

Maintenance Rights of Live-In Partners in A Shared Household in India Issues and Challenges

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Abstract—In India, live-in relationships are getting more common over time, yet there exist many unanswered questions about partner's rights. Despite the fact courts have granted live-in partners some protections, there remains a number of unresolved difficulties as there is no clear legislative framework in place. The piece analyses the difficulties caused by insufficient judicial decisions, public opinions, and a lack of standardised legislation in respect to right to maintenance of partners in a shared household.

This manuscript explores the evolving judicial landscape in India regarding the socio-legal recognition of cohabitation. It critically analyzes the transition from the traditional interpretation of wife under Section 125 CrPC (now BNSS) to the broader domestic relationship framework under the PWDVA, 2005. The paper highlights the evidentiary hurdles and the legislative vacuum that persists despite landmark Supreme Court interventions. Given the contemporary relevance of family law reforms in India, we believe this work aligns perfectly with the scope of your esteemed journal.

Furthermore, using a variety of legal provisions from Hindu, Muslim, Christian, and Parsi personal laws, this article examines the maintenance rights of cohabiting partners in a shared household. Lastly, this research paper makes suggestions for reforms to policies, including expanding the PWDVA's scope, protecting live-in partners rights, and acknowledging the maintenance rights of relationships that happen under shared household.

Index Terms—Live-In Relationships, Live-in Partners, Domestic Relationships, Personal Laws, Shared household.

I. INTRODUCTION

In India, now-a-days staying in a live-in relationship is more popular than traditional marriages in metro cities, reflecting shifting societal views on relationships, autonomy, and personal liberty. Although, not defined in a formal manner, under Indian Law, Live-in Relationships is when two individuals choose to live together without getting legally married, then it is considered to be live-in relationship. This kind of relationship is mostly dependent on understanding and emotional connect of partners, where partners can end their relationship at any given point of time.¹ This concept is still gaining traction in India, despite coming from Western countries. The Indian society has not accepted such relationships because of its strong emphasis on institution of marriage, which brings social peace and order in the society.

The rights and liabilities of live-in partners are not defined anywhere in Indian Legislation due to which it becomes difficult to address legal issues in matters like rights of child took birth out of live in relationship, rights of partners in shared household, succession, inheritance rights. One such legal issue is the maintenance rights when living together in a shared household. The need for maintenance rights stems from the financial and psychological distress that partners, may face after these relationships end. Also, if a woman is unaware of the man's existing marriage, she is rightfully entitled to claim maintenance and other benefits that would ordinarily arise from such a marital relationship. However, when a mature woman knowingly enters in a live-in relationship with a married man, then the legal position becomes

¹Sangeeta Chatterjee, *Legal Recognition of Live-In Relationship: An Emerging Trend of Social*

Transformation in India, 11 INT'L J.L. & JUST. 3, 3 (2020).

complex, as her entitlement to maintenance and other legal protections may be challenged due to the bigamous nature of the relationship.

Due to their lack of legal protection in comparison to married spouses, live-in partners may be more open to abuse and be left without financial assistance. Also, it becomes important whether partners in shared household can live together after separation, because there is no legal right given to partners where they can stay together after their separation.

A vulnerable couple may not only be left without financial support but also face eviction if maintenance and the right to a shared household are not enforced, which would worsen their situation and increase their vulnerability to homelessness and unstable financial issues². In a number of cases, Supreme court as well as High courts have addressed the maintenance rights of partner in shared household, while also attempting to acknowledge live-in relationships. But the current legal safeguards are still not sufficient.

II. UNDERSTANDING MAINTENANCE AND SHARED HOUSEHOLD: MEANING NATURE, AND LEGAL PERSPECTIVES

In today's evolving social landscape, the concept of a shared household plays a crucial role in determining the residential rights of individuals, particularly women in domestic and live-in relationship. The term 'shared household' is not directly defined as a single phrase in Black's Law Dictionary; However, the words 'shared' and 'household' are defined separately. 'Shared' means something owned or used by more than one person, while 'household' refers to people living together under the same roof as a family. In accordance with Indian legislation, 'shared household' is defined legally in the Indian Legislation.³ The definition given under the Protection of Women from Domestic Violence Act, 2005 is thus inclusive one. It is pertinent to note that, for the objectives of this paper, the Protection of Women from Domestic Violence Act, 2005 shall henceforth be referred to as the PWDV Act, 2005. Thus Section 17 of the PWDV Act, 2005⁴,

ensures right of a woman to live in a premises of cohabitation, regardless of whether a woman do not own or have any legal interest in it. This law aims to protect individuals in domestic relationships. However, the status of live-in relationships within this framework remains complex. The Supreme Court has rendered decisions on this matter on per case basis. As per the particulars of each instance, a live-in relationship may or may not be termed as domestic relationships 'in the nature of marriage.'

One of the most important legal remedies for providing financial support to those who are unable to support themselves during or after a domestic relationship ends is maintenance. The dictionary meaning of 'maintenance' generally refers to support and sustenance encompassing essential expenses necessary for a basic standard of living. According to Section 3(b)(i) of the Hindu Adoptions and Maintenance Act, 1956 maintenance means 'In all cases, provisions for food, clothing, residence, education, and medical attendance and treatment'. A woman who is a Hindu wife is also legally eligible for maintenance from her husband under Section 18 of the Act.⁵ Nevertheless, no equivalent provision is provided in the act, requiring a wife to maintain her husband. However, with more couples choosing live-in relationships today, many face challenges in getting financial support after a breakup. Unlike married couples, there is no legal provision for maintenance in such relationships. For example, if one partner quits their job at the request of the other and the relationship later ends, they may struggle financially, especially when re-entering the job market gets difficult. Since no specific law guarantees financial support for live-in partners, then issue of such economic vulnerabilities becomes complex and unresolved.

III. DISTINCTION BETWEEN MAINTENANCE FOR MARRIED SPOUSES AND LIVE-IN PARTNERS IN A SHARED HOUSEHOLD

Under various personal laws due to legal status of marriage, married partners and live-in couples have

²Anand Kumar et al., *Live-In Relationship: A Study On Legal Actions*, 9 INT'L J. CREATIVE RES. THOUGHTS 398, 398 (2021).

³Protection of Women from Domestic Violence Act, 2005, s 2(s).

⁴Protection of Women from Domestic Violence Act, No. 43 of 2005, s 17.

⁵The Hindu Adoptions and Maintenance Act, No. 78 of 1956, s 18.

quite different maintenance rights. Those couple who has been living together for a considerable duration of time and subsequently decides to part ways, such a separation does have the same legal effect as a divorce. However, if the relationship is reckoned to be “in the nature of marriage,” one party may be authorized to claim maintenance under the relevant provisions of law⁶ where the courts are trying to protect the interest of the parties.

In a marriage, both individuals are generally expected to be of sound mind, of legal age, and free from serious or contagious diseases. In contrast, live-in relationships are grounded in personal choice and autonomy. In a marriage, both people are usually required to be of sound mind, of legal age, and free from serious or contagious diseases.⁷ But in live-in relationships, which are based on personal choice and freedom, Imposing legal restrictions on living with a partner who has a mental illness or a serious disease in a shared household could be seen as an infringement on an individual’s right to make personal decisions and exercise their freedom in choosing a partner.

When a couple lives together for a significant period, the law may recognize their relationship as one resembling marriage, thereby granting them certain rights such as they are entitled to claim maintenance, inherit property, or adopt a child. However, This recognition, brings forth a dilemma, if such couples are already being treated like married couples under existing laws, the need for separate or special legal provisions for live-in partners becomes debatable. At the same time, in cases where the couple has not lived together long enough to be presumed as being in a relationship akin to marriage, it still raises the issue of whether one partner should be allowed to claim maintenance from the other. This highlights that marriage constitutes a broader category, while a live-in relationship represents a specific subset within that framework. There are also notable differences between residency and property rights. While a woman staying in a live-in relationship can only assert residence rights under the PWDV Act, 2005 if her partnership meets the criteria for a ‘domestic

relationship’, whereas a married spouse, particularly the wife, could have rights over shared property and dwelling under matrimonial laws. No matter how long a couple has been married, they still have the right to maintenance.⁸ These differences show how married spouses have more legal protection than live-in partners, who are forced to rely on the whims of the courts and the meagre legal framework for financial support.

IV. PROVISIONS RELATED TO MAINTENANCE FOR LIVE-IN PARTNERS UNDER PERSONAL LAWS

Maintenance Right Under Hindu Law

According to Hindu law, a woman’s maintenance responsibility only applies when she is officially married as the wife rather than having any other non-marital relationship. Therefore, women who have lived in or are currently staying in live-in relationship cannot claim maintenance rights in Hindu personal law since it does not recognise such relationships. But if a couple is living together in a shared household for a reasonable period of time, then there is a assumption of marriage and so the partners in live-in can claim for maintenance. In the 1985 case of Sumitra Devi v. Bhikan Choudhary⁹ the Supreme Court decided that if a male & female stay in live-in, together, for a long period of time and are seen by community as husband and wife, marriage is assumed where it is required to provide maintenance to female partner after separation. So, if the judiciary is trying to protect the interest of parties, whether there is a need for a separate legislation for maintenance of partners in a shared household is also one of the major concerns.

Maintenance Rights Under Muslim Law

There are social and legal ramifications to marriage, as well as a moral and legal duty to one another. Regardless of whether his wife is Kitabiyyah or not, wealthy or not, young or elderly, a Muslim husband is required to provide for her both during and after the

⁶Protection of Women from Domestic Violence Act, No. 43 of 2005, s 2(f).

⁷The Hindu Marriage Act, No. 25 of 1955, s 5.

⁸Alia Kamal, Live-In Relationship and Legal Issues Worldwide- A Comparison, 167 *Indian J. Crim. L. & Criminology* 169 (2013).

⁹Sumitra Devi v. Bhikan Choudhary, (1978) 3 S.C.C. 527.

marriage.¹⁰ The duty to provide maintenance is only absolute for the context of a wife. Therefore, it must be demonstrated that the man and woman are legally married if a woman is requesting support. However, there are no social or legal repercussions in a live-in relationship that could impose moral or legal obligations on the partners.

The liberties and privileges granted to a legally married wife are not applicable to women living together. For instance, only the lawfully married wife is entitled to dower, maintenance, housing, and the right to inherit the husband's possessions upon his death. These rights are not granted to the female partner in a cohabiting relationship. The children born out of a live-in relationship, are considered illegitimate. In other words, Muslim personal law does not accept live-in relationships before marriage, and as a result, the right to maintenance does not exist in accordance with its set regulations. Likewise, according to Muslim personal law, marriage that is consummated in violation of the law is null and void (batil marriage), and no legal system can legitimate such unions. Any legislation will not defend a marriage that is performed in violation of personal laws, and the wife will not be able to inherit her husband's property or demand maintenance, among other rights. Nonetheless, the PWDV Act, of 2005 provides protection for such women, and they can use the legal system to seek maintenance and other benefits.¹¹

Maintenance Rights Under Christian Law

Any form of non-marital relationship is never encouraged by Christianity. Instead, it is 'sexual immorality.'¹² In the Christian faith, cohabitation outside of marriage, such as living together, is also considered sexual immorality. In contrast to marriage, a live-in relationship's primary goal is never morally or socially acceptable. The eligibility of a live-in relationship is zero. Nonetheless, marriage guarantees their position of husband and wife as well as their rights and responsibilities to one another and to society

at large. Women who live together do not have access to the same rights and benefits as a lawfully married wife. It makes no difference if the couple is single or if one of them is married but lives with someone else. An adult woman must be a 'legally wedded wife' in order to be eligible for maintenance or alimony; hence, a live-in partner cannot get maintenance by her male counterpart, and any children took birth in a live-in relationship are considered illegitimate.

Maintenance Rights under Parsi Law

The Parsi law states that whenever a husband or wife's independent income is insufficient to cover essential costs and to uphold court orders, the plaintiff must receive weekly, monthly, or periodic allowances for a period of time that does not exceed the plaintiff's life or remarriage.¹³ Therefore, the entitlement to maintenance only existed after marriage. Therefore, a woman living with a male spouse cannot demand maintenance from him. In a live-in relationship, the woman partner does not have right to any legal privileges that would only be granted in a marriage.

Right To Maintenance under Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS)

Under Section 144 of the Bhartiya Nagrik Suraksha Sanhita 2023 (henceforth referred to as BNSS, 2023) all married people, regardless of their religion, are entitled to the same maintenance requirements. The term 'wife' is defined as 'a woman who has been divorced by, or obtained a divorce from her husband and has not remarried' According to a 2003 recommendation of the Committee of Malimath on Reforms of the Criminal Justice System, 'a woman who is living alongside a man for a reasonable period of time' should be added to the definition of 'wife' in Section 125 of Code of Criminal Procedure, 1973 now Section 144 of BNSS, 2023. The National Commission for Women then recommended to the Ministry of Women and Child Development in June 2008 that a live-in female partner be eligible for maintenance under this provision. In Yamunabai

¹⁰Muslim Women (Protection of Rights on Divorce) Act, No. 25 of 1986.

¹¹Sneha R. Iyer, Relations in the Nature of Marriage and Legal Wedlock—A Study, 1 *Int'l J. L. Mgmt. & Human.* 4 (2018).

¹²Valicity Elaine, Is Living Together Before Marriage a Sin?, Rebel Christian (June 23, 2021), <http://www.therebelchristian.com/blog/is-living-together-before-marriage-a-sin6232021> (last visited Mar. 22, 2025).

¹³The Parsi Marriage and Divorce Act, No. 3 of 1936.

Anantrao Adhav v. Anantrao Shivram Adhav¹⁴, the Supreme Court decided that, under Section 125 of the Code of Criminal Procedure, 1973, a person who remarries another woman yet still having a living, legally married wife along with live-in partner then the partner does not have a right to maintenance, regardless of whether she is aware of his previous marriage. Thus, The respondent benefited from being refused maintenance, whereas the appellant-lady suffered as a result. However, in Chanmuniya v. Virendra Kumar Singh Kushwaha¹⁵, the Supreme Court interpreted this section in light of those recommendations and granted support to the female cohabitant. However, the situation hasn't changed all that much so far.

V. MAINTENANCE RIGHTS OF LIVE-IN PARTNERS THROUGH JUDICIAL LENS

In India, maintenance rights for couples who live together have mainly increased largely because of legal interpretations rather than legislative actions. The Supreme Court and other High Courts have affirmed the women's rights in live-in partnerships under the PWDV Act, 2005 provided that the relationships is considered to be a 'relationship in the nature of marriage.'

The Court established criteria for determining such a relationship in Indra Sarma v. V.K.V. Sarma¹⁶, including the durability, common household, and social acceptance. There is also uncertainty within equal rights for both partners, even though the court has occasionally granted maintenance rights to resentful live-in partners in Section 125 of the CrPC. Courts have placed a strong emphasis on using a case-by-case approach while weighing the necessity of safeguarding against possible abuse. The need for statutory clarity is highlighted by the fact that maintenance rights for live-in partners continue to be mostly based on judicial discretion in the absence of a unified legal framework.

In M. Palani v. Meenakshi,¹⁷ the respondent demanded maintenance payments of Rs 10,000 from the opponent, with whom she shared a home which was in compliance with PWDV Act, 2005 Sections 20 and 26. The petitioner claimed that because the respondent and petitioner had never shared a residence, the respondent was ineligible to provide support. As friends, they had occasionally had consensual intercourse without intending to be married. Accordingly, he said that the PWDV Act, 2005 could not define a 'domestic relationship' based solely on closeness for mutual enjoyment, as it was in their situation. However, during this instance Supreme Court did not grant the respondent the maintenance in this case. The plaintiff in Payal Katara v. Superintendent Nari Niketan Kandrivihar¹⁸ and others was living with Rajendra Prasad. However, the court upheld the right of the plaintiff in this case because he was already married. Although the plaintiff's live-in partner's rights were acknowledged by the court, questions arose regarding the wife's rights. The PWDV Act, 2005, which aims to protect the rights of live-in partners, highlighted the question of whether it is suitable to increase the status of an individual who is already married and in a live-in relationship.¹⁹

The Malimath Committee was established to address these problems, where they came up with several recommendations. It was suggested by the committee to recognise female live-in partners who have been into the relationship for long period of time as a wife. The stance of the apex court on such relations also shows clarity in recognising live-in partnerships. In addition to Section 125 of the Code of Criminal Procedure was suggested as a way to incorporate a live-in female partner and equating the status of partner and wife were also made. But the question of pitting a female live-in partner into a position of wife can create difficulty. One such difficulty is when the person who is into live-in relationship and is already married. This kind of situation will promote bigamy. Here, the right of wife and that of live-in partner is at

¹⁴Yamunabai Anantrao Adhav v. Anantrao Shivram Adhav, (1988) 1 S.C.C. 530.

¹⁵Chanmuniya v. Virendra Kumar Singh Kushwaha, (2011) 1 S.C.C. 141.

¹⁶Indra Sarma v. V.K.V. Sarma, (2013) 15 S.C.C. 755.

¹⁷M. Palani v. Meenakshi, A.I.R. 2008 Mad. 162.

¹⁸Payal Katara v. Superintendent, Nari Niketan, Kandri Vihar, A.I.R. 2001 All. 254.

¹⁹Abhay Nevagi Assocs., Right of Maintenance to Women in Live-in Relationships, Legally India (Oct. 29, 2015), <https://www.legallyindia.com/views/entry/right-of-maintenance-to-women-in-live-in-relationships> (last visited Mar. 21, 2025).

stake and not very clear. Thus, the female partner in the live-in relationship has no security. The rights of maintenance to such partners are not guaranteed and there still remains the dilemma. Marriage is accepted socially and has recognition. As a result, there is no security for the female partner in the relationship.²⁰

In *D. Veluswamy v. D. Pathchaimmal*²¹, the respondent wife sued for maintenance under Section 125 Cr. P.C. However, the appellant claimed to be legally married to Laxmi and to have a son with her. He produced all the necessary documents to back up his defence. However, the respondent contended she indeed had been married to the appellant and that prior to their separation, they had been living together for three years. So the question raised, in front of the Supreme Court of what is the meaning of the word “a relationship in the nature of marriage”. The court stated in its decision that it is regrettable that the Act does not define this phrase. By distinguishing between a marriage and a relationship that is similar to a marriage, the Domestic Violence Act of 2005 was passed by Parliament and established that the person entering into either of these relationships is presumed to be bound to the protection of this Act. The phrase ‘relationship in the nature of marriage’ is now synonymous with a common law marriage. The courts observed that in this instance, which involved a woman asking a married man for maintenance under Section 125, Unfortunately, the Act PWDV Act, 2005 lacks a definition for the term ‘in the nature of marriage.’ Since this Court has not directly ruled on the interpretation of this expression. Nonetheless, the Supreme Court stated in that a ‘relationship in the form of marriage’ under the 2005 Act must satisfy the following requirements.

1. The parties must have attained majority.
2. The parties should not be barred from marrying due to their being close proximity by blood.
3. The parties shall not be married to any other person.
4. Regardless of whether the parties had other separate dwellings or not, they must be living together.

²⁰ Id.

²¹ *D. Veluswamy v. D. Patchaiammal*, (2010) 10 S.C.C. 469.

²² *Dimple Gupta v. Rajiv Gupta*, (2007) 10 S.C.C. 30.

5. Lastly, the parties need to establish the marriage like relationship.

A female partner in a live-in relationship will receive maintenance under this Act if these five prerequisites are met, as they are necessary for both obtaining the legal status of a wife and receiving maintenance if those requirements are met. The Supreme Court upheld the right to maintain and care for children born out of live-in relationship in the case of *Dimple Gupta v. Rajiv Gupta*.²² According to the court’s ruling in this case, section 125 of the Code of Criminal Procedure 1973, which provides maintenance to children regardless of their legal status or until they reach the age of majority, or an illegitimate child born out of an illicit relationship is liable for maintenance when the are unable to maintain themselves. As a result, refusal to maintain creates ramifications and concerns which infringes the most fundamental right guaranteed under Article 21, such as right to life and personal liberty. Therefore, denial of an essential right to maintenance could be viewed as a denial of an individual’s right to live a decent life.

In *Sabitaben Somabhai Bhatiya v. State of Gujarat*²³ the Supreme Court led that because the live-in partner had taken on the role of a second wife, she was not entitled to maintenance. However, a child born out of a relationship of such nature has the right to maintenance. If the maintenance is not provided, this matter born out of a living-in relationship can be litigated under Article 32 of the Indian Constitution. In *PV Sushila v. Komalavally*,²⁴ the Kerala High Court upheld the same subject matter.

VI. ISSUES AND CHALLENGES RELATED TO MAINTENANCE IN A SHARED HOUSEHOLD

In live-in relationships, the concept of maintenance in a shared household brings notable social and legal challenges. One of the primary problems is the lack of legislative clarity about the rights and benefits enjoyed by live-in partners in a shared household. These couples usually face difficulties because of their unclear legal status. To some extent the PWDV Act,

²³ *Sabitaben Somabhai Bhatiya v. State of Gujarat* A.I.R. 2005 S.C. 1809.

²⁴ *P.V. Sushila v. Komalavally*, (2000) D.M.C. 376.

2005 tries to offer considerable protection. It defines domestic relationships, where it talks about 'relationship in the nature of marriage' But it nowhere mentions live-in relationships in its definition.²⁵ However, the absence of a clear legal framework leads to confusion, misunderstandings, which makes it difficult for partners to seek for maintenance after their separation. The social stigma and gendered roles that affect maintenance claims are another significant obstacle.²⁶ Also, The legal definition of a shared household provided under PWDV Act, 2005 can be unclear, making it difficult to determine whether a relationship qualifies for maintenance under existing laws.

Women in live-in relationships may bear a disproportionate amount of the financial burden, especially those who have given up professional jobs and careers to help their partners in order to take care of their homes. This social bias aggravates the gender disparity in financial stability by discouraging many people from seeking legal remedies. Furthermore, those vulnerable partners in such situations may face major issue for requesting maintenance due to the difficulty of establishing their relationship.

As compared to marriages in India, which is formally recognised by ceremonies and rituals, live-in relationship is not. As a result, proving the existence and duration of living becomes difficult. Courts usually take into account factors including shared housing, shared financial responsibilities, social recognition, and a period of duration they have spent together when determining whether a maintenance claim is justified.²⁷ However, it can be challenging to demonstrate a solid and long-lasting relationship due to the absence of formal agreements or legal documentations, which can cause claims to be delayed or rejected entirely. Also, the court has not mentioned the specific duration of time which can be considered for a partners to be in live-in relationships. The onus of proof, in most cases, falls on the dependent partner, creating an additional legal burden.

Contrasting judicial interpretations and inconsistent pronouncements further complicate maintenance

rights for live-in couples. The Indian judiciary's contradictory actions in several cases have left legal precedents uncertain. In rulings such as *Indra Sarma v. VKV Sarma*²⁸, the Supreme Court acknowledged the preservation of women's rights in live-in relationships under the PWDV Act, 2005. However, courts have, frequently rejected such claims, arguing that the relationships between the partners was not marriage-like, especially in cases where the couples were not publicly acknowledged. The difficulty for claimants is increased by the unexpected and very case-specific nature of maintenance claims due to differing judicial interpretations on what exactly defines a 'relationship in the nature of marriage.'

The lack of financial independence of women living together is another significant issue.²⁹ Financially wealthy partners, can evade accountability because maintenance is not legally required, which leaves dependent partners in a challenging situation. When children are involved, the situation becomes much more problematic because the absence of legal protections also negatively impacts their mental and financial wellbeing. In contrast to marriage, when alimony and child support laws are clearly defined, live-in relationships frequently leads to legal disputes in which women and children fight for acceptance and financial security. Furthermore, when there are unclear laws in respect to property and financial rights in live-in relationships, it becomes more difficult to get maintenance. Married couples usually share property and financial support, and there are procedures in place to divide assets in the case of a divorce, but in case of live-in partners conflicts over property rights and financial contributions can arise. To resolve such conflicts, courts typically look to contractual agreements, if they exist, but most couples do not formally establish their financial arrangements. Demonstrating the existence of live-in partners, long-term live-in relationship can be challenging, as there may not be formal documentation or witnesses to substantiate the claim. Consequently, if a couples gets separates after a fight then the vulnerable partner with

²⁵Protection of Women from Domestic Violence Act, No. 43 of 2005, s 2(f) .

²⁶Indira Jaising & Pinki Mathur Anurag eds., *Conflict in the Shared Household: Domestic Violence and the Law in India* (1st ed. 2019).

²⁷*Indra Sarma v. V.K.V. Sarma*, (2013) 15 S.C.C. 755.
²⁸ *Id.*

²⁹Vijender Kumar, *Live-in Relationships: Impact on Marriage and Family Institutions*, 4 SCC J. 19 (2012).

no financial stability is left with no claim to any shared assets or financial assistance.

VII. SUGGESTIONS

The PWDV Act, 2005 provides some relief by recognising ‘relationships in the nature of marriage’ but it should be expanded to cover all long-term live-in relationships, regardless of how much they resemble traditional marriage. Rather than bringing entirely new laws, we can work towards strengthening the implementation of such progressive interpretations to cover maintenance, protection from abuse, and rights in shared households. Many partners, especially women are unaware of their rights in live-in relationships. Legal aid services and awareness campaigns must be expanded to ensure they can access protection under existing provisions of criminal, civil, and family law.

Courts should also make a presumption that the financially stronger partner is liable for maintenance if a live-in relationship lasted for a long period of time in order to give live-in partners more financial security. To establish uniform standards for evaluating maintenance one criteria is necessary, taking into account elements such as the duration of such kind of relationships, financial dependence, and household contributions. Live-in agreements that outline financial responsibilities and property ownership should be encouraged in order to prevent legal problems. The right to continue living in the same home after a separation is one of the most important concerns in live-in relationships. After a relationship ends, many partners, generally women are denied entry to their houses or are evicted. Courts should establish a presumption that the financially stronger partner is liable for maintenance if a live-in relationship lasted for a considerable amount of time in order to give live-in partners more financial security. Establishing uniform standards for evaluating maintenance eligibility is necessary, taking into account elements such as the duration of relationship, financial dependence, and household contributions.

Laws should be put in place to stop one partner from forcibly removing the other from a shared residence, especially when there is financial dependency. In order to guarantee the dependent partner’s financial security, right to rent and compensation should also be acknowledged. There should be government programs that can offer housing and financial help to those partners who are financially dependent on their spouses once a live-in relationship ends. In order to offer easily available assistance to individuals requesting maintenance or eviction protection, legal aid services has to be reinforced. Since live-in relationships often fall outside the jurisdiction of traditional family courts, special tribunals should be established to handle disputes specific to live-in relationships, ensuring speedy resolution and preventing unnecessary litigation. In order to safeguard the financial security of partners without perpetuating gender stereotypes, it is important to promote gender-sensitive and fair judicial interpretations.

VIII. CONCLUSION

“Social changes don’t happen overnight. They take generations to come.”³⁰

Legalizing live-in relationships would likely necessitate the registration of such relationships.

However, the concept of live-in relationship is based to avoid the obligations and liabilities that arise out of marriage. It is actually a new trend to escape the responsibilities that law entails under marriage. So, it does not make any sense to impose principles or laws that are similar to marriage without undermining the intent behind such relationships.

When two people live together for a long duration of time, Indian courts frequently regard such relationship to constitute marriage. For example, in *Madan Mohan Singh v. Rajni Kant*³¹ the Supreme Court stated that a long-term live-in relationship may constitute a lawful assumption of marriage under Section 114 of the Indian Evidence Act.

³⁰Monica Sarkar, *Marital Rape: Why Is It Legal in India?*, CNN (Mar. 9, 2015), available at

<https://edition.cnn.com/2015/03/05/asia/marital-rape-india/index.html> (last visited Mar. 21, 2025).

³¹*Madan Mohan Singh v. Rajni Kant* AIR 2010 SC 2933.

This highlights the complexity of formal registration requirements for live-in relationships, as the judiciary presumes long-term relationships as similar to significance of marriage.

The current protection given to live-in couples through judicial pronouncement and some relief which is provided by the PWDV Act, 2005, which recognises 'relationships in the nature of marriage' is inadequate. Borrowing from international models (such as the UK or parts of the US), partners may be encouraged to enter into cohabitation agreements or domestic partnership contracts voluntary, private agreements which can define financial rights, responsibilities, and exit clauses. These would help parties protect their interests while maintaining their freedom of choice. Legal aid services can be strengthened to provide readily available support to anyone seeking maintenance or eviction protection. In order to ensure prompt settlement and avoid needless litigation, tribunals should be established to resolve conflicts unique to live-in partnerships, as these relationships sometimes fall outside the purview of ordinary family courts. In order to safeguard the economically dependent partners without perpetuating gender stereotypes, it is important to promote gender-sensitive and equitable judicial interpretations. India can progress towards an equitable and more just society that recognises and defends the rights of every person, whatever of their relationship choices, by tearing down antiquated prejudices and creating an understanding legal and social environment.