



# LEGAL STATUS OF LIVE IN RELATIONSHIPS IN INDIA: THE JUDICIAL INTERPRETATIONS

**Chetna Gupta**

Law Student  
Amity Law School, Noida,  
Amity University, Uttar Pradesh, India

**Abstract :** The study aims to critically analyze the legal framework surrounding live-in relationships in India, a relatively recent phenomenon that has generated significant interest and controversy. Live-in relationships involve two individuals living together as partners without being legally married. Despite their growing prevalence in India, the legal regime governing such relationships remains fragmented and inadequate, leading to various challenges for the partners involved. Through a qualitative research design, the study will conduct a comprehensive review of secondary sources, including previous studies, case law, and legislative provisions. It will examine constitutional and statutory provisions relevant to live-in relationships, as well as judicial interpretations of these provisions. Additionally, the study will explore the influence of cultural and social norms on the legal framework for live-in relationships and assess the challenges faced by partners in accessing justice and protecting their rights. The findings of the study will be of significant interest to scholars, policymakers, and practitioners in law, sociology, and gender studies. By enhancing understanding of live-in relationships and their legal implications, the study aims to contribute to policy development, practice, and future research in this field. It will offer suggestions for improving the legal framework to better safeguard the rights of partners involved in such relationships.

In conclusion, the study on Live-in Relationships: The Indian Legal Regime and its Critical Analysis fills a crucial gap in understanding this complex issue in India. Its findings will shed light on the legal regime governing live-in relationships and its impact on the rights and protections of the partners involved, with implications for policy, practice, and further research in this area.

## I. INTRODUCTION

Live -in relationships are a relatively recent phenomenon and have generated significant interest and controversy in recent years. Live-in relationship, refer to a situation where two individuals live together as partners, without being legally married<sup>1</sup>. Despite the growing prevalence of such relationships in India, Indian regime on this issue remains fragmented and inadequate, leading to various challenges faced by partners in these relationships.

The present study aims to critically analyze Indian legal regime on live-in relationships and to shed light on rights and protections afforded to partners in these relationships. It will provide in-depth examination of legal provisions relevant to live-in relationships, including the constitutional and statutory provisions, as well as the judicial interpretations of these provisions. This study will also explore impact of cultural and social norms on legal regime for live-in relationships and examine challenges faced by partners in accessing justice & protecting their rights.

The study will employ a qualitative research design, drawing on a comprehensive review of secondary sources, including previous studies, case law, and legislative provisions. The study will provide a comprehensive study of legal regime of India on such relationships and its implications for partners in these relationships. The findings of the study will be of significant interest to scholars, policymakers, and practitioners working in the fields of law, sociology, and gender studies.

This study aims to enhance current understanding of live-in relationships by conducting a thorough review of the legal framework and its consequences for parties involved in such relationships. The study's findings will have substantial implications for policy, practice, and future research in this field. This research aims to offer suggestions for future improvements in legal framework of live-in relationships, routinely with goal of improving rights & safeguards of partners involved in such relationships.

In conclusion, the study on Live-in-Relationships: The Indian Legal Regime and its Critical Analysis is a much-needed contribution to the understanding of this complex and evolving issue in India. It will provide valuable insights into legal regime on live-in relationships in India and impact of such relationships on rights & protections of partners in these relationships. The findings of the research will have far-reaching impact on policy and practice, as well as for future research in this area.

<sup>1</sup>Ms. Anupama Yadav, Dr. Anand Kumar, "Live in Relationships: A Study on Legal Actions" 9 *International Journal of Creative Research Thoughts* 1 (2021), available at: <https://ijcrt.org/papers/IJCRT2108495.pdf> (last visited on January 1 2024)

## II. STATUTORY PROVISIONS IN CONTEXT OF LIVE-IN RELATIONSHIPS: HINDU MARRIAGE ACT, PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, CRPC, ETC.

In India, there're no specific statutory provisions that directly address live-in relationships. However, various existing laws have been interpreted and applied to provide certain rights and protections to couples and their children in context of live-in. These interpretations have been made by courts based on principles of justice, equity and constitutional rights. Here are some key statutory provisions in this context:

- **Hindu Marriage Act, 1955:** The Act doesn't expressly acknowledge live-in. Nevertheless, Section 16 pertains to legitimacy of children born from relationships deemed void or voidable. It states that if the parents subsequently marry, children from such relationships are considered legitimate. While this section doesn't explicitly mention live-in relationships, it becomes relevant if a couple in such a relationship chooses to marry, thereby legitimizing any children born during their time together.
- **Protection of Women from Domestic Violence Act, 2005:** The Act offers protection to women in live-in relationships. "According to Section 2(a), an aggrieved person is defined as any woman who is, or has been, in a domestic relationship with the respondent and alleges to have been subjected to any act of domestic violence by the respondent. Furthermore, Section 2(f) defines a domestic relationship as a relationship between two individuals who live or have lived together in a shared household at any point, whether related by consanguinity, marriage, or through a relationship akin to marriage."

In case of *Indra Sarma v. V.K.V. Sarma*, SC ruled that women in live-in relationships should receive legal protection equal to that of married women under PWDVA.

- **Code of Criminal Procedure, 1973:** In case of *D. Velusamy v. D. Patchaimmal*, SC ruled that woman in a live-in can claim maintenance from her partner u/s 125 of CrPC, provided that relationship meets certain criteria, such as being akin to "relationship in the nature of marriage." However, it's important to note that right to maintenance isn't absolute and is contingent upon specific facts of each case.
- **Hindu Succession (Amendment) Act, 2005:** Although the Act doesn't explicitly address live-in relationships, it's pertinent concerning property rights of children born out of such relationships. In case of *Vineeta Sharma v. Rakesh Sharma*, SC ruled that daughters possess equal coparcenary rights as sons in ancestral property. This ruling extends to daughters born out of live-in, provided that relationship can be demonstrated to be "relationship in nature of marriage."

In summary, although there're no specific statutory provisions directly addressing live-in, various existing laws have been interpreted and applied in this context. Through judicial interpretations and guidelines established in various cases, certain rights and protections have been extended to live-in couples and their children.

## III. RECOGNITION OF LIVE-IN RELATIONSHIPS AS MARRIAGE: MALIMATH COMMITTEE REPORT AND MAHARASHTRA GOVERNMENT PROPOSAL, 2008

### i. The Malimath Committee Report<sup>2</sup>

The Committee, formally known as the "Report of the Committee on Reforms of the Criminal Justice System," was submitted in 2003 under Justice V.S. Malimath, a former Chief Justice of Karnataka & Kerala HCs. This committee was commissioned to assess India's criminal justice system and propose extensive reforms.

Among various recommendations put forth by Malimath Committee was a focus on live-in. Acknowledging increasing prevalence of couples cohabiting without marriage, committee highlighted the necessity of addressing the legal standing of such unions. It suggested that if man and woman lived together in spousal-like relationship for significant duration, their arrangement should be legally acknowledged as marriage, affording them same rights and recognition as formally married couples.

To implement this recommendation, the Malimath Committee proposed an amendment to the Indian Evidence Act of 1872. This amendment would establish a presumption of marriage for couples who cohabited continuously for a minimum of two years. Should either party contest the marital status, burden of proof would rest on party denying marriage.

However, despite these proposals, the amendments suggested by the Malimath Committee have not been enacted. Consequently, live-in continue to lack explicit legal recognition as marriages. Instead, the legal framework governing such relationships relies on judicial interpretations of existing laws, which afford certain rights and protections to cohabiting couples and their offspring without equating their status to that of married couples.

### ii. Maharashtra Government Proposal, 2008<sup>3</sup>

In 2008, the Maharashtra government made significant endeavor to amend Section 125 of CrPC in response to compelling recommendations proposed by Malimath Committee. This proactive move was prompted by growing prevalence of live-in in contemporary Indian society, especially among young adults who were increasingly opting for non-marital heterosexual partnerships as a viable alternative to traditional marriages. The proposed amendment sought to address the legal ambiguity surrounding live-in relationships by extending legal recognition to such unions, thereby affording couples legal protection and rights, particularly in cases where partners had chosen to cohabit without formalizing their relationship through marriage.

This proposal attracted considerable attention from various sectors, with media outlets extensively covering the debate surrounding live-in relationships. News articles highlighted the burgeoning trend of cohabitation, especially among urban

<sup>2</sup>Committee on Reforms of Criminal Justice System, Justice V.S. Malimath, Report, Ministry of Home Affairs, Government of India, 2003.

<sup>3</sup>Maharashtra State Commission for Women, "Maharashtra State Proposal on Women's Safety and Security" (2008).

professionals, with a particular emphasis on its prevalence within industries such as business process outsourcing (BPO). Discussions on the socio-legal implications of live-in arrangements ensued, prompting reflections on how this contemporary phenomenon was reshaping traditional notions of partnership and family dynamics, particularly in metropolitan areas.

The proposed amendment prompted fervent debates among policymakers, legal experts, and civil society groups, reflecting divergent perspectives on the issue. Advocates for legal recognition of live-in argued passionately for need to adapt existing legal frameworks to reflect evolving societal norms, emphasizing the importance of providing legal safeguards to individuals in live-in partnerships. In contrast, opponents voiced concerns about potential moral and cultural ramifications, expressing reservations about endorsing non-marital unions within the legal framework.

Despite the earnest efforts of the Maharashtra government, the proposed amendment ultimately faced considerable opposition and was eventually shelved, leaving legal status of live-in unresolved. Nevertheless, this initiative served as a catalyst for broader discussions on need for a more nuanced and comprehensive legal framework to address complexities of contemporary relationships. As live-in partnerships continue to gain acceptance and prevalence, policymakers must carefully navigate the social, legal, and ethical dimensions of this phenomenon to ensure protection of individuals' rights and interests within such unions.

#### IV. THE JUDICIAL INTERPRETATIONS

##### i. Legality of live-in relationships:

##### **Badri Prasad vs. Dy. Director of Consolidation and Ors.<sup>4</sup>**

*Badri Prasad vs. Dy. Director of Consolidation and Ors.*, (1978) AIR 1557 is significant legal case in India that addressed the concept. This case, heard by the Allahabad HC, marked a pivotal moment in recognition of live-in within Indian legal system.

The case involved a couple who had been living together for extended period without formal marriage. The woman claimed to be the man's wife and sought rights over a piece of land registered in his name. However, the Dy. Director of Consolidation rejected her claim, arguing that without a legal marriage, she could not be recognized as his wife.

In its judgment, the Allahabad High Court introduced a groundbreaking principle. It stated that when a couple cohabitates for a significant duration, they should be considered as husband and wife. Court emphasized importance of length of relationship in determining its nature. It held that if a couple lives together for an extended period and behaves as husband and wife, they should be granted same legal recognition and rights as married couples, even without a formal marriage ceremony.

The ruling in the *Badri Prasad* case brought about a significant shift in legal understanding of live-in relationships. By recognizing validity of informal unions, judgment contributed to mainstreaming live-in relationships and initiating discussions on their legal status. This case laid groundwork for subsequent legal developments aimed at providing greater legitimacy and protection to individuals in live-in partnerships, reflecting the evolving societal norms and realities in India.

##### **D. Velusamy vs. D. Patchaiammal,<sup>15</sup>:**

In this case, SC made a significant ruling affirming validity of live-in relationships. The court acknowledged that women in such relationships have the right to claim maintenance u/s 125 of CrPC. However, it set specific criteria for such claims, emphasizing that the relationship must resemble a marriage in its characteristics, such as mutual love, affection, and commitment. Additionally, the court required that the relationship must endure for a substantial period and that the couple must cohabit as husband and wife, with the man treating the woman as his spouse.

This landmark decision represented a crucial milestone in extending legal recognition and protection to women in live-in. By affirming legitimacy of these unions, court acknowledged their prevalence and significance within Indian society, underscoring the need for legal safeguards. The ruling empowered women in live-in relationships to seek maintenance from their partners, providing them with a vital recourse to ensure their financial security and that of their children in the event of separation or the partner's demise.

In essence, the *Velusamy* case exemplified a more progressive and inclusive approach towards live-in. It demonstrated Indian legal system's willingness to adapt to evolving societal norms and values, thereby addressing pertinent challenges encountered by women in such relationships. By extending legal protection and recognition to diverse forms of relationships, including live-in arrangements, court underscored its commitment to upholding justice and equality for all individuals within the Indian social fabric.

##### **Indra Sarma vs. V.K.V. Sarma,**

The case holds significant importance for women in live-in relationships in India. In this landmark judgment, SC decreed that women in live-in should receive equal treatment to married women concerning legal protection under the PWDVA, 2005. The case revolved around a woman who had been in a live-in relationship with a man for an extended period, during which they bore two children together. Following termination of their relationship, woman filed complaint under aforementioned Act, alleging domestic violence by her former partner.

The defendant contested the woman's entitlement to protection under the Act on the grounds that they weren't legally married. However, SC refuted this argument and maintained that Act's definition of "domestic relationship" encompassed live-in relationships.

Court underscored Act's overarching objective of safeguarding women from domestic violence, irrespective of their marital status. Additionally, it acknowledged the escalating prevalence of live-in relationships in India and unfortunate reality that women in such unions often face violence and exploitation.

The verdict in this case marked a significant stride towards extending legal protection to women in live-in relationships. It reaffirmed that these women deserve the same legal safeguards as their married counterparts and emphasized the imperative of interpreting the law in a manner that upholds their rights. The case exemplifies the Indian judiciary's commitment to shielding the rights of women in live-in relationships and furnishing them with a legal recourse to address instances of violence and abuse effectively.

<sup>4</sup>(1978) AIR 1557

**Lata Singh vs. State of U.P. &Anr,<sup>5</sup>:**

The Supreme Court delved into matter of live-in relationships between consenting adults. The Court made a noteworthy observation that no law in India prohibits such relationships, deeming them legal and within ambit of law. This landmark judgment marked a pivotal moment in acknowledging rights of individuals engaged in live-in and in confronting societal biases and stereotypes surrounding these unions.

The Court underscored the significance of personal autonomy and the right to privacy in shaping one's personal relationships. It emphasized that live-in relationships between consenting adults are purely a matter of personal choice, free from the constraints of societal norms and values. Furthermore, the Court acknowledged the evolving social and moral landscape in India, highlighting the necessity for legal frameworks to evolve in tandem with these changes.

The ruling in this case represented a progressive stride in recognizing live-in and laid down a legal foundation for individuals in such unions to assert their rights and protections under the law. Moreover, it challenged prevailing notion that live-in relationships were inherently immoral or incompatible with Indian societal norms. The ramifications of this case have had a lasting impact on legal landscape concerning live-in, setting stage for further acknowledgment and safeguarding of rights of individuals involved in such relationships

**A. Dinohamy v W.L. Blahamy,<sup>6</sup>:**

The case, heard by Privy Council, addressed question of whether long-term cohabitation between a man and woman implied a valid marriage. This case set a notable legal precedent regarding live-in relationships.

Privy Council ruled that in cases of extended cohabitation, law presumes existence of a valid marriage between the couple unless proven otherwise. This presumption implies that unless evidence suggests otherwise, the couple is considered legally married. This ruling was significant as it recognized live-in as potentially equivalent to legal marriages.

The decision has been influential in subsequent cases involving live-in relationships. It has been pivotal in advocating for legal recognition and protection of such relationships, emphasizing their foundation on mutual trust, love, and commitment akin to traditional marriages.

In essence, the case marks a pivotal moment in legal acknowledgment of live-in relationships. Its principles have significantly shaped legal landscape concerning live-in relationships, both in India and internationally, guiding framework for their recognition and protection under law.

**S.P.S. Balasubramanyam vs. Suruttayan,<sup>7</sup>:**

The case stands as a milestone in Indian legal history concerning live-in relationships. In this case, SC ruled that if a couple cohabitates as spouses for an extended period and bears children, judiciary would presume existence of a marital bond. This legal presumption implies that couple will be regarded as married, irrespective of whether they have undergone a formal marriage ceremony.

Crucially, the court emphasized the significance of the relationship's duration and the presence of children in determining its marital nature. It held that in cases of long-standing relationships with offspring, the court would presume marriage and apply provisions of HMA to relationship.

This judgment holds paramount importance as it validates live-in relationships as legitimate marriages, even without formal ceremonies. It offers enhanced legal protection and recognition for women in such relationships, thus advancing their rights. Furthermore, it sets a precedent for acknowledging and safeguarding live-in relationships within Indian legal framework.

In essence, the case reflects Indian judiciary's readiness to acknowledge live-in relationships as valid unions and provide substantial legal safeguards, especially for women involved. It remains a significant landmark in Indian legal discourse surrounding live-in relationships, shaping attitudes and legal approaches toward such unions in the country.

**ii. Maintenance rights of women in live-in relationships****Velusamy vs. D. Patchaiammal,<sup>8</sup>:**

The case marked a pivotal moment in the legal recognition of live-in relationships within India. In this case, SC set a precedent by affirming that woman engaged in a live-in relationship can seek maintenance u/s 125 of CrPC, provided certain conditions akin to marriage are met.

The case stemmed from the respondent, D. Patchaiammal, petitioning for maintenance from her partner, D. Velusamy, invoking Section 125 of CrPC. Velusamy contested, arguing that their relationship did not qualify as a marriage and hence he wasn't liable to provide maintenance. However, SC ruled that a live-in relationship could be construed as a "relationship in the nature of marriage" if specific criteria were fulfilled:

- a. Duration of the Relationship: If a couple cohabits for a considerable duration, it may be deemed akin to a marital relationship.
- b. Public Acknowledgment: Public acknowledgment of the relationship as akin to marriage can be indicative of its nature.
- c. Performance of Marital Duties: Undertaking responsibilities typical of marriage, such as shared living arrangements, household responsibilities, and financial support, signifies a relationship resembling marriage.
- d. Social Recognition: Recognition of the relationship as marital by society, friends, and family members lends credence to its nature.

The Supreme Court, applying these criteria, concluded that Patchaiammal was entitled to seek maintenance from Velusamy u/s 125 of the CrPC. This verdict was instrumental in affirming the right of women in live-in relationships to claim maintenance from their partners and recognizing such relationships as akin to marriage under certain circumstances.

<sup>5</sup>(2006) 5 SCC 475

<sup>6</sup>AIR 1927 PC 185

<sup>7</sup>(1994) 1 SCC 460

<sup>8</sup>(2010) 10 SCC 469

Therefore, the case served as a significant legal milestone, providing clarity on the rights of individuals in live-in relationships and establishing a framework for their recognition within the Indian legal system.

### iii. Inheritance rights of women in live-in relationships

#### **Githa Hariharan vs. Reserve Bank of India,<sup>9</sup>**

The case was a landmark legal battle in India that addressed the inheritance rights of women engaged in live-in. It is centred on a woman who had cohabited with her partner for over two decades and bore two children with him. Following her partner's demise, she was denied inheritance rights to his property due to her non-legal spouse status.

In its verdict, SC affirmed the woman's entitlement to inherit her partner's property under the Hindu Succession Act, 1956. Court emphasized legality of live-in relationships, underscoring the absence of laws prohibiting such unions. It further ruled that if a couple cohabits for an extended period and establishes a domestic relationship, they should be regarded as "husband and wife" for purpose of inheritance rights.

This judgment carried immense significance as it recognized inheritance rights of women in live-in, advocating for gender-neutral laws that afford equal rights irrespective of marital status. The ruling set a precedent for future cases involving inheritance rights for women in similar relationships and underscored the need for legal frameworks to adapt to evolving societal norms.

The Githa Hariharan case stands as a pivotal moment in Indian jurisprudence, championing the rights of individuals in live-in relationships and advocating for equitable treatment under the law. It symbolizes a step towards inclusivity and gender equality within the legal landscape of India.

### iv. Inheritance, maintenance, guardianship, and custodial rights of children born out of live-in relationships:

#### **Bharata Matha&Ors. vs. R. Vijaya Renganathan&Ors.,<sup>10</sup>**

In the case of Bharata Matha&Ors. vs. R. Vijaya Renganathan&Ors. (2010), the Supreme Court of India addressed the issue of inheritance rights for children born out of live-in relationships. The petitioners, in this case, sought their inheritance rights over their deceased mother's property. The respondents contended that the petitioners were not entitled to inherit as they were born out of a live-in relationship, which was not legally recognized as a valid marriage.

The Supreme Court, in its judgment, affirmed that children born out of live-in relationships possess the right to inherit their parents' property. It underscored that the Constitution of India guarantees the right to life and personal liberty, which inherently includes the right to property. The Court emphasized that denying a child's inheritance rights solely based on the marital status of their parents would be a violation of their fundamental rights.

Furthermore, the Court stressed that the welfare of the child should be paramount and not prejudiced by the nature of their parents' relationship. It highlighted the principle of equality and non-discrimination, asserting that children born out of live-in relationships should not be deprived of their inheritance rights solely due to the absence of a formal marriage between their parents.

The ruling in the Bharata Matha case was significant as it firmly established the inheritance rights of children born out of live-in relationships in India. By anchoring its decision in constitutional principles and the best interests of the child, the Court set a precedent for future cases and provided clarity on the legal status of such children within the framework of inheritance laws.

Overall, the Bharata Matha case served as a landmark judgment that upheld the rights of children born out of live-in relationships, reaffirming the principles of equality and non-discrimination enshrined in the Indian Constitution.

#### **Tulsa & Ors. vs. Durghatiya & Ors.,<sup>11</sup>**

In the case of Tulsa & Ors. vs. Durghatiya & Ors. (2008), the Supreme Court of India addressed the crucial issue of inheritance rights for children born out of live-in relationships. The case involved the offspring of a couple who had been in a live-in relationship for an extended period and had children together. The primary question before the court was to ascertain the legitimacy of the children and their entitlement to inherit their parents' property.

In its ruling, the Supreme Court unequivocally affirmed that children born out of live-in relationships are not deemed illegitimate and possess the legal right to inherit their parents' property under the Hindu Succession Act, 1956. The court emphasized that the absence of a formal marriage between the parents does not impinge upon the legitimacy of the children. It underscored that the paramount consideration should be the welfare and rights of the children, irrespective of the marital status of their parents.

Furthermore, the court emphasized the principle of equality and non-discrimination, asserting that children born out of live-in relationships should not be subjected to differential treatment or denied their rightful inheritance based on the nature of their parents' relationship. By upholding the inheritance rights of such children, the court aimed to mitigate the social stigma often associated with live-in relationships and ensure that the legal system protects the interests of all children, irrespective of their parentage.

The ruling in the Tulsa case marked a significant milestone in affirming the rights of children born out of live-in relationships in India. It not only provided clarity on their legal status but also served to challenge prevailing societal norms and prejudices. By setting a precedent that prioritizes the welfare and equality of children, the Supreme Court's decision in this case has contributed to fostering a more inclusive and equitable legal framework for families formed through live-in relationships.

#### **Revanasiddappa&Anr. vs. Mallikarjun &Ors.,<sup>12</sup>**

In the case of Revanasiddappa&Anr. vs. Mallikarjun &Ors., the Supreme Court of India addressed the critical issue of inheritance rights for children born out of live-in relationships. The Court's ruling marked a significant development in recognizing and safeguarding the rights of such children within the framework of inheritance laws.

The Court unequivocally declared that children born out of live-in relationships are entitled to equal rights as legitimate children concerning inheritance matters. This landmark decision was grounded in the principles of gender equality and the fundamental right to equality enshrined in Article 14 of the Indian Constitution.

<sup>9</sup>(1999) 2 SCC 228

<sup>10</sup>(2010) 11 SCC 483

<sup>11</sup>(2008) 4 SCC 520

<sup>12</sup>(2011) 11 SCC 1

In its deliberation, the Court astutely observed that the societal stigma surrounding live-in relationships and the consequent discrimination against children born from such unions were unwarranted and unjustifiable. It firmly asserted that children should not bear the brunt of societal prejudices or be deprived of their inheritance rights due to the choices made by their parents. Instead, the Court emphasized that all children, irrespective of the circumstances of their birth or their parents' marital status, have an inherent right to inherit property from their parents, akin to legitimate children.

The ruling in the *Revanasiddappa* case represented a watershed moment in the legal landscape concerning inheritance rights for children born out of live-in relationships. By affirming their entitlement to equal inheritance rights, the Court reinforced the principles of equality and non-discrimination. Furthermore, the judgment served as a pivotal step towards combating societal biases and advancing the protection of the rights of children born from non-marital unions.

Overall, the *Revanasiddappa* case stands as a beacon of progress in promoting inclusivity and fairness within the legal framework governing family relationships. It underscored the imperative of upholding the rights of all children and ensuring their equal treatment under the law, regardless of the circumstances of their birth or the nature of their parents' relationship.

#### **ABC vs. The State (NCT of Delhi)<sup>13</sup>:**

The Supreme Court case of *ABC vs. The State (NCT of Delhi)*, (2015) 10 SCC 1 addressed the crucial issue of guardianship rights concerning unmarried mothers in live-in relationships. In this landmark ruling, the Court established that an unmarried mother holds the right to be the sole guardian of her child, even without the consent of the biological father, provided that the father exhibits no interest in the child's welfare. This decision was aimed at extending legal protection and support to women in live-in relationships and their offspring.

The significance of this case lies in its recognition of the evolving dynamics of relationships within Indian society. By affirming the unmarried mother's guardianship rights, the Court acknowledged the changing attitudes towards live-in relationships and underscored the imperative of granting equal rights and protection to women and children in such unions. This ruling reflects a progressive approach towards addressing the legal complexities arising from non-marital partnerships and ensuring the welfare of all parties involved.

Moreover, the decision emphasized the principle of non-discrimination, particularly concerning children born out of live-in relationships. By granting unmarried mothers sole guardianship rights, the Court aimed to prevent any form of discrimination against children based on the circumstances of their birth. This move towards inclusivity and equality reinforces the importance of providing a supportive legal framework that safeguards the rights and interests of individuals in live-in relationships.

In essence, the ruling in the *ABC vs. The State* case marked a significant stride towards establishing a more inclusive and protective legal regime for live-in relationships in India. By recognizing and upholding the rights of unmarried mothers and their children, the Court contributed to fostering a society that values diversity, equality, and the well-being of all its members.

#### **v. Dowry**

In the case of *Koppiseti Subbarao Subramanian vs. State of Andhra Pradesh*, the Supreme Court rendered a significant judgment regarding the issue of dowry in live-in relationships. The defendant, who was involved in a live-in relationship with the woman, was found to be subjecting her to harassment for dowry. However, he contended that Section 498A of the Indian Penal Code, which pertains to dowry harassment, did not apply to him since he was not legally married to the woman.

Dismissing this argument, the Supreme Court ruled that the demand for dowry could arise in both marital and non-marital relationships that resemble marriages. The Court underscored that dowry constitutes an unjust demand for monetary benefits, irrespective of the formal status of the relationship.

This ruling is noteworthy as it extends the protection against dowry harassment to individuals in live-in relationships, recognizing that such coercive demands can occur in various types of domestic partnerships. By affirming the applicability of anti-dowry laws to live-in arrangements, the Court sought to uphold the principles of gender equality and ensure the safety and well-being of women in such relationships.

## **V. CONCLUSION**

In conclusion, Indian legal regime on live-in relationships has undergone significant changes over the years, with number of landmark cases providing greater legal recognition and protection to couples in these relationships. However, despite these developments, the current legal framework is still inadequate in providing equal rights and protections to partners in live-in relationships. Lack of legal recognition and social stigma associated with live-in relationships makes it difficult for couples to access legal remedies and protections, particularly for women who are often most vulnerable in these relationships.

The issue of property rights and inheritance rights for partners in live-in relationships is particularly problematic, with the current legal framework providing limited protection and recognition for these rights. This can result in significant financial losses and disadvantages for partners in live-in relationships, particularly in event of separation or death.

The legal provisions for protection of women in live-in relationships, particularly in cases of domestic violence and abuse, also need to be strengthened. The PWDVA, 2005, provides some protection, but it is limited in scope and often difficult to access due to the lack of legal recognition for live-in relationships.

In light of these challenges, there is a need for greater legal clarity and recognition for live-in. This can be achieved through introduction of comprehensive legislation that provides equal rights and protections to partners in live-in. This legislation should address key issues such as property rights, inheritance rights, maintenance rights, and protection from domestic violence and abuse.

Furthermore, there is a need for a change in societal attitudes towards live-in relationships, with a greater emphasis on accepting these relationships as valid and equal to traditional marriages. This will help to reduce the social stigma associated with live-in relationships and ensure that partners in these relationships are able to access the legal protections and remedies that they are entitled to.

<sup>13</sup>(2015) 10 SCC 1

In conclusion, the Indian legal regime on live-in relationships has come a long way, but there is still a long way to go to ensure that these relationships are recognized and protected under law. It is crucial that legal framework is updated and strengthened to provide equal rights and protections to partners in live-in, and that societal attitudes towards these relationships become more accepting and inclusive.

### i. Implications of the study for policy and practice

The implications of this study for policy and practice are as follows:

- i. **Legal recognition:** Indian legal regime needs to provide legal recognition for live-in. This recognition should be in the form of a legal framework that provides for protection of rights of partners in live-in. The framework should define what constitutes a live-in relationship and provide for rights and obligations of partners in such relationships. Legal recognition will provide clarity and certainty for couples in live-in and ensure that their rights are protected.
- ii. **Protection of women's rights:** Legal structure should ensure the safeguarding of women involved in live-in arrangements, including in instances of domestic violence, mistreatment, or desertion. This may be accomplished by including provisions for the upkeep, guardianship, and succession rights of women in live-in relationships. This measure aims to mitigate the susceptibility of women and guarantee their capacity to seek legal recourse in instances of mistreatment or manipulation.
- iii. **Property rights:** Currently, the legal framework in India does not provide for property rights for couples in live-in. This can lead to difficulties in division of property in case of a separation or death. To address this issue, the legal framework should be updated to include provisions for joint ownership of property acquired during course of relationship. This would provide partners in live-in with the necessary legal protection and security in relation to property.
- iv. **Inheritance rights:** Partners in live-in relationships are not eligible to inherit property from each other or from their children, as the current legal framework does not provide for inheritance rights for such couples. This can lead to significant financial and legal difficulties for partners in live-in relationships, particularly in case of a separation or death. To address this issue, the legal framework should be updated to provide for inheritance rights for partners in live-in. This would include right to inherit property from each other and from their children, which would provide partners in live-in relationships with necessary financial security and protection in case of a separation or death.
- v. **Maintenance rights:** In order to provide for the protection and well-being of women in live-in, legal framework should explicitly recognize their right to maintenance. This includes right to claim maintenance in event of separation or death. This would ensure that women aren't left in vulnerable position, financially or otherwise, in the absence of their partner.
- vi. **Parental rights:** Children born out of live-in shouldn't be discriminated against and should be given same rights as children born out of wedlock. This includes right to inheritance and custody. This will ensure that best interests of child are protected and that they aren't left without a sense of identity or security.
- vii. **Clarification of the Law:** One of the main challenges faced by individuals in live-in in India is lack of clarity in law. Legal framework should provide a clear definition of what constitutes live-in, to avoid difficulties in accessing legal remedies and protections. This clarification would also help in reducing confusion and misunderstandings among individuals in live-in and help them to understand their rights and obligations.
- viii. **Awareness:** Another important implication of the study is the need to raise awareness about live-in relationships and legal provisions available to protect rights of partners in such relationships. This is particularly important for women, who are often most vulnerable in these relationships. Women should be made aware of their rights, such as right to maintenance, property rights, and protection from domestic violence, among others. This awareness can be spread through various means, such as media campaigns, educational programs, and community outreach initiatives. In addition, legal system should ensure that rights of women in live-in are protected, and that they have access to legal remedies and protections in case of any violation of their rights.
- ix. **Social Stigma:** Addressing societal stigma surrounding cohabitation is crucial for safeguarding rights of individuals in these relationships. Education and awareness initiatives can be utilised to alter attitudes and beliefs around cohabitation. The campaigns should prioritise the dissemination of information regarding legal entitlements of individuals in cohabiting partnerships, as well as emphasise legitimacy of these unions.
- x. **International Best Practices:** India can benefit greatly from the international best practices in the area of live-in relationships, particularly those in Europe and Latin America, where legal recognition & protection for live-in are more advanced. These countries can serve as models for India in terms of providing clear legal frameworks for protection of rights of partners in live-in.

### ii. Recommendations for future research and reforms in the legal regime on live-in relationships in India

**Following are the Recommendations for future research on live-in relationships in India**

- i. Further exploration of social and cultural attitudes towards live-in relationships in India, particularly in rural areas and among different age groups and socioeconomic classes.
- ii. Examination of the impact of live-in on the family structure and dynamics, including impact on children born out of such relationships.
- iii. Study of implementation and enforcement of existing laws & policies related to live-in relationships, and the identification of any gaps or challenges in the implementation process.
- iv. Analysis of the impact of the changing social and economic landscape, including urbanization and women's empowerment, on prevalence and nature of live-in.
- v. Comparison of the legal regimes and protections for live-in relationships in different states and regions in India, and identification of any disparities and challenges.
- vi. Examination of role of media & popular culture in shaping attitudes and perceptions towards live-in relationships.
- vii. Study of the access to justice and remedies for partners in live-in, including challenges faced in accessing legal protection and remedies.

- viii. Exploration of alternative forms of relationships, such as polyamorous relationships, and their legal recognition and protection.
- ix. An in-depth examination of experiences and perspectives of LGBTQ+ individuals in live-in relationships, including challenges faced by them.
- x. A comparative study of legal regimes and protections for live-in in other countries, particularly in global South, and identification of best practices and lessons learned.

In conclusion, Indian legal regime on live-in relationships is in need of significant reform. Despite the growing prevalence of live-in, they aren't legally recognized and partners in such relationships don't have same legal rights and protections as married couples. This has resulted in a range of challenges and issues for couples in live-in, including lack of protection for women, lack of property and inheritance rights, and difficulties in accessing legal remedies. The Indian legal regime is also plagued by a lack of clarity, social stigma, and inadequate provisions for the protection of partners in live-in relationships.

However, there've been some positive developments in recent years, including court rulings that have recognized rights of women in live-in. These developments have provided a foundation for further reforms to the legal regime on live-in relationships. Addressing the social stigma associated with live-in relationships, learning from international best practices, and improving the legal framework for live-in relationships in India are key steps that need to be taken to ensure protection of rights of partners in live-in relationships. Future research on live-in should focus on these areas and provide recommendations for further reforms to legal regime on live-in relationships in India.

## VI. BIBLIOGRAPHY

Bibliography for "Live-in-Relationships: The Indian Legal Regime and its Critical Analysis"

### I. Statutes

- The Constitution of India
- Hindu Marriage Act, 1955
- Special Marriage Act, 1954
- Indian Penal Code, 1860
- Protection of Women from Domestic Violence Act, 2005
- Code of Criminal Procedure, 1973
- United Nations International Covenant on Civil and Political Rights
- United Nations International Covenant on Economic, Social, and Cultural Rights
- Universal Declaration of Human Rights
- Malimath Committee Report

### II. Articles

- Dhawan, Himanshu. "Live-in Relationships: An Indian Perspective." *Journal of Indian Law and Society*, vol. 4, 2013, pp. 93-112.
- Kaur, Harleen. "Live-in Relationships in India: Legal Status and Judicial Response." *International Journal of Law and Legal Jurisprudence Studies*, vol. 3, no. 5, 2016, pp. 237-250.
- Kumar, Ravi. "Live-in Relationships and the Law in India." *Journal of Legal Studies and Research*, vol. 2, no. 6, 2016, pp. 47-57.
- Sharma, Anushka. "A Critical Analysis of Live-in Relationships in the Indian Legal Regime." *Legal Service India*, 2018.

### III. Webliography/Websites

- Indian Kanoon. <https://Indiankanoon.org/>
- Manupatra. <https://www.manupatrafast.com/>
- Ministry of Law and Justice, Government of India. <http://lawmin.nic.in/>
- SCC Online. <https://www.sconline.com/>
- Live-in Relationships in India: A Study, available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3693364/>
- Live-in Relationships and the Indian Law, available at: <https://www.lawyered.in/knowledge-bank/live-relationships-and-Indian-law/>
- Live-in Relationships in India: A Study of Attitudes and Perceptions, available at: <https://www.ijhssnet.com/journals/Vol. 6 No. 6 June 2016/24.pdf>
- The Live-in Relationships Bill, 2010, available at: <https://Indiankanoon.org/doc/1571659/>
- Live-in Relationships in India: A Legal Perspective, available at: <https://www.nls.ac.in/images/journals/pdf/7-1/3.pdf>