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Legal status of Live-in relationships in India: Mapping Indian Jurisprudence

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Introduction

In contemporary India, the discourse surrounding the legal status of live-in relationships has emerged as a focal point of discussion, reflecting the evolving socio-cultural landscape and shifting paradigms of intimate partnerships within the country. This introduction sets the stage for an in-depth exploration of the topic, delineating its significance, scope, and relevance within the multifaceted fabric of Indian society.

The institution of marriage has long held sway as a cornerstone of Indian social structure, steeped in cultural, religious, and legal sanctity. However, alongside the traditional model of marital unions, the phenomenon of live-in relationships has garnered increasing attention, challenging conventional norms and redefining notions of companionship, family, and personal autonomy. Defined by cohabitation between partners without the formalities of marriage, live-in relationships embody a departure from traditional norms, characterised by flexibility, autonomy, and individual choice.

Against this backdrop, the legal status of live-in relationships assumes critical significance, intersecting with a myriad of rights, obligations, and societal expectations. Unlike the well-defined legal framework governing marriage, the legal landscape surrounding live-in relationships in India remains ambiguous and fragmented, marked by a patchwork of judicial precedents, legislative provisions, and societal norms.

This introductory chapter endeavours to delineate the contours of the ensuing discourse, encompassing historical antecedents, legal frameworks, social dynamics, and future trajectories pertaining to live-in relationships in India. By unraveling the complexities and nuances inherent in this evolving phenomenon, this study seeks to offer comprehensive insights into the legal, social, and cultural dimensions of live-in relationships, thereby fostering a nuanced understanding of its implications for individuals, families, and society as a whole.

The historical context of marriage and relationships in India provides a backdrop against which the emergence of live-in relationships can be understood. Throughout history, marriage has been regarded not only as a union between individuals but also as an alliance between families, communities, and even castes. This perspective has been deeply entrenched in Indian society, shaping norms, customs, and legal frameworks governing marital relations. However, with the advent of modernity, urbanisation, and globalisation, traditional paradigms of marriage have come under scrutiny, giving rise to alternative forms of intimate partnerships, including live-in relationships.

The legal framework surrounding live-in relationships in India is characterised by a complex interplay of judicial interpretations and legislative enactments. While there is no specific legislation addressing live-in relationships, the judiciary has played a pivotal role in shaping the legal landscape through a series of landmark judgments. These judgments have sought to delineate the rights and obligations of partners in live-in relationships, addressing issues such as property rights, maintenance, and child custody. However, the absence of comprehensive legislation has led to inconsistencies and lacunae in the legal framework, necessitating a nuanced understanding of judicial pronouncements and legal principles.

Social and cultural attitudes towards live-in relationships vary widely across different segments of Indian society, reflecting diverse norms, values, and beliefs. While some view live-in relationships as a progressive alternative to traditional marriage, others perceive them as a threat to social cohesion and moral values. Gender dynamics, family structures, and generational divides further shape societal attitudes towards live-in relationships, underscoring the need for a nuanced and contextualised understanding of the phenomenon.

Challenges and controversies surrounding the legal status of live-in relationships abound, ranging from societal stigma and moral judgments to practical issues such as financial dependency and parental rights. The absence of legal recognition and protection for individuals in live-in relationships exacerbates these challenges, leaving them vulnerable to exploitation, discrimination, and legal uncertainty. Moreover, the lack of

clarity in the legal framework hampers access to essential rights and entitlements, perpetuating inequalities and injustices.

A comparative analysis with marriage laws offers valuable insights into the legal disparities and overlaps between marital and non-marital unions. While marriage enjoys legal recognition, protection, and privileges under Indian law, live-in relationships remain largely unregulated and marginalised. This disparity underscores the need for equitable legal treatment and reform, ensuring that individuals in live-in relationships are afforded rights and protections commensurate with their counterparts in traditional marriages.

Historical context of Marriage and Relationships

The historical context of marriage and relationships in India is deeply rooted in a rich tapestry of cultural, religious, and social traditions that have evolved over millennia. Marriage has traditionally been regarded not merely as a union between individuals, but as a sacred bond that transcends personal interests and encompasses familial, communal, and even spiritual dimensions. Understanding the historical antecedents of marriage in India requires delving into ancient scriptures, epics, and cultural practices that have shaped prevailing norms, customs, and rituals surrounding matrimonial alliances.

Ancient Indian civilisation, as depicted in the Vedas, Upanishads, and other sacred texts, espoused the sanctity of marriage as a sacrament ordained by the gods. The Rig Veda, one of the oldest Hindu scriptures, extols the virtues of marital fidelity and conjugal harmony, portraying marriage as a divine union that ensures the continuity of lineage and the fulfilment of social duties. The concept of "samskara," or sacrament, underscores the ritualistic significance attached to marriage, which is regarded as a pivotal milestone in the life of an individual.

Throughout antiquity, marriage in India was not merely a contractual arrangement between two individuals, but a solemn covenant entered into before deities, ancestors, and the community at large. Rituals such as the "Kanyadaan" (giving away of the bride), "Saptapadi" (seven steps around the sacred fire), and "Mangal Sutra" (sacred necklace) symbolised the sacred bonds forged between spouses, families, and kinship networks. These rituals were imbued with profound religious and social significance, signifying the merging of two souls and the establishment of a new household within the fabric of society.

The institution of marriage in ancient India was intricately intertwined with notions of caste, kinship, and lineage, reflecting the hierarchical structure of society. Endogamy, or the practice of marrying within one's own caste or social group, was the norm, serving to preserve social cohesion and maintain the purity of lineage. Marriage alliances were often forged to strengthen political alliances, consolidate landholdings, or perpetuate familial traditions, underscoring the instrumental role of matrimonial alliances in shaping socio-political dynamics.

The Dharmashastra texts, including the Manusmriti and the Arthashastra, codified norms and regulations governing marital relations, delineating the rights and obligations of spouses within the framework of dharma (duty) and societal norms. These texts prescribed strict guidelines regarding marriageable age, marital fidelity, and the duties of husbands and wives, reflecting patriarchal values and gender hierarchies prevalent in ancient Indian society. While women were accorded a position of honour as "gruhini" (mistress of the household), their autonomy and agency were often circumscribed by familial and societal expectations.

The medieval period witnessed the fusion of indigenous customs with external influences, as successive waves of invasions and migrations brought new cultural, religious, and social practices to the Indian subcontinent. The spread of Islam introduced the practice of polygamy among certain sections of society, while the Mughal emperors patronized lavish ceremonies and elaborate rituals, further enriching the tapestry of matrimonial traditions. Concurrently, the Bhakti and Sufi movements fostered a spirit of egalitarianism and devotional fervour, challenging existing hierarchies and redefining notions of love, devotion, and spiritual union.

The colonial era marked a watershed moment in the history of marriage and relationships in India, as British colonial rule introduced sweeping reforms aimed at regulating and codifying personal laws. The imposition of English common law and the enactment of legislative measures such as the Hindu Marriage Act (1955) and the Special Marriage Act (1954) sought to standardise and modernise matrimonial practices, while also facilitating inter-community marriages and providing legal recognition to diverse forms of union. In contemporary India, the institution of marriage continues to evolve in response to changing social, economic, and cultural dynamics. Urbanisation, globalization, and the rise of individualism have led to shifting attitudes towards marriage, with increasing emphasis on personal compatibility, emotional fulfilment, and individual autonomy. Alongside the traditional model of arranged marriages, love marriages, inter-caste marriages, and inter-faith marriages are becoming more commonplace, reflecting a diversification of matrimonial choices and preferences.

The historical context of marriage and relationships in India is characterised by a complex interplay of cultural, religious, and social factors that have shaped prevailing norms, customs, and rituals surrounding matrimonial alliances. From ancient scriptures to colonial legislations, the institution of marriage has undergone continual transformation, reflecting the dynamic nature of Indian society and its enduring quest for harmony, stability, and social cohesion. Understanding this historical continuum is essential for comprehending the contemporary landscape of marriage and relationships in India and for charting a course towards a more inclusive, equitable, and pluralistic future.

Live in Relationships

The definition and nature of live-in relationships represent a departure from traditional marital norms, reflecting evolving attitudes towards intimacy, commitment, and personal autonomy. Live-in relationships, also known as cohabitation or domestic partnerships, entail unmarried individuals living together in a committed, intimate relationship akin to marriage, but without the legal formalities and obligations.

The nature of live-in relationships is characterised by flexibility, autonomy, and mutual consent, allowing partners to cohabit and share their lives without the constraints or obligations imposed by traditional marriage. Unlike marital unions, which are solemnised through religious or civil ceremonies and regulated by legal frameworks, live-in relationships are based on mutual understanding, trust, and companionship, often devoid of external validation or societal sanction.

In live-in relationships, partners may choose to cohabit for various reasons, including emotional compatibility, financial convenience, or a desire to test the waters before committing to marriage. The absence of legal formalities affords individuals greater freedom and flexibility in defining the terms and boundaries of their relationship, allowing them to navigate issues such as finances, household responsibilities, and child-rearing based on mutual consent and understanding.

The definition of live-in relationships varies across cultures, societies, and legal jurisdictions, reflecting diverse norms, values, and beliefs surrounding intimate partnerships. In some societies, live-in relationships may be frowned upon or stigmatised, while in others, they may be accepted as a legitimate alternative to traditional marriage. Moreover, the legal recognition and protection afforded to live-in relationships vary widely, with some jurisdictions granting rights and entitlements to cohabiting partners, while others provide limited or no legal recognition.

Despite the informal nature of live-in relationships, partners may form deep emotional bonds and shared commitments, akin to those found in traditional marriages. Cohabiting partners may share financial resources, household responsibilities, and emotional support, thereby blurring the lines between marital and non-marital unions. However, unlike marriage, live-in relationships lack the legal safeguards and protections afforded to spouses, leaving partners vulnerable to legal uncertainties, financial disparities, and social stigma. The dynamics of live-in relationships are shaped by factors such as cohabitation, financial interdependence, and intention to marry, which vary depending on the preferences and circumstances of the individuals involved. While some cohabiting partners may view their relationship as a precursor to marriage, others may choose to remain in a non-marital union indefinitely, prioritising personal autonomy and freedom of choice.

Social and cultural norms

Social and cultural norms surrounding live-in relationships in India are multifaceted and influenced by diverse factors, reflecting the intricate fabric of Indian society. These norms are shaped by traditional values, religious beliefs, gender dynamics, generational differences, and regional variations, among other factors. Understanding the nuances of these norms is essential to grasp the complexities surrounding live-in relationships in the Indian context.

At the core of social and cultural norms for live-in relationships in India lies the institution of marriage. Marriage holds profound significance in Indian culture, symbolizing not only the union of two individuals but also the merging of families and communities.

Consequently, any deviation from the sanctity of marriage, such as cohabitation without formal marital ties, is often met with skepticism and moral judgment.

Traditional values and religious teachings play a significant role in shaping social attitudes towards live-in relationships. Hinduism, the predominant religion in India, venerates marriage as a sacred union ordained by divine forces. The scriptures and religious texts emphasise the importance of marital fidelity, family honour, and procreation within the confines of marriage. Consequently, cohabitation outside the institution of marriage may be perceived as a violation of religious and moral codes, leading to social stigma and ostracism. The caste system, a defining feature of Indian society, also influences social norms surrounding live-in relationships. Endogamy, the practice of marrying within one's own caste or social group, is prevalent in many parts of India. Inter-caste relationships, including live-in arrangements, may face resistance and disapproval from families and communities, highlighting the enduring influence of caste dynamics on social interactions and marital choices.

Gender roles and expectations further shape social attitudes towards live-in relationships.

Patriarchal values dictate traditional gender norms, with men often enjoying greater freedom and autonomy in matters of relationships and sexuality. In contrast, women may face stricter scrutiny and moral judgment, with their chastity and virtue closely linked to familial honour and reputation. This gendered double standard contributes to the stigmatisation of women in live-in relationships and perpetuates unequal power dynamics within partnerships.

Generational differences also play a significant role in shaping social attitudes towards live-in relationships. Younger generations, influenced by global trends and Western ideals of individualism and personal autonomy, may be more accepting of non-traditional relationship arrangements. In contrast, older generations, rooted in traditional values and customs, may view live-in relationships as a departure from cultural norms and societal expectations, leading to intergenerational conflicts and tensions.

Regional variations in social attitudes towards live-in relationships further underscore the diversity of Indian society. Urban centres, characterised by greater exposure to Western culture and cosmopolitan values, may exhibit more liberal attitudes towards cohabitation. In contrast, rural and conservative regions may uphold traditional values and community norms, leading to greater resistance and condemnation of live-in relationships.

Challenges

Live-in relationships in India, while gaining acceptance and prevalence in modern society, are not without their challenges. These challenges span legal, social, and emotional realms, posing complexities for individuals navigating non-marital unions. Understanding and addressing these challenges is crucial for promoting the well-being and rights of individuals in live-in relationships within the Indian context.

One of the foremost challenges faced by individuals in live-in relationships in India is the lack of legal recognition and protection. Unlike marriage, which is governed by well-defined legal frameworks and entitles spouses to various rights and privileges, live-in relationships exist in a legal grey area. Cohabiting partners in live-in relationships do not enjoy the same legal status, rights, and protections as married couples, leaving them vulnerable to legal uncertainties, financial disparities, and social stigma.

Property rights and financial entitlements are among the most pressing legal challenges faced by individuals in live-in relationships. In the absence of specific legislation governing live-in relationships, disputes over property ownership, asset division, and financial support often arise when relationships break down. Cohabiting partners may find themselves without legal recourse or protection, leading to financial insecurity and emotional distress.

Child custody and parental rights present another significant legal challenge for individuals in live-in relationships, particularly in cases of separation or dissolution. The absence of legal recognition for cohabiting partners as parents may complicate matters related to child custody, visitation rights, and parental responsibilities. Children born out of live-in relationships may face legal and social stigma, further exacerbating familial tensions and emotional turmoil.

Social stigma and societal judgment represent pervasive challenges faced by individuals in live-in relationships in India. Despite changing attitudes towards relationships and marriage, live-in arrangements continue to be viewed through the lens of traditional values and moral judgments. Cohabiting partners may encounter social ostracism, familial disapproval, and community backlash, leading to isolation and psychological distress.

Gender dynamics further compound the challenges faced by individuals in live-in relationships, with women often bearing the brunt of societal stigma and discrimination. Patriarchal attitudes dictate traditional gender roles and expectations, with women being disproportionately affected by societal judgments and moral policing. Women in live-in relationships may face greater scrutiny and moral judgment regarding their behaviour and choices, leading to feelings of shame, guilt, and self-doubt.

Economic dependency and financial vulnerability represent significant challenges for individuals in live-in relationships, particularly women. In many cases, women in live-in relationships may be financially dependent on their partners, lacking access to economic resources and employment opportunities. This dependency can leave them vulnerable to exploitation, abuse, and coercion, further exacerbating power imbalances within the relationship.

Emotional complexities and relational dynamics pose additional challenges for individuals in live-in relationships. Cohabiting partners may grapple with issues such as trust, communication, and commitment, navigating the intricacies of intimacy and personal boundaries. Differences in expectations, values, and lifestyles may lead to conflicts and misunderstandings, testing the resilience of the relationship and the emotional well-being of both partners.

Cultural differences and interfaith dynamics present unique challenges for individuals in inter-cultural or interfaith live-in relationships. Societal expectations, familial pressures, and religious beliefs may clash, leading to tensions and conflicts within the relationship. Negotiating cultural differences, maintaining harmony, and preserving individual identities while in a live-in relationship can be daunting tasks, requiring patience, understanding, and compromise.

LEGAL FRAMEWORK

The legal landscape surrounding live-in relationships in India is characterised by a complex interplay of judicial precedents and legislative provisions, reflecting the evolving nature of intimate partnerships within the framework of Indian law. While there is no specific legislation governing live-in relationships, the judiciary has played a pivotal role in shaping the legal framework through a series of landmark judgments. Additionally, certain legislative enactments provide some degree of recognition and protection to individuals in non-marital unions. Understanding the legal framework for live-in relationships requires an exploration of both judicial precedents and legislative provisions, elucidating the rights, obligations, and entitlements of cohabiting partners within the Indian context.

Judicial Precedents:

The legal recognition and protection of live-in relationships in India have primarily evolved through judicial interpretations of existing laws and constitutional principles.

Several landmark judgments by the Indian judiciary have contributed to the establishment of legal precedents governing live-in relationships, addressing issues such as property rights, maintenance, and child custody.

One of the seminal judgments in this regard is the Supreme Court's decision in the case of *D. Velusamy v. D. Patchaiammal* (2010). In this case, the Supreme Court laid down guidelines for determining the existence of a live-in relationship and the rights of partners involved. The Court held that a "relationship in the nature of marriage" must fulfil certain criteria, including cohabitation, mutual consent, financial interdependence, and holding out to society as being akin to marriage. This judgment provided clarity on the legal status of live-in relationships and established the rights of partners in such unions.

Subsequent judgments by various High Courts and the Supreme Court have further elucidated the legal principles governing live-in relationships. In *Lata Singh v. State of U.P.* (2006), the Supreme Court held that adults have the right to choose their life partners, irrespective of caste or religion, and protection should be provided to couples in live-in relationships against harassment or coercion. Similarly, in *Indra Sarma v. V.K.V. Sarma* (2013), the Supreme Court held that a woman in a live-in relationship is entitled to maintenance under the Protection of Women from Domestic Violence Act, 2005, if she meets the criteria of being in a domestic relationship. These judicial pronouncements have contributed to the recognition of live-in relationships as valid forms of partnership, deserving of legal protection and entitlements. However, inconsistencies and ambiguities in the legal framework persist, necessitating legislative reforms to address lacunae and ensure comprehensive protection for individuals in live-in relationships.

Legislative Provisions:

While there is no specific legislation governing live-in relationships in India, certain legislative enactments provide limited recognition and protection to cohabiting partners. The Protection of Women from Domestic Violence Act, 2005 (PWDVA) represents a significant legislative intervention in this regard. The PWDVA defines "domestic relationship" broadly to include relationships where the parties live or have lived together in a shared household, irrespective of marital status. Under this law, women in live-in relationships are entitled to protection from domestic violence and can seek remedies such as protection orders, residence orders, and maintenance. Additionally, certain provisions of the Indian Penal Code (IPC) and the Code of Criminal Procedure (CrPC) afford protection to individuals in live-in relationships against offences such as domestic violence, dowry harassment, and cruelty. Section 498A of the IPC, which deals with cruelty by husbands or relatives of husbands, has been interpreted by the judiciary to include live-in partners within its ambit. Similarly, Section 125 of the CrPC provides for maintenance to wives, children, and parents, and has been extended by the courts to cover women in live-in relationships who are financially dependent on their partners.

Despite these legislative provisions and judicial pronouncements, gaps and inconsistencies remain in the legal framework for live-in relationships in India. The absence of a comprehensive legislation specifically addressing the rights and obligations of cohabiting partners leaves room for uncertainty and exploitation. Moreover, the patchwork of laws and judicial precedents across different states and jurisdictions contributes to legal complexity and inconsistency in the treatment of live-in relationships.

Rights of the partners in Live-In relationships

Rights of partners in live-in relationships in India encompass various legal and social considerations, reflecting the evolving nature of intimate partnerships within Indian law. While live-in relationships lack the full legal recognition and protection afforded to marriage, cohabiting partners possess certain rights and entitlements under existing laws and judicial precedents. Understanding these rights is essential for individuals navigating non-marital unions and seeking legal recourse in case of disputes or relationship breakdowns.

Property Rights:

Property rights for partners in live-in relationships in India encompass a complex legal landscape that evolves through judicial interpretations and legislative provisions. While live-in relationships lack the formal legal recognition of marriage, cohabiting partners may still have rights to property acquired during the relationship, albeit to a lesser extent than married couples. Understanding these rights is crucial for individuals navigating non-marital unions and seeking legal recourse in case of disputes or relationship breakdowns.

In India, property rights in live-in relationships are primarily governed by judicial precedents established through landmark judgments. While there is no specific legislation addressing property rights for cohabiting partners, the judiciary has played a pivotal role in shaping the legal framework through a series of landmark rulings. These judgments provide guidance on the rights of partners in live-in relationships regarding property ownership, division, and inheritance.

One of the seminal judgments in this regard is the Supreme Court's decision in *D. Velusamy v. D. Patchaiammal* (2010). In this case, the Supreme Court laid down guidelines for determining the existence of a live-in relationship and the rights of partners involved. The Court held that a "relationship in the nature of marriage" must fulfil certain criteria, including cohabitation, mutual consent, financial interdependence, and holding out to society as being akin to marriage. This judgment provided clarity on the legal status of live-in relationships and established the rights of partners in such unions, including property rights.

According to judicial precedents, partners in live-in relationships may have rights to the property acquired during the course of the relationship, provided they can establish their contributions, both financial and non-financial, to the acquisition or maintenance of the property. Courts may consider factors such as direct financial contributions, indirect contributions such as household work and caregiving, and the mutual intention of the partners regarding property ownership. Additionally, the duration of cohabitation and the nature of the relationship may be taken into account when determining property rights.

However, it is essential to note that property rights for partners in live-in relationships are not absolute and may vary depending on the specific circumstances of each case. Courts examine each case individually, weighing the evidence presented by the parties and considering the principles of equity and fairness. While cohabiting partners may have rights to property acquired during the relationship, they do not automatically acquire joint ownership like married couples. Instead, the burden of proof lies on establishing the existence of a domestic relationship akin to marriage and demonstrating the contributions made by each partner to the acquisition or maintenance of the property.

In cases where disputes arise over property rights in live-in relationships, partners may seek legal recourse through civil litigation. Courts may consider various forms of evidence, including financial records, testimonies from witnesses, and documentary evidence, to determine the rights of each partner. Alternative dispute resolution mechanisms such as mediation and arbitration may also be utilised to resolve property disputes amicably and efficiently.

Furthermore, partners in live-in relationships may choose to enter into cohabitation agreements or domestic partnership agreements to clarify their respective rights and obligations regarding property ownership and division. These agreements can provide a clear framework for handling property matters and can help prevent disputes in the event of a relationship breakdown. While not legally binding in the same way as marriage contracts, cohabitation agreements can still be valuable tools for partners to protect their interests and ensure clarity regarding property rights. Property rights for partners in live-in relationships in India are governed by judicial precedents established through landmark judgments and are subject to the principles of equity and fairness. While cohabiting partners may have rights to property acquired during the relationship, these rights are not absolute and depend on various factors such as contributions, intentions, and the nature of the relationship. Understanding these rights and seeking legal advice when necessary is essential for individuals in live-in relationships to protect their interests and navigate property matters effectively.

Maintenance:

Maintenance rights for partners in live-in relationships in India constitute a crucial aspect of the legal framework governing non-marital unions. While live-in relationships lack the formal legal recognition of marriage, cohabiting partners may still be entitled to financial support or maintenance under certain circumstances. Understanding these rights is essential for individuals navigating non-marital unions and seeking legal recourse in case of disputes or relationship breakdowns.

Inheritance Rights:

Inheritance rights for partners in live-in relationships in India constitute a complex and evolving aspect of the legal framework governing non-

marital unions. While live-in relationships lack the formal legal recognition of marriage, cohabiting partners may still have certain rights to inheritance under specific circumstances. Understanding these rights is essential for individuals navigating non-marital unions and seeking legal recourse in case of disputes or relationship breakdowns.

In India, inheritance rights for partners in live-in relationships are primarily governed by judicial precedents established through landmark judgments. While there is no specific legislation addressing inheritance rights for cohabiting partners, the judiciary has played a significant role in shaping the legal framework through a series of landmark rulings. These judgments provide guidance on the rights of partners in live-in relationships regarding inheritance and succession.

One of the seminal judgments in this regard is the Supreme Court's decision in the case of *Badri Prasad v. Director of Consolidation* (1978). In this case, the Supreme Court held that a woman in a live-in relationship with a man could be eligible for inheritance as a 'sister' under Hindu law if she lived with him in a relationship akin to marriage. The Court emphasised the importance of establishing the nature of the relationship and the intention of the parties involved when determining inheritance rights.

Subsequent judgments by various High Courts and the Supreme Court have further elucidated the legal principles governing inheritance rights for partners in live-in relationships. In *Shakuntala Devi v. Ramesh Chander* (2008), the Delhi High Court held that a woman in a live-in relationship could inherit the property of her deceased partner as his 'widow' under Hindu law if she proved that they lived together as husband and wife and were treated as such by their families and society. Similarly, in the case of *Veluchamy v. Dhanapal* (2010), the Supreme Court held that a woman in a live-in relationship could inherit the property of her deceased partner as his 'wife' if she proved that they lived together as husband and wife for a significant period and were recognised as such by their community.

These judicial pronouncements have contributed to the recognition of inheritance rights for partners in live-in relationships, albeit within certain parameters. Courts typically consider factors such as the duration of the relationship, the level of financial and emotional dependence between the parties, and the societal perception of the relationship when determining inheritance rights. Additionally, the intention of the deceased partner regarding inheritance may also be taken into account, particularly if expressed through a will or testamentary provisions.

Child Custody and Parental Rights:

Child custody and parental rights in live-in relationships in India constitute a significant aspect of the legal framework governing non-marital unions. While live-in relationships lack the formal legal recognition of marriage, cohabiting partners may still have rights and responsibilities regarding child custody, visitation, and parental support. Understanding these rights is essential for individuals navigating non-marital unions and seeking legal recourse in case of disputes or relationship breakdowns. In India, child custody and parental rights in live-in relationships are primarily governed by principles of the welfare of the child, as enshrined in various laws and judicial precedents. While there is no specific legislation addressing parental rights in live-in relationships, the judiciary has played a crucial role in shaping the legal framework through a series of landmark judgments. These judgments provide guidance on the rights and responsibilities of partners in live-in relationships regarding child custody and parental rights.

Protection from Domestic Violence:

Protection from domestic violence in live-in relationships in India constitutes a critical aspect of the legal framework governing non-marital unions. While live-in relationships lack the formal legal recognition of marriage, cohabiting partners are entitled to protection from domestic violence and abuse under various laws and judicial precedents. Understanding these rights is crucial for individuals navigating non-marital unions and seeking legal recourse in case of disputes or relationship breakdowns.

In India, protection from domestic violence in live-in relationships is primarily governed by the Protection of Women from Domestic Violence Act, 2005 (PWDVA). This landmark legislation aims to provide protection and support to women who are victims of domestic violence, including those in live-in relationships. The PWDVA defines domestic violence broadly to encompass physical abuse, sexual abuse, verbal and emotional abuse, economic abuse, and other forms of coercion or control that cause harm or injury to the aggrieved person.

Right to Privacy and Dignity:

The right to privacy and dignity in live-in relationships in India is a fundamental aspect of personal autonomy and individual liberty, enshrined in the Constitution of India and upheld through various laws and judicial pronouncements. While live-in relationships may lack the formal legal

recognition of marriage, individuals in such unions are entitled to protection from intrusive state interference and societal judgment, ensuring their right to lead a private and dignified life. Understanding and upholding these rights is essential for individuals navigating non-marital unions and seeking legal recourse in case of violations or infringements.

UTTARAKHAND UNIFORM CIVIL CODE

The government of Uttarakhand, led by the Bhartiya Janta Party, has introduced the Uniform Civil Code Bill, aimed at regulating laws concerning marriage, divorce, succession, live-in relationships, and related matters. This bill proposes uniform regulations applicable to all communities in the state, including specifying the minimum marriageable age and governing live-in relationships. Chief Minister Pushkar Singh Dhami presented the bill in a special session of the state Assembly. If passed, Uttarakhand will be the first state in India to implement such a code. However, the bill has faced criticism for its provisions regarding live-in relationships, with concerns raised about privacy breaches. Let's delve into the specifics of the Uttarakhand UCC's stance on live-in relationships.

According to the Uttarakhand Uniform Civil Code (UCC) Bill, couples engaged in a live-in relationship are required to register with the state government, similar to the process for marriage registration. The bill stipulates that partners in a live-in relationship, regardless of their residency status in Uttarakhand, must submit a statement of their live-in relationship to the Registrar within the jurisdiction where they reside. Additionally, it mandates that residents of Uttarakhand who are in a live-in relationship outside the state's territory must also register their relationship with the appropriate Registrar. Furthermore, the bill affirms that any child born from a live-in relationship will be considered legitimate offspring of the couple. Under the provisions of the UCC Bill, live-in couples are obligated to register themselves with district officials, with individuals under the age of 21 requiring parental consent for registration. The procedure for registering live-in relationships is mandated by the Uttarakhand Uniform Civil Code (UCC) Bill. Partners cohabitating or intending to enter into a live-in relationship are required to submit a statement of their relationship to the Registrar.

RECOMMENDATIONS & CONCLUSION

Recommendations:

In light of the complexities surrounding the legal status of live-in relationships in India and the challenges faced by individuals involved in such unions, several recommendations can be proposed to address these issues and promote fairness, equality, and social justice.

- 1. Legislative Reform:** Recognizing the growing prevalence of live-in relationships and the need for legal clarity, policymakers should consider enacting comprehensive legislation specifically addressing the rights and obligations of partners in such unions. This legislation should encompass aspects such as property rights, financial support, inheritance, and child custody, providing clear guidelines for resolving disputes and protecting the interests of individuals in live-in relationships.
- 2. Legal Recognition:** Providing legal recognition to live-in relationships can ensure that partners are afforded the same rights and protections as married couples. This recognition could involve the creation of a registration system or the establishment of a legal framework that acknowledges the rights and responsibilities of partners in live-in relationships, thus enhancing their legal status and ensuring equal treatment under the law.
- 3. Awareness and Education:** Increasing awareness and education about live-in relationships can help dispel myths, reduce stigma, and promote acceptance of diverse relationship structures. Educational campaigns aimed at both the general public and legal professionals can help raise awareness about the rights and issues faced by individuals in live-in relationships, fostering a more inclusive and understanding society.
- 4. Legal Aid and Support Services:** Providing access to legal aid and support services can empower individuals in live-in relationships to assert their rights and seek redress in cases of disputes or discrimination. Establishing legal clinics, helplines, and support groups specifically catering to the needs of individuals in non-marital unions can ensure that they have access to legal information, counselling, and representation when needed.
- 5. Mediation and Alternative Dispute Resolution:** Encouraging the use of mediation and alternative dispute resolution mechanisms can help resolve conflicts and disputes arising from live-in relationships in a timely and amicable manner. Mediation centres and family courts could offer specialised services tailored to the needs of individuals in non-marital unions, promoting dialogue, reconciliation, and mutual agreement between partners.
- 6. Protection Against Domestic Violence:** Strengthening laws and policies to protect individuals in live-in relationships from domestic violence is essential. Ensuring that domestic violence laws encompass partners in non-marital unions and providing access to shelters, counselling, and legal remedies can help safeguard the well-being of vulnerable individuals and promote gender equality within relationships.

7. **Employment and Workplace Policies:** Addressing discrimination based on relationship status in the workplace is crucial. Implementing policies that prohibit discrimination against individuals in live-in relationships and provide equal opportunities for career advancement and benefits can promote workplace equality and financial security for partners.

8. **Research and Data Collection:** Conducting further research and data collection on live-in relationships can provide valuable insights into the prevalence, dynamics, and socio-economic impact of such unions. This data can inform policy development, resource allocation, and program planning aimed at addressing the needs and concerns of individuals in live-in relationships.

9. **Community and Family Support:** Fostering supportive environments within families and communities is essential for promoting acceptance and understanding of live-in relationships. Encouraging open dialogue, respect for individual choices, and unconditional support for family members involved in non-marital unions can help reduce stigma and strengthen social bonds.

10. **International Best Practices:** Drawing upon international best practices and experiences can provide valuable lessons for addressing the legal and social challenges associated with live-in relationships. Learning from countries that have implemented progressive laws and policies regarding non-marital unions can inform decision-making and inspire innovative approaches to promoting the rights and well-being of individuals in live-in relationships in India.

The legal status of live-in relationships in India remains a complex and evolving issue that warrants careful consideration and action from policymakers, legal professionals, civil society organisations, and communities. Despite the challenges and limitations discussed, there is significant potential for progress and positive change in this area. By addressing the legal ambiguities, social stigma, and structural barriers faced by individuals in live-in relationships, India can move towards a more inclusive and equitable society where all forms of partnerships are recognised, respected, and protected under the law.

Moreover, legal reform is essential to address the lacunae in the current legal framework governing live-in relationships. Enacting comprehensive legislation that provides clear guidelines on property rights, financial support, inheritance, child custody, and other relevant issues is paramount. This legislation should afford legal recognition and protection to partners in live-in relationships, ensuring that they are afforded the same rights, responsibilities, and entitlements as married couples.

Raising awareness and challenging societal norms and prejudices surrounding live-in relationships is crucial. Education campaigns aimed at dispelling myths, reducing stigma, and promoting acceptance of diverse relationship structures can help create a more inclusive and understanding society. By fostering open dialogue and promoting empathy and respect for individuals' choices, communities can play a vital role in combating discrimination and fostering social cohesion.

In addition to legal reform and awareness-raising efforts, access to support services and resources is essential for individuals in live-in relationships. Establishing legal clinics, helplines, counselling services, and support groups can provide individuals with the information, assistance, and emotional support they need to navigate legal complexities, address disputes, and assert their rights effectively. Providing access to affordable housing, healthcare, and social welfare benefits can also help alleviate financial insecurity and promote the well-being of partners in non-marital unions.

In conclusion, addressing the legal status of live-in relationships in India requires a multi-faceted approach that combines legal reform, awareness-raising efforts, access to support services, and community engagement. By working together to address the challenges and barriers faced by individuals in non-marital unions, India can move closer to realising its vision of a more inclusive, equitable, and compassionate society where all individuals are treated with dignity, respect, and equality under the law.