

EXPANDING THE SCOPE OF MAINTENANCE LAWS: JUDICIAL DECISIONS ON LIVE-IN RELATIONSHIPS AND UNMARRIED WOMEN

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ABSTRACT:

During the past few years Indian judicial systems have expanded their interpretation of maintenance laws to give financial support in ways that reach beyond typical marital relationships. Legislative interpretations about married women rights faced changes when courts started recognizing the economic needs of both cohabiting partners and unmarried women. The research investigates current juridical advancements into maintenance laws together with the legislative gaps and recommends legislative improvements. Analysis of landmark cases and insights from British and American and Canadian jurisdictions demonstrate that establishing a rights-based approach must place economic dependence before marital status classification. The paper recommends passing laws that modify Section 125 of the Criminal Procedure Code (CrPC) along with relevant changes to the Protection of Women from Domestic Violence Act (PWDVA) to maintain financial support for all dependent women as a way to address gender inequalities in maintenance systems.

Keywords: Maintenance laws, live-in relationships, unmarried women, judicial interpretation, financial dependence, Section 125 CrPC, Protection of Women from Domestic Violence Act, economic justice, gender equity.

INTRODUCTION:

Social justice requires maintenance laws as they provide financial support to people who cannot sustain themselves. Religious personal laws of the past served as the foundation of maintenance duties because society believed married women needed to depend on their husbands. The provisions draw from multiple statutory references that exist in India. The Criminal Procedure Code (CrPC) Section 125 enables dependent spouses alongside their children and parents to pursue secular remedies yet personal laws that govern Hindus, Muslims, Christians and Parsis extend further details on these maintenance rights (Byali, 2022). The Hindu Adoption and Maintenance Act, 1956 and the Muslim Women (Protection of Rights on Divorce) Act, 1986 from the past have maintained their influence on maintenance laws.

Indian society has transformed in recent years to trigger multiple evaluations of how existing laws function. The courts acknowledge that monetary dependence extends beyond traditional married women. Judicial authorities have been expanding maintenance rights for financially vulnerable women because live-in relationships and non-marital partnerships are increasing in number. The lack of specific legislation regarding maintenance creates inconsistent jurisprudence because courts must rely on their decisions to draw conclusions about entitlements (Rahman & Sirazi, 2018).

EVOLUTION OF MAINTENANCE LAWS:

Indian maintenance law continues to change because of developing social perspectives and adapting judicial interpretations. During its evolution the legal system aimed to enforce social marital norms as its first fundamental purpose. The landmark case of Mohd. Ahmed Khan v. Through the Shah Bano Begum (1985) case the right to maintenance beyond iddat was affirmed thus dismantling the former limited view

of Muslim women's rights. Through this ruling the courts established maintenance rights based on social justice principles instead of restricting them to marital duties (Gardner, 2019).

Social acceptance of living together as relationships has led courts to adjust their interpretations of laws. Through the Protection of Women from Domestic Violence Act, 2005 (PWDVA) courts established that live-in relationships can qualify as “relationships in the nature of marriage” thus enabling women to fight for maintenance from their abandoning partners. The courts in *Indra Sarma v. V.K.V. Sarma* (2013) and *D. Velusamy v. D. Patchaiammal* (2010) established particular requirements for such claims that combined cohabitation duration with financial independence levels (Bag, 2011).

CHALLENGES FACED BY UNMARRIED WOMEN AND LIVE-IN PARTNERS:

While the judicial system has shown progress the hurdles before it continue to persist. India lacks a specific law which establishes legal guidelines for cohabiting partners either as individuals or through live-in relationship agreements. The legal gap as outlined above creates uncertainty mainly regarding maintenance payments and property rights regulations (Gaikwad, 2023). When determining if a relationship qualifies as "in the nature of marriage" the courts apply subjective assessment criteria that prevents several women in such relationships from receiving maintenance payments.

Unmarried women, even when financially dependent on a partner, face even greater obstacles. Marital status discrimination creates an absence of legal protection for partners who do not marry each other. A limited number of maintenance rights exist which courts applied from Section 125 CrPC and PWDVA yet insufficient legislation produces irregular outcomes (Shrivastava, 2016).

RESEARCH PROBLEM AND OBJECTIVES:

This investigation evaluates the judicial enlargement of financial support rights which women receive within live-in relationships and formations of unmarried domestic couples. The main goal investigates if existing interpretation methods deliver enough economic safeguards along with finding out what legislative shortcomings result in varied decision outcomes. The paper conducts a case-by-case assessment as well as international system comparisons to develop specific reform recommendations for better protecting economically dependent female individuals (Goyal, 2014).

RESEARCH QUESTIONS:

Multiple questions will be addressed throughout this research investigation:

- Judges have established various interpretations of maintenance laws for partners living together as per the judgment in *Vijay Kumar Khatri v. Ors.*
- What options do unmarried women currently have in order to pursue maintenance legally?
- The research investigates the existing legislative holes then describes possible reforms that can solve these problems.
- The paper seeks to conduct an extensive examination of maintenance jurisprudence through question resolution towards developing policy reforms that enhance economic justice (Patil, 2011).

SCOPE AND LIMITATIONS :

The paper examines the Indian legal system regarding maintenance rights that apply to resident partners and unmarried women. Judicial authorities have played a major role in enlarging maintenance privileges yet this research examines only the court decisions along with their doctrinal aspects. The study lacks empirical evidence that describes how affected women live with their situations. The study does not analyze in detail the impact of personal laws upon maintenance claim determination because it centers its analysis on examination of statutory law and judicial decisions.

CONCEPTUAL FRAMEWORK:

Defining and Recognising Live-in Relationships:

Two unmarried people who cohabit without marriage tie create a live-in relationship that consists of sharing an intimate domestic environment. Through Indian judicial activism the state has recognized such relationships rather than adopting special legislation for their recognition. The Supreme Court affirmed in *D. Velusamy v. D. Patchaiammal* (2010) that maintenance rights cover women who display marital characteristics with their partners (Patil, 2011).

The lack of official definition about this relationship type creates considerable confusion among stakeholders. Courts attempt to handle this issue through an assessment of cohabitation duration together with shared financial obligations and community recognition of the partnership. A major obstacle persists because there is no standardized approach to establish relationship criteria.

RIGHTS AND LIABILITIES IN LIVE-IN RELATIONSHIPS:

Suitable legislative rules exist only minimally for live-in partners thus judicial interpretation mainly shapes their obligations and rights. Courts have identified particular rights which they validate.

- Any female who lives stable long-term non-marital partnerships receives a right to financial support benefit from Goyal (2014).
- The PWDVA grants protection to women suffering from domestic violence through its provisions (Shrivastava, 2016).
- Under the conditions described by Bag (2011) courts provide inheritance rights to children born of live-in relationships.
- Cohabitation pairs do have access to property succession rights yet legal clarity about claims to property remains uncertain (Krishnan & Srivastava, 2024).

Alternative legal benefits which would protect live-in partners from property and inheritance disputes are still not granted to these partnerships because they do not have the legal status of formally married couples. The existing discrepancy requires quick implementation of an official legal system.

MAINTENANCE RIGHTS FOR UNMARRIED WOMEN:

Single women face formidable barriers when trying to obtain support from their partners under current legal systems. Maintenance rights historically exist only as a benefit directly related to marriage. However, landmark rulings such as *Abhilasha v. Evidence* presented by Prakash (2020) enables a change in this legal stance. This Supreme Court judgment granted unmarried Hindu daughters maintenance rights through Section 20 of the Hindu Adoption and Maintenance Act, 1956 showing that dependency on economic support should be the determining factor instead of marriage status (Bag, 2011).

The introduction of these forward-thinking court decisions fails to solve all existing obstacles. Women frequently need to present solid proof showing a durable relationship which operates against their ability to defend their rights because of social stigmas. The lack of clear legislation generates various inconsistent judgments among judges (Patil, 2011).

CONSTITUTIONAL INTERSECTIONS:

The laws regarding maintenance create essential links with fundamental rights enshrined in Article 21 which protects both life and dignity of individuals. The refusal of financial support through maintenance sabotages economic well-being because it violates key human rights of individuals. Cases such as *Mohd. Ahmed Khan v. According to the case entitled Shah Bano Begum* (1985) maintenance functions as a vital method for both equality and human dignity preservation (Bag, 2011). These legal requirements have

connections to Articles 14 and 15 that prohibit discrimination and uphold equality before the law as per Shrivastava (2016).

THE CASE FOR LEGAL REFORM:

Social transformations combined with growing live-in relationships demand immediate changes to the existing legislation. Various suggested policy interventions exist for this issue.

- A specific legal framework that establishes the rights as well as responsibilities of live-in partners should be created in order to clear up the existing legal ambiguities.
- According to Section 125 CrPC lawmakers should expand the definition to specifically include both unmarried women and live-in partners because this change would stop inconsistent court decisions.
- Providing legally dependent women education about their rights serves as fundamental for building their ability to claim maintenance benefits.
- The establishment of specific maintenance dispute courts through fast-track procedures would shorten litigation duration according to Srijith and Cs (2019).

LITERATURE REVIEW:

Existing Legal Scholarship:

Social structures transforming in modern times have caused maintenance rights discussions to expand extensively. Traditional maintenance laws restricted their focus to married women while current scholarly works demand that economic justice principles also protect live-in partners along with unmarried women. Researchers cast doubt on using judicial activism as stand-in legislation because the government failed to develop a proper statute (Gardner, 2019). A new proposal demands complete legislative improvements to produce clear regulations about maintenance claims (Bag, 2011).

KEY JUDICIAL PRECEDENTS:

The maintenance jurisprudence in India has undergone significant change through multiple important judicial rulings. The courts created the following table to outline major maintenance-related legal precedents along with their defined criteria:

Key Judicial Precedents in Maintenance Law

Case Name	Year	Key Findings	Reference
Mohd. Ahmed Khan v. Shah Bano Begum	1985	Extended maintenance rights for Muslim women beyond the iddat period; emphasised human dignity and equality.	Gardner (2019)
D. Velusamy v. D. Patchaiammal	2010	Recognised maintenance for live-in partners if the relationship bore characteristics similar to marriage.	Patil (2011); Bag (2011)
Indra Sarma v. V.K.V. Sarma	2013	Outlined criteria for maintenance eligibility including duration of cohabitation, financial dependence, and social recognition.	Goyal (2014)
Abhilasha v. Prakash	2020	Extended maintenance rights to unmarried Hindu daughters based on economic dependency.	Bag (2011); Panda (2016)

These instances display judicial thought that progressively supports rights-based security instead of marital exclusivity.

COMPARATIVE INTERNATIONAL PERSPECTIVES:

Studies between different jurisdictions generate beneficial information about the subject. Joint agreements and palimony laws in the United States together with the United Kingdom and Canada create established

methods for maintaining non-marital partners. Multiple international standards can be found in the summarized table below.

Table 2. Comparative Analysis of Maintenance Laws in Selected Jurisdictions

Jurisdiction	Legal Framework	Key Features	Reference
United Kingdom	Cohabitation agreements under TOLATA 1996 and Children Act 1989	Financial claims based on contributions to shared assets; limited statutory rights without agreement.	Srijith & Cs (2019)
United States	Palimony laws (varying by state)	Recognition of oral/written agreements; financial dependency considered; case-by-case basis.	Arsenijević (2021); Narayan et al. (2021)
Canada	Family Law Act in provinces like Ontario and British Columbia	Maintenance rights for cohabiting partners; similar protection to married couples; defined by cohabitation duration and child-rearing.	Bag (2011); Goussé & Leturcq (2018)

A national implementation of such a framework that bases maintenance rights on financial dependence would give Indian law needed solid foundation.

GAPS IN THE CURRENT LITERATURE:

Research on the maintenance rights of women living together shows expanding support throughout legal scholarship yet practical studies about their real-life experiences are minimal. Research on women's daily lives under these legal interpretations needs qualitative data from future studies because present research primarily utilizes doctrinal analysis. The debate continues about the possibility of fraudulent claims when maintenance is freely distributed because objective reform standards are still necessary (Patil, 2011).

RESEARCH METHODOLOGY:

Nature of the Study

The present research uses doctrinal socio-legal methodological approaches. His research method combines the thorough examination of both legal codes and judicial rulings as well as constitutional content. This evaluation uses important court decisions and legal documents to analyze maintenance law development since it examines if legal interpretations properly protect women who depend financially on their husbands. Through the socio-legal approach the researcher examines how legal decisions shape social processes because this methodology establishes theoretical relationships between abstract law and concrete social consequences (Byali, 2022).

DATA SOURCES:

This research depends on prime and second-hand materials as major data sources.

Primary Sources:

- Judicial decisions from the Supreme Court and various High Courts.
- Statutory provisions, notably Section 125 CrPC, the Hindu Adoption and Maintenance Act, 1956, and the PWDVA.
- Government reports and Law Commission recommendations on maintenance laws.

Secondary Sources:

- Scholarly articles, legal commentaries, and academic books.
- Comparative legal studies from international jurisdictions (Arsenijević, 2021).

The combination of primary and secondary sources makes up a solid foundation from which to investigate both the development and present situation of maintenance laws.

ANALYTICAL FRAMEWORK:

The research employs a dual analytical approach. The study performs a case law investigation to evaluate how judges interpret and develop maintenance rights through their judicial choices. The analysis focuses precisely on judicial definitions of “relationships in the nature of marriage” and assesses their uniform application by courts. A qualitative socio-legal research method evaluates both the wider financial security effects on women which arise from these court decisions. The research uses both doctrinal and socio-legal findings to pinpoint legal gaps through which the authors will present specific reform proposals (Patil 2011).

JUDICIAL TRENDS ON MAINTENANCE IN LIVE-IN RELATIONSHIPS:

Indian judicial institutions were instrumental in developing more rights to receive maintenance for women in live-in situations. The Supreme Court of India made a pivotal alteration through its decision in *D. Velusamy v. D. Patchaiammal* (2010). The Court established within this case that maintaining financial support under the PWDVA became accessible for women in live-in relationships which demonstrated conditions resembling the aspects of marriage. The Court explained in *Indra Sarma v. V.K.V. Sarma* (2013) that maintenance eligibility for live-in partners depends on three essential criteria including cohabitation time as well as economic and social acknowledgment (Goyal, 2014).

CRITERIA FOR MAINTENANCE CLAIMS:

The judicial system developed multiple prerequisites enabling the authorization of maintenance to be registered couples who reside together. These include:

- A romantic tie qualifies as a marriage only if both partners share home responsibilities and maintain financial ties.
- A claimant applying for maintenance benefits needs to show enduring live-in partnership status to qualify since brief arrangements do not fulfill the requirements.
- The live-in partner fails to qualify for Section 125 CrPC maintenance under the law because the male partner is already married according to the provisions of Narayan et al., 2021.
- According to Shandilya (2020) the couple must display wedding-like appearances towards society to gain valid maintenance claims.

DIVERGENT JUDICIAL INTERPRETATIONS:

The courts have introduced modernizing approaches yet judicial interpretations about this issue still show wide-ranging variations. Judicial rulings about maintenance payments follow two directions according to court jurisdiction: some choose broad interpretations founded on economic dependence and others insist on maintenance constraints toward legally married couples. For example, in cases such as *Tulsa v. Durghatiya* (2008) and *S.P.S. Balasubramanyam v. Citing Suruttayan* (1994) and *Tulsa v. Durghatiya* (2008) courts maintain a traditional perspective which expects claimants to demonstrate “in the nature of marriage” (Shandilya, 2020) criteria for their relationship.

SUMMARY OF JUDICIAL TRENDS:

The judicial system currently shows indications that it supports expanding the scope of maintenance rights. Since there is no statutory definition the criteria about who can apply for maintenance benefits depends heavily on judges' personal discretion. The current regulatory gaps show how important it is for maintenance laws to receive legislative reform to obtain standardized and consistent applications.

LEGAL STATUS OF MAINTENANCE FOR UNMARRIED WOMEN:

Statutory Gaps and Legislative Limitations:

Indian maintenance laws historically protect both married women and their children along with their parents. Unmarried women cannot depend upon the existing legal framework because judicial interventions to extend maintenance rights remain insufficient. Section 125 CrPC has undergone examination under which the term “wife” extends to cover relationships that mimic marriage in certain situations. Such interpretations show inconsistent application which makes them unreliable when seeking legal protection as unmarried women (Bag, 2011). The situation becomes more complex because of personal laws. An inconsistent legal environment has developed because Hindu, Muslim, Christian and Parsi laws fail to agree upon maintenance rights for unmarried partners (Wadje, 2013).

Economic Dependency and Social Justice

The fundamental rationale to extend maintenance rights starts from acknowledging economic dependency without any reference to marital state. Female partners in live-in arrangements regularly give up their work possibilities and freedom to manage the household. The judicial system now acknowledges the loss of income by women in relationships who must support their partners yet failed relationships justify financial assistance (Krishnan & Srivastava, 2024). The expansion of maintenance laws to include more cases could potentially result in wrongfully submitted claims for support. The dispute demonstrates why organizations should develop unambiguous standards to determine which individuals qualify for maintenance support (Patil, 2011).

Judicial Interpretations for Unmarried Women

The judiciary has developed its approach toward providing maintenance to unmarried women in an evolutionary manner. In *Abhilasha v. Under the leadership of Prakash* (2020), the Supreme Court granted unmarried Hindu daughters the right to maintenance benefits related to their financial dependencies. Through this decision the court expanded maintenance rules past marital constraints into a wider social and economic realm (Bag, 2011). Although no explicit legislative authority exists the varying case decisions about maintenance create inconsistent legal interpretations.

COMPARATIVE ANALYSIS WITH OTHER JURISDICTIONS:

International Legal Frameworks

An assessment between British and American and Canadian maintenance legislation demonstrates their distinct methods of supporting economic dependence instead of marital relationships. The United Kingdom enables cohabitants to set financial duties by making agreements before marriage but these agreements must specifically fulfill statutory mandates defined in the Trusts of Land and Appointment of Trustees Act 1996 to become enforceable (Srijith & Cs, 2019).

Unmarried partnership maintenance rights recognized as "palimony" depend on individual state circumstances in the United States since they evaluate the extent of living together alongside money transfers and formal and informal agreements (Arsenijević, 2021). California demonstrates significant advancement in validating such claims among its residents.

Canada, on the other hand, offers robust protection under family law statutes. Presuming certain specific time requirements or shared parenthood the Family Law Act of Ontario and British Columbia grants cohabiting unmarried partners the right to demand maintenance support. This method shows concern for equal economic distribution between partners (Bag, 2011; Goussé & Leturcq, 2018).

Lessons for Indian Legal Reform

Public institutions in these places have revealed vital insights that can benefit the Indian legal system. Several key benefits would arise from establishing specific legislative provisions for addressing the rights of live-in partners because it would diminish court-dependent decision-making. Wider definition of

economic dependency between partners would enhance Indian laws according to global human rights standards and lead to fairer gender outcomes (Arsenijević, 2021). Table 2 shows the core aspects of maintenance law regulations from different regions and provides reference points for possible legislative changes in India.

POLICY RECOMMENDATIONS AND REFORMS:

Addressing Legal Gaps

The legal system of maintenance in India requires immediate action because there is no complete legislation protecting unmarried women or couples in live-in relationships. The present legal framework encompassing PWDVA and Section 125 CrPC provides limited help although it lacks a systematic standardized standard for maintenance purposes. A comprehensive legislative change should include several reforms which the Indian legislative body needs to consider.

The Indian legislature should create a dedicated law which establishes definitive rights and duties of partners in live-in relationships. The proposed law should specify who qualifies for maintenance support and property rights and succession inheritance together with a complete removal of judicial decision-making powers (Bag, 2011).

The courts should incorporate live-in partners and unmarried women under Section 125 CrPC through its amendment to eliminate inconsistencies in legal interpretation (Goyal 2014).

Recognising Economic Dependence

The legislation needs to replace marital status with economic dependence as its central decision factor. The determination of financial support benefits should stem from a spoken evaluation of dependency regardless of the marriage formalities that exist between the parties. By adopting this method deserving women would remain included alongside people who face financial vulnerability (Shrivastava, 2016).

Proposed Amendments and Legislative Models

The following framework based on rights establishes specific proposals for maintenance laws in India:

- The Indian Parliament should develop specific legislation about maintenance rights for live-in partners based on United States palimony laws and United Kingdom cohabitation agreements.
- A statute must specify the minimum number of conditions required for recognizing common law marriage relationships through basic cohabitation time periods and economical dependency proof.
- It will establish precise explanations regarding rights and commitments extending into maintenance payments and property partition alongside inheritance rights.
- Expansion of Section 125 CrPC requires a change to broadening the “wife” definition or developing specific regulations for live-in partner and unmarried woman maintenance rights. The suggested reform establishment aims to stop courts from making unjustified choices while guaranteeing fair outcomes (Bag, 2011).

Enhancing Judicial Consistency

Judicial contributions play an influential role in addition to the necessary reforms made through legislation. The courts need to read maintenance laws in a forward-thinking manner to prioritize economic dependency as the main factor. High judicial authorities should create standardized guidelines for court applications to establish nationwide maintenance standards (Shrivastava, 2016).

Implementation Strategies

The following steps should be implemented to ensure successful execution of these reforms:

- The Supreme Court should create specific directive statements about maintaining claims evaluation standards that focus on live-in relationships because they reduce judges' personal opinions.

- Specialized fast-track courts aimed at maintenance disputes must be created because they would reduce court delays while granting immediate financial aid to dependent women.
- The government along with legal aid organizations should carry out public awareness campaigns to teach women about their maintenance rights according to the law. Greater awareness will provide women both legal power and a means to enforce judicial changes that positively affect their existence.
- Research that combines social economic datasets with legal studies should be promoted because such integrative approaches recognize how court decisions impact everyday life to support future adjustment of maintaining laws.

CONCLUSION:

The Indian maintenance law system developed from traditional marriage-based rules into inclusive rights-oriented standards to match the evolving socioeconomic environment throughout the nation. Posted judicial opinions made essential contributions toward granting maintenance benefits to both live-in partners and unmarried women. Landmark cases such as Mohd. Ahmed Khan v. Shah Bano Begum (1985), D. Velusamy v. D. Patchaiammal (2010), Indra Sarma v. V.K.V. Sarma (2013), and Abhilasha v. According to Prakash (2020) as well as other legal experts maintain that economic dependence should take precedence over traditional formal marriage status.

Progressive advances in maintenance law exist but the current legal system continues to be disordered. The absence of a thorough statutory decree allows judicial officials to make numerous decisions that can differ in interpretation. Financially dependent women lack sufficient legal protection because the court system produces shifting interpretations. Multiple studies comparing legislation from United Kingdom to United States and Canada have demonstrated the need for adopting economic dependence standards above marital status definitions because of their practical viability.

The financial security of all female residents demands a new law system which establishes maintenance as an inherent right beyond marital status. The creation of live-in partner rights and unmarried women rights in law demands parallel changes to Section 125 CrPC and the enactment of new legislation. The judiciary needs to use a uniform approach which maintains emphasis on economic dependency and gender equality in its decisions.

These reforms would bring Indian law into conformity with global best practices while protecting social rights of every unpaid female worker who has a financial dependence on others. Economic rights form the core of a holistic approach that will effectively resolve present-day financial inequalities between women who exist outside traditional marriage arrangements.

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