CHAPTER-VI

CONCLUSION AND SUGGESTIONS

Live-in relationships, common-law marriages, de-facto relationship all terms though are used interchangeably among common people and they have different connotations as all are practiced in different cultures and different legal regimes. The study of these relationships makes the one thing clear that all cultures have its own form of non-marital relationship and further these relationships have different legal and social status as well.

The opening chapter of this study leads researcher to find that the concept of live-in relationship is not clear in Indian scenario. The non-marital relationship regimes also exist in other countries and in some of those countries the legal mechanism to regulate such relationships also exists. India is developing and embracing the concept of live-in relationship without clearly defining the ambit of this relationship and without any legal mechanism to deal with it. The increasing litigation in such relationships is a challenge to protect the rights of women and children in such relationships. The absence of legal definition of such relationships and inadequate statutory provisions are the basis of all problems. Further, the concept of live-in relationship promotes the non-marital and pre-marital relations that adversely impact the social fabric of Indian society. Thus, on the basis of review of literature researcher hypothesize that live-in-relationship is a threat to social fabric of India and, present laws are inadequate to deal with the issues of live-in-relationships.¹

The study of history of non-marital relationships and its contemporary forms that existed in various parts of the world suggests that different forms of non-marital relationships exist in different parts of the world. Such relationships originated at different times and in different situations. The existing socio-cultural, religious and legal values of the primitive times were responsible for the origin of various forms of relationships and non-marital relationships were also one of them. Such non-marital relationships had different names and different status depending on the socio-cultural and legal system in which they were practiced. In contemporary world also these relationships have developed according to the socio-cultural values and legal

¹ For more details: see Chapter I of this study.
protection available in different parts of world. Therefore, this concept is in a different stage of its development in different societies of the world. Such non-marital relationships have developed in different legal systems differently. The legal status and legal protection available to such relationships in particular society depends upon the socio-legal and cultural values existing in that nation and society.\(^2\)

Relationship formation in India has changed tremendously, at least in urban areas. Incited by anything from movies and soap opera to lives of Bollywood persons, the younger generation has started leading a very liberal lifestyle. To know their partners, they denounce the marriage and get down to living-together arrangements. Law and society are two faces of the same coin. Law should progress with society. In the absence of any statutory definition of this concept and law to deal with such relationships Indian judiciary tried to define the concept firstly as a walk-in and walk-out relationship where neither any strings are attached, nor does it creates any legal bond between the parties that is renewed every day by the parties and can be terminated by either of the parties without the consent of the other party and one party can walk out at his/her own will at any time. With the increasing litigation by vulnerable women in live-in relationships Indian judiciary tried to iron out certain ambiguous situation by protecting women in ‘relationship in nature of marriage’. The concept of live-in relationship in India is still undefined and ambiguous. Further, this ambiguity increases the impacts of non-marital and pre-marital relationships on Indian culture and values. Such relationships have impacts on the institution of marriage and family. The non-marital relationship of parents also impacts the status of children and their rights. These relationships increase the vulnerability of the women and child caught in difficult circumstances.\(^3\)

Though initially the judiciary had termed live-in relationship a relationship with no strings attached however in later decisions Indian judiciary seems to protect the vulnerable sections of the society and extending various existing laws to protect women and child in live-in relationships. Protecting live-in relationship as a right to life, granting maintenance to women in such relationship under Protection of Women from Domestic Violence Act, 2005, and Section 125 of the Code of Criminal Procedure, 1973, protecting women in such relationship from domestic violence and

\(^2\) For more details: see Chapter II of this study.
\(^3\) For more details: see Chapter III of this study.
harassment for dowry, extending the right to household, rights under Medical Termination of Pregnancy Act, 1971, protection from sexual offences from live-in partner, and rights of children from live-in relationships leads researcher to find that such relationship is not a relationship with no strings attached rather it is a relationship to which various unforeseeable strings or responsibilities are attached.\(^4\)

The comparative study of France, Philippines, Scotland and India i.e. the progress of concept of non-marital relationships in their respective socio-cultural values and norms, the availability of legal procedure to registration of non-marital relationships, availability of various right to non-marital couples such as right to maintenance, protection from domestic violence and dowry harassment, right to property or succession, right to custody of child, right to parental rights and responsibilities and rights of child born to such couples, and availability of procedure to terminate such relationship leaves researcher with various appreciable methods existing in France, Philippines and Scotland to deal with non-marital couples and their children and the rights of both. Many of such methods may also be adapted in India to deal with live-in couples and their children with appropriate changes.\(^5\)

The first objective of research i.e. examining the legality of live-in-relationship and legal status of live-in partners and their children, the rights and liabilities of live in partners and the response of judiciary upon live-in-relationships in India has been achieved mutually under Chapter III and Chapter IV of this study. Further, the second objective i.e. to examine and compare the status of live in relationship in France, Philippines, Scotland and India has been achieved under Chapter V of this work. Under the present Chapter, as the title suggests, ‘conclusion and suggestions’ researcher have concluded the research work through testing the hypotheses framed in the research synopsis i.e. ‘live-in-relationship is a threat to social fabric of India’, and ‘present laws are inadequate to deal with the issues of live-in-relationships’ on the basis of discussions made in the previous chapters of this research work. Researcher have firstly tested the hypotheses, then have highlighted the status of non-marital relationships in contemporary world through a discussion of it’s being a substitute or alternative of marriage and finally have concluded the study with some suggestions.

\(^4\) For more details: see Chapter IV of this study.
\(^5\) For more details: see Chapter V of this study.
The first hypothesis set out for this research work was ‘live-in-relationship is a threat to social fabric of India’. Contemporary sexual and associational lifestyles have changed so much that the state cannot continue to govern personal matters of individuals as they were dealt earlier in history, like marriage was dealt as an institution for the role-divide and procreation. Though marriage may not yet be history; however, it has become one lifestyle choice among many. To understand the impact of such relationships on society we were required to know and understand what has the competition from new lifestyles done to heterosexual marriage, has it forced the downgrading of marriage, has it changed the family formation patterns, have it changed the role of the elderly people in the society, have it changed the pattern of child caring, have it changed the objective of the family formation, have it become an alternative to institution of marriage and have it changed the gendered roles of the man and woman in a relationship. Though judicial decisions are taking into account the aspects of new lifestyle variations, however, the questions arising in such relationships are required to be identified and solved but preferably not by single issue-oriented court decisions. The discussion on the impacts of live-in relationships in India makes it clear that live-in relationship is just such an alternative arrangement which is gathering momentum and acceptance today, however, weaker social approval accompanied by fewer social benefits distinguishes cohabitating-couple unions from marital unions. Non-marital cohabitation is challenging the cognition of marriage and the relationship of husband and wife that enjoys high level of sanctity when it comes to India. It also leads to promote adultery. It has significant impacts on marriage. Those who live together before marriage often lay a foundation of distrust and lack of respect. Those living together have superficial and significantly weaker relationships. It is much proved fact that love marriages are much more fragile than arranged marriages, which itself counters the argument that premarital relationship helps in finding compatible partners. Further, with modern day popular notions like live-in relationships, individual family, one man/ one-woman family, etc. gaining ground, joint family seems to be lost in these diverse groups of families. In country like India where the level of social acceptance of non-marital cohabitation is low and the value placed on marriage is high, choosing to cohabit may lead to a reduction in the amount of emotional and material support received from the family. Non-marital

For more details see chapter III of this Study.
cohabitation reduces the satisfaction derived from the parental relationship. A couple in a live-in-relationship is especially vulnerable as the partners are under pressure to make the relationship work and also cope with an unsympathetic society and parental disapproval. Cohabitation seems to be a source of instability in the lives of some children and this is especially true if a child’s mother or father moves in and out of several cohabiting relationships while the child is living in the parental home.

The group of senior citizens under the banner of 'Jyeshtha Nagrik Live-In Relationship Mandal' Nagpur, led by a former banker Arvind Godbole has formed an organisation for helping those seeking a partner at the far end of their lives and Vina Mulya Amulya Seva (VMAS) Ahemedabad, the charitable trust which had organised 'Senior Citizen Live-in Relationship Samellan', clearly leads researcher to have an impression of the impacts of live-in relationships on the old-age people also. A few decades ago, non-marital relationships were almost ridiculed in Indian society. Though many people indulged in it, however, it was without public knowledge. Such people definitely had been scared of being exposed to a lot of ridicule and condemnation, if such incidents became public. Men or women with questionable reputation has far and fewer chances of finding a suitable marriage partner. Their families also suffer because of such behavior. However, the situation has changed in the last decades or so mainly due to the increasing influence of urbanization and cultural influences from the West. It is evident from the study of impacts of non-marital relationships in India that these relationships have the potential of impacting the social fabric of a society severely. The intrusion of western culture into the Indian fabric is inevitable which undoubtedly has modernized the way how the young generation thinks. They think rationally and differently as compared to the previous generations. The concept of analyzing the level of compatibility before a couple formally ties the knot and gets into a socially more acceptable bond is practical in today’s times when the rate of divorces and broken marriages is at an all-time high. Thus, live-in relationships have started to attract the youth especially who are exposed to western culture. Though marriage is still the only acceptable institution of family formation by majority, we should not ignore what we have discussed about France where non-marital relationships were not in trend about three to four decades ago.

---

7 For more details see chapter III of this Study.
8 For more details see chapter III of this Study.
9 For more details see chapter III of this Study.
With the globalized society it is imperative for Indian youth to follow the trends of developed nations and so it can be concluded that these relationships are a threat to social fabric of India. However the judiciary has checked the no-responsibility relationships through extending the protection to vulnerable women in such relationships but Indian society must remain ready to deal with the increase of such relationships which if not adequately dealt with may impact Indian social fabric adversely. Thus the hypothesis that ‘live-in relationship is a threat to Indian society’ is proved.

A second hypothesis of our research work was that ‘the present Indian laws are inadequate to deal with emerging issues of live-in relationships’. The increase in the live-in relationships is definitely going to increase the issues relating to live-in couples. We have elaborately discussed earlier about the issues relating to live-in couples that are coming out in open. The matters relating to maintenance of women under live-in relationships, matters relating to property of couple in live-in relation, matters relating to dowry, domestic violence, sexual abuse and violence, matters relating to maintenance of child born to couple in live-in relationship, succession rights of such children, issues relating to legitimacy, custody rights and right to surrender such child in adoption and such other issues that arise because of live-in relations have not been adequately dealt with under the existing laws in India. In many of these issues judiciary has tried to protect the vulnerable women and child through extension of pre-existing laws relating to protection of women and child such as Protection of Women from Domestic Violence Act, 2005, Section 125 of Code of Criminal Procedure, Sections 498A and 304B of Indian Penal Code, Hindu Adoptions and Maintenance Act. However in the absence of any specific provision and statute in relation to such couples the law relating to rights and duties of such couples remains unclear. Further, live-in relationship has not been defined by any statute nor has it been included in any of the beneficial legislations in India that makes the position more unclear i.e. whether such legislations are open to couples in live-in relationship. Though the courts in various cases has extended the protection of various provisions and statutes to vulnerable women in live-in relationships, however, the actual applicability of such provisions could not be ascertain unless and until the facts of the case comes for judicial consideration.
Thus it is clear from the judicial scenario already discussed that though courts have extended the beneficial interpretation for the protection of vulnerable women in live-in relationships but the plain reading of these statutes does not provide any express provision which can be said in direct relation to such relationships except the restrictive protection under Protection of Women from Domestic Violence Act, 2005 i.e. the relationship in nature of marriage. Finding the law not effectively protecting the interests of couples under live-in relationships leads us to verification of second hypothesis.

After testing the hypotheses, researcher will try to inculcate the social status of non-marital relationships by discussing whether these relationships have become a substitute to marriage or are a step towards marriage. Before we lead to make any suggestions it is very important to have a clear vision of the non-marital relationships being a step towards or a substitute to marriage.

Whatsoever may have been the reasons for the rapid increase in the rate of cohabitation, the attitudes towards non-marital cohabitation can be divided in two possibilities: cohabitation as precursor to marriage and cohabitation as a substitute to marriage.

According to the first viewpoint, cohabitation is a step towards marriage or testing ground for marriage or alternative to marriage, similar to dating and engagement. Many cohabiters, in fact, seem to think about cohabitation in this way; for example, most plans to marry, and most cite being sure of compatibility before marriage as the main reason to live together.\(^{10}\) To explain why couples choose to cohabit in the first place there are two explanations; firstly, that dating individuals who lived apart desired greater physical closeness and saw cohabitation as convenient. However, it shall also be noted that by fulfilling their wish for physical proximity, cohabiting couples develop higher levels of insecurity, depression, and anxiety while cohabiting. Secondly, the more interesting one, men are more likely to engage in cohabitation than are women. With men being the more likely initiators of cohabitation, women might be passively complying in the hopes that cohabitation will carry over into later marriage.\(^{11}\)

\(^{10}\) For more details see chapter III of this Study.

\(^{11}\) For more details see chapter III of this Study.
The preference of children by cohabiting unions suggests that it may be a marriage like relationship for many. In many ways, the unmarried cohabiting families with children are similar to married families with children e.g. two parents are present in the household to share parenting, household chores, and resource management. However, there are differences in many other ways too. Generally the cohabiting families unstable as compared to married families. The parenting patterns of married parents differ to a great extent as compared to cohabiting parents, further, differences also lies in matters of household consumption and ways of resource sharing. It is likely that such differences between cohabiting and married families are due to fundamental characteristics of the unions themselves. Particularly, because non-marital relationships develop informally, there are fewer or sometimes no legal entanglements and social embarrassment to ending them. Considering cohabitation as an alternative to marriage does not pressingly means a rejection of marriage. Many women aspirants of marriage face barriers that stand in the way of getting married; the most important barrier among these is the declined earnings of men and financial instability to keep marriage responsibilities. Many individuals who enter cohabitation report that they see it as a precursor to marriage, whereas it has been found that cohabiting couples often are deciding between remaining single or cohabiting, not between cohabiting and marrying.\(^\text{12}\)

The second viewpoint, the substitute to marriage perspective, regards cohabitation as assuming some of the roles and functions of marriage. It sees cohabitation not as a prelude to marriage, but as an ‘end in itself’. In support of this view we can point out that many cohabiting relations do not result in marriage. This view also theorizes that young adults view cohabitation not as a precursor to marriage but as an alternative to singlehood. This view argues that cohabitants start to cohabit not as a step toward marriage with an intimate partner but to create a free relationship entity that has no promise of future commitment. Within this view, cohabitation becomes a transition toward committed romantic involvement and not as an explicit relationship stage toward marriage.

Cohabitation actually affects the relational outcomes, whether considered as separated or connected with marital plans. Those cohabiters who live-in together to test the relationship without clear marital plans tended to experience a variety of

\(^{12}\) For more details see chapter III of this Study.
negative outcomes. Those cohabiters who entered cohabiting unions to spend more time together tended to not experience the same level of negative outcomes compared with other cohabiting couples. This also suggests that cohabitants perceive pre-marital cohabitation in different ways. While some view cohabitation as a needed step toward marriage, others view cohabitation as a normal step in a committed relationship, irrespective of their actual future marital plans.13

Thus, non-marital relationships may be used by individuals as a step towards marriage formation or as a specific relationship itself. Young adults have increasingly viewed cohabitation prior to marriage as an acceptable lifestyle, and some evidence suggests that positive attitudes toward cohabitation are related to an increased likelihood of eventually forming a cohabiting relationship. Young adults who were less committed to marriage are more likely to transition into cohabitation than young adults with more favorable attitudes about marriage.

Thus, finally it can be perceived from this study that various backgrounds and demographic factors influence the decision to enter a live-in relationship. Like any type of relationship, individual, couple, family, and cultural contexts influence the outcomes and trajectory of any particular couple formation such as non-marital couple. The income levels also extremely influence beliefs about living together unmarried as the process. The meaning of such non-marital relationships may be very different to populations that are economically stronger as compared to individuals and couples from disadvantaged economic background. Further, there are many other reasons that lead individuals to decide to cohabit without marriage; previous romantic relationships may have a particularly important association with how individuals move toward future relational transitions. Exposure to committed relationships encourages people to focus on values that promote long-term relationship formations and consider more committed couple formation patterns, such as marriage. Dating and sexual experience are likely linked to non-marital relationship attitudes in several ways. First, sexual activity is often a marker of serious, committed relationships. As young adults engage in sexual activity during late adolescence, they may be more likely to consider more committed relationships earlier than their peers. Adolescents

13 For more details see chapter III of this Study.
who had engaged in sexual intercourse and who had dated in the past were more likely to expect to cohabit in the future.\textsuperscript{14}

In countries we discussed there remain legal differences between marriage and non-marital relationships. Traditionally, married couples have been protected by law in economic meaning. If a marriage is dissolved through divorce there are rules for division of property and sometimes also rules for one of the ex-spouses to support the other spouse. In case of death there have been rules for division of property. For non-marital cohabiting couples no rules existed forty years ago. Subsequently few countries started to introduce special rules for such couples in order to protect the weaker partner. During every day of living together there are almost no differences between married and non-marital cohabiting couples and oftentimes people are not even interested in whether the two are married or just living as a couple.\textsuperscript{15} In fact non-marital cohabitation has always existed but as a social institution of couples wanted to marry but could not afford it. We can simplify it by taking the example of Western world where until the middle of the 1960s marriage was the preferred mode of living together for those who wanted to be together officially and as social institutions. No one predicted that non-marital cohabitation would come during the next decade and also that it would become a social institution all over the Western world.\textsuperscript{16} The decrease of marriage rates were followed with a corresponding increase in the number of couples cohabiting. However, the fear that couple formation is disappearing is not followed reality. One could claim that what happened was only that the ritual or ceremony happened to disappear more or less. That couples were living together just as before but that social order in one small respect had changed. I would argue that more than that happened on the societal level. For those cohabiting there was not much of a difference. In many parts of the Western world we have seen the same tendencies i.e. decrease in marriage rates and increase in rates of non-marital cohabitation. In some countries the changes were slow and in others rapid. In our sociological term we can say that non-marital cohabitation became a social institution alongside marriage in Western world. Non-marital cohabitation is a phenomenon more or less parallel to marriage and not a substitute. Further, non-marital cohabitation is not a pre-stage to marriage. It is a phenomenon by itself and some of

\textsuperscript{14} For more details see chapter III of this Study.
\textsuperscript{15} For more details see chapter V of this Study.
\textsuperscript{16} For more details see chapter III of this Study.
the couples marry after some time of living together, other such relations are dissolved either by death of one of them or by a separation, as is the case for married couples.\textsuperscript{17}

In simple words, we have moved ahead from marriage to be the only structure for long term commitment. Non-marital live-in together is new phenomena and social institution in many countries, and noteworthy is also that non-marital live-in together and marriage are now parallel social institutions. The change has been that this normative structure disappeared. Couples move in together without a ceremony, they have sex together or have it even long before living together, the diminishing norm of a marriage ceremony in connection to domesticity and no social demands for a child to a year after the start of the living together are the activities upon which one could argue that the normative change has come at the same time as non-marital live-in relations came and the old norms to marry, to have sex only after marriage are eventually disappearing, not completely but to a higher degree.

Non-marital live-in relations and commitment are two related factors that can affect marriage independently. Non-marital live-in relationships without commitment set the ground for an unstable marriage. The practice of non-marital live-in together initially arose as a precursor to marriage; however, something changed that shifted this relationship from being a precursor to marriage to becoming its own type of a relationship. There are several factors that help to explain why couples choose live-in over marriage. These include the belief that marriage is an ultimate commitment that can only happen once, the difficulties couples might face exiting a marriage later on, and couples’ past negative experiences with divorce.\textsuperscript{18}

Thus, in the present scenario it becomes imperative to decide whether to treat live-in relationships as marriage like relationships or as a different stream of relationships. The perception of non-marital relationship affects the interpretation of developments in marriage. For instance, where non-marital relationships are viewed as a temporary phase before marriage, such relationships are interpreted as a cause of the postponement of marriage. Live-in together unmarried shall be viewed as an alternative way of living. By this the revolutionary meaning of such relationships will be diminished rapidly. Instead of being a substitute to marriage, cohabitation will

\textsuperscript{17} For more details see chapter III of this Study.
\textsuperscript{18} For more details see chapter III of this Study.
become a platform to test one's relationship prior to marriage. Because normative pressure to marry soon after cohabiting together diminished, such relations develop into a gradual way to move into a union. On the other side if such live-in relationships will be treated as different stream of relationships, it is quite obvious that they will emerge as a substitute to marriage.

As earlier pointed out that non-marital relationship is generally viewed either as a substitute to marriage without the usual legal sanctions; or as the last stage in the process towards marriage i.e. a type of alternative engagement. Both these views emphasize similarities with marriage and differences from singlehood. The literature is replete with references to non-marital relations as an alternative to or a substitute for formal or legal marriage. The arrival of a child or the desire to have a child marks the crucial difference between unmarried couples and married couples. Traditionally, the institution of marriage governed the sexual intercourse. Though the exceptions existed but the general expectation was that married individuals had intercourse with their partners only and unmarried individuals did not engage in intercourse. However, the twentieth century has witnessed substantial change in the extent to which unmarried individuals have sexual relations.

Since cohabitation is now a common experience, its theoretical conceptualization influences the expectations that social demographers, family sociologists, and policymakers have about the effects of rising cohabitation levels. For instance, consider the laws pertaining to cohabitation. If cohabitation is viewed as a form of marriage, attention must be paid to such issues as partner support, inheritance rights, and social security benefits. Alternatively, if it is viewed as a form of being single, such concerns are irrelevant. The evolving definition of non-marital live-in together relationships probably differs from country to country. When likened to being single rather than to being married, relationship does not assume a commitment to permanency at the beginning. The necessity of a long-term commitment does not exist, although there may be an understanding that this is a distinct possibility. If the ideology of individualism is the spiritual father of the rise in non-marital relationships, then we should not be surprised that such unions are of relatively short duration, that they are often terminated by separation rather than marriage, and that when they do end in marriage the resulting union is relatively more fragile.
The rapid increase in non-marital relationships among couples is crucial to our understanding of changing marriage patterns. There is no single answer to whether such relationship is a step towards marriage or an early stage of marriage. Just as cohabitation have multiple meanings for the couples involved, the cohabitation revolution is likely to have had multiple causes. However, it seems that unmarried couples simply does not have a true category in the structures of our Indian society and until it takes its own concrete place this ambiguity will continue to baffle the couples deciding to cohabit and possibly negatively affect their overall quality of the relationship. The lack of categorization contributes to cohabitation being a part of the limbo relationships, where it must either lead to something like marriage eventually or not exist at all. The change in a couples’ status from dating to live-in and the time and resources that the couple begins to share can become significant factors that negatively affect the relationship overall.

In India the couples who enter in non-marital relationship have not any specific provision in any of the statutes which leads us to suggest few amendments in the existing statutes in India so that these non-marital couples could be statutorily benefitted.

**Suggestions:**

1) Most of the problems relating to live-in relationship arise because of the no statutory definition of the term live-in relationship. Unless and until the concept is not been defined people will remain in confusion of what actually the concept is and will lead to include the extra-marital and adulterous relationships under the term live-in relationship. The vulnerable position of woman has lead courts to protect woman caught in such relationships by circumstance that sometimes are been presented by media to society as protection of live-in relationship. Such uncertainty of concept of live-in relationship leads to recognize the relationship of married man and an unmarried girl a live-in
relationship. Thus it is necessary that the concept should be defined so as to distinguish live-in relationship from extra-marital and adulterous relationships. For the purpose of clarity among the common people researcher suggests that the concept may be defined as an intimate relationship of unmarried man and unmarried woman who reside together in a shared household.

2) Further, five specific eligibility criteria for the establishment of a non-marital relationship may be adopted or selected to determine the legality of a live-in relationship, namely: exclusivity, sex, age, prohibited degrees of relationship and, competency to consent. The principle of exclusivity consists of two discrete facets. Firstly, the relationship must only consist of two persons, and secondly the parties are not able to possess a status in combination with another status of the same type. Polygamous non-marital relationships will thus be prohibited. The French model of exclusive relationship may be adopted in India. It provides that the existence of a non-marital relationship and marriage form a prohibition to enter into other non-marital relationship. However, if a non-marital relationship has already been registered it will be automatically and immediately terminated upon the celebration of a marriage. As a result, both institutions remain independent of each other. The fact that the parties cannot be involved simultaneously in a non-marital registered relationship and marriage signifies that these two institutions are independent and kept exclusive of each other. The lack of convincing arguments to treat marriage and non-marital registered relationships differently is the best argument to treat them equally. Thus the requirements relating to sex of the partners, legal age to enter in
intimate relationships, competency to give valid consent and prohibited degree relationship may also be extended for the requirement of validity of live-in relationships.

3) In India we can adopt the model of registration of non-marital live-in relationships as provided in France. The procedure of registration may be provided through a special legislative enactment. Such legislation may also provide for the requirements of registration, place of registration. Researcher suggests that in such legislation the place of registration shall be the place fixed for common residence by such couple. Regarding the other conditions researcher suggests that prohibited degree relationships for marriage shall be included under prohibited relations to form live-in relationship like Hindu Marriage Act, 1955. Further, the registration may also be kept open to couples if one of the partners is Indian citizen. Through registration live-in couples shall be allowed to conclude their rights and duties. Mutual termination of live-in relationships may also be allowed under such legislations.

4) Researcher suggests that to protect the interests of the unmarried partners the provisions of The Philippine Civil Code may be copied in India i.e. the property acquired by both (man and woman) capacitated to marry each other, through their work or industry shall be governed by the rules of co-ownership and their wages and salaries shall be owned by them in equal shares, unless proved otherwise. Further, when a man and a woman who are not capacitated to marry each other under law lives together as husband and wife the rule of co-ownership shall not apply to properties acquired by them and the properties acquired by both
through their joint contribution of money, property or industry shall only be owned by them in common in proportion to their respective contribution, unless proved otherwise.

5) Scottish law relating to intestate succession governing non-married couples may be copied in India. If a partner dies without leaving a Will, their estate shall be distributed according to the rules of intestacy. Surviving partner shall not automatically inherit unless, as a couple, they owned property jointly. Surviving partner shall be allowed to apply to court for a share in deceased partner’s estate.

6) Right of child born out of an unmarried relationship to inheritance may be amended by taking inference from Scottish law i.e. even if there is no will, a child of unmarried and married parents can inherit from both parents and the families of both parents like a child born within marriage can inherit automatically from both parents and the extended family of both parents. And researcher further suggests that French law i.e. the estate may be divided into equal shares among child born from such relationship and their legitimate siblings specifically and protecting child from being disenfranchised from parent’s estate by restricting parent freely disposing of any part of la réserve, which must be held for children shall be incorporated in Indian law.

7) Section 125 of Code of Criminal Procedure may be amended. Section 125 of Code of Criminal Procedure specifically uses term ‘wife’ and courts through judicial
activism to protect vulnerable women have in many cases extended the protection of this provision. It is of utmost importance here to state that it is not the rights of second wife but the position of vulnerable women which has lead courts to protect such women. In many cases courts have shown its helplessness to protect women under this provision which make it necessary to amend Section 125 so that all sections of vulnerable women could be protected. This can be done by amending term ‘wife’, explained by Explanation (b) to Section 125(1), as to include ‘woman in long-term relationship that is presumed a marriage’ and ‘unmarried woman living-in with a married man on the pretext of man being unmarried, widower or divorcee’.

8) Domestic relationship as defined by Section 29(f) of the Act includes also a relationship in nature of marriage the term that has been extended to protect unmarried couples. However with the interpretation of this term court has left out of the protection of Act the relationships which are not in nature of marriage. For a relationship to be in nature of marriage it has to be long-term and appearance of the couple in society as husband and wife. As it is not necessary that all live-in couples present themselves to society as married and not all the live-in relations may be of such a long-term that can be termed as a relationship in nature of marriage, many women in live-in relationships has been left-out of the protection of the Act. To overcome this lacuna and extend the protection of Act to these women researcher suggests to amending Section 2(f) of the Act by inserting words Unmarried Domestic Partnership along with term relationship in nature of marriage. Researcher further asserts that Act must be extended to all women whether they are in domestic relationship or any other
9) Statutory extension of protection of Section 304B of Indian Penal Code to women in non-marital relationships may be made. To extend protection statutorily to women in non-marital relationships it is necessary to make appropriate amendment in the Section 304B of Indian Penal Code. As the court had felt limitations in the absence of definition of term husband for the purpose of Section 304B of IPC researcher suggests that for attaining the object of this provision i.e. protection of women, the protection can be extended to all women either by inserting words live-in partner or Unmarried Domestic Partner along with word husband in Section 304B of IPC or by inserting an explanation to the term husband i.e. defining husband for this Section including non-marital partner as well.

10) Section 375 of Indian Penal Code may be specifically amended to include live-in partners. An explanation to Exception 2 of Section 375 IPC may be added to the effect that term wife included under this exception does not include female under live-in relationship. There is large number of cases of rape allegations under such relationships on the termination of relationship. This amendment may give clarity to the younger generation about the consequences of their actions.

11) Section 498A of Indian Penal Code may be amended. The courts had observed that protection of Section 498A of Indian Penal Code shall also be available to women and in the absence of marriage the cohabitant cannot escape from the penal consequences of his acts. Following the observation of the court researcher
suggests that either words live-in partner or Unmarried Domestic Partner may be inserted after word husband in Section 498A Indian Penal Code, or, an explanation to term husband that husband for the purposes of this Section include live-in partner of Unmarried Domestic Partner, may be inserted.

12) Section 21 of the Hindu Adoptions and Maintenance Act, 1956, may be amended. Section 21 of The Hindu Adoptions and Maintenance Act, 1956, defines the dependants of a deceased Hindu. Researcher suggests that term live-in partner or Unmarried Domestic Partner may be inserted as one of the category of dependants of a deceased Hindu. Such a person may be eligible for maintenance until remains unmarried.

13) Section 16 in The Hindu Marriage Act, 1955, relating to legitimacy of children of void and voidable marriages may be amended. For the protection of rights of children and confer legitimacy on the children it is necessary to extend Section 16 of Hindu marriage Act to children born out of non-married parents. The purpose of the Section i.e. to confer legitimacy on ‘children with no fault of their own’ could not be fulfilled leaving out the children born out of such relations. Courts have extended the protection of Section 16 of Hindu Marriage Act to child born out of long-term relationships of married man with unmarried woman. Researcher suggests that Section 16 may be amended to include child born out of non-marital relations or unmarried domestic partnership.

14) Law relating to custody and adoption of child may be amended. The Law relating to custody of child of
unmarried couple should be statutorily equaled with that of married couples. At present as there is no specific legal provision with regard to child of unmarried couple, the custody issues on separation of couple seems to be dealt as child of single mother. Researcher suggests that personal laws should be amended to that effect. Further, the child can be given in adoption by unmarried mother solely. Here researcher wants to suggest that the father of that child should also be involved in the surrender process and mother alone should not be allowed to give a child in adoption if father of child is desired to take the custody of child, keeping in view the best interest of child.

15) Finally, researcher wants to suggest that media should not liberally use the term live-in relationship for extra-marital relationships. Researcher have observed that print media generally misguided the people by presenting extra-marital relationship as live-in relationship and discussed about the protection of vulnerable women in such circumstances. This is creating a wrong interpretation of the concept of live-in relationship among people.