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# The Bond of Marriage in The New Era: With Special Emphasis on Live-In Together Relationship

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## ABSTRACT

*Marriage, an ancient institution, has undergone significant transformations over time. From the unconventional "complex marriage" experiments in the 19th-century Oneida Community to modern shifts in perspectives, the concept of marriage has evolved. Presently, live-in relationships have emerged as an alternative to traditional matrimony, offering a departure from the conventional expectations of marriage. The growing trend of cohabitation, particularly among urban youth, reflects a societal shift towards more flexible relationship structures. Legal systems are increasingly acknowledging and legitimising the rights of cohabiting couples, mirroring changing societal norms. While the legal status of live-in partnerships differs from traditional marriage, it does provide certain protections. The younger generation perceives marriage differently, often considering it as a potential obstacle to a liberated life. A questionnaire-based study involving 100 respondents aged 18 to 25, mainly students and recent graduates, explores the evolving attitudes of youth towards live-in relationships and marriage, shedding light on changing societal trends and individual preferences. This research study explores changing perspectives on marriage and relationships, with a specific focus on the legal landscape in France. In 1999, the French Parliament passed a groundbreaking law that provided legal recognition to unmarried couples, irrespective of their sexual orientation. It delves into the impact of legal recognition and customizable agreements on the choices and attitudes of couples in France, shedding light on the evolving landscape of relationship structures in the country. We have the obligation to save and redeem the falling institution of marriage and to answer the dynamic demands of the evolving society.*

**Keywords:** *Marriage, Changing tradition, Live-In Relationships, Cohabitation in France, Temporary partnerships, Youth attitude, Changing trends.*

## I. INTRODUCTION

Marriage is the world's oldest institution. It had withstood the test of time. But now it seems to

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be failing that test. During the 19th century, John Humphrey Noyes, the founder of the Oneida Community, in the United States developed the concept of “complex marriage” and “free love”. Complex marriage was a radical departure from traditional monogamous relationships, as it advocated for the abolition of exclusive, lifelong partnerships. Instead, it encouraged all members of the Oneida Community to view each other as spiritual equals and engage in sexual relationships openly and without jealousy. In practice, complex marriage entailed that any member of the Oneida Community could engage in sexual relationships with other consenting adults, and the concept of individual parentage was abandoned in favour of communal child-rearing. At last, the community disbanded in the late 19th century. Noyes failed in his move to shake the bond of traditional marriage. Today the institution of marriage is slowly collapsing in India.

Today, Live-in relationships have become alternatives to traditional marriage, offering a way to avoid the conventional obligations associated with matrimony. This trend reflects a societal shift towards more flexible and diverse relationship structures, acknowledging that meaningful connections can exist outside the confines of traditional wedlock. The surge in cohabitation among individuals in urban centres is unmistakable. This trend is underscored by multiple legal decisions bestowing formal recognition upon couples choosing to live together. The notable increase in such living arrangements is indicative of shifting societal norms, with metropolitan areas witnessing a growing acceptance of non-traditional relationship structures.

Courts, in response to these changing dynamics, are increasingly acknowledging and legitimising the rights of couples in cohabitation, marking a departure from more conventional views on relationships and marriage. This legal recognition signifies a broader societal evolution towards acknowledging diverse forms of partnerships in contemporary urban living. The Supreme Court of India has unequivocally established that cohabiting without formal marriage is neither illegal nor a criminal offence. In essence, the Supreme Court ruling underscores the idea that personal choices in relationships should not be subject to legal censure. However, it's essential to recognize that the legal status of individuals in live-in relationships differs significantly from that of married couples. While live-in partners may not benefit from the comprehensive legal rights afforded to married couples, certain laws do extend protections to them. In recent times, the younger generation perceives marriage as a burden, viewing it as an impediment to a liberated life devoid of commitments or responsibilities. There's a prevailing sentiment that avoiding matrimony is a means to embrace a carefree existence, unencumbered by societal expectations and obligations. While this evolving mindset does not categorically label marriage as "evil," it does highlight a changing attitude towards the institution,

emphasising personal fulfilment and self-determination in the pursuit of a fulfilling life. With these changing trends, temporary partnerships are also coming into prevalence. When it provides emotional support, it has its pros and cons. The same applies to live-in relationships. On one side, the courts are moving in a progressive way and have already recognized live-ins through its judicial decisions. On the other hand, the conservative society finds it hard to accept such relationships with wide arms and it is still reluctant.

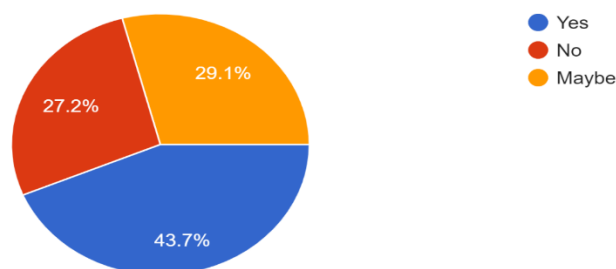
### (A) Methodology:

We constructed a questionnaire and received responses from around 100 people between the age group of 18 to 25. The survey consists of 7 closed ended questions which will help us to assess the perception of young youths towards live-in relationships and marriage. The respondents are mostly students and fresh graduates. Their anonymity has been preserved throughout this study. We have chosen the closed end questions because they are easy to interpret and analyse with less time. We noted down how many respondents agreed to the favourable statements and disagreed with the unfavourable ones regarding live-in relationships. We analysed the perception of the respondents towards live-in relationships based on our observations made through these questions.

## II. RESULTS

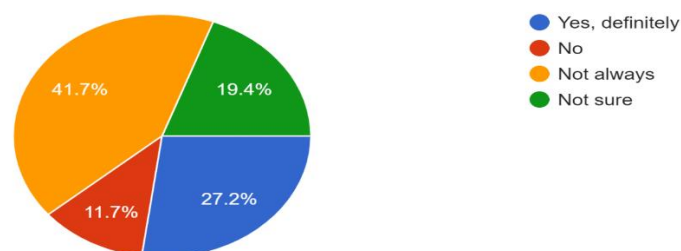
Do you think marriage is/will be an indispensable part of life?

103 responses

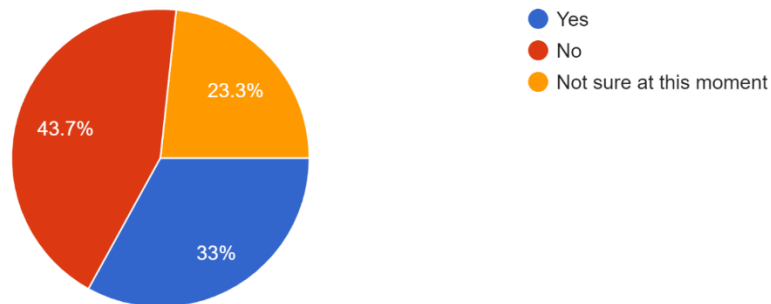


Do you think live-in relationships leads to a better understanding before marriage?

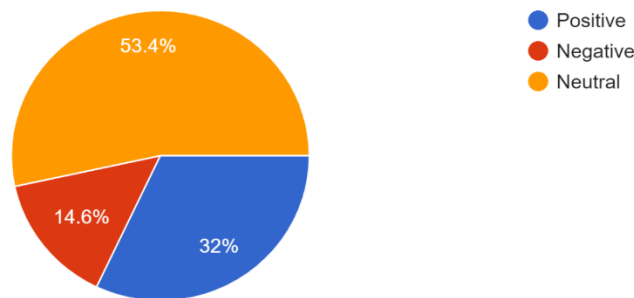
103 responses



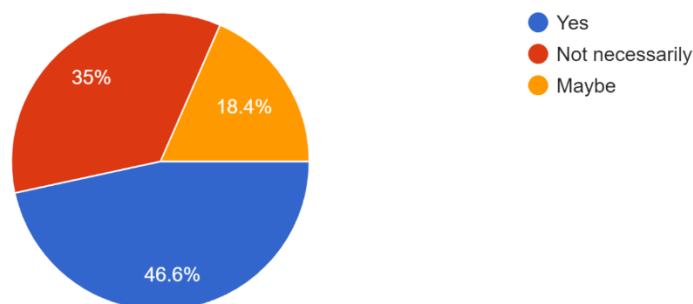
Are you open to the concept of living together as a couple without legal formalities of marriage?  
103 responses



What would be your attitude if the people around you get into a live in relationship? (Though it's the decision of private persons, the necessity to ask th...on arises as the society's attitude influences them)  
103 responses

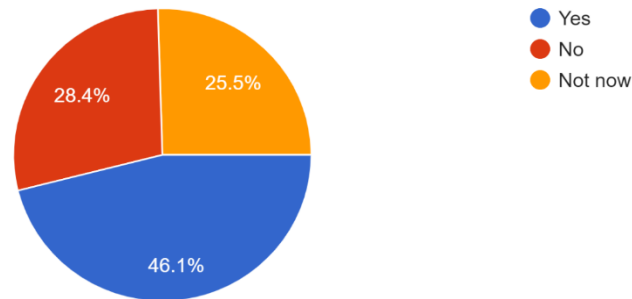


Do you think the growing trend of live-in relationships will further diverge us from the traditional marriage custom?  
103 responses



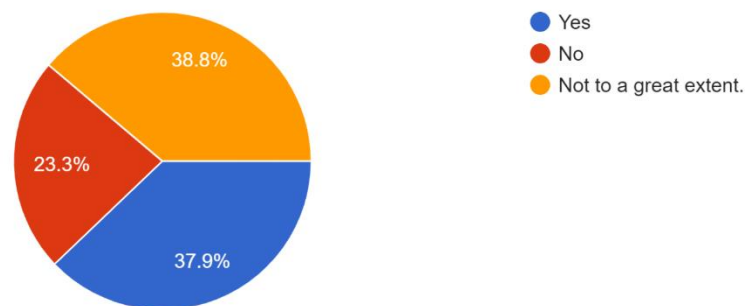
Do you think live-in relationships should be legalized in India? (It is not illegal currently but not legally recognized)

102 responses



Do you think, in today's world, marriage is not valued much and it is collapsing?

103 responses



Majority of the respondents aren't open to the concept of living as couples without any legal formalities and they think live-in should be legalised.

### III. COHABITATION IN FRANCE

In this research study, let's take a look at France which gave legal status to unmarried couples. The French Parliament approved a law that granted legal recognition to unmarried couples, regardless of their sexual orientation in 1999.

#### (A) PACS:

The law enables couples, whether of the same or opposite sex, to formalise their union and enjoy the same legal rights as married couples in various aspects, such as income tax, inheritance, housing, and social welfare. These unions, referred to as "civil solidarity pacts" or PACS, (Pacte Civil de Solidarité) result from a commitment to acknowledge same-sex relationships. To enter into a PACS, couples will need to register their partnership with a court

clerk. Notably, either party can terminate the contract by providing written notice, with a three-month grace period. However it does not grant any additional rights to same-sex couples regarding adoption or parental rights. By entering into a PACS, couples can enjoy certain rights and obligations, such as tax benefits, inheritance rights, and social welfare advantages.

#### **(B) Cohabitation agreement (Contrat de Cohabitation):**

Unmarried couples in France can draw up a cohabitation agreement which will specify the terms and conditions of their living arrangement. This agreement can extend to cover issues such as property ownership, financial arrangements, and the division of assets in case of separation. The cohabitation agreement is a flexible and customizable legal option that allows couples to define their own terms.

#### **(C) Child Custody:**

Unmarried couples with children can establish legal arrangements for child custody and parental rights. This can include agreements on custody, visitation, and financial support for the child.

#### **(D) Indivision:**

Unmarried couples who purchase property together can opt for joint property ownership and this is known as "indivision". This arrangement specifies the ownership shares of each partner and can protect their respective property interests in case of separation or the sale of property. Thus, the rights of unmarried couples are ensured and protected.

### **IV. EMERGING TEMPORARY PARTNERSHIPS**

A new and growing trend in China is capturing the attention of young individuals looking for companionship. This emerging trend is gaining popularity due to its potential to offer the benefits of a relationship without the intricate complications that often come with it. According to a report from the South China Morning Post (SCMP), this innovative approach to companionship is becoming increasingly popular among the country's youth. Known as "da zi" in Mandarin, which translates to "everything can be matched," temporary partnerships are based on the idea of connecting with like-minded individuals, regardless of gender, and sometimes without prior familiarity.

#### **(A) Cohabitation in India**

The Supreme Court in the case of *Velusamy V. Patchaiyammal*, has established specific criteria for recognizing live-in relationships as "relationships in the nature of marriage" and therefore, valid. These criteria include:

- The couple must publicly present themselves as being similar to spouses.
- Both individuals must be of the legal age to marry.
- They must meet the qualifications for entering into a legal marriage, which includes being unmarried.
- They must have willingly cohabited and publicly portrayed themselves as being akin to spouses for a significant duration.

However, in cases where one of the partners is already married, the same legal protections are not readily applicable, as this would contradict the requirement that such relationships must be "in the nature of marriage."

In **Badri Prasad v. Director Of Consolidation And Ors**, it was held by the Court that a strong presumption arises in favour of wedlock where two partners have lived together for long spells as husband and wife.

In 2006, in the case of "**Lata Singh v. State of U.P.**," it was held that a live-in relationship between two consenting adults of opposite sex, though perceived as immoral, does not amount to any offence under the law.

In the case of **Khushboo vs Kanaimmal**, the Supreme Court observed "Though the concept of live-in relationship is considered immoral by the society, it is definitely not illegal in the eyes of the law. Living together is a right to life and therefore it cannot be held illegal.

In, **Kattukandi Edathil Krishnan vs Kattukandi Edathil Valsan**, the court observed that:

Long course of living together between a male and female will raise a presumption of marriage between them and the children born in such a relationship are considered to be legitimate children. They have the right to property, not just ancestral but also self-bought property. Since there is no special law for the maintenance of children born out of such relationships, the law decides to provide children with protection. Thus, evolved section 125 of the CrPC. The section includes provision for all children who cannot claim remedies in their laws. The Indian law also does not allow the couples living together to adopt a child as per the terms laid down by CARA.

## V. CONCLUSION

It is evident that this trend is not confined to India alone. The whole world has been undergoing this change. As a huge number of people choose not to enter the institution of marriage, live-in relationships are accelerating and the birth rates are declining. The share of adults who have lived with a romantic partner is now higher than the share who have ever been married. In some



cases, even married women are choosing not to give birth. India is witnessing a profound transformation in its societal and cultural norms. It is crucial for lawmakers to carefully assess the ramifications of these evolving relationships. The need for a comprehensive legal framework that embraces the diverse aspects of live-in partnerships is evident and it is necessary to answer the dynamic changes of the evolving society. At the same time, the obligation to save a broken and falling institution also lies upon our hands. The recognition of live-in relationships in India signifies an ongoing journey towards a more inclusive and modern legal landscape. This is a matter of great importance which is to be decided with sensitivity, respect to uphold the rights of individuals and the society.

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