

## **Maintenance Rights of Women in Live-in Relationships under the Domestic Violence Act, 2005: A Socio-Legal Analysis**

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### **Abstract**

Considering the urbanization, migration, education, economic independence and re-imagining of autonomy and intimacy, live-in relationships have been emerging as a prominent aspect of modern Indian society. Marriage-like domestic relationships are not legally defined as marriage, but Indian Courts and Welfare laws have acknowledged that women in such a relationship might need protection from abandonment, economic abuse and social vulnerability. The object of the Maintenance Rights provided by Protection of Women from Domestic Violence Act, 2005 is to ensure monetary relief, dignity, shelter and economic protection for an aggrieved woman who has lived in a domestic relationship, whether or not the relationship is in the nature of marriage. The paper discusses socio-legal norms of maintenance rights of women in live-in relationships as provided under the Domestic Violence Act. It examines the statutory provisions, constitution, feminist jurisprudence, judicial decisions including D. Velusamy, IndraSarma and Chanmuniya. The paper argues that maintenance should not be taken as a mere financial dependence of a woman on her husband because the person from whom the maintenance is sought, in a live-in relationship case, may be either a male partner or a live-in partner. The study concludes that although evidence-based protections have been expanded in judicial interpretations, women continue to encounter clear burdens of proof, stigma in society, delays in receiving relief, and inconsistent standards for such relief. The paper calls for more concrete statutory provisions, more robust interim relief, greater legal aid, and judicial interpretation and greater social awareness that are sensitive to gender.

**Keywords:** Live-in relationship, maintenance, Domestic Violence Act, relationship in the nature of marriage, women's rights, feminist jurisprudence, economic abuse, socio-legal analysis.

### **Chapter 1: Introduction**

Social and economic changes have significantly altered the structure of family and intimate relationships in India. Urbanisation, migration, education, employment and the assertion of personal autonomy have made live-in relationships more visible, especially in urban and semi-urban spaces. These relationships are still socially contested, but they cannot be ignored by law because they create real domestic, emotional and economic consequences.

A live-in relationship is a domestic arrangement in which two adults cohabit in an intimate partnership without formal marriage. Such a relationship may not create all matrimonial rights, but where it resembles marriage in substance, Indian law has recognised limited protective consequences. Accordingly, legal protection for women in non-marital relationships has emerged as an important socio-legal concern.

Maintenance is a form of financial and social protection designed to prevent destitution and secure dignity. In the context of live-in relationships, maintenance should not be framed as support from a “husband” alone. The appropriate language is male partner, live-in partner or respondent, because the legal issue is not formal marriage but domestic dependence, economic abuse and vulnerability within a marriage-like relationship.

### **1.1 Background of the Study**

Indian society has traditionally treated marriage as the socially approved foundation of family life. However, constitutional values of autonomy, privacy and dignity require recognition that adult relationships may exist outside formal marriage. The Supreme Court has repeatedly held that consenting adults have the freedom to make intimate choices, provided the relationship is not prohibited by law.<sup>6, 7</sup>

The legal concern arises when a woman in such a relationship is abandoned or subjected to economic abuse. Without legal protection, she may be left without shelter, maintenance or access to remedies despite having lived in a domestic arrangement similar to marriage. This makes the Domestic Violence Act an important welfare statute.

### **1.2 Concept of Maintenance**

Maintenance refers to monetary support required for food, clothing, residence, medical needs and a dignified standard of living. It is not a charity; it is a legal mechanism to prevent economic abandonment and to recognise dependence created within domestic relationships. In women’s rights jurisprudence, maintenance also addresses the unequal distribution of unpaid domestic work and caregiving labour.

Under the Domestic Violence Act, the broader expression “monetary relief” is particularly relevant. It may include expenses incurred and losses suffered due to domestic violence, including loss of earnings, medical expenses, damage to property and maintenance for the aggrieved person and her children.<sup>1</sup>

### **1.3 Statement of the Problem**

Despite judicial recognition of relationships in the nature of marriage, ambiguity persists regarding the criteria for determining eligibility. Women often face difficulty proving cohabitation, shared household, duration, social recognition, financial dependence and the intention of the parties. Different courts may apply different standards, leading to inconsistent outcomes.

Social stigma also discourages women from approaching courts. A woman claiming maintenance from a live-in partner may face character attacks, family pressure and allegations that the relationship was casual. The problem is therefore both legal and social.

### **1.4 Research Questions**

- Are women in live-in relationships entitled to monetary relief or maintenance under the Domestic Violence Act, 2005?
- What judicial standards are used to decide whether a relationship is in the nature of marriage?
- What evidentiary and socio-cultural barriers affect women claiming maintenance?
- How can feminist jurisprudence explain economic vulnerability in live-in relationships?
- What reforms are required to ensure consistent and effective protection?

### **1.5 Objectives of the Study**

- To analyse maintenance and monetary relief under the Domestic Violence Act, 2005.
- To examine judicial interpretation of relationships in the nature of marriage.
- To identify socio-legal challenges faced by women in live-in relationships.
- To connect maintenance rights with feminist jurisprudence, substantive equality and economic justice.

- To suggest reforms for clearer legal standards and stronger access to remedies.

### **1.6 Hypothesis, Methodology and Scope**

The study proceeds on the hypothesis that women in qualifying live-in relationships are entitled to protection and monetary relief under the Domestic Violence Act, but the absence of clear statutory standards and the burden of proof create barriers to effective implementation.

The research adopts doctrinal and socio-legal methods. Primary sources include statutes, constitutional provisions and judicial decisions. Secondary sources include books, commentaries, journal articles and reports. The study focuses on Indian law, particularly the Domestic Violence Act, and does not include field-based empirical research.

## **Chapter 2: Conceptual and Legal Framework of Live-in Relationships**

A live-in relationship refers to cohabitation between two adults in an intimate domestic partnership without formal marriage. Indian courts have generally distinguished stable marriage-like relationships from casual, occasional or purely sexual relationships. The legal question is not whether the parties are married, but whether their domestic arrangement creates vulnerability that the law must address.

The Domestic Violence Act defines “domestic relationship” broadly and includes a relationship between two persons who live or have lived together in a shared household when they are related by consanguinity, marriage, adoption, family relationship or a relationship in the nature of marriage.<sup>1</sup> This phrase is the statutory foundation for protection of women in live-in relationships.

### **2.1 Constitutional Perspective**

Article 14 supports substantive equality and protection from arbitrary exclusion. Article 15 permits special provisions for women and children. Article 21 protects dignity, privacy, autonomy and personal liberty. Maintenance rights for women in live-in relationships therefore rest not merely on statutory wording but also on constitutional values of equality and dignified existence.<sup>4</sup>

The constitutional approach prevents law from treating women outside formal marriage as legally invisible. Where a woman has lived in a domestic relationship similar to marriage and has suffered economic abuse or abandonment, a purely formalistic denial of relief would defeat the protective purpose of welfare legislation.

### **2.2 Distinction between Marriage and Live-in Relationship**

Marriage creates a legally recognised status with defined rights and obligations relating to maintenance, succession, legitimacy, matrimonial remedies and property. A live-in relationship, by contrast, is an informal relationship based on cohabitation and consent. It does not automatically create all matrimonial rights.

However, the difference between marriage and live-in relationship cannot justify exploitation. The Domestic Violence Act fills this gap by protecting women in relationships in the nature of marriage, particularly where the relationship creates dependence, shared household arrangements and vulnerability.

### **2.3 Rights and Liabilities Arising from Live-in Relationships**

Women in qualifying live-in relationships may claim protection orders, residence orders and monetary reliefs under the Domestic Violence Act. The relief is directed against domestic violence, including economic abuse. The respondent may be a live-in partner rather than a husband, and the language of pleadings and academic writing should reflect this distinction.

Children born from such relationships may also raise issues of maintenance, legitimacy, custody and identity. Although the present paper focuses on women’s maintenance rights, the welfare of children remains relevant where monetary relief is claimed for the aggrieved woman and children.

**Chapter 3: Statutory Remedies under the Domestic Violence Act, 2005**

The Domestic Violence Act is a civil protective statute designed to provide speedy and effective remedies to women facing violence within domestic relationships. Domestic violence includes physical, sexual, verbal, emotional and economic abuse. Economic abuse is particularly relevant in live-in relationship cases because abandonment, denial of money, deprivation of shelter and control over resources may produce severe vulnerability.<sup>1</sup>

Section 20 empowers the Magistrate to grant monetary relief to meet expenses and losses suffered by the aggrieved person and any child as a result of domestic violence. Such relief may include maintenance. Section 19 allows residence orders, which are significant where the woman is excluded from the shared household. These remedies show that the Act is concerned with dignity, shelter and economic security, not merely marital status.<sup>1</sup>

**3.1 Relationship in the Nature of Marriage**

The phrase “relationship in the nature of marriage” requires judicial interpretation. Courts generally consider duration of cohabitation, shared household, pooling of resources, sexual relationship, social representation as partners or spouses, domestic arrangements, intention of the parties and legal capacity to marry. These factors are not mechanical tests; they help distinguish a stable domestic relationship from a casual association.<sup>2, 3</sup>

A woman need not prove a legally valid marriage to claim relief under the Domestic Violence Act. However, she must show that the relationship has sufficient features of domesticity and marriage-like commitment. This evidentiary requirement remains one of the greatest practical barriers.

**3.2 Monetary Relief, Residence and Economic Protection**

Monetary relief under the Act should be interpreted purposively. It is intended to restore basic financial security and prevent the respondent from using economic power to abandon or control the aggrieved woman. Interim maintenance is especially important because delayed relief often defeats the purpose of the remedy.

Residence protection is equally important. A woman may be economically dependent not only because she lacks income but also because she lacks secure shelter. Therefore, maintenance and residence orders together protect the right to live with dignity.

**Chapter 4: Judicial Trends and Landmark Case Analysis**

The Indian judiciary has played a significant role in recognising and regulating the claims of women in live-in relationships. The courts have attempted to balance individual autonomy, prevention of exploitation, evidentiary discipline and the need to avoid treating every casual relationship as marriage-like. This has produced a body of case law that is protective but not always consistent.

In *D. Velusamy v D. Patchaiammal*, the Supreme Court interpreted the expression “relationship in the nature of marriage” and indicated conditions such as legal capacity to marry, voluntary cohabitation for a significant period, shared household and representation to society as being akin to spouses.<sup>2</sup>

In *Indra Sarma v V.K.V. Sarma*, the Supreme Court provided a more detailed analysis of live-in relationships. It identified several factors for determining whether a relationship qualifies as being in the nature of marriage, including duration, shared household, pooling of resources, domestic arrangements, sexual relationship, children, socialisation in public and intention of the parties. The Court also recognised the need to protect women from exploitation, even though relief was denied on the facts.<sup>3</sup>

In *Chanmuniya v Virendra Kumar Singh Kushwaha*, the Supreme Court adopted a socially beneficial approach and observed that women in relationships resembling marriage should not be denied maintenance merely because strict proof of marriage is absent. The judgment is important because it reflects a welfare-oriented understanding of maintenance.<sup>8</sup>

Cases such as *Lata Singh* and *S. Khushboo* are relevant for the broader constitutional recognition of adult autonomy and cohabitation. They show that consenting adult relationships cannot be criminalised or treated as immoral merely because society disapproves of them.<sup>6, 7</sup>

The case law demonstrates progress but also uncertainty. Different courts may give different weight to duration, social recognition, intention or proof. A woman claiming relief may therefore face unpredictable standards, which strengthens the case for statutory clarification.

### **Chapter 5: Socio-Legal Challenges Faced by Women**

Women in live-in relationships often face serious social stigma. Patriarchal attitudes continue to treat marriage as the only acceptable form of intimate partnership. Women who claim maintenance from live-in partners may be portrayed as morally blameworthy, even when they have experienced abandonment or economic abuse.

Evidentiary challenges are among the most significant legal barriers. Unlike marriage, live-in relationships are not usually registered. Women may need to produce photographs, messages, rent agreements, bank records, witness testimony, evidence of shared household, travel records, pregnancy or childcare records and proof of social recognition. Such evidence may be difficult to preserve or access after separation.

Economic vulnerability and financial dependence of women remain central. Women may leave employment, perform unpaid domestic work, contribute to the household or depend on the partner for residence and daily expenses. When the relationship ends, the male partner may deny responsibility and leave the woman without shelter, income or social support.

India lacks uniform legal recognition of live-in relationships. The Domestic Violence Act provides partial protection, but broader questions of property, succession, long-term financial obligations and registration remain uncertain. This uncertainty increases litigation and delays relief.

Misuse and counter-allegations also arise in litigation. Respondents may argue that the relationship was casual, that the claim is false or that the woman is misusing welfare legislation. Courts must guard against false claims, but this concern should not be used to undermine genuine cases of economic abuse and abandonment.

Lack of legal awareness and limited access to remedies are serious barriers. Many women, especially from rural or economically weaker backgrounds, are unaware that the Domestic Violence Act may apply to relationships in the nature of marriage. Legal aid, counselling and simplified procedures are therefore necessary.

The judiciary has an important role in social justice. Progressive interpretation of the Domestic Violence Act can prevent women from being left remediless merely because they were not formally married. At the same time, judicial standards must remain clear and consistent to avoid arbitrary outcomes.

### **Chapter 6: Feminist Jurisprudence and Human Rights Analysis**

Feminist jurisprudence views maintenance not as dependency but as a response to structural inequality. Women's economic vulnerability in intimate relationships is often created by unpaid care work, domestic labour, reproductive responsibilities, emotional labour and restricted access to employment. Formal equality, which treats all adults as equally placed, ignores these realities.

A substantive equality approach asks whether the law actually protects women from economic abandonment and exploitation. In live-in relationships, the absence of formal marriage may be used by the male partner to avoid responsibility even where the relationship functioned like marriage. Feminist analysis therefore supports a purposive interpretation of the Domestic Violence Act.

Economic abuse must be understood as a form of domestic violence. Denying money, removing a woman from the shared household, refusing basic expenses, controlling resources or abandoning a dependent partner can reduce autonomy and dignity. Maintenance and residence reliefs are therefore instruments of gender justice.

An intersectional approach is also necessary. Women from lower-income backgrounds, rural areas, minority communities or socially marginalised groups may face greater barriers in proving relationships and accessing courts. Legal remedies must therefore be supported by legal aid, awareness programmes and gender-sensitive procedures.

From a human rights perspective, maintenance protection is linked to dignity, equality, non-discrimination, shelter and access to justice. The law must ensure that women in non-marital domestic relationships are not rendered invisible simply because their relationship does not fit the traditional matrimonial model.

### **Chapter 7: Comparative Perspective**

Comparative law shows that many jurisdictions have moved toward recognising cohabitation for limited protective purposes. The United Kingdom provides certain remedies in property and child-related matters, although cohabitation does not automatically equal marriage. The experience shows that partial recognition may protect vulnerable partners while preserving the distinction between marriage and cohabitation.

In the United States, recognition varies by state. Some states recognise common law marriage when legal requirements are met, while others allow contractual or equitable claims in limited circumstances. The lack of uniformity illustrates the difficulties created when cohabitation is not addressed through clear legislation.

Australia provides a more developed model through recognition of de facto relationships under family law. Parties in qualifying de facto relationships may claim property and maintenance remedies after separation. The Australian approach focuses on the nature and duration of the relationship rather than only formal marital status.<sup>17</sup>

Canada has also developed provincial models recognising common-law or cohabiting partners for specified legal purposes. These comparative approaches suggest that India can adopt clear statutory standards without automatically equating live-in relationships with marriage.

### **Chapter 8: Findings, Suggestions and Conclusion**

The study finds that women in relationships in the nature of marriage may claim monetary relief under the Domestic Violence Act, 2005. Judicial interpretation has been significant in expanding protection, but the absence of clear statutory criteria creates uncertainty. Women face evidentiary burdens, stigma, delay, lack of legal awareness and inconsistent judicial standards.

The study also finds that maintenance rights are closely linked with feminist concerns of unpaid domestic labour, economic abuse and substantive equality. The use of terms such as “husband” should be avoided in live-in relationship analysis unless a valid marriage is being discussed. More accurate terms include male partner, live-in partner or respondent.

Statutory guidelines should be introduced to clarify the indicators of a relationship in the nature of marriage. These may include duration of cohabitation, shared household, financial arrangements, social representation, domestic responsibilities, intention of the parties and legal capacity.

Interim maintenance and residence orders should be strengthened and decided speedily. Delay in monetary relief defeats the purpose of the Domestic Violence Act because the aggrieved woman may require immediate support for food, rent, medical care and basic security.

Legal awareness and legal aid must be expanded. Women should be informed that economic abuse is a recognised form of domestic violence and that protection may be available even in a qualifying non-marital domestic relationship.

Courts should apply a gender-sensitive and evidence-sensitive approach. They should prevent misuse, but they should not allow moral prejudice against live-in relationships to defeat genuine claims. The focus should remain on vulnerability, domesticity, economic abuse and dignity.

In conclusion, maintenance rights of women in live-in relationships represent an important development in Indian socio-legal thought. The Domestic Violence Act has created a protective opening, but the law still requires greater clarity and consistency. Strengthening maintenance protection would advance gender justice, constitutional dignity and social welfare in contemporary India.

#### **References**

- [1] Protection of Women from Domestic Violence Act, 2005, ss 2(a), 2(f), 3, 17, 19 and 20.
- [2] *D. Velusamy v D. Patchaiammal* (2010) 10 SCC 469.
- [3] *Indra Sarma v V.K.V. Sarma* (2013) 15 SCC 755.
- [4] Constitution of India, 1950, arts 14, 15 and 21.
- [5] *Bhuwan Mohan Singh v Meena* (2015) 6 SCC 353.
- [6] *Lata Singh v State of Uttar Pradesh* (2006) 5 SCC 475.
- [7] *S. Khushboo v Kanniammal* (2010) 5 SCC 600.
- [8] *Chanmuniya v Virendra Kumar Singh Kushwaha* (2011) 1 SCC 141.
- [9] *Badri Prasad v Dy Director of Consolidation* (1978) 3 SCC 527.
- [10] *Tulsa v Durghatiya* (2008) 4 SCC 520.
- [11] *Rajnish v Neha* (2021) 2 SCC 324.
- [12] *Bharatiya Nagarik Suraksha Sanhita*, 2023, s 144; Code of Criminal Procedure, 1973, s 125.
- [13] Flavia Agnes, *Family Law and Constitutional Claims* (Oxford University Press, 2011).
- [14] Kusum, *Family Law Lectures: Family Law I* (LexisNexis, 2019).
- [15] Upendra Baxi, *The Future of Human Rights* (Oxford University Press, 3rd edn, 2008).
- [16] Convention on the Elimination of All Forms of Discrimination against Women, 1979.
- [17] Family Law Act, 1975 (Australia).
- [18] *Marvin v Marvin*, 557 P 2d 106 (Cal 1976).
- [19] Civil Partnership Act, 2004 (United Kingdom).
- [20] Rebecca Probert, *Family Life and the Law* (Hart Publishing, 2009).