
IRRETRIEVABLE BREAKDOWN OF MARRIAGE VS. MODERN RELATIONSHIP MODELS: AN ANALYSIS

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ABSTRACT

Marriage is considered an integral part of one's life in the society. In Hindu law, marriage is regarded as a sanctity rather than just another contract. However, certain factors lead to the irretrievable breakdown of marriage. The codified laws now recognise these factors as certain grounds for divorce. This research paper will investigate the irretrievable breakdown of a marriage in contrast with contemporary relationship styles, especially focusing on the idea of live-in relationships and open marriages. The research paper will traverse the traditional scope of the irretrievable breakdown of marriage and its definition, and applicability.

The study would then delve into contemporary concepts of live-in relationships and open marriages, embarking upon the legal doubtfulness of these newer notions. Further study of current legal provisions, applicability, and landmark cases will help us understand the present-day standing on this conflict. Through public opinion and hypotheticals, the notion of these newer relationship forms will be examined as a potential legal defence. The paper concludes with a personal opinion and the potential evolution of family law with changing societal norms.

Statement of Problem:

The statement of problems pertains to the conflict between the irretrievable breakdown of marriage in contrast with contemporary relationship models like live-in relationships and open marriages. The paper examines the scope of the irretrievable breakdown of a marriage with newer relationship models in society. The problem centres on understanding the legal concept of irretrievable breakdown of marriage in Hindu law, with newer relationship models like open marriages and live-in relationships and open marriages discussing if the existing statutory provisions are enough to deal with the complexities that this conflict unfolds into. The paper will also examine whether there is any sense in these newer models nurturing good legal defences.

Research Objectives:

- To understand the current legal provisions of the irretrievable breakdown of a marriage
- To understand new relationship models
- To understand the scope of legal defences regarding newer models
- To understand public opinion on the topic

Research Questions:

- What are the current legal provisions regarding the irretrievable breakdown of a marriage?
- What and how new relationship models develop in India
- If these new relationship models can serve as a good legal defence against the irretrievable breakdown of a marriage

Chapterisation:**1. Introduction**

Concept of irretrievable breakdown of marriage and new relationship models, an introduction

to the general theme of the research paper. The focus is on the concept of marriage and the complications that surround it.

2. Understanding the concept of irretrievable breakdown of a marriage

2.1 Definition

2.2 Legal framework in India

2.3 Foreign practices

3 New relationship models

3.1 Live in relationship

3.2 Essentials of a live-in relationship

3.3 Legal framework in India with landmark judgements

3.4 Open marriages

3.5 Legal framework in India

4 What next?

4.1 Role of legislation

4.2 Implementation

4.3 Public survey and opinion

5 Conclusion

Concluding the findings of the research paper, while summarising everything that could be learnt from this paper. The conclusion outlines the intricacies of irretrievable breakdown of a marriage, the concept and development of new relationship models and public opinion and areas to develop upon.

IRRETRIEVABLE BREAKDOWN OF MARRIAGE VS. MODERN RELATIONSHIP MODELS: AN ANALYSIS

1. INTRODUCTION

In contemporary times, the institution of marriage has undergone profound changes, reflecting broader shifts in societal values, legal frameworks, and individual expectations of relationships. Historically considered a sanctity instead of being contractual, marriage was wholly considered a sacred bond of husband and wife that existed beyond mortal existence. However, marriage today is seen through a pragmatic approach, which is flexible and empathetic. One significant change that marriage has seen through the course of years is the development of the concept of irretrievable breakdown of a marriage, which allows couples to dissolve their union without assigning fault to either party. This legal provision recognises the fact that a marriage can be broken down beyond repair to compensate for a person's rights and happiness in an empathetic way. Historically considered incapable of being independent according to the Manusmriti that quotes 'Her father protects (her) in childhood, her husband protects (her) in youth, and her sons protect (her) in old age; a woman is never fit for independence'¹ in its chapter 9, women have come a long way tangent of a traditional stereotype that accounted them good for nothing. This newfound independence not only made existing marriages flourish, but it also gave a sense of self-conscience to women who now no longer stay in abusive relationships and strive for individuality and a sense of contentment and happiness in their lives. By focusing on the functional collapse of the relationship, rather than on specific problems, the concept of irretrievable breakdown aligns with more contemporary views of personal autonomy and emotional well-being within partnerships, particularly for women.

At the same time, western concepts like live-in relationships, open marriages, and non-monogamy have found their way into modern society, gaining increasing acceptance and popularity. These alternatives to conventional relationship styles offer individuals the opportunity to explore partnership, commitment, and intimacy in their own way. Open marriages, for example, allow couples to experience non-monogamy, something that falls under the bracket of adultery and bigamy inherently illegal according to the Hindu Marriage Act. Similarly, live-in relationships enable individuals to experience many aspects of a marital

¹ MANUSMRITI: THE LAWS OF MANU translated by G. Buhler available at (<https://eweb.furman.edu/~ateipen/ReligionA45/protected/manusmriti.htm>) (last visited 10 October 10, 2024)

bond without the formal legal obligations of a marital bond. Both these models give us an insight into evolving cultural patterns around companionships, relationships, happiness, individuality, love, and sex, where personal fulfilment takes over moral and conventional standards.

The emergence of newer relationship models adds to the existing complexities regarding the relevancy and adequacy of the existing legal framework governing marriage and divorce. While the notion of the Hindu Marriage Act strictly prohibits relationships that are non-monogamous, it is imperative to note that the Act itself does not account for the complexities of these relationship models. This paper explores the concept of irretrievable breakdown of marriage in contrast to the dynamics of live-in relationships and open marriages, examining the impact of these latest structures on how they reshape the definition of commitment, social implications, and at last, the impact on the legal structure. By exploring the intersection between traditional marital dissolution and alternative relationship models, this study seeks to understand how contemporary relationship dynamics are influencing both legal practices and societal perceptions of partnership, autonomy, and fidelity.

2. UNDERSTANDING THE IRRETRIEVABLE BREAKDOWN OF MARRIAGE

The concept of irretrievable breakdown of a marriage is based on the principle of a pragmatic approach to the dissolution of marital bonds. It is inherently acknowledging that a marital bond may be broken beyond repair, where reconciliation is not practical or possible. Under this concept, divorce can be granted without assigning fault to either party for the breakdown of the marriage. The focus, however, is on the irreversible collapse of the marital relationship, which recognises that continued cohabitation would be intolerable and contrary to the welfare of both parties.

DEFINITION

The legal definition of irretrievable breakdown of a marriage is defined as the situation where a marriage is no longer viable, and there is no hope of restoring the relationship, even if both spouses remain legally married.² This ground for divorce is significant because it recognises

² Irretrievable breakdown of a marriage available at <https://www.drishtijudiciary.com/current-affairs/irretrievable-breakdown-of-marriage#:~:text=An%20irretrievable%20breakdown%20of%20marriage,to%20this%20theory%20of%20divorce>. (last visited 12 october 2024).

that forcing spouses to remain legally in a marital bond, despite the emotional and functional collapse of their relationship, serves neither justice nor the welfare of the individuals involved. The importance of this concept incorporates a respectful and dignified exit from a union that is beyond repair and does not serve either of the parties involved. This concept not only serves a humanistic approach but also provides an alternative to leaving a relationship without going through a long process of proving the wrongdoing of the other party. Saving time and effort, this concept helps individuals to lead their lives in their own way without necessitating relying on specific grounds for divorce, like adultery, cruelty, insanity, etc. Bollywood films such as Tanu Weds Manu Returns explore the theme of irretrievable marriage breakdowns. The story follows a couple as they navigate the complexities of their marital relationship, which eventually culminates in the complete dissolution of their marriage. The protagonist ultimately divorces his wife to pursue a new relationship with someone else. Consequently, contemporary cinema extensively highlights the concept of an irretrievable breakdown of marriage.

LEGAL FRAMEWORK IN INDIA

In India, the concept of irretrievable breakdown of marriage was recommended by the Law Commission of India for the first time in 1978. In its 71st report, the Law Commission recommended that an irretrievable breakdown of marriage should be added as a ground for divorce, and the Hindu Marriage Act of 1955 should be amended.³ Similarly, in 2009, the Law Commission again recommended an amendment in the Hindu Marriage Act of 1955 to incorporate irretrievable breakdown of a marriage as grounds for divorce in its 217th report. The report quotes 'It is, therefore, suggested that immediate action be taken to introduce an amendment in the Hindu Marriage Act and the Special Marriage Act for inclusion of 'irretrievable breakdown of marriage' as another ground for grant of divorce.'⁴ The Supreme Court of India in several cases had invoked the powers vested to it through Article 142 of the Indian Constitution which states that 'The Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or

³ Manupatra round up, Available at <https://www.manupatra.com/roundup/262/News.html#:~:text=The%20Law%20Commission%20of%20India,granting%20divorce%20among%20the%20Hindus.> (last visited October 13, 2024)

⁴ Law Commission report 217th Report On Irretrievable Breakdown Of Marriage - Another Ground For Divorce, Available at <https://indiankanoon.org/doc/117804397/#:~:text=217Th%20Report%20On%20Irretrievable%20Breakdown%20Of%20Marriage%20%2D%20Another%20Ground%20For%20Divorce,-GOVERNMENT%20OF%20INDIA&text=44.,at%20fault%20has%20been%20unreasonable.> (last visited 13 October. 2024)

matter pending before it, and any decree so passed or order so made shall be enforceable throughout the territory of India in such manner as may be prescribed by or under any law made by Parliament and, until provision in that behalf is so made, in such manner as the President may by order prescribe.⁵ This power not only ensures complete social justice but also gives power to the Supreme Court to apply any judicial principle that it may deem fit to ensure justice across the whole society.

In the landmark case of **Naveen Kohli v. Neelu Kohli (2006)**,⁶ it was observed by the Supreme Court that both parties had filed numerous cases against each other, and the wedlock between both parties was broken down and completely and was merely formal, the couple were not living together and no sense of cohabitation was present. The Supreme Court observed that the marriage was beyond repair or reconciliation, and the judgment by the High Court was set aside, and they were granted a decree of divorce on the grounds of 'irretrievable breakdown of the marriage'. This is considered a landmark judgment because the Supreme Court, by this judgment, also recognised the need to include 'irretrievable breakdown of marriage' as a ground for divorce.

However, the recommendations are yet to be formulated into a statutory law, and the lower courts don't have the power to dismiss or pass a decree of divorce in this matter. As a result, the concept of irretrievable breakdown of a marriage is still a judicial principle waiting to be formulated into a statutory law.

FOREIGN PRACTICES

The concept of irretrievable breakdown of a marriage is profound in many countries globally. The principle of focusing on a no-fault divorce not only saves time and energy but also ensures the autonomy and individuality of people. The judicial principle is accepted globally from developed countries like China, Australia, the United Kingdom, the United States, and New Zealand, to developing countries like Bangladesh, Azerbaijan, Bahrain, and Cambodia.⁷ In Australia, the Family Law Act of 1975 defines the conditions to avail of a decree of divorce on

⁵ Article 142 of the Indian constitution available at <https://indiankanoon.org/doc/500307/> (last visited 14 October, 2024)

⁶ *Naveen Kohli v. Neelu Kohli* (2006) 4 SCC 558

⁷ Kumar Yadav R, Bala M, Chaudhary P et al. Social bearing of laws and their implementation with reference to irretrievable breakdown of marriage: A comparative study of laws in India and Asian countries. Available at <https://fl1000research.com/articles/12-921#ref166> (last visited 14 October, 2024)

the grounds of irretrievable breakdown of marriage. It states that a couple that has been living separately for 12 months can file for divorce on the grounds of irretrievable breakdown of a marriage.⁸ Similarly, In the UK, the Divorce, Dissolution, and Separation Act of 2020 recognises the concept of irretrievable breakdown of a marriage to grant a decree of divorce.⁹ These countries recognise that making divorce accessible without appropriating fault to either party not only provides for greater autonomy and individuality but also saves people from financial and emotional stress.

The acceptance of this judicial principle across the globe not only speaks for its applicability and importance but also helps us understand the gravity of this principle. Universal application of this principle helps us understand the need for a formulated statutory law on this principle, further supporting recommendations by the Law Commission and the Supreme Court.

NEW RELATIONSHIP MODELS

New relationship models based on a sense of individuality, happiness, autonomy, and rebellion with societal norms are becoming prevalent in the modern world. Relationship models like live-in relationships, open marriages, and non-monogamy are viewed in a different sense nowadays. The youth celebrates these models and sees the practicality in them. It can also be argued that the sacramental part of marriage is slowly getting blurred out with time. Let's look at these new relationship models more analytically.

LIVE-IN RELATIONSHIPS

Live-in relationships represent a partnership where two individuals choose to cohabitate without formal marriage. In these arrangements, partners share responsibilities, finances, and living space, often functioning much like married couples in their daily lives. This type of relationship provides a valuable opportunity for individuals to explore companionship, intimacy, and compatibility without the legal and social constraints associated with marriage.

The cornerstone of a healthy relationship is compatibility, which emphasises mutual understanding over compromise or adjustment. A live-in relationship can be seen as a trial for

⁸ Family act 1975, section 48 available at https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/fla1975114/s48.html (last visited 14 October, 2024)

⁹ Divorce, Dissolution and Separation Act 2020 section 1 available at <https://www.legislation.gov.uk/ukpga/2020/11/section/1> (last visited 14 October,2024)

marriage, rather than a legally binding commitment. In today's digital age, many individuals prioritise finding a partner with whom they share this mutual understanding and compatibility, rather than conforming to societal expectations surrounding marriage. The essence of a live-in relationship lies in assessing compatibility, as couples evaluate their connection before making a long-term commitment or entering into marriage. Contrary to the misconception that live-in arrangements allow for the avoidance of responsibilities, they promote a deeper understanding between partners, with the ultimate aim of reducing the likelihood of divorce. Bollywood has tackled the theme of live-in relationships since the 1980s, exemplified by films like *Amrit* featuring Rajesh Khanna and Smita Patil. More recently, this concept has been explored in movies such as *Shudh Desi Romance*, *Ok Jaanu*, *Luka Chuppi*, and *Kabhi Alvida Na Kehna*.

ESSENTIALS OF A LIVE-IN RELATIONSHIP

In Indian society, there is a prevalent misconception that live-in relationships primarily revolve around physical pleasure. However, this is not always the case. There are diverse motivations for individuals to opt for live-in relationships. It is noted that a live-in relationship works on mutual consent, compatibility, and shared roles. The most common reasons/values found in this new relationship setting are those of equal responsibilities, common interests, a sense of belonging, love, respect, compatibility, and, as weird as it sounds, hassle-free dissolution. Live-in relationships thus represent an evolving concept within Indian society, where younger generations increasingly prioritise compatibility, personal freedom, and flexible commitments. This trend aligns with a global movement toward diverse relationship structures that reflect changing societal values.

LEGAL FRAMEWORK IN INDIA

The live-in relationship concept is not recognised as a legal union in India, like some other countries. However, the Supreme Court of India has said that a live-in relationship without tying the knot is not a criminal offence or illegal. Partners living together without marriage do not have the same legal rights just like married couples but they have legal protection under the laws. The Supreme Court of India, in many instances cleared that this relationship model is not legally recognised by marital laws. However, as recognised under Article 21 of the Indian Constitution, live-in couples are treated in a very similar manner in the eyes of the law.

LANDMARK CASES

D. Velusamy v. D. Patchaiammal (2010)¹⁰- In this case, the Supreme Court of India laid down certain criteria to determine whether a relationship between two adults, who are not married, qualifies as a "relationship in the nature of marriage" and is within the ambit of domestic relationship under the Protection of Women from Domestic Violence Act, 2005. The criteria were laid out as follows-

- Cohabitation: The couple must live together in a shared household, resembling a family setup.
- Duration: The relationship must be long-term and not just a fleeting or casual relationship.
- Exclusivity: The relationship should be exclusive, meaning the couple should have shown mutual social and personal commitment.
- Financial and Social Responsibilities: The couple should present themselves to society as husband and wife, sharing responsibilities.
- Intention: The couple should intend to be in a committed relationship, excluding any formal or legal marriage with another person during this period.

S. Khushboo v. Kanniammal & Anr. (2010)¹¹ is a case primarily focusing on the remarks of the actress S. Khushboo on live-in relationships and sex. In this case, the Supreme Court held that live-in relationships are not illegal or immoral and that adults have the right to live together even if they are not married.

Indra Sarma v. V.K.V. Sarma (2013)¹²In this case, the Supreme Court held that a woman in a live-in relationship is entitled to protection under the Protection of Women from Domestic Violence Act, 2005, and is entitled to maintenance if the man deserts her or refuses to maintain her. The Court also noted that Indra Sarma could seek support under other laws, such as Section

¹⁰ *D. Velusamy v. D. Patchaiammal*, (2010) 10 SCC 469

¹¹ *S. Khushboo v. Kanniammal & Anr.*, (2010) 5 SCC 600

¹² *Indra Sarma v. V.K.V. Sarma*, (2013) 15 SCC 755

125 of the Criminal Procedure Code, which provides maintenance to destitute individuals, regardless of marital status.

Lalita Toppo v. State of Jharkhand (2018)¹³In this case, the Supreme Court held that a couple in a live-in relationship can be deemed to be married if they have lived together for a long time and have been accepted by society as a married couple. The Supreme Court ruled in favour of Lalita Toppo, affirming that women in live-in relationships are entitled to seek maintenance and protection under the Protection of Women from Domestic Violence Act, 2005.

OPEN MARRIAGES

Open marriages are a form of consensual non-monogamy in which both partners agree to allow each other to engage in romantic or sexual relationships with individuals outside their marriage. This concept is gaining traction in modern society, where individual preferences and sexual intimacy are often prioritised over traditional companionship. Such arrangements are rooted in the idea that partners may seek fulfilment outside their legally sanctioned union, focusing more on physical desires and personal satisfaction than on emotional connections or stability.

In contrast to traditional monogamous marriages, open marriages revolve around the mutual understanding that exclusivity is not the sole determinant of commitment. This arrangement depends on open communication, trust, and mutually agreed-upon guidelines that both partners adhere to, ensuring the integrity and health of their primary relationship. The contemporary cinema world has tackled the nuances of an open marriage exemplified by movies like *Biwi No.1*, *Wanderlust*, *Hall Pass*, and *Lust Stories*.

LEGAL FRAMEWORK IN INDIA

Open marriages in India currently lack a specific legal framework. They are primarily a social construct in which secondary partners typically do not have the same rights or responsibilities as the primary partner. In many developed countries, individuals can be prosecuted for bigamy if found to have multiple partners. Nevertheless, provisions such as Article 21 of the Indian Constitution safeguard an individual's autonomy and privacy. In India, open marriages are considered a private matter for couples to discuss and agree upon. Historically, adultery was criminalised in the country, which conflicted with the concept of open marriages. However,

¹³ *Lalita Toppo v. State of Jharkhand* (2018)

the Supreme Court of India decriminalized adultery in the landmark case of **Joseph Shine v. Union of India**¹⁴, thereby paving the way for the acceptance of consensual open marriages in the country. It was noted by Gleeden (a website for married people who want to engage in extramarital affairs) that within a year of the decriminalisation of Adultery, the members swelled by a whopping 734%.¹⁵

Adultery continues to be recognised as a legitimate ground for divorce. It can create serious consequences if one partner reneges on a mutual agreement about the specifics of an open marriage. Such a breach of trust may lead to the end of the marriage and usher in a host of complications, including financial compensation claims, lengthy and contentious legal disputes, and significant monetary loss. The existing legal system tends to overlook the complexities of open marriages, creating an ambiguous landscape that may open the door to the exploitation of various legal loopholes. This ambiguity can leave vulnerable partners in precarious situations where their rights and interests are inadequately protected.

WHAT NEXT?

ROLE OF LEGISLATION

The legislation could engage with the judiciary to clarify and address the complexities associated with emerging relationship models. Monogamy remains a fundamental principle in Indian marriage laws across various religious communities, presenting a considerable legal challenge for open marriages. At present, Indian law does not recognise consensual non-monogamous relationships within marriage. However, in light of changing societal norms, legislation could consider recognising open marriages by:

- Codifying consensual agreements between spouses who choose to enter an open marriage.
- Allowing these agreements to serve as a defence against claims of infidelity in divorce proceedings, as long as both parties honour the agreement.

¹⁴ *Joseph Shine v. Union of India*, (2019) 3 SCC 39

¹⁵ Married and open to flings. Why not? Available at (<https://timesofindia.indiatimes.com/city/chennai/married-and-open-to-flings-why-not/articleshow/72152686.cms>) last visited november 3, 2024

- Promoting the use of prenuptial agreements among couples to reduce the burden on lower courts.

Live-in relationships have some recognition under Indian law, primarily through the Protection of Women from Domestic Violence Act of 2005, which considers relationships “in the nature of marriage.” Courts have ruled that live-in partners are eligible for protection from abuse and, in some cases, maintenance, depending on the nature and duration of the relationship. The legislation can further solidify rules and regulations around live-in relationships by:

- Codifying consensual agreements regarding couples who choose to enter a live-in relationship with specific parameters like responsibility, duration, etc.
- Cohabitation contracts would cover financial sharing, property rights, child custody, and inheritance, providing a clear framework for relationships outside of marriage.

IMPLEMENTATION

The government can take a thoughtful, step-by-step approach to implementing legal recognition for modern relationship models, such as live-in relationships and open marriages, by launching pilot programs that carefully consider the social and ethical implications observed in landmark cases like **KS Puttaswamy V. Union of India**¹⁶, which affirmed the importance of privacy and personal autonomy. These pilot initiatives could be rolled out in specific regions or among particular demographic groups, enabling a thorough examination of how these relationship models interact with existing societal norms and legal frameworks. Involving various stakeholders through public consultations can ensure that the complexities of cultural acceptance and ethical considerations are effectively addressed. Additionally, pairing these pilot programs with educational awareness initiatives can empower citizens by informing them about their rights and responsibilities in these contemporary relationship contexts. This approach could include workshops, community outreach, and educational campaigns that elucidate the legal aspects while fostering a constructive dialogue around personal autonomy in diverse relationship structures. By adopting this measured and inclusive strategy, the government can promote a progressive recognition of evolving relationship models while ensuring societal stability and respect for individual rights.

¹⁶ *Justice K.S. Puttaswamy (Retd.) and Anr. v. Union of India and Ors.*, (2017) 10 SCC 1

PUBLIC SURVEY

For empirical data, a survey with approximately 80 respondents from diverse age groups was conducted that examined public opinion on the evolving concepts of live-in relationships and open marriages. The data collected reflects a range of familiarity, approval, and concerns regarding these alternative relationship structures, providing insight into societal attitudes toward their potential legal recognition and acceptance. The results of which were as follows-

Familiarity with Relationship Concepts - Survey responses reveal that live-in relationships are widely recognised, with around 70% of participants identifying as "somewhat familiar" or "very familiar" with this concept. This notable level of familiarity highlights the increasing visibility of live-in relationships in contemporary discussions. In contrast, only about 40% of respondents 0"unfamiliar" or stated they had "heard of it but were unsure." This indicates a more limited societal exposure to and understanding of open marriages.

General Approval and Social Acceptance - The general acceptance of live-in relationships is moderate, with around 65% of respondents expressing approval, either "somewhat" or "strongly", for this arrangement. This indicates a positive shift toward live-in relationships as an alternative to traditional marriage. In contrast, attitudes toward open marriages are more divided. Approximately 45% of respondents disapprove of open marriages, suggesting a stronger societal hesitation regarding this arrangement. A smaller group, about 30%, reported some level of approval, while the remaining respondents expressed uncertainty or no opinion, highlighting the less-established position of open marriages in public perception.

Legal Recognition and Protections - There is considerable support for legal recognition of live-in relationships, with approximately 70% of respondents advocating for some form of legal protection, whether fully or conditionally, particularly in long-term cases. In contrast, views on open marriages tend to be more conservative. Only about 35% of individuals support legal recognition for open marriages, while 40% oppose it outright, and the remainder calls for consideration on a case-by-case basis. This cautious stance indicates that, while live-in relationships are largely viewed as deserving of legal rights, open marriages elicit more scepticism.

Rights of Inheritance and Maintenance - Regarding rights similar to those of married couples, approximately 60% of respondents supported "basic protections" or "limited rights"

for live-in partners, while only 20% were in favour of full marital rights. This distinction indicates that the public may be amenable to certain legal safeguards without fully equating live-in partnerships with marriage. Concerning children born in live-in relationships, about 55% advocated for equal rights, whereas 30% believed that rights should be contingent on parental arrangements. This reflects a continuing uncertainty regarding the appropriate legal frameworks for these family structures.

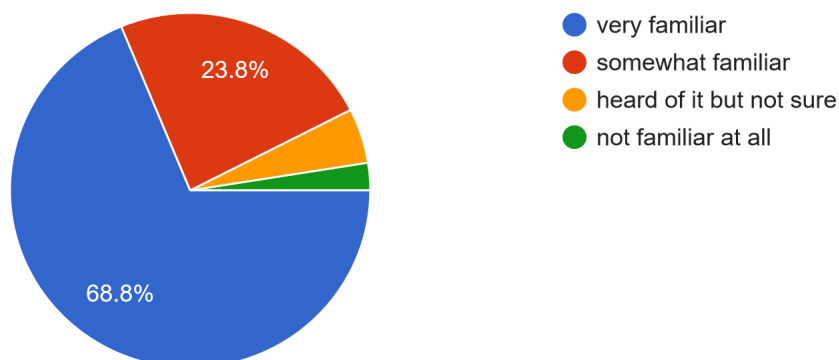
Social Comfort and Support for Awareness Campaigns - Comfort levels regarding friends or family members participating in these relationships varied significantly. Approximately 55% of respondents reported being "somewhat comfortable" with such arrangements, while the rest expressed differing degrees of discomfort. Support for awareness campaigns was moderate, with 50% indicating they would be "somewhat likely" to endorse initiatives aimed at educating the public about non-traditional relationships, suggesting a measured openness

toward raising awareness.

How familiar are you with the concept of live-in relationships?



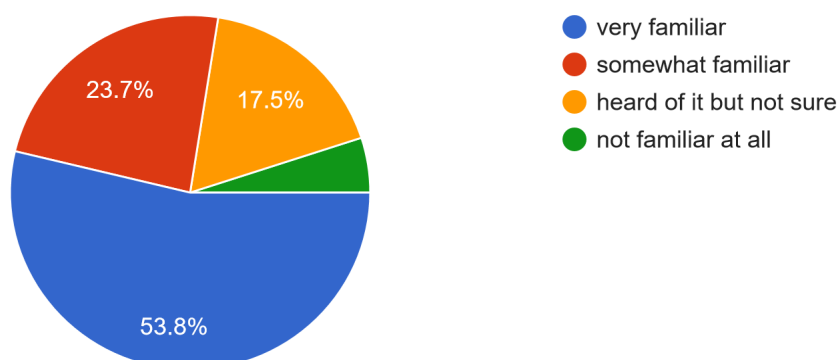
80 responses



How familiar are you with the concept of open marriages?



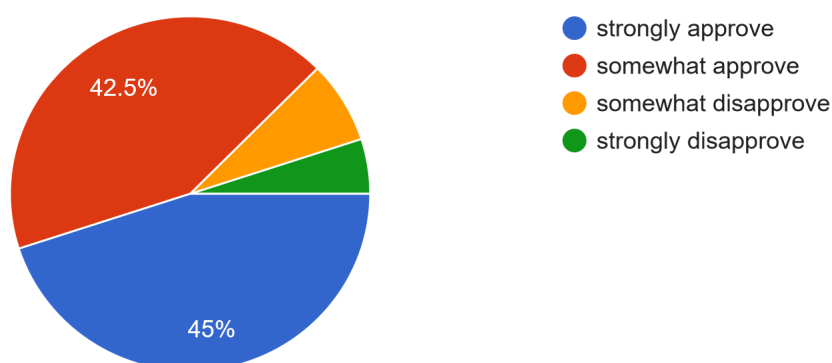
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What is your general opinion on live-in relationships?

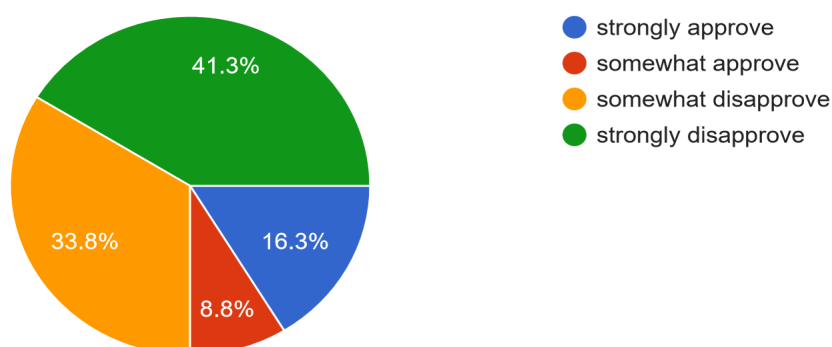


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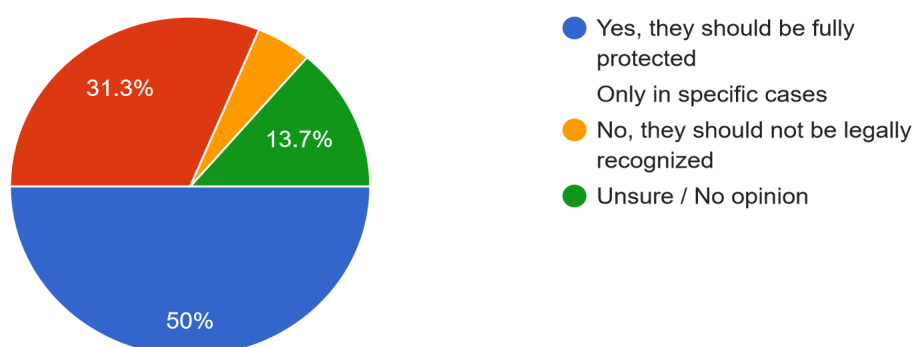
What is your general opinion on open marriages?

80 responses



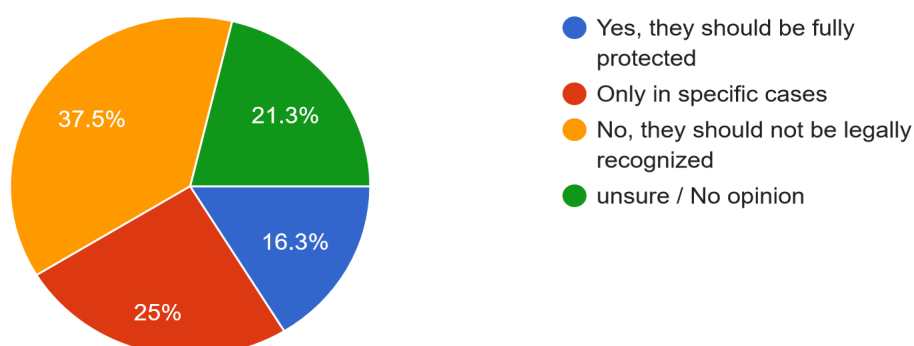
Do you believe live-in relationships should be legally recognized and protected in India?

80 responses



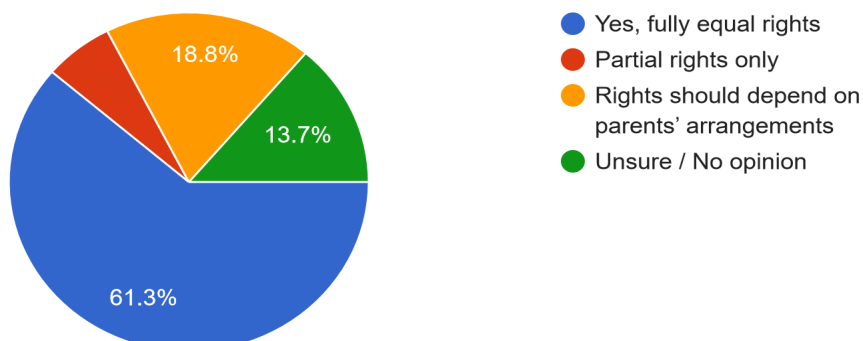
Do you think open marriages should be legally recognized and protected in India?

80 responses



In your opinion, should children born in live-in relationships have the same legal rights as those born to married parents?

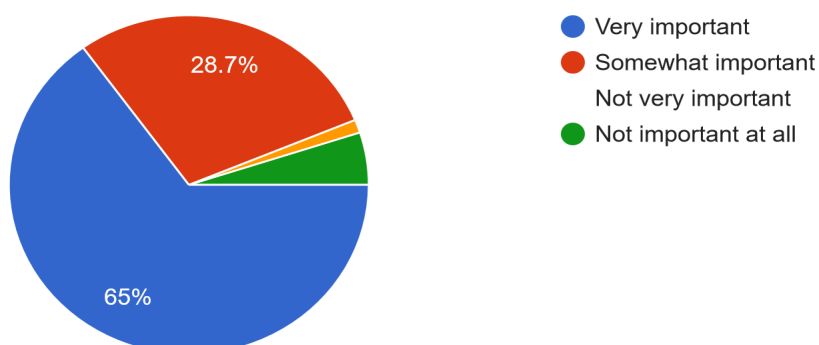
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How important is it for the legal system to consider privacy and personal autonomy when forming laws around relationships?



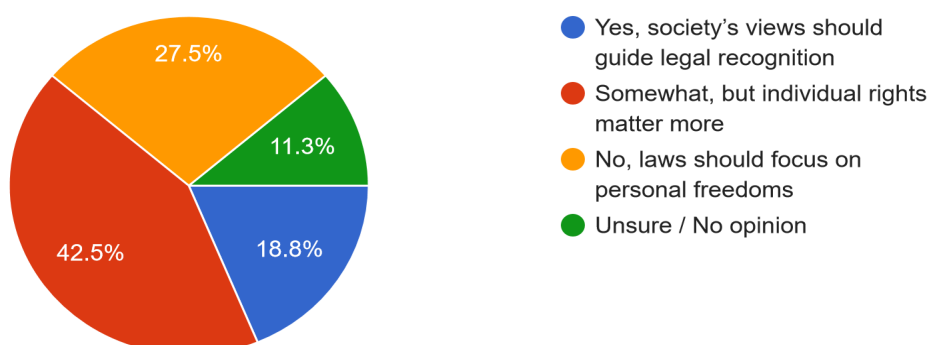
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Do you think public opinion should influence the legal acceptance of open marriages and live-in relationships?

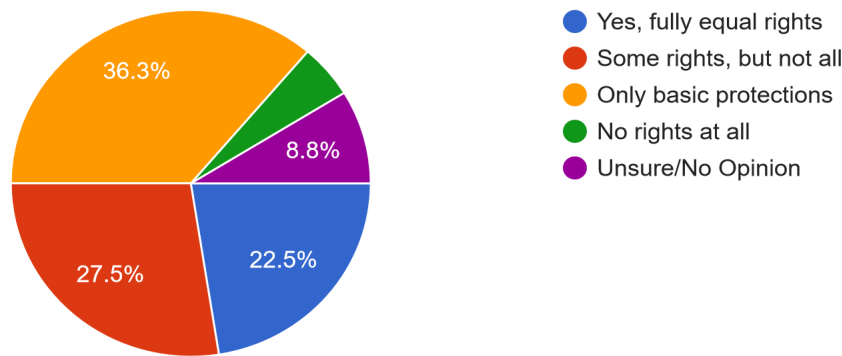


80 responses



Should live-in partners have the same legal rights as married couples (e.g., inheritance, maintenance)?

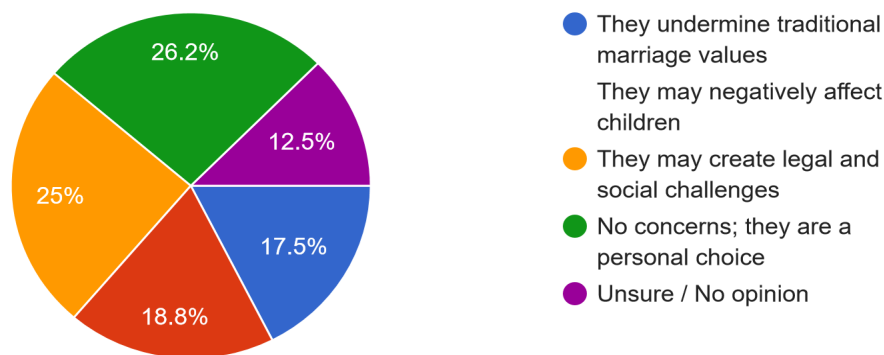
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What is your primary concern regarding open marriages?



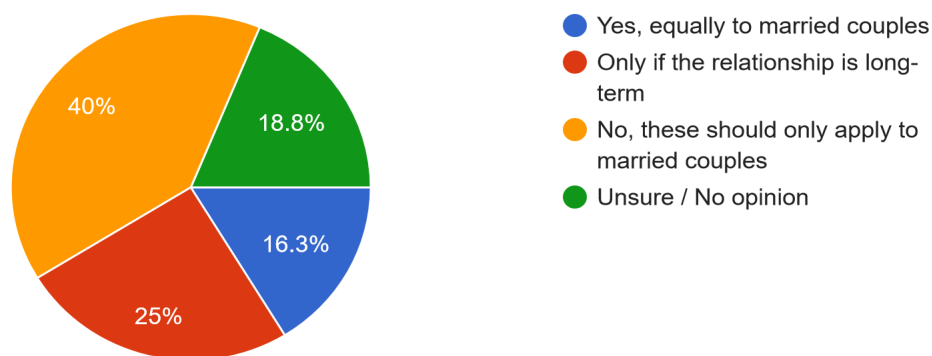
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Do you think laws regarding inheritance and maintenance should apply to long-term live-in partners?

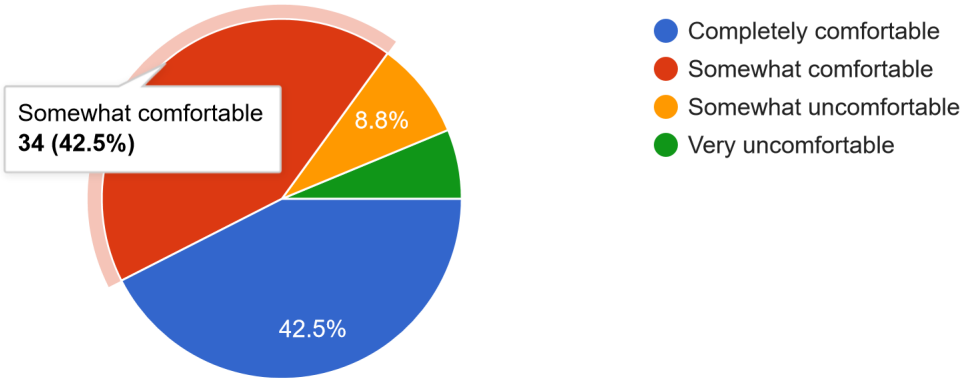


80 responses



Would you feel comfortable with a friend or family member being in an open marriage or live-in relationship?

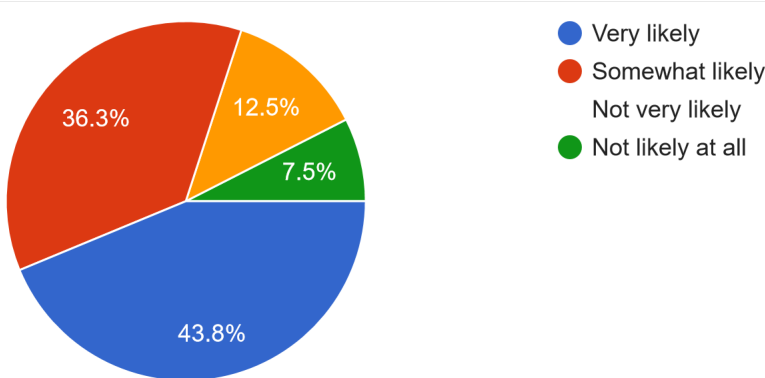
80 responses



How likely are you to support an awareness campaign or educational initiative to discuss open marriages and live-in relationships in India?



80 responses



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SURVEY CONDUCTED THROUGH GOOGLE FORMS FROM 2 NOV 2024- 6 NOV 2024

The findings from this survey indicate a cautiously progressive public attitude, with a majority expressing openness to the idea of live-in relationships and moderate support for providing them with certain legal protections. This trend reflects a shift in societal views, as people increasingly acknowledge and accept relationship structures beyond the traditional marriage framework. However, public opinion regarding open marriages is notably more mixed, with significant concern regarding their social and legal implications. This hesitance underscores a prevailing societal preference for monogamy, which continues to be regarded as the defining characteristic of marriage. While non-traditional relationships are becoming more visible, the norms of monogamy and commitment largely influence public perceptions of marital and family structures. Thus, although acceptance of diverse relationship forms is on the rise, traditional ideals still hold considerable sway, shaping the extent to which society is willing to grant full legal recognition and social validation to alternatives such as open marriages. This nuanced acceptance suggests that, while progress is being made, conventional views continue to play an influential role in balancing individual freedoms with societal values in the evolution of contemporary relationships.

CONCLUSION

The notion of irretrievable breakdown of marriage is an intriguing concept that, as it currently stands, lacks a formal legal framework within the Indian legal system. This absence of a defined structure raises important questions regarding the nature and acceptance of various modern relationship models, including live-in relationships and open marriages, which often align with the essence of irretrievable breakdown. The Law Commission of India has, on multiple occasions, recognised this gap and proposed legislative measures to incorporate an irretrievable breakdown of marriage as a distinct ground for divorce. Despite the existence of a framework that acknowledges a concept akin to irretrievable breakdown in the context of mutual divorce, the formal legal standing of this idea remains elusive, thereby necessitating further exploration and understanding. The landscape of contemporary relationships is characterised by a multitude of forms and dynamics, which frequently challenge traditional legal definitions and societal norms. Live-in relationships and open marriages, for instance, embody modern practices that diverge from conventional marital structures. However, these forms often occupy a grey area of legal ambiguity, particularly concerning legal terms such as adultery and their implications within these evolving relationship dynamics. The lack of formal legal recognition

creates a fertile ground for confusion and potential exploitation of existing legal loopholes, which can have significant repercussions for individuals involved in such relationships.

Despite these challenges, recent public surveys and opinion polls suggest a shifting paradigm in societal attitudes toward these new relationship models. The growing acceptance of live-in relationships and open marriages illustrates a broader cultural transition that reflects changing values and the evolving understanding of personal autonomy. Nevertheless, marriage continues to be predominantly framed as a monogamous institution, often intertwined with its sacramental dimensions, which complicates the discourse surrounding the recognition of alternative relationship structures. There is a pressing need for formal recognition of live-in relationships within the legal framework. Standardising these concepts could, however, provoke sociocultural tensions, given the deep-rooted beliefs that underpin traditional views of marriage. Legislation that addresses these contemporary issues must be approached with sensitivity and caution. A gradual introduction of new laws that explicitly account for the realities of modern romantic unions, while also emphasising the autonomy of individuals involved, could provide a more inclusive legal framework. It is also noteworthy that, despite the increasing contractual nature of marriages in contemporary society, there remains a significant emotional and spiritual connection to the sacramental aspect of marriage. This duality presents a complex challenge for lawmakers and society at large, necessitating a thoughtful balance between upholding traditional values and recognising the multiplicity of modern relationships. Ultimately, the legal system must evolve to reflect contemporary realities, ensuring that it is equitable, inclusive, and responsive to the diverse needs of individuals navigating their relationships in today's world.

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