

INHERITANCE AND LIVE-IN RELATIONSHIPS: SHOULD PARTNERS IN LIVE-IN RELATIONSHIPS GET SUCCESSION RIGHTS?

Hrishika Kumari Lal¹

ABSTRACT

Over the centuries, the meaning of the word “relationship” has evolved to reflect changing social realities. In Indian society, marriage has traditionally been regarded as the foundation of the relationship between a woman and a man, and live-in relationships have long been considered immoral. However, an increasing number of people now choose cohabitation over marriage, influenced by changing lifestyles, education, urbanization, and a growing emphasis on personal freedom. Despite this social transition, live-in relationships in India have faced criticism and socio-legal challenges for more than a decade, and many people still regard them as socially unacceptable, even though the Supreme Court held in its landmark 2010 judgment that living together falls within the right to life and personal liberty under Article 21 of the Constitution. No specific law grants live-in partners inheritance rights, which raises serious concerns regarding dignity, equality, and social justice. This paper highlights the importance of enacting laws, guidelines, or regulations to address this gap. It explains the concept of live-in relationships and their legal status in India, and it examines whether a surviving live-in partner should have inheritance and succession rights comparable to those of a legally married spouse.

KEYWORDS: Live-in relationship, Inheritance, Succession rights, Live-in couple

¹ Birla Global University

INTRODUCTION

Live-in relationships are arrangements in which two people, whether a woman and a man or persons of any other gender, live together as a married couple would without actually getting married. Such arrangements are not readily accepted in Indian society, where traditional norms, values, and ethics conflict with what many regard as a foreign concept. In India, marriage is the foundation of family life, legitimacy, and inheritance. However, as society changes, more individuals have adopted these relationships because they appear easier and less complicated: partners share a home, get to know each other, and manage daily life without any legal burden, and the arrangement works as a trial of compatibility for people who are busy with work and competing with others. With modernization and evolving individual choices, cohabitation without marriage has moved from being a taboo to a subject of legal and social debate, and there are now demands for legal rights for such couples in every sphere, including succession and inheritance.

In India, inheritance is governed by personal laws: for Hindus, the Hindu Succession Act, 1956;² for Christians, the Indian Succession Act, 1925;³ and for Muslims, the Muslim Personal Law (Shariat) Application Act, 1937.⁴ These laws deal with personal matters such as marriage, divorce, and inheritance, and a couple in a live-in relationship is excluded from the rights that other couples enjoy by virtue of their legally wedded status. This raises a central question: what legal rights does a live-in partner have, and what happens to property, money, and other assets when one partner dies? Inheritance concerns who receives what a person leaves behind. Where there is a marriage, the position is simple: the surviving spouse receives a share. In a live-in

²Hindu Succession Act, 1956, No. 30, Acts of Parliament, 1956 (India).

³Indian Succession Act, 1925, No. 39, Acts of Parliament, 1925 (India).

relationship, the position is far less clear, because succession laws do not recognize such relationships. This affects the surviving partner's property rights and social security and, most crucially, the dignity of the partners and of the children born from such unions.

The following example shows why this matters. Suppose a couple has lived together for ten years, bought a house together, saved money, and built a life together, and one partner dies without a will. Under current Indian law, the surviving partner would have no claim to the estate because the couple were not "legally married." This leaves the survivor in a precarious position, especially a woman who may have no income of her own. Statutes such as the Hindu Succession Act, 1956⁵ speak of legal heirs, such as the wife, children, and parents, and live-in partners do not automatically fit within those categories.

The concept of live-in relationships originates in Western countries, and India's religions, including Hinduism, Islam, and Christianity, are governed by their own marriage rules, none of which recognizes live-in relationships. Even so, the Indian judiciary has made considerable progress. Its interpretation of constitutional rights has opened the door to the legal recognition of live-in relationships, because everyone has the right to life and personal liberty under Article 21 of the Constitution,⁶ which includes the freedom to choose how to live and with whom. In *S. Khushboo v. Kanniammal* (2010),⁷ The Supreme Court held that no law in India prohibits live-in relationships. Inheritance, however, is a personal and complex matter. Each religion has its own personal law, and where those laws do not accept the very concept of live-in relationships, including a live-in partner among the heirs becomes considerably more complicated.

⁵Hindu Succession Act, 1956, No. 30, Acts of Parliament, 1956 (India).

⁶INDIA CONST. art. 21.

⁷*S. Khushboo v. Kanniammal*, (2010) 5 SCC 600.

This issue has become pressing because the number of live-in couples is increasing. In metropolitan cities such as Mumbai, Delhi, and Bangalore, people choose live-in relationships for reasons such as fear of divorce, career focus, testing compatibility, or avoiding marital formalities. Without any legal protection, a partner who survives the other's death intestate (without a will) may be legally "invisible," with no claim over property, financial assets, or even shared possessions. Changing times call for modern solutions. This gap in the law raises many legal and moral questions that must be resolved. The debate on live-in relationships and inheritance concerns not only property but also recognition, justice, equality, and dignity. It challenges the Indian legal system to balance the traditional family structure with the equality and dignity of non-marital partners. The absence of inheritance rights contradicts the constitutional promise of dignity and equality, particularly for women who may devote years to a relationship that receives no legal recognition.

METHODOLOGY

This paper adopts a doctrinal and comparative research methodology. The doctrinal component analyzes primary legal sources, namely the Constitution of India (particularly Articles 21 and 44), the Hindu Succession Act, 1956, the Hindu Marriage Act, 1955, the Muslim Personal Law (Shariat) Application Act, 1937, the Indian Succession Act, 1925, the Special Marriage Act, 1954, and the Protection of Women from Domestic Violence Act, 2005, together with judicial decisions such as *S. Khushboo v. Kanniammal*, *Tulsa v. Durghatiya*, and *Indra Sarma v. V.K.V. Sarma*, in order to determine the present legal position of live-in partners in matters of inheritance and succession. The comparative component examines how the United Kingdom, France, Canada, the United States, and Australia treat cohabiting partners in matters of

succession, in order to identify approaches that India could adapt. The findings of both components are then used to evaluate the existing gap in Indian law and to propose reforms.

SUCCESSION UNDER EXISTING FAMILY LAWS

In India, the concept of cohabitation has gained increasing attention over time, and many individuals now choose to cohabit without the responsibilities of marriage. Inheritance and succession, however, raise a different and more difficult question, because they concern not merely the distribution of property but also recognition, legitimacy, and, above all, the continuity of family relations. Indian personal laws are largely built around traditional marriage and family structures. As existing family laws do not fully recognize live-in relationships, the idea of adding live-in partners as heirs is unclear, since succession rights in India depend heavily on the existence of a legally valid marriage. To consider how live-in partners could be included in the personal laws, it is necessary to understand the existing family laws, such as the Hindu Succession Act and Muslim personal law, which define marriage, legitimacy, and the right to inherit property.

1. HINDU PERSONAL LAW

Hindu personal law in India is governed by the Hindu Succession Act, 1956 (HSA),⁸ which is read with the Hindu Marriage Act, 1955,⁹ to determine the family structure. The concept of “spouse” plays the central role in deciding where a live-in partner stands, since only a legally married partner may claim to be an heir. The HSA is the principal statute on inheritance and succession among Hindus. Section 8 of the HSA¹⁰ provides that when a Hindu male dies

⁸Hindu Succession Act, 1956, No. 30, Acts of Parliament, 1956 (India).

⁹Hindu Marriage Act, 1955, No. 25, Acts of Parliament, 1955 (India).

¹⁰Hindu Succession Act, 1956, § 8, No. 30, Acts of Parliament, 1956 (India).

intestate, his property devolves on his Class I heirs, who include his widow, children, and mother. Sections 15¹¹ and 16¹² provide that when a Hindu female dies intestate, her property devolves on her husband and children. The words “widow” and “husband” clearly mean a legally wedded wife and husband. A live-in partner, even after cohabitation, therefore cannot claim inheritance as a widow or husband unless the relationship is treated as a valid marriage under the Hindu Marriage Act, 1955.¹³

In several cases, live-in couples have presented themselves as husband and wife in court and before society after long cohabitation. In *Tulsa v. Durghatiya* (2008),¹⁴ In a landmark decision, the Supreme Court held that children born of a long-term live-in relationship cannot be called illegitimate, on the footing that long cohabitation often gives rise to a presumption that the relationship is a valid marriage. Such decisions, however, offer limited assurance, because they depend heavily on factual evidence, such as proof of long-term cohabitation and public acceptance. If the relationship is private or hidden, the partner cannot claim inheritance.

Although claiming inheritance is difficult for a live-in partner, the position of children born of such relationships is better. Under Section 16 of the Hindu Marriage Act, 1955,¹⁵ Children of void and voidable marriages are treated as legitimate, and courts have extended this protection to children born of live-in relationships. The protection remains limited, however: such children can inherit only their parents' self-acquired property and not ancestral property. The partner, meanwhile, remains without protection. This raises the question of why the law should not treat long-term live-in relationships as equivalent to marriage for the purpose of property. Where there

¹¹ Hindu Succession Act, 1956, § 15, No. 30, Acts of Parliament, 1956 (India).

¹² Hindu Succession Act, 1956, § 16, No. 30, Acts of Parliament, 1956 (India).

¹³ Hindu Marriage Act, 1955, No. 25, Acts of Parliament, 1955 (India).

¹⁴ *Tulsa v. Durghatiya*, (2008) 4 SCC 520.

¹⁵ Hindu Succession Act, 1956, § 16, No. 30, Acts of Parliament, 1956 (India).

is no will and the couple was not legally married, the surviving partner has no right over the property, even if that partner helped to build the wealth. There should be a way to claim a share on the basis of shared efforts.

2. MUSLIM PERSONAL LAW

Muslim law is governed by the Muslim Personal Law (Shariat) Application Act, 1937,¹⁶ under which a valid Nikah (marriage) is a condition for inheritance. Only legally wedded wives, children, and other relatives are treated as legal heirs. Live-in relationships lack the formalities of Nikah, such as offer and acceptance, mehr, and the presence of witnesses, and are therefore not recognized as relationships that give rise to inheritance. A live-in partner is not entitled to inherit the other partner's property and has no inheritance rights under Muslim law. Children born of live-in relationships are also not treated as legitimate, because Shariat recognizes as legitimate only children born within a valid marriage. Such children can inherit from their mother but, being illegitimate, cannot inherit from their father. Although this position appears unfair and does not meet modern standards, it has been followed for decades.

There is, however, one remedy: the wasiyat (will). Under Muslim law, a Muslim man can make a wasiyat and bequeath up to one-third of his property to any person, including a live-in partner; beyond that limit, the consent of the legal heirs is required. Unless a wasiyat exists, the live-in partner has no inheritance rights. Thus, even if the couple acquired everything together, the partner must depend on a wasiyat, if one exists, and can receive only one-third under it. By

failing to protect a genuine relationship regardless of its nature, this strict law forces live-in

¹⁶ Muslim Personal Law (Shariat) Application Act, 1937, No. 26, Acts of Parliament, 1937 (India). 104

couples to rely on a will. It shows how deeply marriage and legitimacy are linked with inheritance.

3. OTHER PERSONAL LAW

The Indian Succession Act, 1925¹⁷ is another statute on inheritance and succession. It governs the inheritance of Christians who are lawfully married under the Indian Christian Marriage Act, 1872,¹⁸ Parsis who are formally married under the Parsi Marriage and Divorce Act, 1936,¹⁹ and interfaith couples who are formally married under the Special Marriage Act, 1954 (SMA).²⁰ Like the other personal laws, this secular statute entitles only lawfully married couples to inherit. No provision mentions live-in relationships, so a live-in partner does not fall within the definition of a legal heir. Although the SMA offers a non-religious route to marriage and thereby secures inheritance rights, it does not protect live-in relationships. This shows that Indian personal laws, though diverse, all treat legal marriage as the gateway to rights relating to property, inheritance, succession, and even social recognition. Without marriage, a partner is excluded, however genuine or long-standing the relationship may have been.

GAP BETWEEN PROTECTION AND INHERITANCE

Interestingly, the same legal system that does not recognize a live-in partner as a legal heir does recognize such relationships for protection under the Protection of Women from Domestic Violence Act, 2005.²¹ Under this Act, a live-in relationship is treated as a domestic relationship,

and a woman may even claim maintenance if the relationship ends. This is a clear contradiction

¹⁷ Indian Succession Act, 1925, No. 39, Acts of Parliament, 1925 (India).

¹⁸ Indian Christian Marriage Act, 1872, No. 15, Acts of Parliament, 1872 (India).

¹⁹ Parsi Marriage and Divorce Act, 1936, No. 3, Acts of Parliament, 1936 (India).

²⁰ Special Marriage Act, 1954, No. 43, Acts of Parliament, 1954 (India).

²¹ Protection of Women from Domestic Violence Act, 2005, No. 43, Acts of Parliament, 2005 (India). 105

SUBODH NEXUS VOLUME V ISSUE I, JUNE 26' ISSN No: 3048-5371

in the Indian legal system. If a live-in relationship can be legally recognized to protect women from abuse and to safeguard their dignity, then logically it should also be recognized for economic rights, such as maintenance, inheritance, and nomination in insurance policies. The Supreme Court has hinted at this inconsistency in several cases, such as *Indra Sarma v. V.K.V. Sarma* (2013),²² where the Court acknowledged that women in such relationships can claim maintenance under Section 125 of the Code of Criminal Procedure²³ and that their rights are protected under Article 21 of the Constitution.²⁴ However, maintenance covers living expenses and is not a substitute for inheritance after death. It is temporary help and not long-term security.

Existing family laws in India, whether Hindu, Muslim, Christian, or of any other religion, are marriage-centric and limit inheritance rights to married couples. These laws attach importance to the “marriage tag” and ignore a genuine relationship simply because it lacks that tag. Succession law revolves around marital legitimacy, which makes live-in couples invisible in inheritance matters. Courts have tried in several cases to fill this gap and to protect such relationships from exploitation, but in the absence of a proper statutory provision the problem persists, because only Parliament has the power to make such legislative reforms. This gap also supports a Uniform Civil Code approach: since all the personal laws take the same view on this matter, amending each succession statute would take considerable time, whereas a single uniform law would save time and effort and would also encourage society to accept live-in relationships once they are legally protected.

²² Indra Sarma v. V.K.V. Sarma, (2013) 15 SCC 755.

²³ Code of Criminal Procedure, 1973, § 125, No. 2, Acts of Parliament, 1974 (India).

²⁴ INDIA CONST. art. 21.

COMPARATIVE PERSPECTIVES/ANALYSIS

The difficulty of recognizing live-in relationships for inheritance purposes is not unique to India. Many countries face similar challenges as society evolves and the definition of family expands beyond marriage. Protecting unmarried couples is a difficult task for every legal system. Western legal systems are relatively well developed and take the property and inheritance rights of such couples seriously, whereas India is still finding its way toward protecting such relationships. A comparative analysis of how other countries handle inheritance for live-in relationships will help to identify where India falls short and what approach should be taken, in terms of both legal reform and social adaptation.

1. UNITED KINGDOM (UK)

In the United Kingdom, the basic law is somewhat similar to that of India: on intestacy, only married spouses, civil partners, and blood relatives are entitled to inherit, and a cohabiting or live-in partner is not included. A surviving live-in partner is therefore not legally entitled to inherit from the deceased partner's property if there is no will. Unlike in India, however, public perception is different, and a combination of legislation and judicial decisions recognizes certain rights of cohabiting partners. Under the Inheritance (Provision for Family and Dependants) Act, 1975,²⁵ a surviving cohabitant who was dependent on the deceased can claim against the estate, provided that the couple lived together for at least two years immediately before the death. The

Act allows such partners to claim reasonable financial provision even though they are not married. In addition, a surviving cohabiting partner may be eligible for certain tax benefits, pension entitlements, and housing or property rights in specific circumstances, such as where the

²⁵ Inheritance (Provision for Family and Dependants) Act 1975 (UK).

contributions of both partners are proven. To succeed in these claims, the partner must prove financial dependency, cohabitation for at least two years, and contribution to the household. This does not give live-in couples full inheritance rights, but it ensures that a partner is not left with nothing on the other's death. The law in the United Kingdom is therefore more flexible than in India, as marriage status need not be strictly proved.

2. FRANCE

In France, live-in couples do not automatically inherit each other's property, and, unlike married couples or partners under a PACS, they have no direct inheritance right. The PACS (Pacte Civil de Solidarité),²⁶ introduced in 1999 mainly for same-sex couples, is now used by both same-sex and opposite-sex couples in non-marital relationships. It is a civil union, or legal contract, between two adults, whether heterosexual or same-sex. The couple registers the relationship with the state, which grants it legal recognition and rights closely similar to those of marriage. Partners registered under a PACS enjoy benefits such as joint taxation and inheritance rights without the full commitments of marriage. They have defined legal rights and duties, such as mutual financial support and joint liability for debts incurred during the registered partnership. Unregistered cohabitants have almost no rights, although they can inherit if there is a will. The PACS is flexible and can be entered into and dissolved easily, which makes it a good alternative

for couples who do not wish to marry for personal, religious, or cultural reasons but still want legal protection through registration. India could introduce a similar law for live-in couples to give them legal recognition and security, with conditions such as compulsory registration of the union and a minimum period of cohabitation to qualify for inheritance, maintenance, or other civil rights without marriage.

²⁶ Pacte civil de solidarité (PACS) 1999 (Fr.).

3. CANADA

Like the countries discussed above, Canada has no law under which live-in couples inherit on the same terms as married couples where there is no will. However, Canada recognizes the concept of a common-law partner, under which individuals who have lived together in a conjugal relationship for at least one to three years enjoy some of the legal rights of married couples. These include inheritance rights under provincial succession laws, recognition of joint property ownership, eligibility for spousal support, and tax and pension benefits similar to those of married spouses. These rights depend on the province. In Ontario, for example, a common-law partner cannot claim inheritance from the deceased partner's property unless there is total dependency. Even so, these rules and conditions are better than the position in India, where the surviving partner has no relief. Canada's approach of extending certain relief to live-in couples is fair, equal, and socially progressive.

4. USA

In the United States, the position is more complicated, as the inheritance rights of live-in couples vary by state. Family law is governed by state law rather than federal law, which is why some states recognize common-law marriage while others do not. In states such as Texas, Colorado,

and Iowa, which recognize common-law marriage, couples without a formal ceremony can be deemed married if they intend to be married, live together, and present themselves publicly as spouses. In such states, common-law spouses enjoy the same inheritance and property rights as married couples. Other states, such as California, do not recognize common-law marriage but allow “palimony” claims where there is a contract. In states that do not recognize common-law marriage, live-in couples are treated as independent individuals unless they jointly own property

or have a written will or cohabitation agreement. Even though these states do not fully recognize live-in relationships for inheritance and similar rights, this contractual approach to cohabiting partners is a sound way of formalizing the relationship.

5. AUSTRALIA

Australia recognizes live-in couples in the most inclusive manner, as de facto partners with inheritance rights. Couples living together in a de facto relationship are entitled to legal rights similar to those of married couples, subject to certain criteria: the couple must have cohabited for a minimum of two years (or less if they share a child) or must have formally registered the relationship. De facto partners are recognized for inheritance claims, social security, and family property division. The surviving partner can claim against the deceased partner’s estate under the succession legislation of the relevant state or territory.

RECOMMENDATIONS/THE WAY FORWARD

As the country develops and generations change, people’s views continue to evolve. Young people in cities want freedom in their relationships, which is leading to companionship without

the full commitment of marriage. More and more people are choosing such relationships in place of marriage, which is pushing traditional Indian society to recognize live-in relationships. The need for change, however, is not limited to the social sphere. It is now time for legislative action rather than reliance on judicial interpretation alone. Acceptance of live-in relationships is not enough; legal standing for partners is the real issue, especially in respect of inheritance rights, which remain uncertain because of the lack of a statute.

The foremost requirement is legislation that defines live-in relationships and clarifies the rights and obligations of the partners. At present, a live-in partner does not automatically inherit the 110

SUBODH NEXUS VOLUME V ISSUE I, JUNE 26' ISSN No: 3048-5371

share of a deceased partner under the Hindu Succession Act, 1956,²⁷ which applies to Hindus, Jains, Sikhs, and Buddhists. The Act recognizes only blood relatives and legal spouses as heirs and therefore does not recognize live-in couples. Similarly, the Indian Succession Act, 1925,²⁸ which applies to Christians, recognizes only spouses and blood relatives as heirs and does not consider live-in partners. These succession laws could be amended to introduce a category of “cohabiting partner.” The amendment would define a live-in relationship as cohabitation subject to reasonable conditions and would allow a live-in partner to inherit the deceased partner’s property, where there is no will, after a prescribed period of cohabitation and on fulfilling the other necessary conditions. It would also permit live-in partners to nominate each other for financial instruments such as insurance, provident funds, and pensions. This would not make them married spouses; its purpose is to safeguard genuine relationships and the property rights of a surviving partner who may have contributed to acquiring the property, economically or emotionally.

An optional registration system could also be introduced, with greater relief for registered live-in relationships than for unregistered ones. This would encourage people to register and would serve

as formal legal evidence of the relationship, making legal benefits easier to obtain. Registration would not amount to a legal marriage; it would function as a contract serving as proof of the relationship. It would also help to prevent misuse of the provision. This approach would go some way toward filling the gap in current Indian law, which lacks provisions for such couples.

²⁷ Hindu Succession Act, 1956, No. 30, Acts of Parliament, 1956 (India).

²⁸ Indian Succession Act, 1925, No. 39, Acts of Parliament, 1925 (India).

At present, the Protection of Women from Domestic Violence Act, 2005 (PWDVA)²⁹ helps women in cohabiting relationships to claim maintenance if they are ill-treated or left without support. In the longer term, and to ensure justice, the Act could be amended to include inheritance, alongside maintenance, expressly within its protective scope. The most significant step, however, would be to introduce a Uniform Civil Code (UCC) provision. The UCC is envisaged in Article 44 of the Constitution.³⁰ A well-designed UCC could bring uniformity across the personal laws on matters such as succession, guardianship, and maintenance. Because marriage is a religious institution that differs from culture to culture, it may be treated differently. While a UCC brings uniformity to every personal law, it should also recognize companionship beyond marriage, irrespective of gender. Implementing a UCC is politically and socially complex, but it is needed to ensure equality and fairness.

The Uttarakhand UCC, which came into force in January 2025, offers an example. It made it mandatory for live-in couples in which the partners are over 21 years of age to register their relationships within a month, failing which they face a fine of up to Rs. 10,000 or imprisonment. Where either partner is under 21, the parents must be informed of the relationship. Although this

rule sparked considerable debate and protest, it aims to protect the rights of young people. By October 2025 the registration process had also been made easier, for example by allowing registration without Aadhaar and reducing police involvement. Steps like those taken in Uttarakhand should be taken across the country, as a national UCC would save the time needed to amend every personal law and could resolve the problems of the personal laws by making every citizen of India equal irrespective of religion and gender.

²⁹ Protection of Women from Domestic Violence Act, 2005, No. 43, Acts of Parliament, 2005 (India).

³⁰ INDIA CONST. art. 44.

While these legislative reforms are important, judicial interpretation and guidelines continue to play a crucial role. Until proper reform occurs, the Supreme Court can frame guidelines recognizing inheritance or maintenance rights for live-in couples. It can also establish presumptions of cohabitation, such as a minimum continuous period of cohabitation, for recognizing a live-in relationship. Society also has a major role in bringing about this change, as legal reform alone cannot transform people's attitudes. Families should accept live-in relationships as a choice, willingly and not out of compulsion by legal reform or shame. Many people who have opted for live-in relationships, mainly women, face social stigma. The most crucial step is to make people more aware and to change their views by educating them that live-in relationships are not immoral but a matter of personal choice, a right protected under the Constitution. Spreading awareness of the legal rights of such couples and of the legitimacy of choosing one's type of companionship is proper and just. Universities, NGOs, jurists, and legal aid cells can collaborate to educate the youth about their rights and responsibilities in this regard and can also push for change, for example by demanding reform or lobbying for a proper bill in

Parliament.

Ultimately, the way forward lies in harmonizing societal morality, which upholds traditional norms, with constitutional morality, which values equality, liberty, and dignity. Laws and legal rights cannot be rejected merely because they conflict with society's morals. As citizens of India, we deserve a fair and inclusive framework under our Constitution. The democratic and constitutional spirit of our country calls for a law that evolves with time, and the essence of Indian families cannot be neglected in that process.

113

SUBODH NEXUS VOLUME V ISSUE I, JUNE 26' ISSN No: 3048-5371

CONCLUSION

Live-in relationships in India, once regarded as immoral and socially unacceptable, have found some space within the judicial framework and have gained some legal recognition. Despite this, a significant gap remains, particularly in respect of inheritance rights and similar financial matters. The lack of legislation creates uncertainty about the law and about rights, which leaves live-in partners in a vulnerable position. This contradiction between social acceptance and legal recognition lies at the foundation of Indian family law, where modernization must be balanced with fidelity to cultural values.

Around the world, live-in relationships are no longer rare or hidden, and many countries have moved toward recognizing them openly and granting inheritance rights. The UK, through its Cohabitation Rights Bills, and Canada, through provincial common-law partnership laws, allow live-in couples to have rights somewhat similar to those of married couples after a certain

duration of cohabitation. France, through the PACS, offers registered partnerships that grant property and tax benefits without requiring marriage. This reflects a growing segment of society across the world that seeks or chooses companionship over traditional marriage, for reasons such as career focus or testing compatibility before marriage, and it shows that without a clear rule, partners risk losing everything after years of living together. India cannot simply adopt these systems, given its religious diversity and cultural context, but it can draw on the principles adopted in other countries and choose fairness and equality.

The Indian judiciary has acknowledged this shift. In several judgments it has stated that adults have a constitutional right to cohabit without marriage under Article 21 of the Constitution,³¹

³¹ INDIA CONST. art. 21.

which secures the right to life and personal liberty. In *S. Khushboo v. Kanniammal* (2010),³² For instance, the Court declared that living together is a matter of individual choice and cannot simply be deemed illegal. These progressive rulings, however, stop short of guaranteeing legal rights in matters such as inheritance, property, and financial protection after a partner's death. At its core, the issue lies in the distinction between recognition and protection. Through the Protection of Women from Domestic Violence Act, 2005 (PWDVA),³³ Indian law treats a live-in arrangement in the same way as a legal marriage, but only for limited purposes, mainly to protect women from abuse and abandonment. For other rights, such as inheritance or succession, this recognition disappears entirely. The existing statutes grant inheritance rights strictly to legally married couples and leave live-in partners completely outside their purview. Partners who have spent years in a committed relationship and shared emotional and financial burdens are therefore legally invisible the moment a partner dies intestate. This is not merely a technical gap; it reflects

a lack of regard for those who choose such relationships, and it is a matter of dignity and justice.

The Uttarakhand Uniform Civil Code is a bold move that holds hope. It is a state-specific code that requires registration and detailed disclosures, but with changes to resolve its ambiguities it could serve as the structure for a national law. Inheritance is not just about property; it symbolizes recognition, belonging, and respect. When a partner who shared a life, a home, and dreams is denied inheritance solely because of the absence of marriage, this is a moral and legal failure. India now stands at a turning point at which it must choose between traditional definitions of legitimacy and a vision of inclusive partnership that respects individual choice and equality. Recognizing inheritance rights is about ensuring justice in an evolving society, and it is time to embrace this with an open mind and to make laws that bring justice and reflect real lives.

³² S. Khushboo v. Kanniammal, (2010) 5 SCC 600.

³³ Protection of Women from Domestic Violence Act, 2005, No. 43, Acts of Parliament, 2005 (India). 115

SUBODH NEXUS VOLUME V ISSUE I, JUNE 26' ISSN No: 3048-5371

The choice of relationship or cohabitation should not be a reason to ignore constitutional rights. Everyone, whatever their religion, gender, sexuality, or relationship status, deserves peace, justice, and fairness.

