

Rights of women in live-in relationship

A man and a woman living together as husband and wife in a relationship without getting married is picking up its pace among youngsters especially in cities. By taking the burden of responsibility off their shoulders, both partners find living together easier than getting committed in marriage. Being involved in such volatile relationship, women are often the aggrieved party in the relationship. Read on to find out the rights of women involved in a live-in relationship.

Maintenance to woman

Some argue that since the couple is not married they couldn't be divorced either when it comes to live-in relationships. If they are not divorced, they are not eligible to maintenance. But Section 125 of CrPC is expanded to include women in live-in relationships to make sure her financial rights are protected. When a woman is in a live-in relationship for a reasonable amount of time, she can be considered as 'wife' to extend maintenance support. When an estranged woman is unable to maintain herself who was in live-in relationship earlier is eligible for maintenance.

Domestic Violence Act, 2005 was enacted to prevent women from different types of violence that happen in a domestic setup – this act also extends to women who are in a live-in relationship with a male partner by sharing a same household and live in the idea of marriage but is not equivalent to wife. When a male and female live in a shared household through a relationship of marriage, adoption, consanguinity or as family members living together, they are said to be in a domestic relationship. Although this act doesn't explicitly acknowledge live-in relationships, the provision - 'relationship in the nature of marriage' allows interpretation so as to protect basic rights of women and from violence.

Not all live-in relationships come under the purview of section 2(f) of domestic violence act. The Supreme Court mentioned that for a relationship to be considered as live-in relationship and to be interpreted under this section, some specifications should be followed:

- The couple must be of legal age to marry
- The couple living together in the idea of marriage or akin to spouses
- They must be qualified to enter into a legal marriage
- They must have cohabited voluntarily and have been living together for a considerable amount of time

There are cases when woman voluntarily enter into relationship with man after being well-aware that he is already legally married and have children. In such cases the women are not entitled to various relief measures under the provisions of PWDVA, 2005. But in cases of women being victimized by illegal relationships; even have children born out of such relationships, estranged without any financial support and

in order to protect such women from being victimised, the Supreme Court has laid down some guidelines based on which a live-in relationship can be given the status of marriage. The guidelines are as follows:

1. **Duration of relationship** –although there is no set duration devised by law, the couple should have been in a relationship for a reasonable period ‘at any point of time’.
2. **Shared household** – the couple should live together in a shared household
3. **Pooling of resources and finances** – the couple should be supporting each other financially or one person supporting the other by sharing bank accounts, acquiring immovable properties, shares in joint names or having separately in order to sustain a long-term relationship.
4. **Domestic arrangement** – when their domestic set-up indicates nature of marriage such as entrusting the responsibility of the household in the hands of woman to run a home and do household activities such as cooking, cleaning, maintaining the home, etc.
5. **Sexual relationship** – when the couple’s relationship extends to intimate, emotional wellbeing which also includes procreation of children so as to give emotional support, companionship and also material affection, caring etc.
6. **Having children** – the couple’s inclination to have children, their mutual support in raising them is a strong indication to having a long-term relationship.
7. **Socialisation** – Socialising in public as a couple and socialising with friends and relatives and others as if they are husband and wife is a strong indication that their relationship is in the nature of marriage.
8. **Conduct of both parties** – the intention and conduct of the parties about what their relationship is and to be, their involvement, their roles and responsibilities determines the nature of their relationship.

Woman’s right to property in a live in relationship

After amendments are made to the Hindu Succession Act, 1956, women are given the same right as that of a son to her parental property and self-acquired property irrespective of her marital status. After the death of the partner, when the property devolves on her, unless a will confirms she cannot inherit the property.

Rights of Children born out of Live- in Relationship

Legitimacy, Custody, Maintenance and property rights are important rights of a child born out of Live- in relationship.

Custodial rights of children

Child custody comes into picture when partners split from a live-in relationship. There are no specific laws to govern custodial rights of children born out of live-in relationship, so courts treat those cases just like marriage. As the welfare of the

minor is of paramount importance, the Courts will consider the same and award custody accordingly.

Child maintenance, legitimacy and inheritance rights

While shorter relationships were not judged uniformly by the courts, a child born out of long term live-in relationship is considered legitimate. The Courts have always ensured that any child who is born from a live-in relationship of a reasonable period should not be denied the right to inheritance. According to Section 16 of the Hindu Marriage Act, 1955, children born out of wedlock are deemed legitimate when it comes to inheritance purposes. They have the right to rights to both ancestral and self-acquired property. From recent judgements the court deems that all the children born in a live-in relationship is considered legitimate. Further, the child is also entitled for maintenance under Section 125 of the CrPC (Code of Criminal Procedure 1973) while they are minors and after they attain majority where such child is unable to maintain himself/herself irrespective of whether the child is legitimate or illegitimate.

While there are is no separate legislation governing the live-in relationship, the Courts have been providing legal status of the live – in relationship through its progressive judgements and continue to protect the rights of women and uphold the dignity.