

Live – in – Relationship and marriage pattern in India – A Study

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Abstract: The institution of marriage is an universal phenomenon all over the world. Due to last few decades due to modernization, westernization, globalization etc has a great impact of the traditional pattern of marriage. Basically the emergence of marriage is still not exposed the clear view, several scholars define it as per their own perception. As per Westermarck ‘‘ Marriage is a more or less universal connection between male and female casting beyond the mere act of propagation till after the birth of offspring’’. G.P . Merdock defined ‘‘ Marriage as a universal institution that involves residential co-habitation, economic co-operation and the formation of the nuclear family’’. Most of the accepted concept of marriage is, it is the universal phenomenon to give social permission of two opposite sex individual to live together. In present day the social phenomenon gay or lesbian relations, live -in -relations, even among the marriage couples behavior like couple swapping has emerged which were not a part of traditional Hindu society. In the present paper a modest effort is made to see the changing pattern of marriage in India and the increasing phenomenon like Live-in-Relationship.

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I. Introduction

In the Indian society, marriage is one of the deepest and most complex phenomenon of human relations. It is considered a union of man and woman in a rite defined by social custom and law carrying with it specific economic, sexual and child-care responsibilities. The evidence of marriage first traced in 2350 BC in Mesopotamia. In theories of evolution several concept established by different schoolers. As per Tylor the civilization emerged by the three stages such as **Savagery –Barbarism—Civilization**, Bachofen explain the development of society by the path way of **Hetaerism - - Matriarchy - - Patriarchy**. According to these theories in ancient time there lived in **natural man** where sexual promiscuity was allowed. Our earliest ancestors most likely lived in a ‘**primal horde**’ (Coontz, 2005). In a primal horde there was no long term bonding exist between males and females, they copulated with many partners. There was no bonding between men and women and infants were more developed at birth than in later periods, Males were neither providers nor protectors making the forming of pairs redundant (Fisher, 2004).

With the offset of the post-modern or industrial society, the concepts of interaction between male and female specifically the attitude towards cohabitation largely has seen a drastic change. In a present society the relationship between marriage couples drastically changed and the number of divorce increases, in this scenario some considered the Live-in-relations are a better option than divorce. In this study I find out the issue of live-in-relationships from a sociological perspective to understand the nature of such an unstable form of marriage.

As per the Hindu religious belief the four major part of a men is to obey the ‘**Purusarthas**’, i.e **Dharma, Artha, Kama and Moksha**. As per the Hindu view of life, it is very necessary for a man and a woman to marry, in order to achieve the four Purusharthas - Dharma, Artha, Kama and Moksha, the four ideals of life. In the western society marriage regards as a personal matter concerned with love-making, home making and living together but the Indian views the concept of marriage as a religious sacrament and as fulfilling obligations towards the family and the society. Hence, the concept of a live-in relationship which is averse to the religious significance marriage holds in the Hindu religious belief, faced annoyance from the commoners living in India. The rapid expansion of modernity due to industrialization or westernization or globalization a shift from the traditional morals to the convenience of modernity is observed in Indian society. It is imperative to understand as to whether this new form of relationships is actually essential and more importantly viable or is it just another facet of westernization ruining the sanctity of our traditional values.

II. Literature Review

The meaning of live in relationship is "a course of action of living under which the couple which is unmarried lives together to lead a long-going relationship also as in marriage."

In his paper *Live In Relationship and its Impact on Indian Traditional Society A Critical Socio-Legal Study*, Rajeev Bhattacharya (2016) has concluded that cohabitation and live in relationship often tends to be a human rightist and individualistic approach. Despite being highly prevalent in majority of the western countries, the reality of such relations to the social fabric of India is totally different. In India, marriage continues to be the institution that is preferred to any other form of union between a male and female. But that does not mean that adult unmarried couples who wish to live together under the same roof, should be prohibited or frowned upon for any reason whatsoever.

In his article Shivam Kumar (2021) pointed out that the younger generation of India have started to more consideration towards Live-in-Relation than marriage, because they seems marriage causes to more burden and responsibilities to them. In present day supreme court and high court also acknowledge this concept of live-in-relations and legalized it.

In his paper Shiv Viswanathan (2015) has concluded that in present day the new generation moves towards their relations in both aspects that is emotionally as well as psychologically, they can easily fit with the new partner if they are not happily lived together.

In her book *Live-in-Relationship and Status of Women in India (2015)* Wazid Rahman shows the harmful effect of the life of women if their husband is in any live-in-relationship.

In his article *Then Comes Marriage?: Religion, Race, and Marriage in Urban America (2007)* W. Bradford Wilcox concludes that the church has a great influence to the urban mothers make the transition to marriage in communities where marriage has become increasingly infrequent. He mainly focused on socioeconomic and cultural interpretation for the fragility of marriage in urban American society.

III. Research Problem

In India the relationship pattern between a male and a female changes its traditional values. The big cities like Kolkata, Mumbai, Bangalore etc. where due to better availability of job people from different places are settled. Hence, amongst the young people the live-in relation gain a momentum. Most of them preferred to go for these kind of relations where the commitment to each other is less, they can easily move away if they do not like to live together. But in rural areas the concept of live-in-relation is still not accepted by the parents according to them these kind of relations are the relations where people only get the sexual pleasure. The concept of marriage as a religious sacrament in people's mind-sets. However with the rapid increase of globalization and the influence of western culture to Indian society traditional values in our culture has been destroyed among the young generation. Such unstable forms of marriage have their own social and cultural ramifications and its impact on societal norms is not easily reversible. Here we need to concern about the reliability, the social acceptance and other related issues related to Live-in-Relationship.

IV. Research Objective

- To find out the cause of live-in-relation.
- Interpret the socio-cultural ramification of such relations.
- To analyze the legalities of live-in-relationship and lawful status of live-in couples and their kids.
- To find out the shared rights and commitment of live-in couples.
- The Impact of Live-in-Relation among the young generations in India.

Population of Research study

The population of research study will include people from different cities in Indian to understand the influences and reasons for opting or not opting for live in relationships. Such individuals may be belonging to any age group.

Methods of Data Collection

The data used in this study is collected from secondary. It includes different case-laws, board reports research articles by scholars, newspaper reports, IANS reports and reports of commissions set up under the aegis of governments of India etc.

V. Data Analysis

Legality of Live-In Relationships in Indian Scenario

In India the female live-in partners have economic rights under Protections of Women and Domestic Violence Act, 2005. The National Commission for Women recommended to the Ministry of Women and Child Development in 30th June, 2008 that the definition of 'wife' as described in section 125 of Cr.P.C., must include women involved in a live-in relationship. In 2006, in the case of "Lata Singh v. State of U.P.," it was held that a live-in relationship between two adult male and female though perceived as immoral, does not amount to any offence under the law. In the case of "Khushboo vs Kanaimmal and another," the Supreme Court observed

“Though the society does not accept the concept of live-in relationship, it is definitely not illegal in the eyes of the law. Living together is a right to life where two adult people can enjoy each other companion and therefore it cannot be held illegal.” In 1978, in “Badri Prasad Vs Deputy Director Consolidation,” a clear observation was concluded that “If a adult man and woman who live as husband and wife in society are compelled to prove, after 50 years of wedlock by eye-witness evidence that they were validly married fifty years earlier, few will succeed. A strong presumption arises in favor of wed-lock where the partners have lived together for a long spell as husband and wife. Although the presumption is rebuttable, a heavy burden lies on him who seeks to deprive the relationship of its legal origin. Law leans in favour of legitimacy and frowns upon bastardy.” Same observation was made in “SPS Balasubramanian Vs Suruttayan”, in which it was observed that if an adult man and woman live together like husband and wife for a long period of time, the law would consider them as being legally married to each other unless proved to the contrary and offspring born out of such live-in relationship would be entitled for inheritance in the property right of the parents. To get recognized as “in the nature of marriage,” certain conditions were set by the Supreme Court in the case of “D. Velusamy and D. Patchaimal.

- The partners must hold themselves out to society as being akin to spouses.
- They must be of legal age to marry i.e they must be adult.
- The couple must be otherwise qualified to enter into a legal marriage procedure, including being unmarried.
- For a significant period of time the couple must have voluntarily cohabited and held themselves out to the society as being akin to spouses.

The live-in-relation between a married person irrespective of both sexes with the opposite sex does not consider by law and do not consider as in the “nature of marriage”.

Increasing tendency to Live – in –Relationship among youths.

Research says that 80 percent of Indians support live-in relationships. A massive 1.4 lakh netizens took part in a live-in relationships poll conducted by Inshorts, a news app, in May. “According to the survey, more than 80 per cent millennials think that live-in relationships are still considered a taboo in Indian society while more than 47 per cent Indians are of the opinion that marriage is better when choosing between marriage and lifelong live-ins,” stated an IANS report. In Mumbai, about 50% of couples in the 22–28 age group are in live ins. Given the anonymity of Mumbai, it is quite easy to find apartments, especially in areas like Andheri, Wadala, etc. It is easily concluded that it must be borne in mind in the age of 15-24 when individuals are involved in some educational study. Other than due to work place cohabitation people also go for live in together. But how far such cohabitations affect people of different age groups is yet to be observed.

Degradation of the value of marriage.

The social value of marriage has been degraded in Indian Youths specially those are settled in urban life, several reasons are working behind this, like

- To increase the age of marriage which has an impact of the mind sets of the young populations.
- The value of elder’s decision has lost its previous prestige.
- People want to avoid the responsibilities due to marriage
- Social pressures and thoughts of deeper commitment may promote wedding vows in middle-class young adults.
- Many committed couples aren't marrying because they fear divorce.
- Increasing number of divorce.

Negative Effect of Live-in -relation

- Though live-in-relation gives two individual to the right of maximum liberty, right to privacy etc. it also affected the youth of the society. It has several adverse effect to the society such as—
- It is a casual kind of relationship. Two partners can enjoy the company to each other but they can easily break the relation even can be terminated by either without the consent of the other. Most of the living couple do not stay with each other in a long period of time, only a few percentage of them got married in later stage.
- In live in relations 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. Hence there exist 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 which led a negative effect on the society.
- Children born out of live-in-relationship cannot be developed their mind set like the other children in the society. In the country like India these kids are not socially accepted by the society. Hence they are not having the mental state like others.
- Due to this kind of relationship premarital pregnancy increased.

- The sexual diseases like HIV can spread rapidly among the youth.

VI. Conclusion

Live –in-relationship has increasingly seen in India’s metro cities, though through it adult couples get the freedom of choosing their partners in a better way even without taking any responsibilities and commitment. But the concept of marriage is still hold its position in the society because it is an universal phenomenon for the adult couple to stay together with all kind of emotions, responsibilities and respect to each other. The females and the children are getting better acceptance in the society through marriage rather live ins. Live-in relationship may be ok in some circumstances but the importance of the institution of marriage for maintaining the social order cannot be denied

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