has no commitment.
4.	Families are involved in marriage as it is a union of 2 families, not only two individuals. So marriage can be a serious matter for the families.	Families are not usually involved in the relationship of couples as live-in relationships are about individuals.
5.	Responsibilities are common in marriage; however, freedom can be restricted sometimes.	Both partners tend to have their own freedom and space with no involvement of obligations and responsibilities.
6.	Children born in marriage are accepted by the families and the society.	Children born in live-in relationships may require some commitments by the partners.
7.	Marriage is a collective choice.	Live-in relationship is an individual choice.
8.	When one of the spouses dies, the other spouse has the legal right for the inheritance of a portion of a deceased spouse's estate.	When one of the partners dies, the other partner will have no claim in the estate unless his/her name is mentioned in the former's will.
9.	In post separation or divorce, a higher income earning spouse is obligated to provide financial support to their other spouse.	Couples who lived together and then split up are not obligated to support each other financially unless they enter into a contract.
10.	Children born in a marriage can be presumed to be the offspring of husband and wife.	Children born in live-in relationships are not entitled to legal presumption to paternity or maternity. They must establish their paternity or maternity status through blood tests and legal means.

Reasons of Live-in Relationship

The reason behind people choosing to possess a live-in relationship is to see the compatibility between couples before getting legally married. It also exempts partners from the chaos of family drama and lengthy court procedures in case the couple decides to break-up regardless of the reason, it's very evident that during a conventional society like ours, where the institution of marriage is taken into account to be sacred an increasing number of couples prefer to have a live-in relationship, whilst a perpetual plan, over marriage. There are so many other reasons also those are as follows:

- **Financially Viable:** In a marriage the couple make financial decisions jointly, they have to live in that decision where in a live-in relationship both parties are free to make their own financial decisions. When one of them wants to spend own money, he is free to spend by his choice; the other partner cannot interfere in the other's matter. Apart from that they bear financial expenses together. Thus, they are responsible for their own financial matters and it led to less quarrel between them. We can see it as a major reason for Live-in relationships because nowadays it's very expensive to live or bear all the expenses alone so most of the young generation is going in this kind of relationship where they can save money easily.
- **Equal Responsibilities:** If we look towards marriage, it is an old arrangement set by our ancestors where a couple binds in a relationship in which one will be responsible for the financial matters and the other spouse will take care of all the households and her family. On the other side in a live-in relationship both partners share all the responsibilities together.
- **Trust Factor:** In present trust plays the biggest role whether it is a contract, shopping, marriage or live-in relationship. In a marriage people have fear of a bad marriage because they are not

known to each other for a long time. If we look into live-in relationships then a major reason to go for this kind of relationship is trust where both the partners are trying each other to live together. They want to build trust before getting into marriage or in a relationship where they are legally bound together.

- **Freedom to Walk Out at any Time from a Relationship:** When a marriage results to divorce then it is complicated for both the parties. Sometimes couples are forced to stay together by families and society if they are not happy in that relationship. If they want to get divorce then they have a stamp of divorcee for their whole life. Society treats them like if their marriage is not successful then it's their fault without knowing the exact reason. Where in a live-in relationship if one partner feels to walk out from the relationship then he/she is free to walk out at any time during the relationship without a stamp of divorcee.

Consequences of Failed Live-in Relationship

When a couple is in a live-in relationship then there are chances of failed live-in also and it amounts to a great loss to one of the parties. There can be many consequences of Live-in which can be seen in our society nowadays those are as follows:

- **Mental Trauma:** When two partners are living together for a long time and because of some reasons they fail to continue. It can cause mental Trauma to one party who was serious in the relationship. In most cases women suffer more than men. Women are more emotional than men and they value their every relationship. There were many cases where the female partner suffers from mental trauma because of failed live-in and society doesn't accept them.
- **Emotional Breakdown:** A failure live-in relation can amount to emotional breakdown of a partner, if any one of them walk out from that relationship, then it can be dangerous for the other party when he/she is serious in the relationship. The person broke down mentally as well as emotionally. Sometimes it can cause depression to the partner and it is very hard to come out from depression. It can be as reason of suicide but no law is providing justice to them.
- **Trust Issues:** Nowadays people have become so practical with their relations but "It is said that if trust is broken then it is very difficult to rebuild trust." When a person loves his/her partner from the whole heart and the other party left him/her then it is hard to build trust again in any kind of relationship or on any person. A failed live-in can result in this also.
- **Fear of Failure of Relationships:** Human is an emotional creature of God who easily got connected emotionally, mentally to another person. Live-in is a kind of arrangement in which two people are living together because they want to know each other better and thus they connect deeply with each other easily. When there will be a failure of live-in relationship then the parties have fear of failure of relationships. In some cases, the person has believed that they are not good and cannot handle a relationship properly.
- **No Legal Remedy for Aggrieved:** When we are talking about live-in relationship then it is not compulsory that the relationship will always give positive results always, there are more chances of failure of the relationship. In case of failure to live-in there are no legal provisions which provide any protection to the aggrieved party.

Conclusion

Live-in relationship in which the partners have the opportunity to know each other better than marriage. Many times, a couple who is in love with each other they started to live together before marriage. In India it is not illegal but there is no legal system for this kind of arrangement so the couples who are living together without a Wedlock have no protection for their lives. In some cases, one of the partners wants to walk out from that relationship. In the absence of a kind of agreement they can walk out at any time. The relationship doesn't bind the parties into it. One can easily left the other whenever they want to go. Although it's an emerging social issue nowadays. In compared to foreign Countries, India still has no specific Legal provisions available to provide relief to the victim of failed Live-in Relationship. In western countries they include Civil and Union agreements, civil partnership Act and prenuptial agreements in which the female who is in live-in with her male partner for a long time period will have all the rights of wife and if they have children then they will treat as a married couple. Thus, both the parties have legal protection over the relationship. But in India there is no legal provisions regarding the arrangement and now when it is a burning issue in the society it needs Legal provisions for the same.

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