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# THE EVOLVING CONCEPT OF LIVE-IN RELATIONSHIPS IN INDIA: LEGAL RECOGNITION AND THE NEED FOR REGULATION

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## ABSTRACT

In modern times India couples frequently live together without making a formal commitment which is indicative of a changed mindset. But in India marriage is a fundamental aspect of family life and is strongly associated with heritage and cultural beliefs. Despite the growing popularity of live-in relationships, the Indian legal system is still largely unprepared to tackle the unique challenges they present. Unlike marriage, which is governed by established personal laws, live-in relationships occupy a legal grey area, creating uncertainty around issues like property rights, maintenance, child custody, and inheritance. While some judicial interpretations have been progressive, they remain inconsistent and inadequate in offering comprehensive protection. As India continues to evolve, the absence of a regulatory framework for live-in relationships raises important questions about individual rights, gender equality, and social justice. This article delves into the historical background, societal views, legal ramifications, and global comparisons regarding 'live-in relationships,' highlighting the pressing requirement for a solid 'legal' framework that reconciles modern realities with traditional values.

**Keywords:** Marriage, Live-in-relationship, Couples, Personal Laws, Indian Legal System

## INTRODUCTION

Marriage has traditionally been seen as the foundation of family life in India, deeply intertwined with religious, cultural, and social values. However, with the rapid changes brought about by urbanization, globalization, and shifting societal norms, contemporary India is experiencing a gradual transformation in relationship dynamics. One notable trend is the increasing acceptance of live-in relationships, wherein couples decide to cohabit together without any formal commitment like marriage. This change reflects a shift in attitudes, particularly among urban, educated, and financially independent individuals who look at live-in relationships as a medium to gauge compatibility while preserving their personal freedom.

In order to grasp the changing dynamics of live-in relationships in India, it's essential to first look at the traditional family structure and the societal norms that have historically shaped intimate relationships in Indian culture. Indian society has been deeply shaped through religious as well as cultural beliefs that uphold the sanctity of the sacred institution called marriage. Marriage has traditionally been seen not just as a personal bond between two individuals, but as a social institution that unites families, communities, and even entire castes. It has been regarded as the cornerstone of societal stability, with a strong emphasis on family lineage, rituals, and adherence to social customs.

Typically, Indian marriages have adhered to a structured, arranged model, where the approval of families was crucial. Individuals were generally expected to marry within their caste, and these unions were not merely about two people coming together but involved the merging of families with shared expectations regarding social status and economic advantages. While the notion of romantic love existed, it often took a backseat to practical considerations like financial security, family connections, and social standing. In this context, the very notion of a relationship that lacked a formal marriage contract—one recognized by society and religion—was nearly unimaginable.

The societal view of relationships, particularly those outside of marriage, was quite strict. Cohabitation without marriage was perceived as a breach of social norms. The absence of formal recognition for such relationships was frequently associated with moral decline, dishonor, or a lack of social responsibility. This perspective endured throughout much of India's history, even as the nation encountered external invasions, colonial rule, and various social

changes. The sanctity of marriage remained largely intact, and alternative arrangements were often looked down upon, pushed to the margins of society.

## **IMPACT OF COLONIALISM AND WESTERNIZATION**

The arrival of British colonial rule in India during the 18th century brought Western legal ideas that impacted various aspects of Indian society, particularly the institution of marriage. Colonial laws often prioritized individual rights over traditional societal norms, subtly shaping the development of family law in India. Nevertheless, traditional values rooted in Hindu, Muslim, and other regional customs continued to hold significant sway over the collective mindset of the people.

It was during the British colonial era that specific changes to marriage laws began to emerge, such as the regulation of child marriage through the “Child Marriage Restraint Act of 1929” and the introduction of civil marriage acts in 1872. Despite these legal advancements, the notion of personal relationships outside of marriage remained largely alien to Indian society. The European perspective on marriage held by the colonizers was seen as foreign, and any alternative arrangements were often viewed as inappropriate or immoral.

In the 20th century, as India pursued independence from colonial rule, it faced the challenge of balancing traditional Indian values with contemporary ideals of freedom and equality. Consequently, when India became a republic in 1947, it adopted a constitution that ensured equality before the law while still upholding many traditional marriage laws based on religious and cultural practices. Family laws in India continued to be heavily influenced by religion, with distinct personal laws for Hindus, Muslims, Sikhs, and Christians governing marriage, divorce, and inheritance. This legal fragmentation further entrenched traditional gender roles and reinforced the conviction that marriage was the only legitimate foundation for ‘intimate relationships.’

## **POST – INDEPENDENCE INDIA: THE RISE OF MORDERNITY AND CHANGING ATTITUDES**

The post-independence era in India, characterized by various political and economic transformations, gradually set the stage for more progressive changes in societal attitudes, though the process was slow. During the 1960s and 1970s, a younger, more educated urban

demographic began to question traditional norms, particularly in major cities like Delhi, Mumbai, and Bangalore. The economic liberalization of the early 1990s introduced a wave of global culture, allowing Western ideals regarding personal freedom, relationships, and the pursuit of happiness to take root.

This era signified the onset of notable changes in how relationships were perceived within Indian society. As more women joined the workforce and gained financial independence, the conventional marriage-focused gender roles began to weaken. Individuals increasingly prioritized personal compatibility and emotional bonds over societal expectations to marry. Advancements in education and technology also facilitated greater engagement with foreign cultures and ideas. The Western notion of individual rights, including the freedom to choose a life partner and to live together without the constraints of formal marriage, started to resonate with younger generations in urban India.

Nonetheless, these changes were not experienced uniformly across the nation. While urban regions embraced a growing acceptance of non-traditional relationships, rural India, where traditional values remained strong, continued to regard live-in relationships with skepticism. In these areas, marriage was seen not just as a personal choice but as a social duty, deeply intertwined with customs, religion, and family expectations. The clash between modernity and tradition, especially regarding relationships, emerged as a significant topic of discussion in Indian society.

### **THE 21<sup>ST</sup> CENTURY: THE GROWTH OF LIVE- IN RELATIONSHIP**

The turn of the 21st century saw a significant rise in live-in relationships, largely fueled by the rapid urbanization of India. Economic growth and globalization created new opportunities for young professionals, particularly in metropolitan areas. As a result, traditional family structures and societal expectations around marriage began to be openly questioned.

Cohabitation without formal marriage, while still controversial in some circles, started gaining acceptance among the younger, more progressive demographic. College campuses and workplaces in major cities became hot spots for developing romantic relationships, many of which fell outside the traditional marriage framework. The increasing percentage of women pursuing higher education and participating in the active workforce also contributed to changing gender roles and relationship dynamics in India.

Despite the increasing visibility of live-in relationships, societal perceptions remained contentious. While urban youth increasingly regarded live-ins as a valid and sometimes preferable alternative to marriage, conservative segments of society continued to resist this shift. Cohabitation without marriage was often viewed as morally ambiguous or socially irresponsible. Critics frequently raised concerns about the potential effects of such relationships on children, family values, and societal norms. The rise of live-in relationships was sometimes characterized as a byproduct of Western cultural influence, which some believed posed a threat to the core of Indian society.

### **LIVE-IN RELATIONSHIPS IN THE CONTEXT OF INDIAN LAWS AND RELIGION**

One of the major hurdles to the acceptance of live-in relationships in India is the country's diverse legal system. The legal framework, shaped by religious laws and cultural traditions, has not taken a definitive position on live-in relationships. This lack of clarity contributes to the social unease surrounding such arrangements.

For example, Hindu law, which applies to the majority of the Indian population, views marriage as a sacred bond, making divorce and separation challenging and often looked down upon. This deep respect for marriage leaves little room for the legal recognition of live-in relationships. Likewise, Muslim personal law, which governs Muslim communities in India, does not allow for cohabitation outside of marriage. Therefore, the lack of consistent laws addressing the needs of individuals in live-in relationships highlights the wider societal discomfort with these setups.

Additionally, traditional religious values continue to shape social attitudes, especially in rural regions. In Hinduism, 'marriage' is seen as a 'sacred duty' (dharma) instead of merely a personal choice. Cohabiting outside of marriage is frequently regarded as a breach of this duty. For conservative religious groups, live-in relationships signify a violation of moral standards and a departure from family values.

### **CULTURAL TENSIONS AND THE FUTURE OF LIVE-IN RELATIONSHIP**

The cultural tension around live-in relationships in India is intensifying as more young people adopt this lifestyle, often finding their choices at odds with the expectations of their families and communities. This shift towards live-in arrangements, particularly in urban settings, indicates a change in societal norms that necessitates a reevaluation of values, attitudes, and legal frameworks. Although live-in relationships are more accepted now than in the past, they

still spark significant debate. The growing number of such relationships, along with increased societal and legal scrutiny, highlights the need for India to tackle the complexities of personal relationships in a more thoughtful and inclusive way.

## **JUDICIAL RECOGNITIONS OF LIVE-IN RELATIONSHIPS**

### **EARLY JUDICIAL RESISTANCE**

Indian courts were initially hesitant to recognize live-in relationships, perceiving them as a challenge to societal morals. However, as societal attitudes shifted, the judiciary began to evolve, increasingly acknowledging the importance of safeguarding the rights of individuals in these arrangements.

### **KEY JUDICIAL MILESTONES**

#### **1. 'Payal Sharma v. Superintendent,' Nari Niketan, Agra (2001)**

The 'Allahabad High Court' is of the opinion that live-in relationships can never be illegal, asserting that consenting adults can cohabit without marriage. This ruling marked a crucial advancement towards legal acknowledgment.

#### **2. 'Lata Singh v. State of Uttar Pradesh' (2006)**

The 'Supreme Court' affirmed the fact that live-in commitments are encompassed by personal liberty, protected under Article 21 of the Indian Constitution. The court highlighted that such relationships are acceptable as long as both individuals are adults and their cohabitation is consensual.

#### **3. D. Velusamy v. D. Patchaiammal (2010)**

In this case, the Supreme Court established criteria for recognizing live-in relationships under the **Protection of Women from Domestic Violence Act, 2005 (PWDVA)**. The court introduced the idea of a "relationship in the nature of marriage," providing specific legal protections for women involved in these relationships.

#### **4. Indra Sarma v. V.K.V. Sarma (2013)**

This pivotal ruling clarified the legal standing of live-in relationships, differentiating between casual and long-term cohabitation. The court identified factors such as shared living arrangements, mutual commitment, and the length of the relationship to assess eligibility for legal protection under **PWDVA**.

## **LEGAL IMPLICATIONS AND GAPS IN THE CURRENT FRAMEWORK**

As live-in commitments are becoming more visible as well as accepted in contemporary ‘Indian society,’ the legal framework surrounding them remains filled with uncertainties. India's legal system has faced challenges in addressing the rights and protections necessary for individuals in live-in relationships, especially concerning women, children, property, inheritance, and the overall status of these relationships within family law. Although Indian courts have made progress in acknowledging the validity of live-in arrangements, there remains a considerable divide between judicial recognition and the comprehensive legislative protections needed. This section explores the significant legal implications of live-in relationships, the shortcomings in the current legal framework, and the difficulties these shortcomings create for those involved in such relationships.

### **1. ‘Protection of Women's Rights in Live-In Relationships’**

A major concern surrounding live-in relationships is the safeguarding of women's rights, particularly in relation to domestic violence, property rights, and maintenance issues.

### **2. Domestic Violence and Protection under PWDVA**

Without clear legal definitions and comprehensive laws addressing live-in relationships, women in these situations often find themselves exposed to various forms of abuse, exploitation, and neglect. Domestic violence is especially alarming, as women cohabiting with their partners without formal marriage frequently struggle to find legal support.

However, a significant development occurred with the ‘**Protection of Women from Domestic Violence Act, 2005**’ (**PWDVA**), which offered a certain level of protection for women in live-in relationships. Similarly, in the case of ‘**D. Velusamy v. D. Patchaiammal**’ (2010), the Supreme Court established that women in relationships “in the nature of marriage” could seek assistance under the **PWDVA**. The court emphasized that these relationships must exhibit some form of “domestic relationship” and fulfill specific criteria, such as shared living arrangements

and mutual commitment, to qualify for legal protection. This ruling marked an important advancement in creating a legal framework for women in live-in relationships.

Despite this progress, the current law remains inadequate. While the **PWDVA** provides relief from domestic violence, it does not sufficiently cover other critical aspects of women's rights in live-in relationships, including property rights, inheritance, and alimony. Additionally, the absence of a clear legal definition for "relationship in the nature of marriage" results in varying interpretations, leaving women in precarious situations.

### **3. Property Rights and Inheritance**

A major legal issue for individuals in live-in relationships is the lack of property rights. Unlike married couples, those in live-in arrangements do not automatically gain legal rights to their partner's property. When separation occurs, women frequently struggle to claim property or financial support, especially if they have contributed to the household but lack formal legal recognition of their role.

In the case of **Indra Sarma v. V.K.V. Sarma (2013)**, the Supreme Court acknowledged that women in live-in relationships could pursue property rights if they had shared a household, contributed to the family's welfare, and maintained a long-term, committed relationship. However, the ambiguity in the law means that property disputes are often resolved on a case-by-case basis, resulting in inconsistent and sometimes unfair outcomes. Without clear guidelines, women encounter difficulties in asserting their rights to jointly owned property, particularly when a live-in partner chooses to end the relationship.

Inheritance rights present another area where the law is lacking. If a partner in a live-in relationship passes away without a will, the surviving partner typically has no claim to inheritance or the deceased's assets. This legal gap places individuals in live-in relationships at a considerable disadvantage, particularly if they have played a role in the household's economic or social stability.

### **4. Legal Status of Live-In Relationships and the Lack of Formal Recognition**

While the judiciary has made significant progress in acknowledging the rights of individuals living in live-in relationships, India's legal system does not provide a formal definition for such

arrangements. This absence of statutory recognition makes it difficult to establish legal rights and responsibilities within these relationships.

Indian family law remains predominantly rooted in traditional notions of marriage and divorce. The Hindu Marriage Act of 1955, Muslim Personal Law, and other religious laws focus on marriage as a sacred and binding contract. Live-in relationships, which exist outside this framework, lack the same legal protections and obligations.

Although courts have made efforts to recognize certain rights for individuals in live-in relationships, such as protection against domestic violence under the **PWDVA**, the lack of a legal statute governing cohabitation without marriage leads to confusion. This absence of recognition means that live-in partners do not enjoy the same rights as married couples do when it comes to maintenance, property division, and inheritance.

Without formal legal acknowledgment, live-in partners encounter difficulties in asserting their claims during separation, domestic abuse situations, or disputes over shared assets. The law's inability to address the specific legal needs of those in live-in relationships often leaves them without options, particularly when one party denies or undermines the claims of the other.

## **5. Child Custody and Parental Rights**

One of the most emotionally charged issues surrounding live-in relationships is the rights of children born from these unions. Legally, children born in live-in relationships are recognized as legitimate, yet they still encounter complex legal challenges regarding custody, inheritance, and the acknowledgment of their family structure.

While Section 16 of the Hindu Marriage Act, 1955 grants legitimacy to children born from void or voidable marriages, there is no explicit provision addressing the legitimacy of children from live-in couples. In the landmark case of '**S. Vanitha v. Deputy Commissioner (2020)**,' the Supreme Court highlighted that children from live-in relationships should enjoy the same rights and protections as those born to married couples. The court determined that these children have the right to inherit from both parents and deserve equal treatment.

Nevertheless, despite this judicial progress, child custody issues remain inadequately addressed. When parents separate, the law lacks clear guidelines for custody decisions in the context of live-in relationships. The absence of formal recognition of the parental relationship

complicates custody disputes, often leaving courts to interpret each case on an individual basis, which can result in inconsistent outcomes. Furthermore, the lack of a legal framework to define parental responsibility complicates the enforcement of child support and protection rights.

## **6. Divorce and Alimony Rights**

Unlike married couples who can seek divorce and alimony under specific marriage laws (like the Hindu Marriage Act, 1955, and the Special Marriage Act, 1954), those in live-in relationships do not have a clear right to divorce or alimony. The lack of a formal legal framework means that if a separation occurs, the partner who is financially dependent may struggle economically without any legal support for financial assistance.

The absence of alimony or maintenance provisions for women in live-in relationships is particularly alarming, as many women in these situations may lack the financial resources to support themselves. If one partner chooses to end the relationship, the law does not offer any financial compensation, leaving the dependent partner in a vulnerable position. While some courts have provided relief by interpreting existing maintenance laws, this is often inconsistent and determined on a case-by-case basis.

## **7. Social Stigma and Legal Reform**

In addition to the legal challenges, live-in relationships in India encounter considerable social stigma. Particularly in rural and conservative regions, Indian society tends to cling to traditional views of marriage and family. The widespread belief that live-in relationships are immoral or inappropriate poses significant obstacles for those seeking legal recognition or protection. This societal disapproval often discourages individuals from pursuing justice or asserting their rights, especially in situations involving domestic violence, property disputes, or child custody.

The stigma associated with live-in relationships further complicates the enactment of legal reforms. Even when courts acknowledge the validity of live-in relationships in certain instances, the prevailing societal and cultural resistance can diminish the impact of such decisions.

## **8. The Need for Legal Reforms**

To fill the gaps in the existing legal framework, comprehensive reforms are necessary. The following steps could enhance legal protections for individuals in live-in relationships:

- **Statutory Definition of Live-In Relationships:** It is important to establish a clear legal definition of live-in relationships, outlining the rights and responsibilities of those involved. This would help eliminate confusion and ensure fair treatment under the law for those in long-term, committed partnerships.
- **Rights to Maintenance and Alimony:** Just like married couples, individuals in live-in relationships should have the right to seek maintenance or alimony in the event of separation. This would offer financial security, especially for partners who are dependent.
- **Property Rights and Inheritance:** Legislation should be introduced to guarantee that individuals in live-in relationships can assert property rights and inheritance, particularly if they have contributed to the household's well-being. A clear process for dividing property upon separation should also be established.
- **Child Custody and Parental Rights:** Legal measures should be implemented to safeguard the welfare of children born in live-in relationships, particularly during separations. Custody laws must prioritize the best interests of the child, ensuring equitable treatment for those born outside of marriage.
- **Combatting Social Stigma:** It is crucial to launch public awareness campaigns and educational initiatives to address the societal stigma associated with live-in relationships. By fostering understanding and acceptance, India can progress towards a more inclusive society.

## **COMPARATIVE ANALYSIS WITH OTHER JURISDICTIONS**

The legal status and societal acceptance of live-in relationships differ greatly around the globe. While India continues to face challenges in defining and regulating these relationships, numerous countries have established clear legal frameworks that offer rights and protections to individuals living together without being married. In this section, we will explore how live-in relationships are perceived and governed in different jurisdictions, comparing them to India's legal stance.

## **1. United States: Legal Protections and State-Specific Variations**

In the United States, live-in relationships, commonly known as "cohabitation," are gaining recognition and come with various legal implications. However, the acknowledgment and rights afforded to these relationships largely depend on the state where the individuals live. There is no overarching federal law that governs cohabitation, leading to significant differences in legal protections for cohabiting couples across states.

### **Common Law Marriage**

A handful of states in the U.S. acknowledge "common law marriages," which resemble live-in relationships but provide couples with some legal rights and responsibilities typically associated with marriage. To qualify for a common law marriage, couples must fulfill specific criteria, such as living together for a designated period, presenting themselves as a married couple, and having the intention to marry. In states that recognize common law marriage, cohabiting couples can access rights related to property division, spousal support, and inheritance, akin to those enjoyed by married couples.

However, the majority of states do not recognize common law marriages, and cohabiting couples without formal marriage or common law status often encounter difficulties in claiming rights like alimony, property division, and custody in the event of separation. Nevertheless, states like California, New York, and Illinois have enacted laws that permit cohabiting partners to form domestic partnerships, granting them certain legal rights similar to those of married couples, including health insurance benefits and inheritance rights.

### **Domestic Partnership Laws**

Several states, such as California and New Jersey, have established domestic partnership laws that provide rights and responsibilities to couples who live together. While these laws generally offer fewer benefits than marriage, they enable individuals in long-term, committed relationships to gain some legal protections. For instance, partners in domestic partnerships might be eligible to share healthcare benefits, co-own property, and make medical decisions for one another. However, domestic partnerships typically do not grant the full range of legal rights associated with marriage, like the ability to file joint tax returns.

Even with these legal structures in place, issues surrounding property rights, child custody, and

inheritance can be complicated for cohabiting couples, particularly in states that do not recognize domestic partnerships or common law marriages. Overall, the absence of a comprehensive federal legal framework for cohabiting relationships forces couples to navigate a confusing mix of state laws, resulting in varied outcomes.

## **2. European Union: A Diverse but Progressive Approach**

The European Union (EU) presents a fascinating case, as its member states have implemented a variety of laws and policies concerning live-in relationships. Each country has its own legal traditions and frameworks, yet there is a noticeable trend toward acknowledging the rights of individuals in cohabiting relationships, particularly regarding property rights, inheritance, and social benefits.

### **United Kingdom**

In the United Kingdom, live-in relationships are generally viewed differently from marriage, but the legal system offers considerable protection for cohabiting couples. Although the UK lacks a formal institution akin to a “civil union” for cohabiting partners, it recognizes the necessity for legal safeguards for individuals in long-term, committed relationships.

According to the Cohabitation Rights Bill, couples who have lived together for at least two years are entitled to certain legal rights concerning property, pensions, and inheritance. UK law permits cohabiting partners to file claims for property or financial support in the event of separation, although these claims are usually more limited than those available to married couples. The lack of a legal marriage does not prevent a partner from seeking compensation or property division if they have contributed to the household, particularly in situations where one partner relies financially on the other.

Furthermore, cohabiting couples in the UK can request financial support or maintenance upon separation, although the extent of such claims is narrower than for married couples. Additionally, children born to cohabiting couples enjoy the same legal rights as those born to married parents, and parental responsibility laws ensure that both parents have equal rights and obligations regarding child custody.

### **France**

France has been a leader in Europe regarding the legal recognition of live-in relationships. The

**Pacte Civil de Solidarité (PACS)**, introduced in 1999, allows couples—whether same-sex or opposite-sex—to enter into a civil partnership that offers many of the same legal benefits as marriage. Although **PACS** is not the same as marriage, it provides partners with rights concerning taxation, social security benefits, inheritance, and property division.

Cohabiting couples who opt not to enter into a **PACS** still have some legal protections, but they do not enjoy the full range of rights that married couples or those in **PACS** have. For instance, unmarried partners do not inherit each other's property. And neither do they have the right to claim spousal maintenance. However, in cases of long-term cohabitation, courts may step in during property disputes to ensure fair treatment for both partners, particularly when one has made significant contributions to the household.

### **Germany**

In Germany, the legal framework surrounding live-in relationships is mainly shaped by the Civil Code (**Bürgerliches Gesetzbuch**), which offers limited recognition to cohabiting couples. The Partnership Act (**Lebenspartnerschaftsgesetz**), enacted in 2001, enabled same-sex couples to form legal partnerships with rights akin to those of married couples. While this law is no longer applicable to same-sex couples (who can now legally marry), it reflects Germany's progressive stance on cohabiting relationships. For heterosexual couples, Germany acknowledges cohabiting relationships in specific legal contexts, such as tax benefits and property division, but these couples do not enjoy the same comprehensive legal protections as compared to married couples. In cases of separation, courts may grant compensation for property or financial support, but such decisions typically consider factors like the duration of cohabitation and the contributions made by each partner.

### **3. Australia: Legal Recognition and Family Law Protection**

Australia provides a unique perspective on live-in relationships, recognizing them under the Family Law Act. Couples in de facto relationships—those who live together in a domestic partnership without being married—enjoy much similar rights as married couples, especially concerning property division and financial support after separation.

According to the Family Law Act of 1975, de facto couples who have cohabited for at least two years or share a child can apply for property settlements, spousal maintenance, and other

legal remedies if their relationship ends. This legislation applies to both opposite-sex and same-sex couples. In the event of separation, the law treats de facto relationships similarly to marriages, ensuring fair asset distribution, maintenance payments, and consideration of each party's contributions.

Additionally, Australia offers legal protections for children born to de facto couples, with both parents holding equal rights and responsibilities regarding custody and support. The country's progressive approach to live-in relationships serves as a comprehensive model for safeguarding the rights of cohabiting individuals.

#### **4. Canada: Legal Protections in Cohabitation**

Canada serves as another example of a country where live-in relationships are gaining recognition and legal regulation. Common-law relationships—generally defined as those lasting a specific duration, often between one and three years—are acknowledged under Canadian law, especially concerning property rights, taxation, and family law.

In provinces such as British Columbia and Ontario, common-law partners enjoy certain rights akin to those of married couples, including property division, spousal support, and inheritance rights in the event of separation. Although the legal framework for common-law relationships differs from one province to another, common-law couples in Canada typically receive similar protections as married couples, making sure that individuals have legal options available in case of a breakup.

### **THE NEED FOR REGULATORY FRAMEWORK IN INDIA**

The changing dynamics of relationships in India, especially live-in arrangements, highlight the urgent need for a well-defined legal framework that outlines the rights, responsibilities, and protections for individuals involved in these partnerships. As India advances socially and economically, traditional views on marriage and family are increasingly being reevaluated. While live-in relationships are becoming more accepted, they still exist in a legal grey area, lacking specific laws to regulate them. This absence leads to legal ambiguities, particularly concerning domestic disputes, property rights, child custody, and inheritance issues. This section explores the necessity of establishing a regulatory framework for live-in relationships in India, the challenges arising from the current lack of such a framework, and the various

factors that should be taken into account during its development.

### **1. The Changing Social Landscape and the Rise of Live-In Relationships**

India, known for its strong traditions and cultural values, has experienced notable changes in social dynamics over recent decades. The concept of marriage, once viewed as the foundation of Indian family life, is increasingly being re-evaluated, particularly by the younger generation in urban settings. Factors like enhanced education, economic independence, and exposure to global lifestyles have significantly influenced changing perspectives on marriage and relationships.

Live-in relationships, which were previously regarded as taboo or morally questionable, have gained acceptance, especially among the urban middle class and youth. Various studies indicate that a considerable number of young adults in cities like Delhi, Mumbai, Bengaluru, and Pune are choosing to cohabit without marriage, citing reasons such as financial independence, concerns about divorce, and a desire for greater personal freedom. In many instances, live-in relationships are perceived as a way to assess compatibility before making the legal commitment of 'marriage.'

The evolving social attitudes are also evident in the rising number of legal disputes involving individuals in live-in relationships. However, despite this growing trend, India's legal system has been slow to catch up with the new reality, often leaving individuals in live-in arrangements without clear legal options in case of conflicts. This situation underscores the pressing need for a comprehensive regulatory framework that recognizes the legal status of such relationships and offers mechanisms for conflict resolution.

### **2. Legal Ambiguity and the Need for Clear Definitions**

One major reason for the insufficient legal protection in live-in relationships is the lack of a precise definition of what a "live-in relationship" entails under Indian law. Although the judiciary has acknowledged live-in relationships in certain instances—like the **Protection of Women from Domestic Violence Act (PWDVA)** and property disputes—there is no comprehensive statute that outlines these relationships or specifies the rights and responsibilities of those involved.

In various legal contexts, live-in relationships have been viewed as a form of marriage or as informal arrangements, but this perspective is inconsistent and varies based on individual circumstances. In the case of '**D. Velusamy v. D. Patchaiammal (2010)**,' the Supreme Court determined that for a live-in commitment to gain legal recognition under the Protection of Women from Domestic Violence Act, it must exhibit characteristics similar to marriage in terms of duration, intimacy, and public acknowledgment. However, this judicial interpretation is limited and lacks clear statutory guidance.

Establishing a clear and definitive definition of live-in relationships is essential to prevent subjective interpretations by courts, which often lead to inconsistent rulings. For example, if a live-in couple has children, the absence of a formal legal definition complicates issues related to custody, inheritance, and other legal matters. Without such definitions, couples in live-in relationships remain at risk of exploitation and abuse.

### 3. Protection for women and vulnerable partners

The protection of women's rights in live-in relationships is a significant issue in India. While some legal safeguards exist through the **Protection of Women from Domestic Violence Act (PWDVA)**, its application is somewhat limited. The **PWDVA** provides assistance to women in relationships "in the nature of marriage," but the absence of a clear definition for such relationships leads to varying interpretations.

Women in live-in arrangements often encounter legal and financial hurdles when the relationship ends, particularly if they lack formal claims to the assets or income generated during the partnership. Many women entering these relationships may not have the same economic resources as their male partners, which increases their risk of financial instability if the relationship dissolves. The absence of a legal framework to address issues like alimony, maintenance, and property division further intensifies these challenges.

For women in long-term live-in relationships, inheritance rights also pose a problem. For instance, when a male partner dies without making a will, the surviving partner does not have the right to inherit his property unless explicitly mentioned in a legal will. This situation creates a considerable disadvantage, especially for women who have contributed to the household's well-being without formal acknowledgment. Establishing a regulatory framework would clarify these issues and ensure that women receive fair treatment in cases of separation or death.

#### 4. Property rights and Asset Distribution

Property rights are a significant concern in live-in relationships, especially when there is no formal marriage contract in place. In India, property rights are primarily determined by marriage laws like the 'Hindu Marriage Act, 1955,' the 'Special Marriage Act, 1954,' and 'Muslim Personal Law,' which do not apply to those in live-in arrangements. This lack of official recognition means that individuals in such relationships do not automatically have rights to property, whether it is jointly owned or not.

When a relationship ends, individuals may struggle to secure a fair share of assets, particularly if they have made substantial contributions to the household or relied financially on their partner. Disputes over property in live-in relationships can result in protracted and expensive legal conflicts, as the absence of clear rules for asset division puts both parties at a disadvantage. Women, in particular, may find themselves without financial support, as they are often the more vulnerable partner in these situations.

Additionally, the matter of inheritance becomes even more complex if one partner passes away without a will. Without a formal legal structure, the surviving partner has no rights to the deceased's property, regardless of how long they have been in a committed relationship. There is a pressing need for laws that establish a framework for asset division, ensuring that partners in live-in relationships have legal rights to shared property and assets accumulated during their time together.

#### 5. 'Child Custody and Parental Rights'

Children born from live-in commitments encounter various legal challenges, particularly concerning custody, inheritance, and parental responsibilities. In India, while children of unmarried couples are recognized as legitimate, they do not automatically inherit their father's property unless it is explicitly stated in a will. This situation can lead to confusion during disputes, especially if the parents separate or if one parent dies.

Indian courts have made strides in addressing these concerns. In the **S. Vanitha v. Deputy Commissioner (2020)** case, the 'Supreme Court' determined that children who are born to live-in couples should have equal legal standing and rights as those born to married couples. The court highlighted that the child's welfare must be the primary consideration in custody

disputes. However, the lack of a comprehensive legal framework for live-in relationships creates gaps in protecting children's rights, particularly regarding custody, inheritance, and guardianship.

Without a regulatory framework, courts are left to interpret each case individually, resulting in inconsistent rulings and confusion. Establishing clear legal standards for child custody, inheritance, and parental responsibilities in live-in relationships is essential to safeguard children's welfare and prevent unnecessary legal complications.

## **6. Alimony and Maintenance Rights**

The topic of alimony and maintenance is a significant area that requires regulation. At present, there are no legal provisions for alimony or maintenance for individuals in live-in relationships in India, while married couples can seek financial support under the Hindu Marriage Act, Special Marriage Act, and other personal laws. Consequently, if a live-in relationship comes to an end, the dependent partner—often the woman—has no automatic right to financial support, regardless of how long the relationship lasted or their contributions to the household.

In many live-in arrangements, one partner may rely financially on the other, particularly when the dependent partner takes on domestic duties or forgoes career opportunities to manage the home. Without laws governing alimony or maintenance for live-in relationships, these individuals may find themselves without any financial assistance after a separation, putting them at risk of economic difficulties.

A regulatory framework should incorporate provisions for alimony and maintenance to ensure that the dependent partner can access financial resources in the event of a separation or the end of the relationship. Such measures would help safeguard individuals, especially women, from financial exploitation and provide them with the means to support themselves.

## **7. The Role of Society and Cultural Sensitivities**

A significant challenge in establishing a regulatory framework for live-in relationships in India is the social and cultural resistance surrounding the concept. Traditional views on marriage, family, and social norms in India often conflict with the idea of live-in relationships, which some perceive as immoral or socially unacceptable. The patriarchal nature of Indian society

adds another layer of complexity, especially regarding women's autonomy in selecting their partners and living situations.

To develop a regulatory framework that is both practical and socially acceptable, the Indian legal system must find a careful balance between safeguarding individual rights and honoring cultural values. Laws should be crafted to provide legal recognition and protection for individuals in live-in relationships while ensuring that these regulations are not seen as a threat to traditional family structures.

The effectiveness of any regulatory framework will largely depend on how well it is communicated to the public and how it addresses the concerns of more conservative segments of society. Public education campaigns, awareness initiatives, and community outreach can significantly contribute to shifting public perceptions and fostering acceptance of live-in relationships as a legitimate form of partnership.

India, known for its diverse social fabric and rich cultural heritage, is undergoing a significant change in how relationships and family structures are perceived. Live-in relationships, which were once seen as taboo or socially unacceptable, are now becoming a more recognized and accepted alternative to traditional marriages, especially among urban youth. However, this cultural shift has not been matched by advancements in India's legal system, which still lags behind these evolving societal norms. The lack of a clear and comprehensive legal framework for live-in relationships has created confusion, vulnerability, and inequality, particularly affecting women and children involved in such arrangements.

As the nature of relationships in modern India continues to evolve and more individuals choose live-in partnerships, there is an urgent need for legal reforms that acknowledge and regulate these relationships. This push for legal recognition goes beyond simply keeping up with contemporary trends; it is essential for safeguarding fundamental rights related to property, maintenance, child custody, and inheritance. Without a statutory framework, individuals in live-in relationships remain vulnerable to exploitation, financial difficulties, and social stigma, with few options for legal recourse.

## **CONCLUSION**

As India progresses toward a more inclusive and progressive society, it is essential for its legal

system to reflect and adapt to the changing dynamics of personal relationships. The existing framework, which primarily supports formal marriages, fails to address the specific concerns of those in live-in commitments. The 'judiciary' has made substantial advancements in acknowledging the rights of individuals in live-in arrangements, especially women, under the 'Protection of Women from Domestic Violence Act' (PWDVA) and other legal provisions. However, these protections are limited in scope and often subject to varying interpretations. There is an urgent need for a formal, comprehensive law that clearly defines live-in relationships and establishes a fair legal framework for addressing issues that may arise within them.

A crucial step in this direction would be the creation of legislation specifically aimed at safeguarding the rights of individuals in live-in relationships, tackling issues such as property rights, maintenance, inheritance, and child custody. Such a law would provide legal clarity and minimize the risk of arbitrary or inconsistent judicial interpretations. For example, clear guidelines for property division, similar to those found in marriage laws, would ensure that individuals in long-term live-in relationships are not left at a disadvantage in the event of a separation. Furthermore, the right to alimony and maintenance would offer financial security to those who have been economically reliant on their partners.

One of the most important elements of a regulatory framework for live-in relationships is the protection of vulnerable partners, particularly women, who are often at risk of financial exploitation and social stigma. While the current legal provisions under the PWDVA offer some support to women in relationships "in the nature of marriage," they fall short in cases involving property disputes or when a partner refuses to provide financial support after separation. In India, where social norms and economic structures frequently place women in dependent positions, the absence of a legal requirement for partners to support one another during or after a live-in relationship represents a significant shortcoming. A regulatory framework should tackle these concerns by establishing a legal foundation for alimony, maintenance, and equitable asset division. Additionally, such a framework must safeguard women from domestic abuse—whether physical, emotional, or financial—ensuring they have access to legal remedies and safe shelters. Clear legal provisions could help prevent the exploitation of vulnerable partners by offering them protection and avenues for redress. The law should also acknowledge the emotional and financial contributions of both partners, guaranteeing fair treatment for both parties upon separation.

Children born from live-in relationships represent a group that urgently needs legal protection. Although the Indian legal system has made progress in recognizing the rights of children with unmarried parents, there are still significant gaps in how issues like inheritance, custody, and welfare are addressed, especially when the parents' relationship deteriorates. The Supreme Court's ruling in **S. Vanitha v. Deputy Commissioner (2020)** affirmed that children born from live-in couples do have the same rights (legally) as those born to married ones. However, this principle is not yet codified into law and relies on judicial interpretation.

A comprehensive law that acknowledges the rights of children in live-in relationships would bring clarity and consistency to custody disputes, inheritance issues, and parental responsibilities. Such legislation should ensure that both parents are responsible for the child's welfare, regardless of their marital status. Furthermore, it would establish legal pathways for the child to inherit from both parents, safeguarding their right to inheritance despite the informal nature of their parents' relationship.

India's approach to live-in relationships needs to be mindful of its varied cultural, religious, and social landscapes. While acceptance is growing among the younger urban demographic, many in rural areas still hold skeptical or disapproving views towards these arrangements. Consequently, any legal framework addressing live-in relationships should be thoughtfully crafted to respect traditional values while ensuring that individuals in these relationships receive the protections they need. Additionally, it is crucial to launch public awareness campaigns aimed at educating people about the legal recognition and rights of those in live-in relationships. These initiatives should highlight that live-in relationships, much like marriages, are valid expressions of adult choice, and that individuals involved deserve legal protection and respect. Shifting societal attitudes will be key to the effective implementation of such laws, helping to ensure that those in live-in relationships are not marginalized.

A well-rounded regulatory framework for live-in relationships in India should find a middle ground between contemporary needs and traditional values. It must be inclusive and adaptable, taking into account the various cultural and societal contexts throughout the country. For instance, inheritance provisions should be flexible, allowing those in live-in relationships to inherit property in a way that aligns with their partnership dynamics, while also honoring the rights of legal heirs. Moreover, the legal framework should safeguard individual autonomy while offering protections against exploitation. It should ensure that people in live-in

relationships are not pressured or manipulated into situations that jeopardize their rights, especially regarding financial security, physical safety, and emotional well-being. To implement such a framework, collaboration among lawmakers, legal experts, social activists, and other stakeholders is essential to ensure it is both thorough and equitable. Public consultations and discussions should be a key part of the process to make sure the law addresses the needs of individuals in live-in relationships while also considering the concerns of those who may be skeptical of the concept.

The need for a regulatory framework governing live-in relationships in India is not merely a legal requirement but a crucial social necessity. As the nation progresses towards modernization and greater personal freedoms, the legal system must adapt to reflect these changes and offer adequate protection for individuals in live-in arrangements. Such a framework would tackle the legal and social challenges arising from the growing acceptance of live-in relationships, ensuring that the rights of all individuals—especially vulnerable partners and children—are safeguarded. Implementing a law that clearly explains the rights and responsibilities of those in live-in commitments would promote equity, fairness, and justice. It would provide legal clarity, minimize confusion, and encourage a more inclusive society where all forms of relationships are acknowledged and valued. By granting legal recognition and protection to live-in relationships, India can ensure that individuals in these partnerships enjoy the same rights and dignity as those in formal marriages, thus advancing equality, social justice, and human rights for all citizens.

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