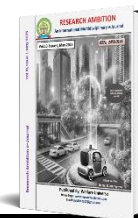




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Legal and Social Dimensions of Live-in-Relationships in India: A Critical Analysis of Rights, Challenges, and Judicial Perspectives

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KEYWORDS	ABSTRACT
Live-in relationships, Indian law, judicial interpretation, societal perception, domestic violence, maintenance rights, cohabitation, personal autonomy, legal reforms, legal recognition.	Despite not being officially recognized by Indian personal laws, live-in partnerships have grown in importance both legally and socially throughout time. With an emphasis on partner rights, societal issues, and judicial viewpoints, this study critically examines the legal and social aspects of cohabitation in India. The paper examines the changing legal framework that regulates these kinds of partnerships, particularly the Protection of Women from Domestic Violence Act of 2005's acknowledgment of rights pertaining to maintenance, inheritance, child legitimacy, and protection from domestic abuse. It also looks at how, in the lack of a particular legislative framework, the SC and many High Courts have interpreted the rights of cohabitating partners. From a social perspective, live-in relationships remain controversial due to deeply rooted cultural and moral values, often facing stigma and lack of societal acceptance. The research highlights the contrast between legal acknowledgment and societal resistance, analysing public perceptions, gender dynamics, and the impact of such relationships on marriage and family structures. Additionally, the paper discusses the challenges in establishing the legitimacy. By assessing judicial precedents and legal gaps, object of study is to provide the necessity of a comprehensive legal framework to safeguard the rights of live-in partners while addressing societal concerns. The findings underscore the need for balancing personal autonomy with social stability, advocating for progressive legal reforms in India.

1. Introduction

Live-in relationships, where an unmarried couple cohabits without formal marriage, have become an emerging reality in contemporary Indian society. Traditionally, Indian society has adhered to conservative norms regarding relationships and marriage, viewing cohabitation outside wedlock as socially unacceptable. However, due to increasing

globalization, urbanization, and changing societal dynamics, live-in relationships have gained prominence, particularly among younger generations. This shift has raised significant legal and social questions regarding the rights, recognition, and challenges with respect of the issue.

Legal Dimensions of Live-in Relationships in

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India

Indian law does not explicitly recognize live-in relationships under personal laws governing marriage. However, in resolving the legal issues of these partnerships, the judiciary has been instrumental. A number of significant rulings from the SC and numerous High Courts have subtly acknowledged certain rights of cohabitating partners.

According to the Supreme Court, live-in partnerships are permissible under Article 21 of the Indian Constitution and are protected by the right to life and personal freedom. The Court also established the circumstances under which a live-in partnership could be accepted as a "relationship in the nature of marriage," conferring certain rights, such as maintenance¹.

Moreover, the legitimacy of children born out of live-in relationships has also been a crucial issue. The Supreme Court held that children born out of live-in relationships are entitled to inheritance rights under Section 16 of the Hindu Marriage Act, 1955². These judicial interpretations highlight the evolving nature of legal recognition accorded to such relationships, despite the absence of direct statutory provisions.

Social Dimensions and Challenges:

Despite judicial recognition, live-in relationships remain socially contentious in India. Cultural and religious beliefs strongly favour marriage as the only socially acceptable institution for cohabitation. Many individuals in live-in relationships face societal disapproval, stigma, and even family alienation. Women, in particular, are

vulnerable to social and economic hardships when such relationships end abruptly without legal safeguards.

Gender dynamics in live-in relationships also present challenges. Women often bear the brunt of relationship breakdowns, as they may not have the same rights as legally wedded wives, particularly concerning alimony and property inheritance. Furthermore, the patriarchal mindset prevalent in Indian society often portrays live-in relationships as morally questionable, reinforcing negative stereotypes.

Judicial Perspectives and the Need for Legal Reform:

In interpreting the rights of partners in cohabitation, the judiciary has been actively involved, but ambiguity persists. While courts have recognized certain rights through case law, a comprehensive legal framework is still lacking. The absence of clear guidelines on financial rights, succession, and dispute resolution leaves live-in partners in a precarious situation.

Given the increasing acceptance of live-in relationships, legislative intervention is essential. A balanced legal framework must ensure the protection of individuals in such relationships while addressing societal concerns. This research aims to critically examine the existing legal provisions, judicial precedents, and the social implications of In India, live-in partnerships, advocating for reforming to bridge the legal gaps and ensure justice for all stakeholders.

This study aims to analyse the legal and social dimensions of live-in partnership in India by

examining judicial trends and proposing legal reforms that balance personal autonomy with social realities.

2. Statement of the Problem:

Despite growing acceptance and judicial recognition, live-in relationships in India face several challenges:

2.1 Legal Uncertainty– Absence of a clear statutory framework leads to ambiguity.

2.2 Social Stigma– Live-in partners, especially women, face societal discrimination.

2.3 Property and Maintenance Rights – Lack of specific legal provisions affects financial security.

2.4 Legitimacy of Children – Legal hurdles exist in inheritance and guardianship rights.

2.5 Protection against Abuse – Limited access to remedies under domestic violence laws.

2.6 Judicial Discretion – Inconsistent interpretations by courts impact uniform application of rights.

3. Objectives of the Study:

1. To examine the legal recognition and judicial trends regarding live-in partnership in India.
2. To analyse the impact of live-in relationships on personal laws, especially regarding maintenance, property, and child rights.
3. To evaluate societal perceptions and challenges faced by individuals in such relationships.
4. To compare Indian laws with international legal frameworks governing cohabitation.

5. To suggest policy recommendations for a balanced legal approach to live-in relationships.

4. Hypothesis:

4.1 Null Hypothesis (H₀): There is no significant legal and social recognition of live-in relationships in India.

4.2 Alternative Hypothesis (H₁): Live-in relationships are increasingly gaining legal and social acceptance in India, albeit with unresolved legal ambiguities.

5. Review of Literature:

Live-in relationships in India have been a subject of evolving legal and social debate. While such relationships are legally recognized to some extent, they remain socially controversial. The judiciary has played a crucial role in shaping the discourse, with various Supreme Court and High Court rulings establishing the rights of partners in such relationships. The legal framework draws from the Constitution, personal laws, and criminal provisions, while societal norms often challenge the acceptability of these relationships.

5.1 Literature Regarding Legal Recognition and Judicial Developments:

- **Supreme Court and High Court Rulings (2023–2024):** Recent judgments in 2024 reinforce the legitimacy of live-in relationships, particularly in light of constitutional protections under Article 21 (Right to Life and Personal Liberty) and Article 39A (Equal Justice and

Free Legal Aid). The judiciary has consistently upheld the rights of individuals to cohabit outside marriage while addressing issues such as maintenance, domestic violence, and inheritance rights

5.1.1 Legitimacy of Live-in Partnership: The legitimacy of live-in partnerships in India is primarily based on judicial interpretations rather than statutory provisions. The Supreme Court, in *S. Khushboo v. Kanniammal* (2010), ruled that live-in relationships fall under the right to life and personal liberty (Article 21). In *Indra Sarma v. V.K.V. Sarma* (2013), the Court categorized such relationships as “relationships in the nature of marriage” under the *Protection of Women from Domestic Violence Act, 2005*. While courts have upheld their legality, social stigma persists, and legislative intervention is needed to clearly define the legal rights and responsibilities of partners. The SC has reiterated that live-in partnerships are not illegal, drawing from previous cases such as *Indra Sarma (Supra)* and *Lata Singh*³.

5.1.2 Protection Against Domestic Violence: The PWDVA provides protection against domestic violence for live-in partners, especially women⁴. In the 2013 case of *Indra Sarma (Supra)*, the Supreme Court acknowledged that women who live together may request relief under this Act if their relationship is considered a “relationship in the nature of marriage.” Victims have received maintenance, residency rights, and protection orders from the courts. However, because not all live-in relationships are equally protected, there are still legal issues. To explicitly define domestic

violence protection for all cohabiting partners, legislative amendments are required.

5.1.3 Children’s Rights and Legitimacy:

Children born out of live-in relationships are entitled to inheritance and property rights⁵, which legitimizes children from void and voidable marriages. The SC reaffirmed that such children have rights to ancestral and self-acquired property of their parents⁶. Further, the Court held that long-term live-in relationships resemble marriage, granting legitimacy to children⁷. However, they cannot claim coparcenary rights in Hindu joint family property⁸.

5.1.4 Social Stigma and Honor-Based Crimes:

Live-in couples in India often face social stigma and honour-based crimes, particularly from family members opposing their relationship. Courts have acknowledged these threats and provided legal protection. In *Lata Singh* (supra) the Supreme Court ruled that consenting adults have the right to live together without interference. Similarly, the Court directed authorities to prevent honor killings and ensure protection for couples facing threats⁹. Police protection is increasingly granted under Article 21 of the Constitution, safeguarding individuals’ right to life and liberty.

5.2 Literature Regarding Social Challenges and Resistance:

Despite legal recognition, live-in relationships continue to face societal resistance. Traditional family structures in India largely emphasize arranged marriages, making cohabitation outside wedlock controversial. Some of the key challenges include:

5.2.1 Family and Societal Opposition: Many live-in couples are ostracized, with some facing violent repercussions from their families. Live-in couples in India often face family and societal opposition, leading to ostracization and even violence. In *Lata Singh (Supra)* the Court held that adults have the right to live together without familial interference. In *Shakti Vahini (Supra)* the Court directed authorities to protect couples from societal backlash. Despite legal recognition, deeply entrenched social norms continue to endanger couples defying traditional marital expectations.

5.2.2 Lack of Clarity in Laws: India lacks a specific codified law governing live-in relationships, leading to legal ambiguity. While courts have provided relief, issues like property rights, maintenance, and legitimacy of children remain unclear. In *Indra Sarma (Supra)*, the Court acknowledged live-in relationships but stressed the absence of legal regulation. Similarly, in *S. Khushboo (Supra)*, the Court upheld cohabitation as legal but noted societal resistance. The Protection of Women from Domestic Violence Act, 2005 offers some protection, but a comprehensive law is needed to address the complexities of live-in relationships.

5.2.3 Women's Vulnerability: In cases where live-in relationships end abruptly, women often struggle to claim maintenance unless they prove a "relationship in the nature of marriage" under the PWDVA.

5.2.4 Religious and Cultural Barriers: In many communities, live-in relationships are still perceived as "immoral" or "against tradition," making acceptance difficult.

5.3 Literature Regarding Comparative Analysis with Global Perspectives:

Live-in relationships are widely accepted in Western countries, where cohabitation agreements provide a legal framework for property division, maintenance, and child custody. In contrast, India still relies on judicial interpretation to safeguard such rights. Countries like France, Canada, and Sweden have civil partnership laws, which India currently lacks.

5.4 Literature Regarding Policy Recommendations and the Way Forward:

To address legal ambiguities and societal challenges, the following policy recommendations are suggested:

5.4.1 Codification of Laws: A dedicated legal framework for live-in relationships would provide clarity on rights, obligations, and protections.

5.4.2 Social Awareness Programs: Legal literacy campaigns can help reduce stigma and increase awareness of constitutional protections.

5.4.3 Strengthening Legal Protections for Women: Amending the PWDVA to explicitly include live-in partners would prevent legal disputes over maintenance and abuse claims.

5.4.4 Cohabitation Agreements: Encouraging formal agreements between partners, similar to Western countries, could help resolve legal conflicts.

In nutshell, the live-in relationships in India remain a legally accepted yet socially contested phenomenon. The judiciary is protecting the rights of individuals, but societal acceptance remains a challenge. Legal reforms, coupled with awareness

programs, can help bridge the gap between constitutional rights and social realities

6. Legislative Gaps in the Legal and Social

Dimensions of Live-in Partnership in India:

Live-in partnership in India exist in a legal grey area, where judicial interpretations have provided some recognition but legislative frameworks remain inadequate. The absence of explicit statutory provisions results in multiple legal and social challenges, creating uncertainties regarding the rights of partners, maintenance, property rights, legitimacy of children, and protection against abuse.

6.1 Lack of a Clear Legal Definition: There is no statutory definition of live-in relationships under Indian law. Courts have interpreted them on a case-to-case basis, often applying principles from marriage and domestic violence laws. However, the absence of a uniform legal framework leads to inconsistent adjudications and unpredictability in rights and obligations.

6.2 Uncertainty in Property and Inheritance

Rights: Live-in partners do not automatically acquire rights in each other's property as spouses do under personal laws. Inheritance rights remain unclear, as the Hindu Succession Act, 1956, and other succession laws do not explicitly recognize partners in a live-in relationship as legal heirs. This gap leads to disputes over property division upon separation or death of a partner.

6.3 Limited Recognition in Maintenance Rights:

The PWDVA grants maintenance rights to women in live-in relationships that are

considered to be in the "nature of marriage," although it is unclear what constitutes a live-in relationship. This makes it harder for women to demonstrate that they are entitled to maintenance, particularly when the male disputes the existence of a marital-like relationship.

6.4 Children's Legitimacy and Rights:

The Apex Court has held that children born out of long-term live-in relationships are legitimate and entitled to inheritance from their parents. However, the legal position remains ambiguous for children from short-term relationships or where the relationship is not recognized as "in the nature of marriage." The absence of clear guidelines leads to discrimination in matters of inheritance and guardianship.

6.5 Lack of Social Security Benefits:

Partners in live-in relationships do not enjoy benefits such as tax exemptions, insurance coverage, pension rights, or spousal employment benefits, which are available to legally married couples. The lack of statutory recognition excludes them from crucial financial and social protections.

6.6 Protection Against Abuse and Desertion:

Unlike married spouses, live-in partners do not have legal remedies under personal laws for issues such as adultery, desertion, or restitution of conjugal rights. While the PWDVA provides relief in cases of domestic violence, its applicability is often questioned in casual or short-term live-in relationships, leaving many partners unprotected.

6.7 Judicial Inconsistencies:

Indian courts have

delivered varying judgments on live-in relationships, sometimes recognizing them as quasi-marital and at other times distinguishing them from marriage. The absence of a consistent statutory framework leads to arbitrary judicial interpretations, making it difficult for individuals to predict legal consequences.

In nutshell, the legislative vacuum surrounding live-in relationships in India creates significant legal and social uncertainties. While judicial precedents have attempted to bridge some gaps, a comprehensive legislative framework is required. Laws should be introduced to provide clarity on maintenance, property rights, child legitimacy, social security benefits, and protections against abandonment or abuse. Codifying these aspects would ensure legal certainty, social acceptance, and better protection of individuals in live-in relationships.

7. Conclusion on Objective No.3.1: In India, court interpretations rather than explicit legislative measures have played a major role in the substantial evolution of the issue's legal status. The legal framework for live-in partnerships has been greatly influenced by the judiciary, which has protected the rights of partners—especially women and children born out of such relationships—while striking a balance between individual liberty and social standards.

7.1 Judicial Recognition of Live-in Relationships: Live-in relationships are now progressively being recognized by the Indian

judiciary under a number of legal frameworks. Under the Protection of Women from Domestic Violence Act, 2005 (PWDVA), courts have taken these kinds of relationships into consideration, guaranteeing legal recourse for women who might be abused in these kinds of relationships. Although live-in partnerships are not the same as marriage, the Supreme Court decided in *Indra Sarma (Supra)* that they should be considered from the standpoint of protecting women from domestic abuse.

The Supreme Court has affirmed that live-in partnerships are protected by Article 21 of the Constitution and do not amount to criminal activity. The Court recognized the right to cohabit without formal marriage as part of the right to life and personal liberty¹⁰.

Additionally, the Court introduced the concept of a relationship in the nature of marriage, wherein a live-in relationship resembling a marriage would entitle the woman to maintenance under the PWDVA. The Court laid down criteria, including mutual exclusivity, shared household, and cohabitation over a significant period, to distinguish casual relationships from those resembling marriage¹¹.

7.2 Rights of Women and Children in Live-in Relationships: The judiciary has also ensured that women in live-in relationships are not left without legal protection. The Apex Court reiterated that if a woman can establish the nature of a stable and long-term relationship, she may be entitled to maintenance under

Section 125 of the Criminal Procedure Code (CrPC)¹². This interpretation ensures economic security for women in long-standing live-in relationships.

Children born out of live-in relationships have also been granted legal recognition. The Supreme Court ruled that children born from live-in relationships are entitled to inheritance rights under Section 16 of the Hindu Marriage Act, 1955. This judgment reinforced the principle that children should not suffer due to the marital status of their parents¹³.

7.3 Judicial Trends Towards Social Acceptance:

Over time, courts have moved towards greater social acceptance of live-in relationships. The court stated that if a man and woman live together for a long time as husband and wife, the law presumes them to be married. This presumption helps in safeguarding the rights of women in long-term relationships¹⁴. However, the judiciary has also been cautious in preventing misuse of such legal protections. The Court held that a consensual union must be bona fide and not merely an arrangement to circumvent legal obligations¹⁵.

7.4 Challenges and Need for Legislative Clarity:

Despite these judicial developments, live-in relationships still face legal ambiguities. There is no uniform statute governing such relationships, leading to inconsistent rulings depending on the circumstances of each case. Moreover, societal stigma continues to affect individuals in live-in relationships, particularly in rural areas. The lack of direct legislation

results in issues concerning property rights, succession, and social security benefits for live-in partners. While courts have tried to extend protection through the PWDVA and CrPC, these are often applied on a case-by-case basis, making it difficult for partners to assert clear legal rights.

In conclusion, the judiciary's role is significant, evolving from an initial reluctance to an acceptance rooted in constitutional principles of liberty and equality. Courts have provided relief to women and children, emphasizing their rights within these relationships while also balancing societal concerns. However, the absence of a comprehensive legislative framework continues to create uncertainty, necessitating clearer legal provisions to address issues such as maintenance, property rights, and inheritance comprehensively. Adopting particular regulations that outline the obligations and rights of cohabitating partners while making sure that they are not abused would be a significant step. Although judicial precedents have laid the groundwork, a formal legal framework is necessary to ensure uniformity and clarity when discussing the legal ramifications of cohabitation in India.

8. Conclusion on Objective No. 3.2: Consensual union has emerged as a significant social phenomenon in India, raising complex legal questions concerning maintenance, property rights, and child rights. While the Indian legal framework primarily governs matrimonial relationships, courts have increasingly acknowledged live-in relationships to ensure

justice and prevent exploitation, particularly for women and children. The legal recognition of such relationships has been shaped by judicial interpretations rather than specific legislative provisions.

8.1 Maintenance Rights: One of the most significant aspects of the said issue is maintenance. Under Section 125 of the Cr.P.C. a woman in a live-in relationship can claim maintenance if the relationship resembles marriage in nature¹⁶. The Supreme Court has expanded the scope of maintenance to protect women from financial vulnerability after the breakdown of a live-in relationship. The PWDVA further provides economic relief, including maintenance, to women in live-in relationships that qualify as “relationships in the nature of marriage” (Indra Sarma, Supra). However, the ambiguity in determining a "marriage-like" relationship often leads to inconsistent application of the law.

8.2 Property Rights: The issue of property rights in consensual union remains a gray area in Indian law. Unlike married spouses who have statutory claims over ancestral and joint property, partners in live-in relationships lack clear legal entitlements. The Hindu Succession Act, 1956, which governs property rights among Hindus, does not recognize live-in partners as heirs. However, if the couple jointly purchases property, the principles of contract law and co-ownership apply. Courts have recognized property rights based on financial contributions (Lata Singh, Supra), but the

absence of a specific legal framework leaves such cases subject to judicial discretion.

8.3 Child Rights: The legal status of children born from consensual union has evolved through judicial pronouncements. The SC held that children born out of consensual union is legitimate and entitled to inheritance rights¹⁷. Additionally, children from live-in relationships are entitled to legal protection, including custody and guardianship rights. However, ambiguities remain regarding the rights of such children in cases where the relationship lacks legal recognition¹⁸.

8.4 Final Observations and Future Considerations: The impact of non-marital relationship on personal laws in India reflects an evolving legal landscape shaped primarily by judicial intervention rather than legislative clarity. While courts have extended protections to women and children, the absence of a formal legal framework leaves many issues unresolved. The lack of statutory recognition creates uncertainty in property disputes and inheritance matters. To ensure greater legal security, comprehensive legislative reforms are needed. A dedicated legal framework could define the rights and obligations of partners in live-in relationships, ensuring consistency in maintenance, property distribution, and child welfare. By addressing these gaps, the law can better balance personal autonomy with the need for legal protection, aligning with India's changing social realities.

9. Conclusion on Objective No. 3.3: Non-marital relationship in India represents a shift in societal norms, challenging traditional notions of marriage and family structure. While legally recognized to some extent, they continue to face significant social stigma and legal ambiguities. The societal perception of consensual union varies across regions, generations, and cultural backgrounds, leading to a complex interplay between personal autonomy and societal expectations. Individuals in such relationships often encounter discrimination, moral policing, and legal uncertainties, which affect their personal and professional lives.

9.1 Societal Perceptions and Stigma: Indian society has historically been rooted in conservative values that emphasize marriage as the foundation of family and social order. Live-in relationships are often perceived as a challenge to these values, leading to societal resistance and moral scrutiny. Studies indicate that individuals in live-in relationships, especially women, face social ostracization, familial rejection, and even violence in conservative communities¹⁹. The perception that live-in relationships promote immorality and weaken the institution of marriage contributes to their limited social acceptance. However, urban areas and younger generations have shown greater acceptance, influenced by globalization, economic independence, and changing gender roles.

9.2 Challenges Faced by Individuals:

9.2.1 Legal Ambiguities and Social Recognition: Although courts have recognized live-in relationships under certain conditions, there remains no specific legislation governing them. This legal uncertainty impacts rights related to maintenance, property, and inheritance²⁰. The lack of clear laws often results in discrimination in housing, workplaces, and social institutions, as landlords, employers, and authorities hesitate to acknowledge live-in relationships.

9.2.2 Gender Bias and Vulnerability of Women: Women in consensual union face greater societal and legal challenges than men. In many cases, they are viewed negatively and subjected to character assassination. In cases of abandonment or abuse, women struggle to claim maintenance or property rights due to the absence of marriage-like recognition²¹. The PWDVA extends some rights to women in live-in relationships, but proving cohabitation akin to marriage remains difficult.

9.2.3 Children Born Out of Consensual Union: The status of children born out of non-marital relationship has evolved through judicial pronouncements, but societal discrimination persists. While courts have upheld their legitimacy and inheritance rights²², such children often face societal discrimination and exclusion.

Schools, communities, and extended families may question their legitimacy, affecting their social and psychological well-being.

9.2.4 Religious and Cultural Barriers:

Religious and cultural norms play a significant role in societal perceptions. Many religious institutions and communities oppose live-in relationships, considering them unholy or inappropriate. This resistance affects individuals who may face family disownment or even threats of honor-based violence in extreme cases.

9.2.5 Way Forward: Addressing societal challenges associated with live-in relationships requires a multi-dimensional approach. Legal reforms should ensure comprehensive protection for individuals in such relationships, particularly concerning maintenance, property, and child rights. Awareness campaigns and educational initiatives can help reduce stigma and create broader acceptance. Judicial interpretations must evolve to balance societal morality with individual rights, ensuring that live-in relationships are not dismissed as illegitimate but are instead given due recognition within the legal and social framework.

10. Conclusion on Objective No. 43: The legal status of non-marital relationship, or cohabitation, varies significantly across jurisdictions. While India has made gradual

strides in recognizing such relationships through judicial pronouncements, it still lacks a comprehensive legal framework governing cohabitation. On the other hand, cohabiting partners are protected by clear regulations in many Western countries, such as the US, UK, Canada, and Australia. In order to provide more legal clarity and protection for people in live-in relationships, India can learn from the important distinctions shown in this comparative analysis.

10.1 Recognition and Legal Status: In India, domestic partnership is not expressly defined under statutory law but have been recognized through judicial interpretation. The Supreme Court has ruled that long-term cohabitation can grant certain legal rights akin to marriage. However, there is no uniform law regulating property rights, inheritance, or maintenance in such relationships.

In contrast, countries like the United Kingdom and Canada recognize cohabiting couples under “common-law partnerships” or “civil partnerships,” granting them rights similar to married couples regarding property and financial claims. The United States has varied state-level recognition, with some states offering legal protections to cohabiting partners through cohabitation agreements. Australia, under the Family Law Act, 1975, provides legal recognition to “de facto relationships,” granting rights related to property division, maintenance, and child custody similar to those of married couples.

10.2 Maintenance and Financial Rights:

Indian law allows women in live-in relationships to claim maintenance under the **PWDVA** if the relationship qualifies as a “relationship in the nature of marriage.” Additionally, maintenance may be granted under Section 125 of the Cr.P.C., based on judicial discretion²³. However, proving cohabitation akin to marriage remains a challenge, leading to inconsistent rulings.

Internationally, countries like France recognize cohabiting couples through the Pacte Civil de Solidarité (PACS), providing financial rights similar to marriage. Sweden grants maintenance rights through the Cohabitees Act, ensuring economic support post-separation. Scotland allows financial claims under the Family Law (Scotland) Act, 2006, ensuring that unmarried partners can seek financial remedies upon separation.

10.3 Property and Inheritance Rights: Indian law does not grant automatic property or inheritance rights to live-in partners. If the couple jointly owns property, contract law principles apply, but disputes are adjudicated on a case-by-case basis²⁴. Inheritance rights remain a legal gray area unless addressed through wills. In contrast, Germany allows cohabiting partners to enter into contracts that secure financial interests. South Africa, under the Domestic Partnerships Bill, provides inheritance rights to long-term cohabiting partners. New Zealand’s Property (Relationships) Act, 1976, ensures that cohabiting partners receive a fair share of assets

upon separation.

10.4 Children’s Rights: India recognizes children born out of domestic partnership as legitimate, granting them inheritance rights²⁵. However, social stigma persists. Internationally, laws in Norway, Denmark, and the Netherlands ensure equal rights for children, irrespective of their parents’ marital status.

10.5 Way Forward for India: India can learn from international frameworks by:

10.5.1 Enacting Comprehensive Cohabitation Laws– Defining rights related to maintenance, property, and inheritance, as seen in Australia and Canada.

10.5.2 Introducing Cohabitation Agreements – Allowing partners to legally define their financial and legal rights, similar to Germany.

10.5.3 Strengthening Child Rights– Implementing legal protections akin to Scandinavian models to ensure equal treatment of children born in live-in relationships.

By adopting these reforms, India can bridge the legal gaps in cohabitation rights while respecting its socio-cultural framework.

11. Conclusion on Objective No. 3.5: Live-in relationships, though increasingly common in India, exist in a legal gray area due to the absence of a dedicated legislative framework. While the judiciary has attempted to provide legal recognition in certain aspects, the lack of uniform policy leads to inconsistencies in legal protection, particularly concerning maintenance, property rights, and child welfare. A balanced legal approach requires a

comprehensive policy that ensures individual rights while respecting India's social and cultural context.

11.1 Key Policy Recommendations:

11.1.1 Legal Recognition and Definition of Live-in Relationships:

A clear legal definition of live-in relationships is essential to ensure uniformity in judicial interpretation. Countries like **Australia** and **Canada** recognize cohabiting partners under legal terms such as "de facto relationships" and "common-law partnerships," granting them rights similar to marriage. India should introduce a statutory definition to differentiate casual relationships from long-term, committed partnerships²⁶.

Recommendation:

1. A legal framework should define live-in relationships as long-term cohabitation with mutual commitment, ensuring protection against exploitation.
2. A registration mechanism (optional, not mandatory) can help in legal validation while maintaining personal freedom.

11.1.2 Rights of Women in domestic

partnership: Women in live-in relationships often face financial insecurity post-separation. The PWDVA extends maintenance rights but requires proof that the relationship resembled marriage²⁷. However, this provision lacks clarity and uniform application.

Recommendation:

1. Amend the PWDVA, 2005, and CrPC Section 125 to explicitly include live-in partners under maintenance laws without

requiring proof of a marriage-like relationship.

2. Introduce guidelines on financial support post-separation, similar to Scotland's Family Law (Scotland) Act, 2006, which ensures fair financial distribution in cohabitation cases.

11.1.3 Property and Inheritance Rights:

Currently, Indian law does not grant inheritance or property rights to live-in partners unless they jointly own assets. This creates legal hurdles in property division and succession disputes²⁸. Internationally, South Africa and New Zealand grant inheritance rights to cohabiting partners under domestic partnership laws.

Recommendation:

1. Allow live-in partners to enter cohabitation agreements to define financial and property rights.
2. Amend inheritance laws to recognize the rights of live-in partners in the absence of a will, similar to South Africa's Domestic Partnerships Bill.

11.1.4 Protection of Children Born in Domestic

Partnership: Indian law recognizes children from domestic partnership as legitimate under **Section 16 of the Hindu Marriage Act, 1955** but practical challenges in inheritance and social acceptance persist. Scandinavian countries and the United Kingdom's Children Act, 1989 ensure equal rights for all children, irrespective of parental marital status²⁹.

Recommendation:

1. Introduce a uniform law ensuring equal rights in inheritance, custody, and guardianship for children born out of domestic partnership.
2. Strengthen adoption and guardianship laws to prevent discrimination against such children.

11.1.5 Final Observations: A balanced legal approach to live-in relationships in India must bridge the gap between personal freedom and societal structure. By adopting international best practices and tailoring them to India's socio-legal context, a progressive yet culturally sensitive legal framework can be developed. Strengthening women's rights, securing financial interests, ensuring children's welfare, and providing clear legal recognition can create a fair and balanced system that protects individuals while respecting societal values.

12. Conclusion of the Hypotheses:

12.1 Conclusion of the null Hypothesis: The hypothesis that *"There is no significant legal and social recognition of live-in relationships in India"* is largely validated through an analysis of judicial pronouncements, legislative gaps, and societal attitudes. While the Supreme Court and various High Courts have acknowledged the legitimacy of live-in relationships to some extent, particularly under Article 21 of the Constitution, such recognition remains limited to specific legal aspects like domestic violence protection, maintenance rights for women, and the legitimacy of children born from such unions. However, the absence of a comprehensive legal framework

governing live-in relationships leads to ambiguity in matters such as property rights, inheritance, and social security benefits.

Socially, domestic partnership continues to face significant stigma, particularly in conservative and rural settings where marriage is seen as the only acceptable form of cohabitation. This lack of acceptance often results in social exclusion and challenges in accessing legal rights and remedies.

Thus, while some legal precedents acknowledge live-in relationships, their recognition remains inconsistent, and social acceptance is still evolving. Therefore, the hypothesis stands substantiated, highlighting the need for broader legal and social reforms to ensure greater clarity and protection for individuals in such relationships.

12.2 Conclusion of the Alternative

Hypothesis: The alternative hypothesis, *"Live-in relationships are increasingly gaining legal and social acceptance in India, albeit with unresolved legal ambiguities,"* is supported by the evolving judicial stance and gradual shifts in societal attitudes. Judicial precedents have affirmed the rights of women and children who are in such relation, signalling a move toward legal acknowledgment. Socially, urban and younger generations are becoming more accepting of live-in relationships, particularly in metropolitan areas where individual autonomy and modern lifestyles are reshaping traditional norms. However, societal resistance persists, especially in conservative and rural communities, where marriage remains the preferred institution.

Despite increasing acceptance, legal ambiguities

remain unresolved in critical areas such as property rights, inheritance, and financial responsibilities between partners. The lack of a dedicated legal framework leads to uncertainty in the long-term legal standing of live-in relationships.

Therefore, while live-in relationships are gaining recognition in legal and social spheres, the process is gradual and incomplete. The hypothesis is validated, highlighting the need for comprehensive legal reforms to address the existing uncertainties and ensure better protection for individuals in such relationships.

13. Conclusion:

Domestic Partnership in India represent a significant shift in societal norms, reflecting evolving attitudes toward personal autonomy, marriage, and companionship. Despite being constitutionally protected under the right to life and personal liberty (Article 21), these relationships continue to face legal ambiguities and social resistance. Judicial pronouncements, particularly those of the Supreme Court and various High Courts, have played a crucial role in recognizing the legitimacy of domestic partnership, ensuring the protection of individuals from harassment.

However, the absence of a clear statutory framework leads to inconsistencies in judicial interpretation, particularly regarding the rights of partners, legitimacy of children, and property-related disputes. The Domestic Violence Act, 2005, partially addresses the issue by extending protection to women in live-in relationships, but the lack of comprehensive legislation results in legal uncertainty, especially in cases of separation,

child custody, and succession rights. The judiciary has largely relied on the presumption of marriage principle to determine the legality of long-term live-in relationships, yet this approach remains case-specific and does not provide universal protection.

Socially, live-in relationships continue to be viewed with scepticism, particularly in conservative societies where marriage remains the accepted norm. Individuals, especially women, often face stigmatization and familial rejection, which affects their legal standing and access to justice. Despite legal progress, societal acceptance remains limited, necessitating greater awareness and legal reforms to protect individuals' rights.

To bridge the gap between legal recognition and social acceptance, a balanced approach is required that includes legislative clarity, judicial consistency, and societal change. Codifying the rights and responsibilities of partners in domestic partnership through specific legislation will provide legal certainty and help overcome social prejudices, ensuring equality and protection for all individuals in such unions.

14. Suggestions:

14.1 Codification of Laws – Enact a comprehensive legal framework addressing rights, obligations, and protections for live-in partners.

14.2 Awareness and Legal Aid – Increase awareness about legal rights and provide legal assistance to individuals in live-in relationships.

14.3 Gender-Sensitive Approach– Ensure protection mechanisms for women, particularly

in cases of domestic violence and financial dependency.

14.4 Recognition of Cohabitation

Agreements– Encourage legal contracts between partners to avoid disputes related to property and maintenance.

14.5 Judicial Clarity– Establish clear guidelines for courts to uniformly interpret live-in relationship cases.

14.6 Policy Reforms– To solve live-in relationship concerns, current legislation including the Hindu Marriage Act of 1955 and the Special Marriage Act of 1954 should be amended.

15. References:

¹ *D. Velusamy v. D. Patchaiammal* (2010) 10 SCC 469.

² *Revanasiddappa v. Mallikarjun* (2011) 11 SCC 1.

³ *Lata Singh v. State of U.P.*, (2006) 5 SCC 475.

⁴ The Protection of Women from Domestic Violence Act,

2005.

⁵ The Hindu Marriage Act, 1955, Section 16.

⁶ *Revanasiddappa v. Mallikarjun* (2011) 11 SCC 1.

⁷ *Tulsa v. Durghatiya* (2008) 4 SCC 520.

⁸ *Bharatha Matha v. R. Vijaya Renganathan* (2010) 11 SCC 483.

⁹ *Shakti Vahini v. Union of India* (2018) 7 SCC 192.

¹⁰ *S. Khushboo v. Kanniammal & Anr.* (2010) 5 SCC 600.

¹¹ *Supra*, 2

¹² *Ajay Bhardwaj v. Jyotsna*, AIR 2023 SC 129.

¹³ *Supra*, 3

¹⁴ *Tulsa v. Durghatiya* (2008) 4 SCC 520.

¹⁵ *Kamala v. Mohan Kumar* (2019) SCC Online SC 941.

¹⁶ *Chanmuniya v. Virendra Kumar Singh Kushwaha*, (2011) 1 SCC 141.

¹⁷ *Bharatha Matha v. R. Vijaya Renganathan*, (2010) 11 SCC 483.

¹⁸ The Guardians and Wards Act, 1890, and the Juvenile Justice (Care and Protection of Children) Act, 2015

¹⁹ *Sarla Mudgal v. Union of India*, (1995) 3 SCC 635.

²⁰ *Supra*, 1

²¹ *Supra*, 11

²² *Supra* 12

²³ *Supra*, 11

²⁴ *Supra*, 4

²⁵ *Supra*, 16

²⁶ *Supra*, 1

²⁷ *Supra*, 11

²⁸ *Supra*, 4

²⁹ *Supra*, 12