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Beyond Marital Status: Rethinking the Legal Regulation of Live-in Relationships in India

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ABSTRACT

As live-in relationships become more visible in India, the legal debate is no longer limited to whether such relationships are lawful, but also extends to the rights, responsibilities and vulnerabilities that may arise from them. Although constitutional principles protect the freedom of consenting adults to live together and certain statutory remedies are available in qualifying cases, India still lacks a clear and comprehensive framework governing the legal consequences of long-term cohabitation. As a result, the law provides greater clarity on the freedom to choose such a relationship than on the responsibilities that may arise from a shared domestic life. This paper examines the evolution of live-in relationships in India, the existing legal framework and the judicial principles that have shaped their recognition. It also studies relevant international standards and selected legal models from Australia, New Zealand and Ireland, which provide different approaches to recognising cohabiting relationships, property rights, economic disadvantage and financial dependency. The study finds that the main weakness of the Indian legal position is not a complete absence of protection, but a framework that remains fragmented, uncertain and dependent on the particular remedy being claimed. The paper proposes a comprehensive but balanced legal framework based on different levels of rights and responsibilities. It recommends flexible legal recognition, financial remedies based on contribution and economic disadvantage, child-centred protection, limited relief for surviving dependent partners, legally protected cohabitation agreements and a balanced system of registration. The proposed framework aims to maintain the legal distinction between marriage and cohabitation while ensuring that genuine dependency, contribution and responsibility receive proper legal recognition even when the relationship exists outside marriage.

Keywords: *live-in relationships, non-marital cohabitation, personal autonomy, relationship in the nature of marriage, economic dependency, cohabitation rights, legal regulation*

I. INTRODUCTION

Live-in relationships have become an important subject of Indian family law, as the legal debate is no longer limited to whether two adults can live together without marriage, but also concerns

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the legal consequences of their shared life. Such relationships may involve long-term cohabitation, financial dependency, domestic responsibilities, children and personal or economic sacrifice. However, the rights and responsibilities arising from these factors often remain uncertain when the relationship ends through separation or the death of a partner.

Changing social conditions have made non-marital cohabitation more visible in India. Urbanisation, migration for education and employment, financial independence and greater importance given to individual choice have influenced the nature of personal relationships. However, live-in relationships vary in their duration, level of commitment and financial connection. Therefore, neither leaving such relationships completely outside legal protection nor treating them automatically as marriages provides a suitable approach.

Indian law has gradually recognised live-in relationships through constitutional principles, statutory protection and judicial interpretation. The rights to dignity, privacy, liberty and personal autonomy provide the constitutional basis for such relationships, while the Protection of Women from Domestic Violence Act, 2005 provides specific remedies to women in qualifying relationships. However, these protections serve different legal purposes and do not together form a clear and uniform framework governing the wider civil consequences of live-in relationships.

The present challenge is to balance personal autonomy with legal responsibility. The freedom to remain unmarried must be respected, but legal questions arise when a relationship creates financial dependency, significant contribution, shared economic interests or parental responsibilities. Recognising these consequences does not require treating cohabitation as marriage; instead, the law should clearly identify when a live-in relationship creates rights and responsibilities that require legal protection.

The regulatory debate has gained greater importance with the Uttarakhand Uniform Civil Code, which introduced a specific registration-based framework for live-in relationships. This approach shows how such relationships can be directly regulated through legislation, but it also raises concerns about privacy, proportionality and the limits of State involvement in private relationships. The real policy question is therefore not simply whether live-in relationships should be regulated, but how the law can provide protection and legal certainty without unnecessarily interfering with personal autonomy.

Comparative experience provides useful guidance for this debate, as different jurisdictions have adopted distinct approaches to protect cohabiting partners without equating all such relationships with marriage. Australia follows a flexible approach based on several factors to

recognise *de facto* relationships, New Zealand provides clear rules on relationship property and economic disadvantage, while Ireland offers specific remedies based on financial dependency and hardship. These different models show that the law can recognise the rights and responsibilities arising from a relationship without automatically giving every cohabiting couple the same legal status as married couples.

Against this background, the paper examines the evolution and present legal regulation of live-in relationships in India, the role of judicial decisions and the relevance of international and comparative approaches. It seeks to develop a balanced framework for India that provides legal protection based on the actual nature and consequences of the relationship rather than its formal status alone, while respecting personal choice and providing legal certainty where a shared life creates genuine rights, responsibilities and vulnerability.

A. Research Problem

India recognises the freedom of consenting adults to live together and provides legal protection in certain situations through constitutional principles, statutory provisions and judicial interpretation. However, the absence of a comprehensive central law creates uncertainty about the wider civil rights and responsibilities arising from long-term live-in relationships.

The central research problem is how Indian law can provide clear and balanced protection in matters involving financial dependency, contribution, shared economic interests and parental responsibilities without treating unmarried couples as legally married. The study also examines how such protection can be provided while respecting privacy and avoiding unnecessary State interference in personal relationships.

B. Research Objectives

This study examines the existing legal and regulatory framework governing live-in relationships in India and the role of judicial decisions in shaping their legal recognition and protection. It identifies the main areas of legal uncertainty and examines whether existing statutory remedies and judicial interpretations adequately address the issues arising from long-term cohabitation.

The study further examines relevant international principles and selected comparative models, particularly their approaches to legal recognition, property rights, economic disadvantage and financial dependency. Based on this analysis, it proposes a balanced legal framework suited to India's constitutional values, social conditions and diverse family-law system.

C. Research Methodology

This study adopts a doctrinal and comparative legal research methodology. It examines constitutional provisions, legislation, judicial decisions, international instruments, official materials and relevant academic literature concerning live-in relationships and non-marital cohabitation.

The comparative study focuses on selected countries with different regulatory approaches rather than examining a large number of jurisdictions. Their legal models are studied to identify useful principles that may be adapted to the Indian context, with particular focus on legal certainty, protection of vulnerable partners and respect for personal autonomy.

II. EVOLUTION OF LIVE-IN RELATIONSHIPS IN INDIA

The evolution of live-in relationships in India shows a gradual shift from social disapproval to legal recognition and, more recently, direct regulation. Indian family relations have traditionally been centred on marriage, while relationships outside marriage largely remained beyond formal legal recognition. When disputes involving long-term cohabitation first came before the courts, the law generally dealt with them through the presumption of marriage rather than recognising live-in relationships as a separate form of domestic relationship.

Changing social conditions and the growing importance of dignity, personal liberty and individual choice gradually changed this approach. Courts increasingly protected the freedom of consenting adults to choose their partners and living arrangements, moving the legal debate beyond questions of social morality. This shift created a legal foundation for recognising adult cohabitation, while the need to protect women from abuse in relationships outside marriage also showed that constitutional freedom alone was not sufficient.

Against this background, the Protection of Women from Domestic Violence Act, 2005 provided important statutory recognition by including a “relationship in the nature of marriage” under Section 2(f). This provision brought qualifying live-in relationships within a legal protection framework. However, it neither gave live-in partners a separate legal status nor created a comprehensive system governing the rights and responsibilities arising from such relationships.

The latest stage is represented by the Uttarakhand Uniform Civil Code, which moved beyond limited legal protection towards direct regulation by requiring registration of live-in relationships, reporting of their termination and providing consequences for non-compliance. This development marks a new stage in the Indian legal approach to live-in relationships, but it also raises concerns about privacy, proportionality and the extent of State involvement in personal relationships.

The Indian legal position has therefore developed through three broad stages: presumption, protection and regulation. Each stage addressed a different concern, including legal status, protection from vulnerability and the need for legal certainty, but none has created a complete national framework. The remaining challenge is to provide clear legal rules for the consequences of live-in relationships while preserving the personal autonomy that distinguishes them from marriage.

III. EXISTING LEGAL FRAMEWORK AND REGULATORY GAPS IN INDIA

The legal position of live-in relationships in India has developed through constitutional principles, statutory remedies and judicial interpretation rather than through a single comprehensive law. Personal autonomy is protected under the Constitution, while certain relationships resembling marriage receive protection under the Protection of Women from Domestic Violence Act, 2005.¹ General laws relating to maintenance, children and succession may also apply depending on the facts of each case. The Malimath Committee² recognised the vulnerability of women in long-term informal relationships, while the Uniform Civil Code of Uttarakhand, 2024³ introduced India's most direct state-level framework for regulating live-in relationships. Thus, the present system provides different forms of protection, but they operate separately and leave important issues relating to separation, financial dependency, property rights and death without a common legal framework.

A. Constitutional Protection and Its Limits

Although the Constitution does not specifically mention live-in relationships, Article 21 provides the main constitutional basis for protecting personal choices through the rights to dignity, privacy, personal liberty and individual autonomy. Article 14 further requires the State to act fairly and without arbitrariness when dealing with such personal choices. Together, these constitutional principles protect the right of adults to make decisions about their personal relationships without making their legality dependent on social acceptance.

However, constitutional protection addresses only one part of the issue, as several practical consequences of live-in relationships remain legally uncertain. It protects the freedom to choose a partner and live together, but it does not clearly determine financial support after separation, division of jointly created assets or protection for a surviving partner after death. Thus, while

¹ The Protection of Women from Domestic Violence Act, 2005, No. 43 of 2005.

² COMMITTEE ON REFORMS OF CRIMINAL JUSTICE SYSTEM, MINISTRY OF HOME AFFAIRS, GOVERNMENT OF INDIA, REPORT (2003).

³ The Uniform Civil Code of Uttarakhand, 2024, Act No. 3 of 2024 (w.e.f. Jan. 27, 2025).

the Constitution protects the choice to enter a live-in relationship, its economic and family consequences are still governed through different and scattered legal provisions.

B. Protection of Women from Domestic Violence Act, 2005

The strongest statutory connection to live-in relationships is found in Section 2(f) of the Protection of Women from Domestic Violence Act, 2005, which includes persons who live or have lived together in a shared household through a “relationship in the nature of marriage” within the meaning of a domestic relationship. By using this expression, Parliament extended legal protection beyond formal marriage while maintaining a distinction between qualifying relationships and other forms of cohabitation.

The Act provides several important forms of protection. Section 3 covers physical, sexual, verbal, emotional and economic abuse; Section 17 provides the right to reside in the shared household; Sections 18 and 19 allow protection and residence orders; Section 20 provides monetary relief; Section 21 deals with temporary custody of children; and Section 22 allows compensation for injuries, including mental torture and emotional distress.

These remedies make the Act an important source of legal protection, but it is not a complete law governing live-in relationships. A relationship may end without domestic violence and still lead to disputes over shared savings, debts, property, financial dependency or continued residence. Further, the meaning of “relationship in the nature of marriage” has largely been clarified through judicial interpretation, so access to protection may depend on how a court evaluates the nature of the relationship. The specific tests developed in *D. Velusamy* and *Indra Sarma* are discussed separately in the judicial section.

C. Maintenance and Economic Dependency

Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023⁴ provides a summary procedure for maintenance of wives, children and parents, continuing the basic framework previously provided under Section 125 of the CrPC.⁵ However, the provision specifically refers to a “wife” and does not separately recognise a live-in partner as a person entitled to maintenance.

The legal position does not completely exclude financial relief for live-in partners. In appropriate cases, courts have relied on the presumption of marriage arising from long-term cohabitation, while women in qualifying relationships may also receive monetary relief under the Domestic Violence Act. However, these remedies depend on specific legal conditions and

⁴ The Bharatiya Nagarik Suraksha Sanhita, 2023, No. 46 of 2023 (w.e.f. July 1, 2024).

⁵ The Code of Criminal Procedure, 1973, No. 2 of 1974 (w.e.f. Apr. 1, 1974).

do not provide a clear and predictable maintenance system for all long-term live-in relationships.

This uncertainty becomes important when financial dependency develops during the relationship. A partner may leave a job, relocate, raise children or take responsibility for household work for several years and later face financial difficulties after separation. The issue therefore goes beyond maintenance and raises a wider question of whether the law should recognise the economic disadvantage caused by the division of responsibilities during the relationship.

D. Malimath Committee and the Unfinished Reform Question

The economic vulnerability of women in relationships resembling marriage was also recognised by the Committee on Reforms of Criminal Justice System. The Malimath Committee⁶ recommended expanding the meaning of “wife” under the then Section 125 of the CrPC to include a woman who had lived with a man as his wife for a reasonably long period.

The importance of this recommendation lies in the gap between official recognition of the problem and actual legislative reform. Although the CrPC has now been replaced by the BNSS, Section 144 still does not expressly provide a general right to maintenance for live-in partners. This shows that, despite recognising the economic vulnerability that may arise in such relationships, the law has not yet provided a clear legislative solution.

E. Property Rights and Recognition of Contribution

Property rights are one of the most difficult practical issues because sharing an economic life does not automatically create shared legal ownership. Partners may jointly contribute towards a house, invest in a business or build savings together while the property or assets remain legally registered in only one partner’s name. However, India has no specific property framework for live-in relationships that determines how assets created through joint contribution should be divided after separation.

The judicial presumption arising from long-term cohabitation, recognised in cases such as *Badri Prasad*⁷ and *Tulsa*⁸, becomes important when the existence of a marriage itself is disputed. The Supreme Court has recognised that living together as husband and wife for a long period may create a rebuttable presumption of marriage. However, this principle cannot replace a clear property framework for live-in partners who intentionally choose to remain unmarried.

⁶ COMMITTEE ON REFORMS OF CRIMINAL JUSTICE SYSTEM, *supra* note 2.

⁷ *Badri Prasad v. Deputy Director of Consolidation*, (1978) 3 SCC 527.

⁸ *Tulsa v. Durghatiya*, (2008) 4 SCC 520.

The deeper problem concerns non-financial contributions. Household work, childcare, care of dependent family members and career sacrifices may help the other partner earn income and acquire assets, but property law does not automatically recognise these contributions by providing a defined share in such assets. A title deed shows legal ownership, but it may not fully reflect the contributions that helped create or acquire the property.

F. Succession and Protection After Death

Death creates another weakness in the present legal system, as the rights of a surviving live-in partner remain uncertain. Long-term cohabitation does not automatically give a surviving live-in partner the same inheritance rights as a legally married spouse. Courts may presume the existence of a marriage based on prolonged cohabitation where the facts support such a conclusion, but this presumption depends on the evidence and circumstances of each case.

This issue becomes important when partners have shared a home and managed their finances together for many years, while the main assets remain in the name of the deceased partner. Without a will, a recognised ownership interest or proof of marital status, the surviving partner may face serious financial insecurity. This raises the question of whether a future legal framework should provide limited and clearly defined protection to a surviving long-term live-in partner without automatically treating every live-in relationship as marriage.

G. Children and Parental Responsibilities

Children receive legal protection through different legal provisions, which address maintenance, legitimacy and inheritance rights in different circumstances. Section 144 of the BNSS⁹ includes both legitimate and illegitimate children within its maintenance framework, subject to the conditions provided in the section. Section 16 of the Hindu Marriage Act, 1955¹⁰ protects the legitimacy of children born from void and voidable marriages. Judicial decisions involving long-term cohabitation have also addressed issues relating to presumption of marriage, legitimacy and inheritance rights.

These protections are important, but they do not provide a complete legal framework for every child born into a live-in family. Issues relating to maintenance, custody, guardianship, parental responsibility and succession are still governed by different laws and legal requirements. A future framework need not replace existing child welfare laws, but it should clearly define parental responsibilities and ensure that uncertainty about the relationship between the parents does not create unnecessary legal uncertainty for the child.

⁹ The Bharatiya Nagarik Suraksha Sanhita, 2023, *supra* note 4.

¹⁰ The Hindu Marriage Act, 1955, No. 25 of 1955 (w.e.f. May 18, 1955).

H. Uniform Civil Code of Uttarakhand, 2024

The Uniform Civil Code of Uttarakhand, 2024¹¹ represents India's most significant direct legislative step towards regulating live-in relationships. Its framework covers registration and termination of such relationships, prohibited relationships, the legal status of children and maintenance for a female partner who is deserted. The State has also established an administrative system for registering live-in relationships and recording their termination.

The model provides clear benefits in terms of proof and accountability. A formal record may prevent a partner from later denying the relationship, help establish its duration and provide a clear process for claiming legal remedies. These features address the practical difficulties of proving the existence and duration of a live-in relationship when disputes arise after separation.

However, whether this model is suitable for adoption across India requires careful examination. A registration-based system needs proper administrative capacity, simple and accessible procedures, strong data protection safeguards and measures to prevent misuse of personal information. It must also consider couples who may avoid registration because of family opposition, social stigma or fear of disclosure. If legal protection is denied only because a vulnerable partner failed to register the relationship, the framework may create the same insecurity that it aims to prevent.

The Uttarakhand model therefore provides both useful lessons and important constitutional concerns. A national framework can learn from its efforts to create proof and accountability, but wider adoption would require careful attention to privacy, proportionality, administrative capacity and India's diverse social conditions. The main question is not simply whether live-in relationships should be registered, but whether registration should serve as evidence and provide legal benefits or become a compulsory condition for receiving protection.

I. Regulatory Assessment

India's present legal framework has developed through different layers, with each layer addressing a specific aspect of live-in relationships. Constitutional law protects personal choice, the Domestic Violence Act provides remedies against abuse in qualifying relationships and maintenance law protects specified categories of persons. Judicial presumptions address particular evidentiary disputes, official reform efforts have recognised economic vulnerability, while Uttarakhand has introduced direct regulation of live-in relationships.

¹¹ The Uniform Civil Code of Uttarakhand, 2024, *supra* note 3.

However, important gaps still remain, as the existing framework does not provide clear and consistent protection in several areas. India has no common legal definition of a live-in relationship, no specific system for dividing property and no clear method for recognising non-financial contributions such as household work and childcare. Financial protection after an ordinary separation remains uncertain, while surviving partners have limited legal security after the death of a partner. At the same time, the Uttarakhand model shows that regulation may create new concerns when legal protection is closely linked to compulsory disclosure and administrative control.

Indian law has largely recognised the freedom of adults to live together. The remaining challenge is to determine how the law should respond when a shared life creates financial dependency, property interests, parental responsibilities and other obligations that may continue even after the relationship ends.

IV. JUDICIAL EVOLUTION OF LIVE-IN RELATIONSHIPS IN INDIA

Indian courts have played an important role in shaping the legal position of live-in relationships because India lacks a comprehensive law on the subject. The judicial approach has gradually moved from presuming marriage in cases of long-term cohabitation to protecting the freedom of adults to live together and later developing tests to determine when a relationship qualifies as a “relationship in the nature of marriage” under the Protection of Women from Domestic Violence Act, 2005. These developments have strengthened legal protection, but the rights available to live-in partners still depend heavily on the facts of each case and the court’s assessment of the relationship.

A. *Badri Prasad v. Deputy Director of Consolidation* (1978)

In *Badri Prasad v. Deputy Director of Consolidation*,¹² the Supreme Court considered a case in which a man and woman had lived together as husband and wife for nearly 50 years. The Court held that such long-term cohabitation creates a strong presumption of marriage and that a person challenging this presumption must provide strong evidence to prove otherwise.

The decision protected a long-standing domestic relationship from being easily denied when disputes over legal status and property arose. However, the principle is based on a presumption of marriage and does not provide a separate legal framework for couples who intentionally choose to remain unmarried. This distinction is important to the present study because

¹² *Badri Prasad*, *supra* note 7.

protection for long-term live-in partners should not always depend on treating their relationship as a marriage.

B. *Lata Singh v. State of Uttar Pradesh* (2006)

In *Lata Singh v. State of Uttar Pradesh*,¹³ the Supreme Court dealt with family opposition and criminal proceedings arising from an adult woman's choice of partner. Although the case concerned an inter-caste marriage, the Court clearly observed that an adult woman is free to marry anyone of her choice or live with that person.

The judgment strengthened the principle that adult relationships are matters of personal choice and should not face unlawful family interference merely because they go against social expectations. For live-in relationships, the decision is important because it protects the freedom of adults to choose cohabitation. However, it does not address the civil and economic rights or responsibilities that may arise from such a relationship.

C. *Tulsa v. Durghatiya* (2008)

In *Tulsa v. Durghatiya*, the Supreme Court considered the legal status of children whose parents had lived together for a long period. The Court recognised that continuous cohabitation over a significant period may create a presumption of marriage and emphasised that children should not suffer legal disadvantage because of uncertainty about the relationship between their parents.

The judgment is important for protecting the rights of children in long-term live-in relationships. However, its reliance on the presumption of marriage also shows the absence of a direct legal framework for children in all non-marital families. The protection of children should primarily depend on parental responsibility and the welfare of the child rather than on whether the relationship between the parents can first be legally presumed as a marriage.

D. *S. Khushboo v. Kanniammal* (2010)

In *S. Khushboo v. Kanniammal*,¹⁴ several criminal complaints were filed against the petitioner following her public comments on premarital relationships and changing social attitudes towards sexuality. The Supreme Court quashed the proceedings and distinguished social morality from criminal law, holding that a live-in relationship between consenting adults is not, by itself, a criminal offence.

¹³ *Lata Singh v. State of Uttar Pradesh*, (2006) 5 SCC 475.

¹⁴ *S. Khushboo v. Kanniammal*, (2010) 5 SCC 600.

The decision helped remove the criminal stigma attached to consensual live-in relationships and confirmed that social disapproval alone cannot justify criminal proceedings. However, recognising such relationships as lawful does not automatically create rights relating to maintenance, property, separation or succession. The case therefore shows the important difference between legal freedom to cohabit and specific legal protection for the consequences of that relationship.

E. D. Velusamy v. D. Patchaiammal (2010)

D. Velusamy v. D. Patchaiammal became an important decision in explaining the meaning of a “relationship in the nature of marriage” under Section 2(f) of the Domestic Violence Act. The Supreme Court clarified that every live-in relationship does not automatically fall within this category and identified certain conditions for determining whether a relationship has characteristics similar to marriage.

The Court considered factors such as whether the parties presented themselves to society as being similar to spouses, were legally qualified to marry, voluntarily lived together for a significant period and shared a household. Through these conditions, the decision sought to distinguish stable domestic relationships from casual relationships for the purpose of protection under the Act.

At the same time, the test reveals an important difficulty in the present legal framework. A person who deliberately chooses to remain in a non-marital relationship may still have to prove that the relationship was sufficiently similar to marriage before receiving statutory protection. The decision brought greater clarity to Section 2(f), but it also revealed a legal paradox: protection for a relationship outside marriage may depend on proving that it closely resembled marriage.

F. Indra Sarma v. V.K.V. Sarma (2013)

The Supreme Court’s decision in *Indra Sarma v. V.K.V. Sarma*¹⁵ provides one of the most detailed examinations of a “relationship in the nature of marriage” under the Domestic Violence Act. The case involved a long-term relationship between an unmarried woman and a man who was already married. The main question before the Court was whether their relationship could be recognised under Section 2(f) of the Act.

The Court identified several factors for determining the nature of the relationship, including its duration, the existence of a shared household, financial arrangements, pooling of resources,

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

domestic responsibilities, sexual relationship, children, public socialisation, and the intention and conduct of the parties. Instead of treating any single factor as decisive, the Court emphasised that the nature of the relationship must be examined as a whole.

Based on the facts of the case, the Court held that the relationship did not qualify as a “relationship in the nature of marriage,” particularly because the woman had entered the relationship knowing that the man was already married. More importantly for legal reform, the judgment recognised that serious financial dependency and vulnerability may also arise in relationships that fall outside the protection of the existing statutory category.

The Court also noted the absence of adequate legislation dealing with the consequences of such relationships and emphasised the need for legal measures to protect vulnerable women and children. This makes the *Indra Sarma* case particularly important to the present study. The judgment not only developed a detailed test for identifying relationships in the nature of marriage but also showed the limitations of depending mainly on judicial interpretation in the absence of a clear legislative framework.

The decision reveals a practical problem in the present legal system: rights are often determined only after the relationship has ended and a dispute reaches the court. As a result, partners may live together for many years without knowing whether their relationship will later be legally recognised for a particular remedy.

G. Judicial Assessment

The judicial development of live-in relationships in India has been progressive, but it has occurred through different legal approaches. *Badri Prasad* and *Tulsa* applied the presumption of marriage to address long-term domestic relationships and protect the interests of children. *Lata Singh* and *S. Khushboo* strengthened adult autonomy and confirmed the legality of consensual cohabitation, while *D. Velusamy* and *Indra Sarma* developed the legal meaning of a “relationship in the nature of marriage” under the Domestic Violence Act.

Together, these decisions form the foundation of India’s present legal position on live-in relationships. They protect personal choice, prevent the criminalisation of consensual cohabitation, recognise the legal importance of long-term domestic relationships and provide standards for accessing statutory protection. At the same time, these decisions also show the limitations of a legal framework that depends mainly on judicial interpretation.

Courts can interpret statutory provisions and provide remedies in individual cases, but a case-by-case approach cannot easily create a complete framework for property division, economic dependency, succession, separation and proof of the relationship. The present legal position

therefore remains highly dependent on the facts of each case, and partners may discover whether their relationship receives legal recognition only after litigation begins.

The judicial experience supports the need for legislative reform because rights and responsibilities should, as far as possible, be clear before a dispute arises. Courts have established the legality of live-in relationships and developed important protections, but the next step is to bring these scattered judicial principles into a clear, balanced and predictable statutory framework.

V. INTERNATIONAL AND COMPARATIVE LEGAL APPROACHES

A. International Covenant on Civil and Political Rights, 1966

The International Covenant on Civil and Political Rights, 1966¹⁶ provides important principles for balancing privacy with the protection of family life. Article 17 protects individuals against arbitrary or unlawful interference with their privacy, family and home, while Article 23(1) recognises the family as the natural and fundamental unit of society entitled to protection by society and the State. The Human Rights Committee, through General Comment No. 19,¹⁷ has also recognised that the meaning of family may differ across States and should take into account the different forms of family existing within society.

These principles allow the law to protect the realities of family life without treating every domestic relationship as marriage. This balance is important for India, where a future framework must provide legal certainty and effective remedies without excessive State interference in private relationships. Measures for proving a relationship and enforcing responsibilities may be necessary, but they should be proportionate to their purpose and respect personal autonomy, especially when registration or disclosure of private information is required.

B. Convention on the Elimination of All Forms of Discrimination against Women, 1979

The Convention on the Elimination of All Forms of Discrimination against Women, 1979¹⁸ provides an important international basis for addressing economic inequality within family relationships. Article 16 requires States Parties to eliminate discrimination against women in matters relating to marriage and family relations. The CEDAW Committee has further addressed the position of women in *de facto* unions through its General Recommendations.

¹⁶ International Covenant on Civil and Political Rights arts. 17, 23(1), Dec. 16, 1966, 999 U.N.T.S. 171.

¹⁷ Human Rights Committee, General Comment No. 19: Article 23 (The Family) (1990).

¹⁸ Convention on the Elimination of All Forms of Discrimination Against Women art. 16, Dec. 18, 1979, 1249 U.N.T.S. 13.

General Recommendation No. 21¹⁹ recognises the importance of equality and legal protection in *de facto* unions, particularly in relation to income, assets and responsibilities towards dependent children. General Recommendation No. 29²⁰ further addresses the economic consequences of such relationships, including property rights, financial disadvantage and inequalities resulting from the division of responsibilities during the relationship and after its breakdown.

These standards are important for the Indian debate because economic vulnerability cannot be addressed through maintenance alone. A partner may contribute to a long-term relationship through childcare, household work, support for the other partner's career or sacrifice of personal employment opportunities without gaining formal ownership of the assets created during that period. The CEDAW approach supports wider recognition of such contributions and provides useful guidance for addressing property rights and economic dependency, which remain uncertain under India's present legal framework.

C. Convention on the Rights of the Child, 1989

The Convention on the Rights of the Child, 1989²¹ provides a child-centred basis for protecting children in families outside marriage. Article 2 protects children from discrimination based on the status of their parents, Article 3 requires the best interests of the child to be a primary consideration, and Article 27 recognises the child's right to an adequate standard of living while placing primary responsibility on parents and other persons responsible for the child.

Together, these provisions make clear that the legal status of the parents' relationship should not determine the protection available to a child. Indian law already provides important protections through maintenance law, family legislation and judicial decisions, but issues of custody, guardianship, financial support and succession are governed through different legal routes. Better coordination between these laws can clarify parental responsibilities and ensure that disputes or uncertainty between the adults do not affect the welfare and legal interests of the child.

D. Australia

Australia has developed a structured legal framework for *de facto* relationships under the Family Law Act 1975.²² Section 4AA recognises a *de facto* relationship where two persons who are not

¹⁹ Committee on the Elimination of Discrimination Against Women, General Recommendation No. 21: Equality in Marriage and Family Relations, U.N. Doc. A/49/38 (1994).

²⁰ Committee on the Elimination of Discrimination Against Women, General Recommendation No. 29: Economic Consequences of Marriage, Family Relations and Their Dissolution, U.N. Doc. CEDAW/C/GC/29 (2013).

²¹ Convention on the Rights of the Child arts. 2, 3, 27, Nov. 20, 1989, 1577 U.N.T.S. 3.

²² Family Law Act 1975 (Cth) s 4AA (Austl.).

legally married to each other and are not related by family live together as a couple on a genuine domestic basis. The provision applies to both opposite-sex and same-sex couples.

The strength of the Australian model lies in its flexible approach to identifying *de facto* relationships. Instead of relying on a single condition, Section 4AA considers factors such as the duration of the relationship, shared residence, financial dependence or interdependence, property arrangements, commitment to a shared life, care of children, registration and the public nature of the relationship. No single factor is essential, allowing the relationship to be assessed based on its overall circumstances.

Part VIIIAB deals with financial matters arising from *de facto* relationships, while Section 90SB sets the conditions for accessing certain financial remedies.²³ These conditions consider factors such as the duration of the relationship, the existence of a child, registration and substantial contributions where denying relief would result in serious injustice. This combination of flexible recognition and clear eligibility conditions helps distinguish relationships with significant domestic and economic consequences from temporary forms of cohabitation.

This approach offers useful lessons for India in addressing uncertainty over the meaning of a “relationship in the nature of marriage.” A statutory multi-factor test can provide clearer guidance without imposing a strict duration requirement. The Australian framework also provides a useful lesson on registration, as registration is treated as one relevant factor rather than the only basis for recognising a genuine domestic relationship.

E. New Zealand

The Property (Relationships) Act 1976²⁴ of New Zealand provides a detailed framework for dealing with property matters arising from *de facto* relationships. Section 2D identifies such relationships by considering several factors, including the duration of the relationship, shared residence, financial dependence or interdependence, property arrangements, mutual commitment to a shared life, care of children, household responsibilities and the public nature of the relationship.

The most important feature of this model is its relationship-property framework. Qualifying *de facto* relationships generally fall within a statutory system that distinguishes relationship property from separate property and applies equal sharing as the general rule, subject to specific legal exceptions. Short-duration relationships are treated differently, allowing the law to

²³ Family Law Act 1975 (Cth) pt VIIIAB, s 90SB (Austl.).

²⁴ Property (Relationships) Act 1976, s 2D (N.Z.).

distinguish temporary cohabitation from relationships that have developed significant economic and domestic ties.

The legislation also addresses economic inequality that may continue even after property has been divided. Section 15 allows compensation where the division of responsibilities during the relationship has caused significant differences in the partners' income and living standards after separation. Section 21 allows partners to make agreements about their property arrangements, subject to legal safeguards. This approach combines economic protection with the freedom of partners to manage their private financial affairs.

This framework is particularly relevant to India's unresolved problem of shared wealth without shared legal ownership. One partner may acquire assets while the other contributes through household work, childcare or career sacrifice, but ordinary property rules may not fully recognise these contributions. India need not adopt automatic equal division of property, but a future framework could allow courts to consider direct financial contributions, unpaid care work and proven economic sacrifice when granting property-related relief.

F. Ireland

Ireland follows a targeted relief approach under the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.²⁵ Part 15 creates a legal framework for qualifying cohabitants without automatically giving every unmarried couple the same legal status and rights as married spouses.

Section 172 distinguishes between a cohabitant and a qualified cohabitant by considering the nature and duration of the relationship, along with factors such as shared residence, financial dependence or interdependence, property arrangements, children and household responsibilities. Access to the redress scheme is more limited than the general recognition of cohabitation, allowing legal remedies to focus on relationships that meet the required statutory conditions.

The strongest feature of the Irish model is its range of available remedies. It provides for property adjustment orders under Section 174 and maintenance orders under Section 175, while the wider statutory framework also allows pension adjustment. Section 194 permits a qualified cohabitant, subject to statutory conditions, to seek provision from the estate of a deceased partner. Section 202 also recognises cohabitation agreements, allowing partners to arrange their financial affairs while remaining subject to legal safeguards.

²⁵ Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, No. 24 of 2010, pt 15 (Ir.).

This targeted model addresses situations where automatic property sharing may not be necessary, but complete legal non-intervention could cause serious hardship. A similar approach in India could provide carefully defined remedies for economic dependency, unfair property outcomes and vulnerability after the death of a long-term partner, without treating live-in relationships as legally identical to marriage.

G. Comparative Legal Lessons for India

The international and comparative approaches discussed above address different aspects of India's regulatory challenges. The ICCPR provides a basis for balancing the protection of family life with the right to privacy. CEDAW highlights the importance of recognising economic contributions and disadvantages within relationships, while the CRC ensures that the rights and welfare of children are protected regardless of the marital status of their parents.

Among the domestic legal models, Australia provides a flexible method for identifying legally significant relationships and connecting them with financial remedies. New Zealand offers a structured approach to relationship property, non-financial contributions and economic inequality after separation. Ireland follows a narrower system of relief focused on economic dependency, property-related hardship and vulnerability after the death of a partner. Although these models differ in their approach, each avoids the two extremes of treating cohabitants as complete legal strangers or giving them the full legal status of married spouses.

India can selectively adopt useful elements from these approaches while developing a framework suited to its constitutional values and social conditions. Legal recognition may be based on flexible statutory factors such as the duration of the relationship, shared residence, financial interdependence, children, mutual commitment and contribution. Remedies can then be linked to the specific legal issue involved, including financial support where dependency is proved, property relief where contribution or joint acquisition is established, limited protection after the death of a long-term partner in clearly defined circumstances and clear parental responsibilities where children are involved.

Registration can serve as strong evidence of a relationship and improve legal certainty. However, making registration the only basis for protection may leave vulnerable partners without remedies, especially where non-registration results from social pressure, family opposition or unequal power within the relationship. A more balanced framework can give legal value to registration while also allowing genuine long-term relationships to be proved through other reliable evidence.

Comparative experience supports a graded model of rights and responsibilities rather than an all-or-nothing approach. Short-term or casual relationships need not have the same legal consequences as long-term partnerships involving dependency, children and significant economic integration. At the same time, the law should provide protection where cohabitation has created genuine contribution, vulnerability or continuing responsibilities. The purpose of reform is not to treat live-in relationships as marriage, but to protect freedom of choice while ensuring responsibility for the consequences of a shared life.

VI. WAY FORWARD AND RECOMMENDATIONS

India's legal approach to live-in relationships has developed mainly through constitutional principles, judicial decisions and limited statutory protection, particularly under the Protection of Women from Domestic Violence Act, 2005. While these developments have recognised adult autonomy and provided remedies in certain situations, important issues concerning legal recognition, property rights, economic dependency, separation and succession remain uncertain. A balanced legal framework is therefore needed to provide greater certainty and protection while preserving the freedom of choice that distinguishes live-in relationships from marriage.

A. Enactment of a Comprehensive Central Legislation

India should enact comprehensive central legislation governing the legal consequences of live-in relationships. The proposed law should establish clear rules on the recognition of qualifying relationships, financial support, property-related claims, parental responsibilities, separation and limited protection for a surviving partner after death.

The proposed legislation should not operate in isolation. It must be carefully coordinated with existing personal and secular laws governing domestic violence, maintenance, succession, guardianship, custody and other family disputes. Clear saving clauses, limited overriding provisions where necessary and well-defined jurisdictional rules can help prevent conflicting claims, inconsistent remedies and unnecessary procedural overlap.

The purpose of such legislation should not be to treat every live-in relationship as marriage. Instead, it should provide minimum rights and responsibilities where long-term cohabitation has created genuine dependency, economic contribution, shared assets or parental responsibilities. A unified legal framework would reduce dependence on scattered legal provisions and case-by-case judicial interpretation, while giving partners greater certainty about their rights and responsibilities.

B. Establishing a Clear and Flexible Legal Definition

Future legislation should provide clear statutory criteria for identifying live-in relationships that qualify for legal protection. A strict test based only on the duration of the relationship may exclude genuine long-term partnerships, while an overly broad definition may impose serious legal consequences on temporary or casual relationships.

The framework should adopt a multi-factor approach that considers the duration of the relationship, shared residence, financial interdependence, joint assets or liabilities, mutual commitment, children, household responsibilities and substantial financial or non-financial contributions. No single factor should be decisive; instead, the relationship should be assessed as a whole. Such an approach would bring greater consistency to the present legal framework while retaining sufficient flexibility to address different factual circumstances.

C. Adopting a Graded Rights and Responsibilities Framework

India should avoid an all-or-nothing approach in which live-in partners are treated either as complete legal strangers or as equivalent to married spouses. Instead, a graded framework should determine rights and responsibilities according to the duration, nature and consequences of the relationship.

Short-term relationships without economic dependency, children or shared financial interests may require only limited legal intervention. In contrast, long-term relationships involving financial interdependence, substantial contributions, children or economic sacrifice may justify stronger legal remedies. Legal consequences should therefore reflect the responsibilities, contributions and vulnerabilities created during the relationship rather than applying the same set of rights to every form of cohabitation.

D. Developing a Contribution-Based Property and Financial Relief Framework

One of the most significant gaps in the present legal framework concerns property acquired or improved during long-term cohabitation. Future legislation should allow courts to consider direct financial contributions, repayment of loans, investment in shared assets, contribution to a partner's business, household work, childcare and proven career sacrifice when deciding property-related claims.

The legislation should avoid automatic equal division of property and instead provide proportionate remedies based on proven contribution and economic disadvantage. These remedies may include financial compensation, reimbursement of contributions or recognition of beneficial interests in appropriate cases. Financial relief should also consider situations where one partner has reduced employment, sacrificed career opportunities or taken on substantial

unpaid care responsibilities. This approach would recognise genuine economic contributions without automatically applying matrimonial property rules to every live-in relationship.

E. Creating a Simple Separation and Dispute Resolution Mechanism

Although live-in relationships do not require a formal divorce process, their breakdown may create disputes concerning shared property, residence, financial support, debts and parental responsibilities. Future legislation should provide a simple and unified mechanism for resolving related claims, avoiding the need for partners to initiate multiple proceedings before different courts or authorities.

Family Courts should be given clearly defined jurisdiction over claims arising from qualifying live-in relationships, including financial relief, property-related disputes and matters concerning children. The legislation should also prescribe reasonable limitation periods for claims arising after separation, while allowing limited judicial discretion to condone delay where strict application would cause serious injustice. A consolidated procedure would reduce fragmented litigation and improve access to effective remedies.

F. Registration as Facilitative Evidence, Not Compulsory Surveillance

A national framework should adopt a balanced approach to registration. Voluntary registration can provide reliable evidence of the existence and duration of a relationship, reduce later denial and improve legal certainty. However, registration should not be the only basis for accessing legal protection.

Unregistered relationships should still be capable of proof through evidence such as shared residence, financial records, joint liabilities, nomination documents, insurance records, children and other reliable material. This approach would preserve the evidentiary benefits of registration while avoiding unnecessary interference in private relationships. Any national registration system should also be introduced only after careful consideration of privacy, data protection and the risks faced by couples dealing with family opposition or social pressure.

G. Strengthening Protection of Children and Surviving Partners

The legal rights of children should not depend on uncertainty about the relationship status of their parents. A future framework should clearly coordinate parental responsibilities relating to maintenance, education, healthcare, custody and welfare with existing child protection and guardianship laws. The best interests of the child should remain the primary consideration in every proceeding concerning custody or parental responsibility.

The law should also provide limited protection for a surviving partner who faces serious hardship after the death of a long-term cohabiting partner. Rather than granting automatic inheritance rights equivalent to those of a spouse, courts could be authorised to grant limited relief from the deceased partner's estate after considering factors such as the duration of the relationship, economic dependency, financial or non-financial contributions, shared residence and the legitimate claims of legal heirs. Such provisions should be carefully coordinated with existing succession laws to prevent uncertainty and conflicting claims.

H. Recognising Cohabitation Agreements with Legal Safeguards

Future legislation should recognise cohabitation agreements that allow partners to determine arrangements concerning property ownership, household expenses, debts and the financial consequences of separation. Such agreements would strengthen individual autonomy and enable couples to organise their financial affairs without entering into marriage.

The enforceability of such agreements should be subject to safeguards, including free consent, fair disclosure of relevant financial information and the absence of fraud, coercion or unconscionable terms. Courts should retain limited authority to refuse enforcement where an agreement would result in serious injustice. Any arrangement concerning children should remain subject to their welfare and best interests and should not be conclusively determined by private agreement between the partners.

I. Legislative Development, Implementation and Public Awareness

The development of a national framework should be preceded by proper legal and social consultation. The Law Commission of India may conduct a detailed study of existing judicial principles, state-level developments, comparative legal models and the interaction of proposed reforms with India's plural personal-law system. Parliamentary committee review and consultation with family-law experts, women's organisations, child-rights bodies, civil society groups and other stakeholders would improve the legitimacy and practical effectiveness of the proposed framework.

Effective implementation will also require coordination between the Union and State governments, as family disputes involve courts, police, protection officers and other authorities operating at different levels. Legislative reform should therefore be supported by clear procedural rules, proper training for police and protection officers, judicial capacity-building and accessible legal-awareness programmes. Without adequate institutional preparation and public awareness, even well-drafted legal rights may remain difficult to exercise in practice.

A phased implementation strategy may also be considered, allowing the legal framework to develop gradually through practical experience and periodic review. Core provisions concerning the definition and recognition of qualifying relationships, protection, financial relief and jurisdiction could be introduced first, followed by periodic review of their practical operation before more complex mechanisms are expanded. This approach would allow the legal framework to develop on the basis of evidence and practical experience rather than introducing an unnecessarily rigid system at once.

J. Policy Perspective

India requires a framework that protects both autonomy and accountability, while maintaining a careful balance between personal choice and legal responsibility. The law should neither impose marriage-like consequences upon every couple who chooses to live together nor leave long-term partners without remedies where genuine dependency, contribution or parental responsibility has developed.

A suitable Indian model should provide clear rules for recognition, graded rights and responsibilities and proportionate remedies. Flexible statutory criteria, contribution-based economic relief, child-centred protection, facilitative registration, recognition of cohabitation agreements and accessible dispute-resolution mechanisms can together move India from fragmented legal protection towards a clearer and more predictable framework.

Legislative reform must also be practical and workable, with careful attention to its implementation within the existing legal system. Coordination with existing family and succession laws, clear jurisdictional rules, trained authorities and public legal awareness are necessary to prevent a comprehensive statute from creating further legal complexity. The objective should not be to determine how adults form their relationships, but to ensure that genuine dependency, contribution and responsibility receive a fair legal response when a shared life creates consequences that the law cannot ignore.

VII. CONCLUSION

The legal journey of live-in relationships in India reflects a significant transformation from indirect recognition through presumptions of marriage to constitutional protection, limited statutory safeguards and emerging legislative regulation, demonstrating the gradual development of legal protection in this area. The judiciary has played a central role in protecting adult choice and interpreting relationships in the nature of marriage, while the Protection of Women from Domestic Violence Act, 2005 has provided essential remedies in qualifying cases.

These developments are significant, but they remain parts of a framework that has evolved without a unified legislative design.

The study finds that India's principal difficulty is not the absence of all legal protection, but the lack of coherence, predictability and proportionality in the protection that exists, resulting in uncertainty about the legal consequences of long-term cohabitation. Different legal questions are addressed through different statutes, presumptions and judicial tests, leaving important civil consequences dependent on the nature of the claim and the facts established during litigation. This approach may provide remedies in individual cases, but it does not give partners sufficient clarity regarding the legal consequences of long-term cohabitation.

Comparative experience provides useful alternatives, as different jurisdictions demonstrate how cohabitation can be regulated through distinct and balanced legal approaches. Australia demonstrates the value of flexible, multi-factor recognition of *de facto* relationships; New Zealand shows how property contribution and post-relationship economic disparity can be addressed through structured rules; and Ireland illustrates a targeted redress model based on dependency and hardship. The value of these models lies not in direct transplantation, but in demonstrating that cohabitation can be regulated without automatically converting it into marriage.

India therefore requires a framework that is clear in recognition, graded in legal consequences and proportionate in remedies, ensuring that legal protection reflects the actual circumstances of each relationship. Such a model should respond to demonstrated dependency, contribution, shared economic life and parental responsibility, while preserving privacy and the freedom to remain outside marriage. Registration may support legal certainty, but protection should not depend exclusively upon State documentation of intimate relationships.

The future of live-in relationship law lies in recognising that autonomy and responsibility are not competing principles, but can be protected together within a balanced legal framework. Respecting the freedom to choose a non-marital relationship does not require the law to ignore the genuine consequences created during years of shared life. A mature legal framework should neither impose marriage upon cohabitation nor allow the absence of marriage to erase proven contribution, dependency and responsibility.
