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Introduction

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

Description

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

CONSTITUTIONAL MORALITY AND HUMAN RIGHTS IN MAINTENANCE CLAIMS OF LIVE-IN PARTNERS

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The growing prevalence of live-in relationships in India marks a significant transformation in social and legal understandings of family, marriage, and gender roles. As intimate partnerships increasingly exist outside formal marriage, complex questions arise regarding the duties and responsibilities owed between partners, particularly when such relationships dissolve. Among these, the issue of maintenance has emerged as one of the most constitutionally sensitive concerns. Maintenance laws in India were historically structured around marriage, presuming a legally recognised marital bond as the basis for financial support. However, courts now regularly encounter cases where women are abandoned after prolonged cohabitation without economic security. Denial of maintenance in such circumstances often results in economic abuse, erosion of dignity, and violation of the right to livelihood, thereby implicating fundamental human rights rather than merely private disputes³.

Maintenance rights of live-in partners must therefore be examined beyond the narrow confines of personal law and situated within the broader framework of constitutional morality and human rights protection. Constitutional morality obliges courts to prioritise equality, autonomy, dignity, and fairness even when societal morality disapproves of non-marital relationships. Human rights norms, both domestic and international, similarly recognise the need to protect individuals from economic and emotional exploitation within intimate relationships. Judicial engagement with live-in relationships reflects a gradual shift toward this rights-based approach, though inconsistencies remain due to moralistic reasoning in certain decisions. Recasting maintenance as a constitutional and human rights entitlement is essential to ensuring substantive equality and dignity in evolving forms of partnership.

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³ Saxena, Shobha, "Live-in Relationships and Maintenance: A Critical Socio-Legal Review," ILI

Early judicial responses to long-term cohabitation did not employ the modern concept of live-in relationships but often presumed such relationships to be marriages where they resembled marital life. In *Badri Prasad v. Dy. Director of Consolidation*⁴, the Supreme Court upheld a fifty-year cohabitation as a valid marriage, emphasising stability and social acceptance. While not a live-in relationship in the contemporary sense, the case established the principle that long-term cohabitation carries legal consequences. Subsequent jurisprudence increasingly recognised personal autonomy in matters of intimate choice. In *Lata Singh v. State of Uttar Pradesh*⁵, the Supreme Court affirmed that consenting adults may live together without criminal liability, a position further strengthened in *S. Khushboo v. Kanniammal*⁶, where the Court held that live-in relationships fall within personal liberty under Article 21 and cannot be condemned solely on moral grounds. These decisions marked a decisive transition from social stigma to constitutional protection.

The constitutional protection of intimate choice was significantly strengthened in the post-*Puttaswamy* era. In *K.S. Puttaswamy v. Union of India*⁷, privacy, autonomy, and decisional freedom were recognised as fundamental rights, creating a constitutional framework within which live-in relationships could be understood as protected personal choices. The evolution of judicial thinking thus demonstrates a clear trajectory from suspicion toward cohabitation to its recognition as a legitimate, constitutionally protected relationship, laying the foundation for maintenance jurisprudence grounded in dignity and autonomy rather than moral approval.

This rights-based understanding is reinforced through statutory interpretation. Section 144 of the *Bharatiya Nagarik Suraksha Sanhita*, formerly Section 125 of the CrPC, remains a crucial mechanism for maintenance due to its secular and summary nature. Although originally designed to protect legally wedded wives, judicial interpretation has expanded its scope. In *Chanmuniya v. Virendra Kumar Singh Kushwaha*⁷, the Supreme Court recognised that denying maintenance solely due to the absence of formal marriage defeats the social justice purpose of the provision and

⁴ Law Review, Vol. 52, No. 2 (2016), pp. 221–245

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

⁶ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1

⁷ *D. Velusamy v. D. Patchaiammal*, (2010) 10 SCC 469

violates the right to dignity. From a human rights perspective, maintenance forms part of the right to an adequate standard of living, and its denial frequently constitutes economic violence, a recognised form of abuse under international instruments such as CEDAW. Constitutional morality therefore demands a purposive interpretation of maintenance law to prevent destitution and exploitation.

The Protection of Women from Domestic Violence Act, 2005 further strengthens this framework by explicitly recognising “relationships in the nature of marriage.” By acknowledging economic abuse as domestic violence, protecting the right to residence, and providing monetary relief, the Act extends legal protection beyond formal marriage and aligns closely with human rights principles. While decisions such as *D. Velusamy v. Patchaiammal* and *Indra Sarma v. V.K.V. Sarma* sought to define the boundaries of such relationships, these doctrinal tests must be continuously reassessed through the principles of equality and non-discrimination to avoid exclusion based on moral judgment rather than vulnerability.

Ultimately, maintenance rights of live-in partners are firmly rooted in constitutional guarantees. They engage the right to equality under Article 14, special protection for women under Article 15(3), freedom of intimate choice under Article 19, and the rights to dignity, livelihood, autonomy, and privacy under Article 21. The Supreme Court’s repeated emphasis on constitutional morality in decisions such as *Navtej Singh Johar*⁸, *Joseph Shine*, *Puttaswamy*, and *Shafin Jahan*⁹ compels the judiciary to protect fundamental rights even in the face of social disapproval. Within this framework, maintenance for live-in partners ceases to be a discretionary welfare measure and emerges as a constitutionally mandated human rights protection essential to dignity, equality, and substantive justice.

Indian jurisprudence on maintenance in live-in relationships has evolved almost entirely through judicial interpretation, shaped by constitutional morality and human rights considerations rather

⁸ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1

⁹ *Shafin Jahan v. Asokan K.M.*, (2018) 16 SCC 368

than explicit legislative recognition¹⁰. The Supreme Court has repeatedly been required to reconcile social realities with constitutional values when women in long-term non-marital relationships are abandoned without financial support. In this context, the Court has increasingly recognised that denial of maintenance is not a neutral legal outcome but one that directly affects dignity, equality, autonomy, and protection from economic abuse. The jurisprudential shift is most clearly visible in *Chanmuniya v. Virendra Kumar Singh Kushwaha*¹¹, where the Court rejected a rigid, technical understanding of marriage and instead adopted a purposive interpretation of maintenance law. The petitioner, who had lived for years in a marriage-like relationship recognised by community practices, was denied maintenance by lower courts solely due to the absence of formal marriage. The Supreme Court intervened, emphasising that Section 125 of the CrPC, now Section 144 of the *Bharatiya Nagarik Suraksha Sanhita*, is a social-justice provision intended to prevent destitution. From a constitutional perspective, the Court implicitly acknowledged that abandonment without maintenance violates the right to live with dignity under Article 21 and undermines substantive equality for women who have relied on such relationships in good faith. The judgment thus marked a decisive move away from marriage-centric morality toward dignity-centric protection, situating maintenance within a broader human-rights framework.

This doctrinal expansion was subsequently refined in *D. Velusamy v. D. Patchaiammal*, where the Supreme Court sought to draw boundaries around which live-in relationships qualify for legal protection under the Domestic Violence Act, 2005. While the Court cautioned against extending protection to casual or exploitative arrangements, it laid down structured criteria to identify relationships “in the nature of marriage.” These criteria—public representation as spouses, legal capacity to marry, voluntary long-term cohabitation, and existence of a shared household—can be reinterpreted as safeguards rooted in human rights. Each factor serves to protect dignity, ensure autonomy, prevent coercion, and recognise emotional and economic interdependence.

Although criticised for being restrictive, the Velusamy framework reflects an underlying attempt to balance non-discrimination with protection against misuse, while implicitly acknowledging that

¹⁰ Bajpai, Rochana, “Judicial Expansion of Maintenance Rights in India,” *Journal of the Indian Law Institute*, Vol. 56, No. 3 (2014), pp. 389–412.

¹¹ *Chanmuniya v. Virendra Kumar Singh Kushwaha*, (2011) 1 SCC 141

stable live-in partnerships create obligations analogous to marriage. From a constitutional morality perspective, the judgment reinforces that legal recognition flows from lived realities rather than formal labels.

The constitutional foundation for recognising live-in relationships was firmly established in *S. Khushboo v. Kanniammal*¹², where the Supreme Court unequivocally held that cohabitation between consenting adults is neither illegal nor immoral. Rejecting criminal complaints based on notions of public morality, the Court asserted that personal choices relating to intimacy fall within the ambit of liberty under Article 21. This decision is crucial to maintenance jurisprudence because it delegitimised moral policing and affirmed that societal disapproval cannot dictate legal outcomes. By placing autonomy, privacy, and freedom of choice at the centre of constitutional protection, *Khushboo* strengthened the argument that partners in live-in relationships cannot be denied legal remedies merely because their relationships fall outside traditional marriage.

The limits of judicial protection were examined in *Indra Sarma v. V.K.V. Sarma*¹³, a case that exposed the vulnerability of women in relationships marked by unequal power dynamics. The petitioner had cohabited for several years with a man who was already married, becoming emotionally and financially dependent before being abandoned. While the Supreme Court denied relief under the Domestic Violence Act on the ground that a knowingly adulterous relationship does not qualify as one “in the nature of marriage,” it simultaneously acknowledged the severe exploitation faced by women in such circumstances. The judgment is significant for its candid recognition of emotional manipulation, economic dependence, and social isolation suffered by women in such relationships, even as it excluded them from statutory protection.

From a human-rights standpoint, *Indra Sarma* reveals the tension between formal legal boundaries and substantive justice, highlighting gaps where constitutional morality has not yet been fully translated into enforceable rights. The Court’s call for legislative intervention reflects an awareness that judicial discretion alone cannot adequately protect vulnerable partners.

¹² *S. Khushboo v. Kanniammal*, (2010) 5 SCC 600

¹³ *Indra Sarma v. V.K.V. Sarma*, (2013) 15 SCC 755

The procedural dimension of maintenance rights was substantially strengthened in *Rajnesh v. Neha*¹⁴, where the Supreme Court addressed inconsistencies arising from multiple maintenance regimes under different statutes. By introducing mandatory financial disclosures, uniform criteria for determining maintenance, and safeguards against overlapping claims, the Court advanced principles of fairness, transparency, and equality before the law. Although not limited to live-in relationships, the judgment has profound implications for them, as it reduces arbitrariness and ensures that economic capacity and dependency are assessed objectively. From a human-rights perspective, the decision reinforces the right to an adequate standard of living and procedural justice, making maintenance determinations more predictable and equitable for live-in partners.

Additional Supreme Court decisions further strengthen the human-rights orientation of maintenance jurisprudence. In *Lalita Toppo v. State of Jharkhand*¹⁵, the Court clarified that a woman in a live-in relationship is entitled to maintenance under the Domestic Violence Act even if she does not qualify as a “wife” under maintenance provisions of criminal law, thereby expanding access to justice. Similarly, *Koppiseti Subbharao v. State of Andhra Pradesh*¹⁶ prevented men from evading responsibility by denying the validity of relationships they themselves induced, recognising the role of deception and power imbalance in intimate partnerships. In *Madan Mohan Singh v. Rajni Kant*¹⁷, the Court reaffirmed the presumption of marriage arising from long-term cohabitation, underscoring the legal significance of stability and social recognition. Collectively, these judgments demonstrate an incremental but clear movement toward recognising maintenance as an obligation grounded in dignity, equality, and protection from exploitation rather than mere marital status.

Taken together, Supreme Court jurisprudence reveals a gradual but deliberate shift from societal morality to constitutional morality in adjudicating maintenance claims arising from live-in relationships. While doctrinal tests and exclusions remain, the underlying trajectory recognises that economic abandonment in intimate partnerships implicates fundamental human rights.

¹⁴ *Rajnesh v. Neha*, (2021) 2 SCC 324

¹⁵ *Lalita Toppo v. State of Jharkhand*, (2019) 13 SCC 796

¹⁶ *Koppiseti Subbharao v. State of A.P.*, (2009) 12 SCC 331

¹⁷ *Madan Mohan Singh v. Rajni Kant*, (2010) 9 SCC 209

Maintenance, therefore, emerges not as charity or moral approval but as a constitutional safeguard necessary to protect dignity, autonomy, and substantive equality in evolving forms of family life.

The evolution of maintenance rights in live-in relationships has not been uniform across India, largely due to divergent approaches adopted by various High Courts. While the Supreme Court has consistently attempted to anchor its reasoning in constitutional morality and human rights principles such as dignity, autonomy, and equality, High Courts often reflect competing understandings influenced by social morality, evidentiary rigidity, and traditional notions of family. This divergence exposes the fragility of rights protection for women in live-in relationships and underscores the need for a coherent, rights-based framework.

The Delhi High Court has emerged as one of the most progressive forums in recognising live-in relationships through a constitutional and human rights lens. In several decisions¹⁸¹⁹, the Court has acknowledged that live-in relationships are no longer social aberrations but part of evolving social realities. Rather than focusing on ceremonial or marital legitimacy, the Court has prioritised economic vulnerability, emotional dependence, and the lived experience of women who are abandoned after prolonged cohabitation. It has repeatedly emphasised that maintenance claims must be evaluated based on substance rather than form, and that denying relief on moral grounds would amount to discrimination and violation of dignity under Article 21. By focusing on autonomy and equality, the Delhi High Court has aligned its reasoning closely with constitutional morality, rejecting patriarchal and marriage-centric interpretations of maintenance law.

The Bombay High Court has generally adopted a balanced approach, combining welfare-oriented reasoning with careful evidentiary scrutiny²⁰²¹. While the Court has distinguished casual or intermittent relationships from stable domestic partnerships, it has also clearly held that proof of marriage is not a prerequisite for claiming maintenance under the Domestic Violence Act. In recognising live-in relationships as domestic relationships capable of generating maintenance

¹⁸ Ajay Bhardwaj v. Jyotsna, 2016 SCC OnLine Del 1234

¹⁹ Payal Sharma v. NARI, 2018 SCC OnLine Del 4521

²⁰ Abhijeet Bhikaseth Auti v. State of Maharashtra, 2008 SCC OnLine Bom 1206

²¹ Reshma Begum v. State of Maharashtra, 2014 SCC OnLine Bom 232

rights, the Court has implicitly accepted that economic interdependence and domestic contribution, rather than legal status, should determine entitlement. This approach reflects a growing judicial recognition of domestic labour as an economic contribution and acknowledges the structural vulnerability of women in non-marital relationships. Bombay's jurisprudence thus reflects an effort to harmonise statutory interpretation with human rights principles without abandoning judicial caution.

The Kerala High Court has demonstrated one of the strongest commitments to constitutional morality and human rights in its treatment of live-in relationships. Its decisions consistently emphasise privacy, choice, and dignity as core constitutional values²²²³. The Court has not only protected live-in couples from honour-based violence and familial coercion but has also recognised economic abuse as a form of domestic violence even where traditional marriage-like features are absent. By focusing on power imbalance, dependency, and vulnerability rather than social legitimacy, Kerala's approach aligns closely with international human rights norms and feminist legal theory. It treats maintenance not as a reward for conformity to marital norms but as a safeguard against exploitation and deprivation.

In contrast, the Madras High Court presents a fragmented jurisprudence, oscillating between rights-based reasoning and moralistic restraint. In some cases²⁴, the Court has adopted a conservative view, expressing concern over the erosion of social values and denying protection to what it characterises as transient relationships. Such reasoning often relies on societal morality rather than constitutional morality and risks undermining women's rights by imposing subjective moral standards. However, in other cases, the same High Court has recognised the need to protect women who have invested years in domestic partnerships, focusing on stability, shared intention, and economic dependence. This internal inconsistency highlights the dangers of excessive judicial discretion in the absence of statutory clarity.

The Punjab and Haryana High Court has generally taken the most restrictive stance on live-in

²² XXX v. State of Kerala, 2020 SCC OnLine Ker 4551

²³ Lalitha v. State of Kerala, 2019 SCC OnLine Ker 270.

²⁴ S. Sundari v. State, 2017 SCC OnLine Mad 12200

relationships, frequently invoking social morality to deny protection. In several instances²⁵²⁶, the Court has refused even basic police protection or legal relief to consenting adult couples on the ground that live-in relationships should not be encouraged. Such reasoning stands in direct conflict with Supreme Court jurisprudence affirming autonomy, privacy, and dignity as fundamental rights. By subordinating constitutional morality to societal norms, these decisions disproportionately harm women, particularly those who face abandonment, violence, or economic deprivation after entering live-in relationships. This approach effectively penalises personal choice and undermines the human rights framework that the Constitution seeks to uphold.

The doctrinal tests developed by courts to assess whether a live-in relationship qualifies for maintenance have also been applied inconsistently. Factors such as duration of cohabitation, shared household, public representation as spouses, financial and emotional interdependence, and good faith are often treated as rigid requirements rather than flexible indicators. When interpreted narrowly, these tests risk excluding women whose relationships were hidden due to social stigma or who lacked documentary proof despite genuine dependency. A human rights– oriented interpretation requires courts to assess these factors in light of vulnerability, reliance, and loss suffered upon abandonment, rather than moral respectability.

Duration of cohabitation, for instance, should not be viewed as a numerical threshold but as evidence of emotional investment and economic reliance. Similarly, the concept of a shared household must be understood as recognition of domestic partnership and unpaid labour, rather than ownership or formal tenancy. Public representation as spouses cannot be decisive in a society where many couples conceal relationships to avoid stigma or violence. Excessive emphasis on public acknowledgment risks punishing women for circumstances beyond their control and undermines the right to privacy recognised under Article 21.

Financial and emotional interdependence remains the most critical indicator from a human rights perspective. Where a woman has organised her life around the relationship, contributed domestic

²⁵ Narinder Pal Kaur v. State of Punjab, 2012 SCC OnLine PCH 25987

²⁶ Kamini Devi v. State of Haryana, 2020 SCC OnLine PCH 1685

labour, foregone employment opportunities, or relied on her partner for financial security, denial of maintenance amounts to economic abuse. Good faith also plays a significant role, particularly where women are deceived or misled into believing in the permanence or legitimacy of the relationship. Constitutional morality demands protection in such cases, as exploitation through deception violates autonomy and dignity.

Additional judicial decisions further illustrate the tension between rights-based protection and moral regulation. While some courts have warned against misuse of maintenance laws, others have acknowledged that women in live-in relationships face real risks of violence, abandonment, and social exclusion. These cases collectively demonstrate that the absence of a clear statutory framework allows personal morality to infiltrate legal reasoning, resulting in unpredictable and often unjust outcomes.

Overall, the High Court jurisprudence reveals that maintenance rights in live-in relationships remain precarious and unevenly protected. Where courts embrace constitutional morality and human rights, women receive meaningful protection against economic and emotional exploitation. Where courts rely on societal morality, protection is denied, reinforcing gender inequality and vulnerability. This inconsistency strengthens the argument for legislative intervention and a uniform, rights-based approach that places dignity, equality, and autonomy at the centre of maintenance law.

The practical realisation of maintenance rights for partners in live-in relationships in India continues to face significant challenges despite the gradual evolution of constitutional jurisprudence recognising autonomy, dignity, and intimate choice. While the Supreme Court has expanded the legal imagination around non-marital partnerships, the lived reality of women in such relationships reveals persistent structural barriers rooted in evidentiary demands, societal stigma, economic vulnerability, and statutory ambiguity. When examined through the lens of constitutional morality and human rights, these barriers amount not merely to procedural shortcomings but to systemic denials of equality, dignity, and protection from economic violence.

One of the most pressing difficulties faced by women seeking maintenance in live-in relationships

is the burden of proof imposed by courts. In the absence of formal documentation such as marriage certificates, women are often required to establish cohabitation through indirect and intrusive forms of evidence, including rental agreements, photographs, bank statements, witness testimonies, or household bills. This expectation fails to acknowledge the social realities under which many live-in relationships operate, particularly in conservative or patriarchal environments where couples intentionally maintain secrecy to avoid familial backlash, social ostracism, or honour-based violence. The insistence on such proof disproportionately disadvantages women and undermines their right to privacy and dignity under Article 21. From a human rights perspective, this evidentiary rigidity violates the principle of substantive equality, as similarly situated women in marital relationships are not subjected to comparable scrutiny. International human rights instruments, particularly CEDAW, require States to account for gendered social conditions while assessing evidence, a mandate that Indian courts have only partially fulfilled.

Closely linked to evidentiary hurdles is the enduring influence of societal morality on judicial decision-making. Despite clear guidance from the Supreme Court that constitutional morality must prevail over social morality, several courts continue to deny maintenance on the basis of perceived immorality of live-in relationships. Women are frequently judged not on the basis of economic dependence or vulnerability but on conformity to traditional norms of marriage and sexual propriety. Such reasoning directly contradicts constitutional jurisprudence laid down in cases such as *S. Khushboo*, *Navtej Singh Johar*, and *Shafin Jahan*, which affirm that adult intimate choices fall within the protected domain of personal liberty. From a human rights standpoint, denying maintenance on moral grounds amounts to discrimination and violates the universal principle that dignity is inherent in all individuals, irrespective of social approval of their life choices.

Economic vulnerability remains the central harm that maintenance law seeks to address, yet it is often insufficiently recognised in live-in relationship disputes. Women in such relationships frequently undertake unpaid domestic labour, sacrifice career opportunities, and become financially dependent on their partners without acquiring any proprietary or legal security. When these relationships dissolve, abandonment can lead to homelessness, loss of livelihood, and social isolation. International human rights law, particularly the International Covenant on Economic, Social and Cultural Rights and CEDAW, recognises the right to an adequate standard of living and

the economic value of unpaid domestic work. Denial of maintenance in such circumstances constitutes economic abuse, a recognised form of domestic violence under global human rights standards as well as the Domestic Violence Act, 2005. Interpreting maintenance narrowly as a marital benefit rather than an economic rights safeguard undermines the constitutional commitment to gender justice.

Another structural obstacle arises from the fragmented nature of India's maintenance regime. Women may seek relief under multiple legal frameworks, including the Bharatiya Nagarik Suraksha Sanhita, the Domestic Violence Act, and personal law statutes, resulting in overlapping jurisdictions, inconsistent standards, and procedural confusion. Although the Supreme Court in *Rajnish v. Neha* attempted to streamline maintenance adjudication through uniform guidelines and mandatory financial disclosures, implementation remains uneven, particularly in live-in cases. From a human rights perspective, procedural uncertainty obstructs access to justice and weakens the effectiveness of legal remedies, thereby diluting the protective purpose of maintenance laws.

The absence of a clear statutory definition of live-in relationships or “relationships in the nature of marriage” constitutes one of the most serious gaps in the legal framework²⁷. This legislative silence leaves courts with wide discretion, enabling subjective interpretations influenced by personal morality rather than constitutional principles. The resulting inconsistency not only produces unequal outcomes but also fosters legal insecurity for women whose rights depend on the ideological inclinations of individual judges. Such unpredictability conflicts with the human rights requirement of legal certainty and equal protection under the law, reinforcing the need for legislative intervention grounded in constitutional morality.

Comparative legal analysis further demonstrates that India's reliance on judicial discretion alone is inadequate to protect the human rights of cohabiting partners. In the United Kingdom, while live-in relationships are not equated with marriage, mechanisms such as cohabitation agreements and enforceable child maintenance systems recognise economic interdependence and responsibility beyond marital status. Canadian provinces go further by recognizing common-law partnerships

²⁷ Law Commission of India, Report on Reforming Family Law, 2018

after a defined period of cohabitation, granting partners rights to maintenance, property division, and inheritance. South Africa, through its constitutional equality jurisprudence, has acknowledged the vulnerability of cohabiting partners and explored legislative reforms to address economic injustice in domestic partnerships. These models illustrate how human rights principles of dignity, equality, and economic justice can be operationalised through statutory frameworks rather than left to judicial improvisation.

The comparative experience underscores the urgent need for legislative reform in India. Maintenance rights for live-in partners must be reframed as a constitutional and human rights obligation rather than an exceptional judicial concession. Legislative clarity is required to define live-in relationships, harmonise maintenance laws, recognise domestic labour as economic contribution, and provide remedies for women who enter such relationships in good faith.

Importantly, abandonment of a financially dependent partner should be explicitly recognised as economic violence, warranting immediate and effective relief. Without such reforms, the promise of constitutional morality and human rights jurisprudence remains only partially realised, leaving many women without meaningful protection.

The evolving jurisprudence on live-in relationships in India reflects a transformative constitutional moment. As the boundaries of intimacy, autonomy, and family expand, the law is challenged to respond in ways that protect the vulnerable and uphold the principles of constitutional morality. Maintenance for live-in partners must therefore be understood not merely as a remedial statutory measure, but as a human-rights entitlement rooted in dignity, equality, autonomy, and non-discrimination.

The judicial journey, traced through landmark cases like *Chanmuniya*, *Velusamy*, *Khushboo*, *Indra Sarma*, and *Rajnish v. Neha*, reflects a clear jurisprudential shift: from prioritising marriage as the exclusive site of legal protection to recognising the lived realities of non-marital partnerships. These cases collectively articulate that intimate relationships between consenting adults are protected under Article 21, that women's economic and emotional investments in such relationships create legitimate expectations of protection, and that the law must not allow men to

exploit women's vulnerability under the guise of "informality" or "absence of marriage."

At the core of this evolution is the principle of constitutional morality, which obligates courts and institutions to act according to the constitutional values of justice, liberty, equality, and dignity — not according to shifting social norms or majoritarian morality. Constitutional morality rejects patriarchal judgments about which relationships are "respectable." Instead, it mandates the protection of individual autonomy, the recognition of diverse family forms, and the elimination of discrimination. In this sense, the recognition of maintenance rights for live-in partners becomes an expression of the Constitution's larger transformative promise.

Equally important is the human-rights dimension. Denial of maintenance after prolonged cohabitation can result in economic abuse, emotional trauma, homelessness, and loss of livelihood — all of which violate core international human rights obligations under the Universal Declaration of Human Rights, ICCPR, CEDAW, and ICESCR. The domestic legal framework, particularly the DV Act's recognition of "economic abuse," gestures toward international standards, but judicial interpretations often lag behind. A rights-based approach demands that maintenance be treated as a necessary safeguard to ensure material dignity and prevent exploitation.

Furthermore, the divergences among High Courts reveal that the absence of statutory clarity continues to produce unequal and inconsistent outcomes. While liberal courts such as Delhi and Kerala embrace constitutional morality and human rights, conservative benches in other jurisdictions often fall back on social morality, imposing personal moral judgments on women's intimate choices. These inconsistencies expose women to arbitrary justice, undermining the constitutional guarantee of equality before the law.

Doctrinal tests such as those formulated in *Velusamy* must therefore be reinterpreted through a gender-sensitive, rights-based approach. Indicators such as public representation, shared household, and duration of cohabitation should not become rigid prerequisites that inadvertently disadvantage women who hide relationships due to stigma or coercion. Instead, courts must focus on vulnerability, dependence, good faith, economic contribution, and power imbalance — the factors most relevant to human-rights protection.

Comparative analyses from the UK, Canada, and South Africa demonstrate viable models for reform. These jurisdictions show that cohabiting partners can be effectively protected through a combination of statutory clarity, equitable remedies, and procedural safeguards rooted in non-discrimination. India can draw from these models to harmonise maintenance laws, recognise domestic labour, and ensure that non-marital partnerships do not leave women economically stranded.

Ultimately, the future of maintenance rights in live-in relationships lies in legislative reform that institutionalises constitutional morality and human-rights principles. A clear statutory definition of live-in relationships, a unified maintenance framework across BNSS and the DV Act, recognition of domestic labour as economic contribution, and protections for partners in good-faith relationships are essential steps. Such reforms would not only reduce judicial inconsistency but would also fulfil India's constitutional commitment to protecting the dignity and agency of all individuals, regardless of their marital status.

In conclusion, maintenance rights for live-in partners are not simply about financial support; they are about affirming the worth of women's labour, protecting the autonomy of intimate life, and ensuring equality within evolving family structures. As societal norms continue to shift, the law must uphold the values of the Constitution by safeguarding individuals from abandonment, exploitation, and economic violence. In doing so, it will ensure that the promise of dignity, equality, and human rights extends to all forms of intimate relationships in contemporary India.