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The Impact of Live-in Relationships on Traditional Family in India

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ABSTRACT

This paper helps to understand the impact of Live-in relationships on traditional families in India. Indian society has a rich cultural past. One of the important features of Indian culture is its Joint family system which has been followed for a long time. Live-in relationships have gained acceptance in certain urban areas, reflecting changing attitudes toward marriage. However, cultural and societal norms still largely favor traditional marriages. The impact of these changes varies across regions and communities, highlighting the diverse nature of Indian society. Live-in relationships challenge traditional societal norms surrounding marriage and family. Examining the legal status of live-in relationships in India is crucial for understanding the rights and responsibilities of individuals involved, especially in areas such as property, inheritance, and child custody. There is no proper legislations in India in order to protect the couple in Live-in relationships. This article has been completed by referring to the previous articles, papers published and doctrines related to the topic.

Keywords: Family, Joint family, Live-in relationship, Society, Urbanization, Westernization.

I. INTRODUCTION

Indian society has a rich cultural past. One of the important features of Indian culture is its Joint family system which has been followed for a long time. The dynamics of family structures in India have evolved over time, with factors like urbanization, globalization, and changing societal values contributing to shifts in traditional joint family setups. Live-in relationships have gained acceptance in certain urban areas, reflecting changing attitudes toward marriage. However, cultural and societal norms still largely favor traditional marriages. The impact of these changes varies across regions and communities, highlighting the diverse nature of Indian society.

II. INDIAN PERSPECTIVE ON FAMILY AND LIVE-IN RELATIONSHIP

Family is a group of people that are connected to each other by birth or by affinity. The family

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is the foundation of society. There are certain functions which can only be completed by family. We can divide such functions into two categories: primary and secondary function of a family includes;

Satisfaction of sex needs production -The primary objective of family is satisfaction of sex needs. The sex need is irresistible and satisfaction of this need brings the desire for union of man and woman through marriage institution. If sex instinct is suppressed, it may create personality maladjustment and disrupt social relations. Havelock states "with failure of sexual harmony, the marriage structure rests on shifting sand". The family fulfills sex instinct in a better way.

Production and rearing of children -Family is an institution par excellence for the production and rearing of children. No other institution can as efficiently bring up the child as can the family. The process of reproduction is institutionalized in the family. The task of race perpetuation has always been an important function of the family. The Hindu scriptures point out that the religious activities of man cannot be consummated unless he has a son. Legitimate production and rearing of children can be possible only through family. The family gives the individual his life and a chance to survive with appropriate protection.

Provisions of home-Home is the sanctuary place to provide comfort and affection to its members. The family satisfies the need for love and affection of human beings through home and eliminates emotional behavior problems of human beings. Man after the hard toil of the day returns home where in the midst of his wife and children he sheds off his fatigue. Children are born and brought up in homes only.

Secondary functions are economic functions like providing food clothing shelter and earning a good income to keep this family away from starving the risk psychology function as well like being an emotional support to the family giving attention to family members.

In every society there is a family system. Family in India is an institution by itself and a typical symbol of the collectivist culture of India.

The nature of family ties and types of families vary by society. In India familial ties are quite strong. There is a famous notion in India "Vasudev kutumbakam" which means "the world is one family".

Indian society has a rich cultural past. One of the important features of Indian culture is its Joint family system which has been followed for a long time, but now there has been a shift in these ties as the blend of westernization and urbanization began to affect Indian society.

III. HIGHLIGHTS AND CHALLENGES OF THE JOINT FAMILY SYSTEM

The joint family system in India has a lot of positives and negatives. The highlights of the joint family system include the following;

Ensures economic progress: The joint family meets the basic needs of its members -- food, clothing and shelter.

Advantage of division of labor: Every member in the family is given the advantage of division of labor.

Social insurance: The joint family acts as a social insurance for the old, sick and incapable.

Helps social control: The joint family acts as an agent of social control by exercising control over the behavior of its members. The individuals are taught to subordinate their individual interests to family interests.

Promotes psychological security: The joint family, through creating a harmonious atmosphere in the family, contributes to the development of social solidarity. It is psychological security to its members and prevents the growth of excessive individuation inside the family.

Challenges of joint family include the following;

Retards the development of personality: The joint family system does not provide enough opportunity to its members to develop the qualities of adventure, self-determination, industriousness, etc. The elders take up most of the responsibilities and the younger ones are over protected.

Uncontrolled Procreation: In the joint family, the responsibility for bringing up and educating the children is shared. The offspring of one member is treated on the same footing as others.

Promotes idleness: The joint family is said to be the home of idlers. Since all members of the family are assured of the basic necessities of life, no one takes much interest in productive activities.

Undermines the status of women: In patriarchal joint families, women have only secondary roles and are not given sufficient freedom to express and to develop their personality. Women in such families can hardly resist their elders because obedience is enforced upon them.

The joint family system is most suited to agricultural societies. With the trend towards urbanization and industrialization, the joint family living arrangement becomes irrelevant. Change in age at marriage, freedom in mate selection, changing attitudes towards marriage has affected the traditional joint family set-up. In addition to these, the increasing influence of

western values and cultures like live-in relationship has influenced the joint family system . The Joint family system in India is not only changing, but also tending towards disintegration. Live-in relationships is a domestic arrangement where a couple, let them romantically involved, live together in a long term committed partnership without being formally married . The couple share a residence and day-to-day life without the legal or religious sanctions of marriage. While live-in relationships may involve a commitment similar to marriage, they lack the legal and ceremonial aspects associated with formal marriages.

Live-in relationships challenge traditional societal norms surrounding marriage and family. The acceptance of cohabitation outside of wedlock has grown, reflecting a shift in cultural values. This change can be attributed to factors such as changing attitudes towards marriage, individual autonomy, and a broader acceptance of diverse family structures.

The introduction of live-in relationships often brings about changes in traditional family dynamics. Traditional roles and expectations may be redefined as couples navigate their relationships without the formal commitment of marriage. This shift can influence parenting styles, household responsibilities, and decision-making processes within the family unit. The impact of live-in relationships on traditional family structures is a nuanced and evolving subject. The emotional well-being of individuals in live-in relationships and its impact on traditional family structures is a critical aspect of this discussion. Exploring factors like relationship satisfaction, mental health, and stability can shed light on whether individuals in such arrangements experience comparable levels of happiness and fulfillment as those in traditional marriages.

Live-in relationships may face social stigmatization in certain communities or cultural contexts. Understanding how acceptance or rejection of these relationships influences the individuals involved and their families provides insights into the complex interplay between societal expectations and personal choices.

The presence of children in live-in relationships introduces another layer of complexity. Research into the well-being, development, and social integration of children in such setups compared to those in traditional families can offer valuable insights into the broader impact on the next generation.

Economic factors can play a role in the impact of live-in relationships on traditional families. Financial independence, joint assets, and economic stability may be influenced by the nature of the relationship, impacting the overall well-being and security of individuals and their families.

Live-in relationships, once considered unconventional, have become increasingly prevalent in contemporary society.

IV. LEGAL FRAMEWORK

In India, live-in relationships are not explicitly recognized by law. However, the Supreme Court has acknowledged them, stating that living together is a right to life. Unlike marriage, there is no specific legal framework governing live-in relationships in many jurisdictions. This can lead to uncertainties regarding property rights, inheritance, and other legal aspects.

The lack of legal lacuna such as

- **No Specific Legislation:** As there is no comprehensive legislation in India specifically addressing the rights and responsibilities of individuals in live-in relationships. This absence can lead to uncertainties in areas like property rights, financial support, and inheritance.
- **Recognition and Rights:** While the Supreme Court has acknowledged the legitimacy of live-in relationships, the lack of a dedicated law sometimes leaves couples without clear legal recognition, especially when disputes arise.
- **Social Stigma:** While not a legal lacuna per se, the absence of legal clarity can contribute to societal stigma and discrimination against couples in live-in relationships.

There is no specific legal framework governing live-in relationships in India and this can lead to uncertainties. In order to prevent this Indian judiciary must make a special legislation for protection of live-in relationships couples. There are a few legislations like domestic violence act, 2005 which protects women. There must be gender neutral legislation to protect the couple.

V. JUDICIAL INTERPRETATION

There are a few judicial decisions regarding live-in relationships in India which gives us a light into the status of live-in relationships in India.

D. Velusamy vs. D. Patchaiammal (2010):-The Supreme Court in this case discussed the criteria that could be considered for a relationship to be considered as a "relationship in the nature of marriage." The court laid down certain guidelines to determine the nature of the relationship.

S. Khushboo vs. Kanniammal & Anr (2010): - The Madras High Court held that living together without marriage is not an offense, and the woman's consent to the relationship is crucial. The judgment emphasized the need to respect individual autonomy in relationships.

Chanmuniya vs. Virendra Kumar Singh Kushwaha (2011):-The Supreme Court ruled that a

woman in a live-in relationship is entitled to maintenance under Section 125 of the Code of Criminal Procedure (CrPC) if she fulfills the criteria of being a wife, including being in a relationship that is similar to marriage.

Indra Sarma vs. V.K.V. Sarma (2013):- The Supreme Court in this case held that living together is a right to life and a personal liberty guaranteed under Article 21 of the Constitution. The court emphasized that the presumption of marriage in long-term live-in relationships may arise under certain circumstances.

VI. FUTURE PROSPECTIVES OF LIVE-IN RELATIONSHIPS IN INDIA

Live-in relationships in India have been evolving. Over time, there may be a continued acceptance and normalization of live-in arrangements as societal attitudes change. Factors such as urbanization, economic independence, and cultural shifts may contribute to an increase in the acceptance and prevalence of live-in relationships in India. The joint family system will disintegrate as time forwards as the blend of westernization and urbanization on gen-z is very much effective and is changing the course of thinking in younger generations.

VII. CONCLUSION

To conclude, Indian society has a rich cultural past. Younger generations often navigate a delicate balance between harmony tradition and asserting individual choices, contributing to a dynamic landscape in various matters in contemporary India . Live-in relationships represent a shift toward more individual-centric choices. It's important to recognize that the impact of these relationships on families can vary widely based on individual circumstances, regional differences. While acceptance is growing in urban areas, traditional views still exist in some communities. There is a high chance that the Indian judiciary will bring out a bill regarding Live-in relationships as it is an ongoing trend in India and there is a high need of protection of couples who are actually live-in with their partner.
