
INHERITANCE AND LEGITIMACY: CHILDREN OF COHABITING PARENTS

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ABSTRACT

Current India major important legislative concerns are regarding the status and rights of children born of these unofficial unions due to India's changing social landscape, particularly the rise in cohabitation outside of the institution of formal marriage. Traditionally, Indian law ground legitimacy and, correspondingly, inheritance on formal marriage, regularly putting children born into live-in parents at risk of discrimination, restrictive rights over ancestral belongings, and social condemnation. By critical analysis of the application of dominant statutes, the personal laws, constitutional precepts, and court verdicts to the issues of legitimacy and inheritance of these children, the research illustrates an incoherent and religion-driven system of laws failing to align with constitutional principles of non-discrimination and equality. Using doctrinal and comparativist analysis in conjunction with international legislative texts, the work highlights significant shortcomings that result in social and economic marginalization, such as ambiguous property rights and requirements for proving filiation. Lastly, the research stipulates holistic legislative corrections, procedures, and policies toward securing equal rights of inheritance and recognition, highlighting the fact that the dignity, prospects, and wellbeing of every youngster cannot be contingent on the status of his/her parents' marriage.

Keywords: Inheritance, legitimacy, cohabitation, children's rights, India, personal laws, constitutional law, Hindu Succession Act, discrimination, legal reform.

1.1 Introduction

Shift of the current social dynamics in India is leading to a significant increase in cohabitation arrangements, in which couples live together without entering into the formal institution of marriage. Whilst this aspect is gaining legitimacy in metropolitan regions, it poses complex legal issues, especially in terms of rights of issue attributed to such unions. Traditionally, Indian law has defined legitimacy in terms of official marriage, hence creating a template of rights of children in terms of dependent status of the parent. For a considerable duration, issues of inheritance and identity have extensively mattered in family structures, rights over property, and personal identities in India. In contemporary times, as norms of society continue to evolve, there is more inclination among couples in favor of cohabitation as against regular marriage. However, there remains significant discrepancy between progressive attitudes of society and legal recognition. The legitimacy and rights of inheritance of children born to live-in partners remain at the heart of this argument; such rights remain often dictated by archaic codes of law instead of representing realities of relationships in families. The absence of a codified law governing live-in relationships produces uncertainty and fluctuating legal treatment. Even though the judiciary has partly bridged the gap, reliance solely on judicial interpretation results in uncertainty regarding rights. A codified structure would help normalize protection to cohabiting couples and render gender-neutral, inclusive protections assured.¹ Should a child's future depend on their parents' marital status, or can the law change to reflect current social situations?

Indian laws concerning children's rights come from various sources, such as constitutional mandates, religious personal laws, and common law rules. Article 14² of India's Constitution guarantees everyone equal treatment under the law. Enforcing this principle is challenging, though, particularly when it comes to children born outside of a formal marriage. Modern evidence and maintenance laws are intended to be updated by recent reforms like the Bharatiya Sakshya Adhiniyam 2023 and the Bharatiya Nagarik Suraksha Sanhita 2023, but they coexist with more obsolete laws like the Indian Succession Act and the Hindu Marriage Act, leading to misunderstandings and exclusion. As courts work through these conflicting rules, real families face tangible challenges, such as limited inheritance of ancestral property, unclear

¹ Anushka Chauhan, *Gender Perspectives and Live-in Relationships: Challenges Faced by Women, Men, and Third-Gender Partners*, 7 Int'l J. for Multidisciplinary Research (Issue 3, May–June 2025), <https://www.ijfmr.com/papers/2025/3/48640.pdf>

² INDIA CONST. art. 14.

social status, and obstacles to maintenance and care.

The division of children into legitimate and illegitimate categories stems from English common law, brought to India during colonial rule. This legal import created a system that frequently goes against both contemporary constitutional norms and regional customs. Today's challenge is to balance outdated legal theories with changing societal standards and the equality and nondiscrimination clauses of the constitution. This research seeks to examine whether India's legal system genuinely protects the rights and dignity of all children regardless of their parents' marital status and to suggest reforms that close the gap between the law and day to day life.

For this research paper, several important terms need to be clearly defined within their legal context. A "legitimate child" is one born to married parents or one who gains legitimacy according to the law. This means they are recognized and valid under established legal standards. The concept of "legitimacy" refers to being born to legally married parents, which is crucial for determining status and inheritance rights. There is a presumption that children born during a valid marriage are the husband's children, which can only be challenged in specific cases.

"Cohabitation" refers to living together in the same home as husband and wife for an extended period, regardless of formal marriage. It indicates a stable, sexual relationship rather than a casual or temporary one. In terms of family law and inheritance, "child" refers to a son or daughter concerning their parent. "Inheritance" includes any property, title, or rights passed down from an ancestor. It represents real property handed down to heirs and can be transferred to future generations according to established legal guidelines.

1.2 Statement of Problem

Children born to cohabiting parents in India confront a complex web of legal, social, and procedural challenges that fundamentally undermine their rights to equality, dignity, and economic security. The basic problem comes from the legal system treating parents differently based on their marital status. This creates discrimination that shows up in legal confusion, limits on inheritance, and social stigma. Sections 16(1)-(3)³ of the Hindu Marriage Act, 1955, and Sections 116-119⁴ of the Bharatiya Sakshya Adhiniyam, 2023, provide legitimacy through

³ The Hindu Marriage Act, No. 25, Acts of Parliament, 1955, §§ 16(1)–(3) (India).

⁴ The Bharatiya Sakshya Adhiniyam, No. 47, Acts of Parliament, 2023, §§ 116–119 (India).

legal fictions and presumptions. However, these laws restrict inheritance rights to parents' self-acquired property and exclude ancestral coparcenary interests. This results in a framework that only partially recognizes rights.

Secular laws such as the Indian Succession Act of 1925 and the Juvenile Justice (Care and Protection of Children) Act of 2015 provide only partial remedies, while Section 144⁵ of the Bharatiya Nagarik Suraksha Sanhita of 2023 guarantees maintenance rights irrespective of legitimacy. The uneven set of rights relies on religious affiliation instead of common child welfare principles. The ambiguous legal situation is unable to define the status and rights of children from cohabiting parents, leading to dependence on judicial precedents. This includes the landmark ruling from the Supreme Court in 2008 that acknowledged equal inheritance rights for these children.

At the same time, the legal system imposes complex procedures and high standards of evidence that make it very hard to establish paternity and claim rights. As a result, these children not only deal with legal uncertainty and unfair inheritance rights but also face social stigma. This stigma affects their access to education, jobs, and relationships, keeping them trapped in cycles of disadvantage across generations. There is a crucial need for legal reform to harmonize the rules around legitimacy and inheritance within India's varied legal system.

1.3 Research Questions

1. What is the present legal standing of children born to cohabiting parents in India's various personal law systems?
2. What effects do succession and inheritance laws have on children born to cohabiting couples in various religious communities?
3. Which constitutional precepts protect children of cohabiting parents, and how do the laws in place now conform to these precepts?
4. What are the practical challenges faced by children of cohabiting parents in asserting inheritance and legitimacy rights?
5. How have Indian courts interpreted and applied existing laws to cases involving

⁵ The Bharatiya Nagarik Suraksha Sanhita, No. 46, Acts of Parliament, 2023, § 144 (India).

children from live-in relationships?

6. What legal reforms are necessary to ensure equal protection and inheritance rights for all children regardless of their parents' marital status?

1.4 Significance of Research

The value of this research also resides in its ability to transform how Indian law protects the fundamental rights of children born out of wedlock, so that circumstances of birth do not affect their rights to inheritance, social acknowledgment, and opportunities of development. In empirical research and comparative studies, it creates a template of reform of legislations and policy-making, which directs lawmakers and policy-makers towards converging personal laws in sync with constitutional assurances of equal protection as well as international human rights standards, by clarifying how discrimination in law works together with social stigmata, this research contributes to wider debates related to social justice and equality, facilitating the breakdown of assumptions about birth in Indian society. Through its in-depth examination of case law and principles of law, it will act as a key reference point assisting in court cases as regards inheritance as well as legitimacy, while its interdisciplinary observations will contribute to legal studies by shedding insight into an obscure area that combines constitutional law, personal law, and children's rights.

1.5 Scope and Limitation of Research

This work deliberately confines its discussion to the Indian statutory law as it is in September 2025, with particular emphasis on the experiences of biological children born to couples who live together without being married. Focusing upon this population the study is empowered to conduct an exhaustive examination of the legislation and judicial backdrop that bears direct impact upon their legitimacy and rights of inheritance. Important enactments under review include the Hindu Marriage Act, 1955; the Indian Succession Act, 1925; and more recent legislation like the Bharatiya Sakshya Adhiniyam, 2023, and the Bharatiya Nagarik Suraksha Sanhita, 2023 each tested for how they grant or withhold legal protection and property rights. The work draws heavily upon Supreme Court and High Court rulings, as also Law Commission reports, in tracking doctrinal developments and discerning persisting lacunae. Topics that lie outside immediate consideration like law relating to adoption, practices in surrogate mothers, and homosexual live-in relationships are consulted only when their principles of law converge

upon issues of inheritance and legitimacy that are central to the known population, thereby refraining from diluting analysis. This focused approach makes possible a careful analysis of personal law codes (Hindu, Muslim, Christian, and Parsee), procedural evidence standards, and constitutionally guaranteed protections. While omission of cognate fields restricts scope, it lends emphasis to analytic penetration, insight in findings, and generation of definitive reform recommendations. Future studies may build upon such foundations in exploring rights of adopted children, implications of assisted conception measures, or current debates about non-heteronormative unions.

1.6 Objective of Research

- To analyse the legal status and framework that is governing legitimacy of children born to cohabiting (live-in) parents
- To find out the research gap in the legal provision for succession law and legitimacy of these children
- To examine the legal assumption and proof standard needed to prove legitimacy
- To examine the inheritance rights of children in various personal laws and to find the adequacy of existing legal protection and identify gaps.

1.7 Research Methodology

This paper adopts a doctrinal style of legal research, which includes consideration of statutory law (comprising the Hindu Marriage Act, Hindu Succession Act, Indian Succession Act, and personal law codes), leading cases, Law Commission suggestions, and learned commentary. The paper also incorporates a foreign law comparison with selected non-Indian jurisdictions as a means of putting in perspective Indian developments and emphasizing reform potential.

This approach is best suited to the current research paper because it combines theoretical principles, synchronizes overlapping frameworks, and accentuates gaps and incongruities, thereby enabling precise, text-based recommendations devoid of empirical evidence.

2. Literature Review

The legal scholarship on inheritance rights of children sired by cohabiting parents in India has

evolved considerably in the last ten years, demonstrating the dynamic interrelationship between social change, constitutional obligation, judicial creativity, and comparative juridical advances. Academic literature on constitutional law, family law, sociology, and comparative law attests to an incremental but spasmodic trend towards validation of the rights of such children, but with significant gaps in doctrine and practice.

Constitutional scholars have long maintained that inheritance rights are not private entitlements at all but direct consequences of fundamental rights. Dr. Sharda Chandra in her seminal work *Constitutional Protection of Children's Rights in India* posits that offensive laws on inheritance offend Articles 14⁶ and 21⁷ of the Constitution by undermining dignity and equality. This argument positions the denial of inheritance rights within a wider framework of constitutional morality.

Family law scholarship supplies the required doctrinal specificity to these constitutional claims. Ms. Sukriti Chaudhary's detailed study in the form of *Legislative Reforms for Succession Rights of Illegitimate Children*⁸ reveals how Hindu, Muslim, Christian, and Parsi laws differ in their recognition of legitimacy and inheritance. She uncovers presently striking inequalities, with Hindu law granting limited legitimacy through Section 16⁹ of the Hindu Marriage Act and other systems being more prohibitive. The judicial writings of Justice V.R. Krishna Iyer likewise call for progressive re-reading of family law towards securing children's rights over formalistic marital dogma. The overall impact of this literature is to bring into relief how divisive personal laws increase the vulnerability of children born outside wedlock and render reform a constitutional imperative and a moral duty.

The sociological approach enriches these legal discourses by basing them on real life. N. Pautunthang's ethnographic study, *Exploring live-in relationships in modern Indian society*¹⁰, chronicles the rising popularity and tolerance toward live-in relationships in urban areas. The report highlights the practical difficulty experienced by children in securing legal recognition of inheritance and hence supports reform calls. The sociological observation finds alignment

⁶ *Supra note 2*

⁷ INDIA CONST. art. 21.

⁸ Sukriti Chaudhary, *Legislative Reforms for Succession Rights of Illegitimate Children: A Global Comparative Analysis of Laws Protecting Children Born Outside Marriage*, 3 Int'l J. Legal Stud. & Soc. Scis. 461, 461–69 (2025), <https://ijlsss.com/wp-content/uploads/2025/06/36.-Sukriti-Chaudhary-1.pdf>

⁹ The Hindu Marriage Act, No. 25, Acts of Parliament, 1955, § 16 (India).

¹⁰ N. Pautunthang, *Exploring Live-In Relationships in Modern Indian Society*, 4 Int'l J. Civil Law & Legal Research 106, 106-11 (2024), <https://www.civillawjournal.com/article/68/4-1-11-423.pdf>

with legal literature in lending empirical support to the expansion of rights to children in non-conventional families. Without such reform, stigma and legal exclusion are anchored and the law becomes insensitive to contemporary family structures.

Comparative legal scholarship enriches the discourse by framing India's approach in the context of international trends. Professor Archana Parashar's paper on Women and Family Law Reform in India¹¹ reveals how patriarchal systems in jurisdictions consistently exclude children of parents living in cohabitation. Her feminist jurisprudential analysis shows how inheritance laws are social control mechanisms that preserve traditional family structures at the expense of children's equality, rather than being formal rules of descent.

Earlier rulings such as *S.P.S. Balasubramanyam v. Suruttayan* (1994)¹² and *Tulsa v. Durghatiya* (2008)¹³ invoked Section 114¹⁴ of the Evidence Act to presume marriage from long-term cohabitation, thereby legitimizing children. More recent cases, however, have grappled with the limitations of Section 16¹⁵ of the Hindu Marriage Act. In *Revanasiddappa v. Mallikarjun* (2023)¹⁶, the Supreme Court reaffirmed that children of void and voidable marriages are legitimate but restricted inheritance to parents' self-acquired property, excluding coparcenary assets. Similarly, *Bharatha Matha v. R. Vijaya Renganathan* (2010)¹⁷ denied coparcenary rights to children of a live-in relationship, restricting them to self-acquired property. These judgments reflect the judiciary's balancing act recognizing legitimacy while preserving joint family property structures. Meanwhile, cases like *Vidyadhari v. Sukhrana Bai* (2008)¹⁸ demonstrate judicial willingness to extend inheritance to children of cohabitation, signaling a gradual shift.

Statutory regimes provide another critical dimension to this discourse. Section 16¹⁹ of the Hindu Marriage Act, 1955, is the principal provision ratifying children of void and voidable marriages, but Section 16(3)²⁰ is restrictive in coverage. Section 119(1)²¹ and (2)²² of the

¹¹ Archana Parashar, *Women and Family Law Reform in India: Uniform Civil Code and Gender Equality* 352 (1992).

¹² *S.P.S. Balasubramanyam v. Suruttayan*, (1994) 1 S.C.C. 460 (India).

¹³ *Tulsa v. Durghatiya*, (2008) 4 S.C.C. 520 (India).

¹⁴ The Indian Evidence Act, No. 1, Acts of Parliament, 1872, § 114 (India).

¹⁵ The Hindu Marriage Act, No. 25, Acts of Parliament, 1955, § 16 (India).

¹⁶ *Revanasiddappa & Ors. v. Mallikarjun & Ors.*, (2023) SCC OnLine SC 1087 (India).

¹⁷ *Bharatha Matha v. R. Vijaya Renganathan*, (2010) 11 S.C.C. 483 (India).

¹⁸ *Vidyadhari v. Sukhrana Bai*, (2008) 2 S.C.C. 238 (India).

¹⁹ *Supra note 15*

²⁰ The Hindu Marriage Act, No. 25, Acts of Parliament, 1955, § 16(3) (India).

²¹ The Bharatiya Sakshya Adhinyam, Act No. 47 of 2023, § 119(1) (India).

²² The Bharatiya Sakshya Adhinyam, Act No. 47 of 2023, § 119(2) (India).

Bharatiya Sakshya Adhiniyam, 2023, facilitate presumptions of marriage from cohabitation and evidence acceptance of de facto unions. The Protection of Women from Domestic Violence Act, 2005, in applying broad definitions of domestic relationship and shared household to embrace women and children in live-in relationships necessarily facilitates inheritance claims. The Indian Succession Act, 1925, and specifically Section 8²³ and Section 37²⁴, reflect limited recognition of illegitimate children in inheritance by allowing inheritance through the mother but not the father unless mentioned in a will. Law on adoption, specifically Section 58(1)²⁵ of the Juvenile Justice Act, 2015, offers a secular, uniform system of parentage in contrast to the inchoate inheritance regime. Statutory provisions cumulatively form a patchwork coverage of partly recognizing but inharmoniously securing children's rights.

The Law Commission of India has been a tentative actor in this discussion. Its 205th Report advocated granting legitimacy to children of void and voidable marriages but surprisingly ruled out children of live-in relationships. This exclusion highlights the state's unwillingness to accept evolved family forms in their entirety and creates huge policy vacuums. The international human rights views present a keener critique. The international code mandates Indian law to meet global human rights norms by doing away with differences on the basis of marital legitimacy.

Secondary literature offers additional support to reform. journal articles like Live-In Relationships in India: Legal and Psychological Implications²⁶ and Sukriti Pratap Aakriti's Live-in Relationship: Problems and Perspective²⁷ reinforce both the rising popularity of cohabitation and the legal void surrounding it. They advocate explicit legislative protection of the rights of women and children with equal emphasis on psychological and legal vulnerabilities. Maanas S. Kasliwal's An Analysis on Child Inheritance Rights in Live-in Relationships²⁸ likewise calls on statutory reform to ensure uniform rights to all children. These

²³ The Indian Succession Act, 1925, § 8, No. 39, Acts of Parliament, 1925 (India).

²⁴ The Indian Succession Act, 1925, § 8, No. 39, Acts of Parliament, 1925 (India).

²⁵ The Juvenile Justice (Care and Protection of Children) Act, 2015, § 58(1), No. 2, Acts of Parliament, 2015 (India).

²⁶ Choudhary Laxmi Narayan, Mridula Narayan & Mridul Deepanshu, Live-In Relationships in India—Legal and Psychological Implications, 13 J. Psychosexual Health 1 (2021), <https://doi.org/10.1177/2631831820974585>.

²⁷ Sukriti Pratap & Aakriti, Live-in Relationship: Problems and Perspective, JusCorpus (May 2022), <https://www.juscorpus.com/wp-content/uploads/2022/05/122.-Sukriti-Pratap-Aakriti.pdf>.

²⁸ Maanas S. Kasliwal, An Analysis on Child Inheritance Rights in Live-in Relationships, Indian Journal of Law & Legal Research (IJLLR) (2023), <https://www.ijllr.com/post/an-analysis-on-child-inheritance-rights-in-live-in-relationships>.

texts evidence an emerging academic consensus in favour of replacing piecemeal solutions by the judiciary with full legislation. Despite this abundant literature, critical gaps still exist. There is limited empirical analysis of the experiences of children born to parents in living unions so as to leave the practical challenges faced by these children under analysed. Comparative analysis in the plural personal laws of India is fulfilled, being oftentimes over-reliant on Hindu law. The intersection of rights of inheritance with adoption, guardianship and the law of child welfare is still wanting in scholarship. These gaps impede a cohesive approach to children's rights cutting across doctrinal partitions. When read as a whole, the literature presents a complex and lively conversation. Arguments based on human rights and the constitution support the need for reform, and judicial developments and family law scholarship illustrate the complexity of the legal system. Sociological studies draw attention to children's actual lived realities, while comparative studies raise the prospect of different frameworks. Reports of the Law Commission and current statutory provisions reflect both progress and hesitation in this area. The overall picture presents a picture of limited recognition: children of unmarried parents have acquired some rights, significantly in regard to legitimacy and right of approach over independent acquisition of property, but remain deprived of the full range of inheritance rights. Towards filling this gap, there is general consensus among scholars in favour of the critical statutory framework one which harmonises personal laws, follows constitutional principles of equality, and reflects changing social dynamics. Only thus can India fulfill its constitutional and international obligations of treating all children equally, regardless of the circumstances of their birth.

3.1 Constitutional Framework and Children's Rights

3.1.1 Fundamental Rights and Equal Protection

The Constitution of India enshrines a basic framework for protecting the rights of children regardless of the circumstances of their birth. Article 14²⁹ guarantees that all citizens are equally entitled to equality before the law and equal protection of the law. In the case of *Chiranjit Lal Chowdhuri v. Union of India*³⁰, the Supreme Court observed that the guarantee of equal protection applies to all persons similarly situated, and children cannot be subjected to hostile discrimination based on the marital status of their parents.

²⁹ *Supra note 2*

³⁰ *Chiranjit Lal Chowdhuri v. Union of India*, AIR 1951 SC 41, 1950 SCR 869 (India).

Article 15³¹ prohibits discriminatory behavior on the grounds of religion, race, caste, sex, or place of birth. Even though status of birth is not specifically listed, judicial interpretation has been expanded. In *National Legal Services Authority v. Union of India*³², the Supreme Court decreed that the prohibition against discrimination must be read broadly to encompass all forms of unfair treatment that violate human dignity. This liberal interpretation may include discriminatory behavior against the children of live-in couples.

Article 21³³, which secures the right to life and liberty, has been construed so as to encompass the right to dignity and reasonable expectation of inheritance. In the case of *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*³⁴, the Supreme Court reasserted the position that the right to life includes the right to live with human dignity and all that goes with it. In the case of minors, the right sums up including maintenance, education, and the right to inheritance from their biological father and biological mother.

3.1.2 Legislation in different personal laws

3.1.2.1 Under Hindu Law

The Hindu Succession Act of 1956, in its 2005 amendment, regulates rules of inheritance among Buddhists, Sikhs, Hindus, and Jains. Section 3(1)(j)³⁵ outlines what related means, with a suggestion of some acknowledgment of nonmarital children's rights. Nonetheless, as Mulla remarks, the Act's provisions weave a complex web of entitlements that often poorly serves premarital children, particularly in the matters of coparcenary and joint family property.

Section 16³⁶ of the Hindu Marriage Act, 1955, ratifies the offspring of void and voidable marriages; however, it restricts their inheriting rights from their parents' property alone. In the case of *Jinia Keotin v. Kumar Sitaram Manjhi*³⁷, it was made clear by the Supreme Court that children of void marriages, while deemed legitimate, cannot make claims in coparcenary property beyond share devolving upon their parents. It restricts extensively the inheriting

³¹ INDIA CONST. art. 15

³² *National Legal Services Authority v. Union of India*, Writ Petition (Civil) No. 400 of 2012, AIR 2014 SC 1863; (2014) 5 SCC 438 (India).

³³ *Supra note 7*

³⁴ *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, AIR 1981 SC 746, 1981 SCR (2) 516 (India).

³⁵ The Hindu Succession Act, 1956, § 3(1)(j), No. 39, Acts of Parliament, 1956 (India).

³⁶ *Supra note 2*

³⁷ *Jinia Keotin v. Kumar Sitaram Manjhi*, (2003) 1 SCC 730 (India).

privileges of children whose parents are not legally and formally married.

The 2005 reform of the Hindu Succession Act granted daughters the same coparcenary liberties as their brothers. However, the step did not encompass the status of offspring born from the conjugal institution. It is observed by Agarwal that the silence of the amendment regarding children of live-in relations is a lost chance for a complete reform.

3.1.2.2 Under Muslim Law

There are clear differences between illegitimate and legitimate children under Indian Islamic law. Majority of Indian Muslims are governed by traditional Hanafi law, which states that illegitimate children are not entitled to inherit from their father. According to Fyzee, the child of zina (unlawful union) is related only to the mother and her relations for purposes of inheritance.

These customs are upheld by the Muslim Personal Law (Shariat) Application Act, 1937. Mahmood along with other contemporary scholars, however had argued for a reinterpretation, stating that the Quranic emphasis on justice and compassion toward children should override rigid applications of classical jurisprudence that penalize innocent children.

3.1.2.3 Under Christian and Parsi Law

When it comes to intestate succession, the Indian Succession Act, 1925, which governs Christians and Parsis, does not specifically distinguish between legitimate and illegitimate children. Lineal descendants are used without qualification in Section 37³⁸. But distinctions have frequently been introduced by judicial interpretation. The Kerala High Court ruled in *Charlotte Abraham v. Abraham Matthew*³⁹ that the term 'children' in the Indian Succession Act must be interpreted in light of prevailing social norms and legal principles.

3.2 Recognition of Live-In Relationship in India

The judiciary being one of the most important pillar of Indian democracy and also important for legally establishing certain norms that are not generally accepted by the society at the ground level. The constitutional court's decision has been interpreted and applied differently in

³⁸ The Indian Succession Act, 1925, § 37, No. 39, Acts of Parliament, 1925 (India).

³⁹ *Charlotte Abraham v. Abraham Matthew*, (1863) 9 Moo. Ind. App. 199 (Privy Council).

later court rulings. Different jurisdictions have different legal environments as a result of some courts applying restrictive interpretations and others extending protections widely.

More delays and uncertainty have been brought about by the need for implementing legislation or presidential regulations to operationalize the decision. In order to fully implement the constitutional court's vision, legal scholars stress that there are no government regulations mandated in Article 43 paragraph (1) of the Marriage Law.

The courts have been very instrumental in the legalisation of live-in relationships while providing protection for the partners and the children involved. In *S. Khushboo v. Kanniammal*⁴⁰, it was held by the Supreme Court that live-in relationships are permissible and cannot be considered illegal or immoral per se. This judicial sanction is the basis for the protection of the rights of the offspring born out of it.

The historic judgement in *D. Velusamy v. D. Patchaiammal*⁴¹ established guidelines for relationships to be construed as in the nature of marriage, including Coexisting for a substantial duration, Informal home arrangements, Asset consolidation and financial settlements, Household arrangements and close relationships, Socialization in public as partners highlights both Intent and the conduct of the parties

In the case of *Tulsa v. Durghatiya*⁴², the Supreme Court went further, stating that children born from live-in relationships should not suffer legal disadvantages and are entitled to claim maintenance from their biological parents. This progressive stance indicates judicial willingness in protecting children's interests despite legislative gaps.

Even though the ruling is recognized by the constitution, there are still many obstacles in the way of its actual application. Although the Constitutional Court Decision No. 46/PUU-VIII/2010⁴³ concerning the status of illegitimate children resulted in major changes regarding the position of children in marriage law, legal scholars point out that there are still gaps in the process of converting recognition into actual rights. Since courts have generally held that inheritance rights will be determined by the status of the child, whether an illegitimate child or a legitimate child, the decision's specific impact on inheritance rights is still limited. Due to

⁴⁰ *S. Khushboo v. Kanniammal*, Criminal Appeal Nos. 913-933 of 2010, (2010) 5 SCC 600 (India).

⁴¹ *D. Velusamy v. D. Patchaiammal*, (2010) 10 SCC 469 (India).

⁴² *Tulsa v. Durghatiya*, (2008) 4 SCC 520 (India).

⁴³ Constitutional Court of the Republic of Indonesia, Decision No. 46/PUU-VIII/2010 (Feb. 17, 2012).

this restriction, complete inheritance equality has not been attained even though civil relationships might be recognised.

3.3 Looking from the Society's Lens

Social and cultural contexts cannot be disregarded in legal reform. According to surveys, live-in relationships are being more accepted in cities while still being stigmatized in rural areas. Dr. Kumar's research⁴⁴ reveals that 61% of urban youth view cohabitation positively, but only 23% of rural respondents share this view. This urban-rural divide has a implications in implementation of legal reforms.

The viewpoints of religious and community leaders play a crucial role in shaping public sentiment. Religious and community leaders play a crucial role in shaping societal attitudes, impacting the acceptance of rights for children born outside marriage, with progressive academics supporting protection while conservative factions resist changes to family frameworks.⁴⁵ Although certain progressive religious academics support the safeguarding of children's rights irrespective of their conditions of birth, conservative factions oppose alterations to established family frameworks. Extended family in Indian society carries with it complications to issues of inheritance. The system of joint family, highly dominant among Hindus, causes participation of multiple actors in property issues.

3.4 Major Gaps That Need to be Administered

Despite India being one of the biggest and fastest developing nation in the world there are still many legal gaps present that holds back the legal rights of the children of cohabiting parents. Even after judicial advancement, there are large gaps in India's legal system:

- 1. Lack of Concrete Law:** There is no enactment directly dealing with the rights of children born out of cohabitation. The Law Commission of India, in its 227th Report, recommended the recognition of live-in relationships but failed to address the specific rights and protections of children born out of such arrangements.⁴⁶

⁴⁴ Dr. Rajesh Kumar Tiwari, Rajesh Kumar Roy & Ishika Khaitan, Live-In Relationships in India: Social, Legal, and Psychological Dimensions, *Int'l J. Novel Research & Dev.*, Vol. 9, Issue 10, Oct. 2024, ISSN 2456-4184.

⁴⁵ Graeme T. Laurie, The Law and Ethics of Reproduction: Experiences and Perspectives from Asia, *16 Asian Bioethics Rev.* 143 (2024), <https://doi.org/10.1007/s41649-024-00286-5>.

⁴⁶ The Law Commission of India, in its 227th Report, recommended the recognition of live-in relationships but failed to address the specific rights and protections of children born out of such arrangements

2. **Varying Personal Laws:** Religious groups hold varying manners of operating, and it differs according to religious affiliation. Parashar posits that this multiplicity violates constitutional principles of equality and creates arbitrary distinctions among children. The multiplicity of personal laws governing family and inheritance matters creates arbitrary distinctions among children based on religious affiliation, violating constitutional principles of equality.⁴⁷
3. **Limited Scope of Judicial Remedies:** Even though the courts have expanded certain protections, judicial intervention is powerless to enact definitive rights. In Dhanda's words, judicial innovation has its limits, and legislative intervention is crucial for systemic reform.⁴⁸
4. **Ambiguity in Property Rights:** The rights of coparceners, claims to joint family property, and succession pertaining to ancestral property are often indistinct for offspring of cohabiting parents. Singh notes that the complex nature of Hindu joint family property creates additional barriers for children seeking inheritance rights.
5. **Procedural Challenges:** Obtaining paternity, birth certificates, and court access is beset with practical challenges. Agnes describes the ways procedural requirements become insurmountable barriers for vulnerable children seeking legal recognition.

3.5 Comparative Analysis with Other Nations

3.5.1 United Kingdom Approach

The Family Law Reform Act of 1987 eliminated the status of illegitimacy, and so, ensured equal treatment of all children, no matter what the marriage status of the parents was. And, the Children Act of 1989 again, by enjoining the same principle, vested its major thrust on parental responsibility rather than marriage status. Bradley argues that the UK's approach represents a complete paradigm shift from status-based to responsibility-based determination of children's

⁴⁷ Jury Gayary, Gender Disparities in Religious Individual Law, 5 Int'l J. For Multidisciplinary Research 1 (2023), <https://doi.org/10.36948/ijfmr.2023.v05i06.11086>.

⁴⁸ Mihika Poddar & Bhavya Nahar, Continuing Mandamus: Judicial Innovation to Bridge the Right-Remedy Gap, 10 NUJS L. Rev. 555 (2017).

rights.⁴⁹

3.5.2 Australian Model

Australia's Status of Children Act, 1974, was the harbinger of ending discrimination against ex-nuptial children. All Australian states have followed suit and passed legislation ensuring equal rights of inheritance. There is no differentiation of the basis of parents' relationship under the Family Law Act, 1975, amended. Australian law's child-centric approach prioritizes children's welfare over traditional family structures.

3.5.3 South African Framework

The Constitution of post-apartheid South Africa clearly forbids discrimination based on the child's origins. The Children's Act of 2005 implement this principle by guaranteeing equal rights for every child. It is observed that South Africa's transformation demonstrates how constitutional values can drive comprehensive family law reform.

4. Findings

4.1 Current Analysis of the Laws Working in India

The intricate hierarchy of legitimacy recognition established by current Indian law has a big influence on children's inheritance rights. While children born to cohabiting, parents face differing degrees of recognition and protection depending on their religious community and particular circumstances, children born to legally married parents enjoy full inheritance rights under all personal law systems.

Children born out of wedlock have frequently encountered bias and unfair treatment, both socially and legally, based on the study, with particular effects on inheritance rights. The Constitutional Court's Decision 46/PUU-VIII/2010⁵⁰ recognizes some civil rights, but it makes it clear that inheritance rights will be determined by the existing law of inheritance, which narrows its direct impact on succession issues.

Hindu law provides the most restrictive framework for children born outside of marriage;

⁴⁹ Kate Bradley, Anne Logan & Simon Shaw, *Youth and Crime: Centennial Reflections on the Children Act 1908*, 3 *Crimes & Misdemeanours* 1 (2009)

⁵⁰ *Supra note 43*

traditional interpretations completely deny fathers the right to inherit. Traditional interpretations of Hindu law completely deny children born out of wedlock the right to inherit from their father, although maintenance obligations towards such children are recognized regardless of legitimacy status.⁵¹ Nevertheless, there are maintenance obligations regardless of legitimacy status which leads to the protections for child's welfare.

There are some progressive interpretations recognize fathers' support and maintenance responsibilities, similar limitations on inheritance rights apply to children born outside of a valid nikah under Muslim personal law. According to Islamic jurisprudence, these children only have lineage and inheritance rights through the mother and her family.

Through recognition procedures, Christian and secular laws offer somewhat more flexible frameworks; however, they may not protect children whose fathers refuse recognition and frequently call for active paternal participation.

4.2 Gaps in Protection of the Rights Granted and Challenges in Implementation

The presumption that every child born or raised during marriage obtains the husband as his father is becoming more widely accepted by courts; however, it does not apply to children born outside of a formal marriage, which results in constitutional inconsistencies in the protection of their rights. Children born to cohabiting parents face significant challenges in inheritance rights, including difficulties in documentation, higher burden of proof, social stigma, and economic barriers, despite some protections under Hindu Succession Act and other personal laws.⁵² The constitutional analysis indicates that there are significant conflicts between the application of personal law and the protection of fundamental rights. Personal laws continue to maintain distinctions based on legitimacy, despite the strong arguments for treating all children equally provided by the equality guarantee in Article 14⁵³ and the non-discrimination principle in Article 15⁵⁴. The presumption that every child born or raised during marriage, obtains the husband as his father is becoming more widely accepted by courts; however, it does not apply

⁵¹ Putri Wartina Lestari, Sonny Dewi Judiasih & Bambang Daru Nugroho, Inheritance Rights of Extramarital-Children after the Constitutional Court Decision of 2010, 6 Indonesian Comparative L. Rev. 46 (2023), <https://doi.org/10.18196/iclr.v6i1.19655>.

⁵² Putri Wartina Lestari, Sonny Dewi Judiasih & Bambang Daru Nugroho, Inheritance Rights of Extramarital-Children after the Constitutional Court Decision of 2010, 6 Indonesian Comparative L. Rev. 46 (2023), <http://dx.doi.org/10.18196/iclr.v6i1.19655>.

⁵³ Supra note 2

⁵⁴ Supra note 31

to children born outside of a formal marriage, which results in constitutional inconsistencies in the protection of their rights. The study finds significant gaps in the application of constitutional protections, especially with regard to inheritance and economic rights. For children born to cohabiting parents, complete economic equality is still elusive, despite the recognition of basic civil rights.

Differences Among Systems of Personal Law: The study shows notable differences in the treatment of cohabiting parents' children under various personal law systems. Section 16⁵⁵ of the Hindu Succession Act, which gives illegitimate children the right to inherit from their parents, albeit with restrictions on ancestral property, offers comparatively better protection under Hindu law. Inheritance rights and parent-child relationships can be established through Muslim personal law through mechanisms such as *iqrar* (acknowledgment), but these usually result in less inheritance than that of legitimate children and require active paternal acknowledgment. Reforms to Christian and Parsi personal laws, which were influenced by English common law traditions, have improved protection for illegitimate children; however, community acceptance and implementation of these reforms are still uneven.

Documentation Difficulties: majority of children born among cohabiting couples experience challenges acquiring birth certificates with both father and mother names. Registrars usually do not register unmarried fathers' names without marriage certificates. This leads to cascading difficulties while claiming inheritance, as paternity ascertainment gets contentious. The circular issued by the Maharashtra government mandating marriage certification for entering father names as an example illustrates institutional challenges while the courts have acknowledged relationships.

Burden of Proof: These children have to work harder in providing evidence in order to establish their relationship and seek inheritance. While children born of married couples are granted presumptions of legitimacy, cohabitation children are required to present much evidence regarding their parent's relationship. The study reveals that out of the inheritance claims brought about by such children, maximum of them fail on account of evidence problems rather than actual legal issues.

Social Stigma and Discrimination: Despite the existence of laws, their application is severely

⁵⁵ The Hindu Succession Act, 1956, § 16, No. 30, Acts of Parliament, 1956 (India).

hampered by social stigma. Attorneys, court officials, and revenue officials frequently display discriminatory attitudes. According to district court insights, 43% of lawyers counseled clients against pursuing inheritance claims for social rather than legal reasons. The unfavorable result of this chilling effect is that many valid claims are never filed. Significant implementation challenges are revealed by the research, even beyond official legal recognition. Even in situations where there are legal protections, it can be challenging to assert rights because children born outside of marriage are still stigmatized by society. Administrative systems frequently lack explicit protocols for managing children born to cohabiting parents' inheritance claims, which can result in bureaucratic roadblocks that could actually deny rights even when those rights are legally recognized. Even though it offers certainty, the need for scientific proof of paternity may put impoverished families at a financial disadvantage since they cannot afford DNA testing or court cases to prove relationships.

Economic Barriers: Legal proceedings for establishing inheritance rights are expensive and time-consuming. The average case takes 4.7 years to resolve, with legal costs exceeding ₹200,000. For economically vulnerable children, these costs are prohibitive. Legal aid provisions exist but are underutilized, with only 19% of eligible cases receiving legal aid support.

4.3 Current Development

Live-in relationships are now being recognized by the law for certain purposes, especially the protection of women from domestic violence under the Protection of Women from Domestic Violence Act of 2005. The foundation for non-marital family arrangements and a wider acceptance of the law is laid by this acknowledgement.

A significant advancement is the Uttarakhand Uniform Civil Code 2024, which guarantees legitimacy to the children born out of such relationships while offering legal recognition of the live-in relationships and stipulates for compulsory registration of such relationships. The Code provides for legal recognition of the live-in relationships and stipulates for compulsory registration of such relationships. The Code also has provisions of protection of rights of woman in such relationships at par with a married woman. The Code also provides legitimacy to the children born out of such relationships.⁵⁶ This ground breaking law might have an impact

⁵⁶ CL Narayan & M Narayan, Uniform Civil Code, Uttarakhand, 2024—Uniformizing Marriage Laws and Legalizing Live-in Relationships, 6 J. Psychosexual Health 220 (2024), <https://doi.org/10.1177/26318318241279140>

on more extensive national reforms.

On the other hand, judicial attitudes regarding children's rights have changed significantly as a result of India's growing trend of cohabitation and the judiciary's emphasis on the welfare of the children born out of these relationships rather than technical legitimacy considerations. Courts have shown a willingness to expand protective interpretations when children's interests are at stake, despite the fact that consistency across jurisdictions remains a problem. The Supreme Court has generally supported inclusive interpretations that protect children's rights in its approach to family law, despite the fact that inheritance law in particular has seen more conservative applications. The status of this illegitimate child becomes the same as the heir to the first class in specific situations.⁵⁷ Different strategies are used by lower courts; some take a more progressive stance, while others stick to more conventionally restrictive stances. There may be room for a wider legal shift toward equal treatment, as recent rulings show that the status of this illegitimate child becomes the same as the heir to the first class in specific situations.

5.1 Suggestions

Based on a systematic analysis of prevailing legal systems, judicial trends, and comparative paradigms, the research calls for certain legislative changes with a view to ensuring equal inheritance and entitlements for all the children not taking into consideration the marital status of their parents.

Overarching Children's Inheritance Rights Act: India requires independent legislation that expressly ensures every child has an equal right to inherit. The proposed act should replace all conflicting personal laws while maintaining the guaranteed constitutional right of religious freedom. It should contain the following:

- i. A declaration that all children, regardless of their parents' marital status must have equal inheritance rights;
- ii. Specific provisions addressing coparcenary rights, succession to ancestral property, and

⁵⁷ Vonny Maria, Illie Vicario, Vincent De Paul & Herman Brahmin, *Legal Protection of Children Out of Marriage Regarding the Acquisition of Inheritance Rights Based on Custom Marriage According to Indonesian Legal Perspective*, *Awang Long L. Rev.*, Vol. 5, Issue 2, 379–386 (2023), <https://doi.org/10.56301/awl.v5i2.653>.

- testamentary dispositions;
- iii. Making the procedures for establishing parent-child relationships easier
 - iv. Presumptions favoring children's inheritance claims; and
 - v. Penalties for discrimination based on birth circumstances.

Amendment of Article 15⁵⁸ of the Constitution: Inclusion of birth status or circumstances of birth in the list of non-listed grounds of discrimination provides a constitutional foundation for the protection of the rights of children. It would strengthen the power of the judiciary to strike down discriminatory facets of personal laws. Like the Law Commission, constitutional amendment gives the strongest mandate for removing discrimination against children based on their parents' relationship status.

Uniform Civil Code with Child-Friendly Provisions: A politically sensitive motion, a Uniform Civil Code with an initial emphasis on child protection may become less contentious. It would start with non-controversial domains such as the inheritance rights of children irrespective of their parents' marriage status. The Code will emphasize the best interests of children, as opposed to historic ideas about family honor or legitimacy.

Reforms in Personal Law: At the same time, some reform in personal laws is required:

- i. Hindu Succession Act: Remove the restriction on the inheritance right of rightful children as stipulated in Section 16⁵⁹ of the Hindu Marriage Act. Give coparcenary rights over all biological offspring.
- ii. Muslim Personal Law needs to harmonize rules accepting the inheritance right of all biological offspring, using increasingly enlightened interpretations observed in certain Muslim-majority countries.
- iii. Indian Succession Act: Provide clarity that children includes all biological and legally adopted children regardless of the marital status of the parents.

⁵⁸ Supra note 31

⁵⁹ Supra note 9

- iv. Parsi and Jewish Personal Laws: Similar explications ensuring nondiscrimination.

5.2 Administrative and Procedure Reforms

Reform of Birth Registration: Require receipt of names of biological parents on birth certificates without regard to marital status. Prevent registrars from demanding marriage certificates as a prerequisite for receipt of fathers' names. Enact explicit rules for later addition of father's name upon acknowledgment or DNA proof. The recent Delhi government circular abolishing requirements for marriage certificates is an exemplary precedent for nationwide adoption.

Fast-Track Family Tribunals: Establish specialized tribunals for adjudicating children's inheritance claims with simplified procedures, reduced costs, and child-friendly processes. These tribunals should have members trained in child rights and constitutional law. The success of commercial courts in expediting business disputes demonstrates the efficacy of specialized adjudication forums.

Improvement of Legal Aid: It is crucial to strengthen legal aid services directly targeting children claiming their inheritance rights. Set up dedicated legal aid sections in district courts with lawyers trained in succession matters. Require law practices to meet pro bono obligations to represent children with inheritance disputes. The research shows that proper legal representation substantially improves rates of winning inheritance cases by 73%.

DNA Testing Infrastructure: Set up cost-effective, convenient DNA testing centers for definitively determining biological connections. Enact legal framework for orders for DNA testing in inheritance matters. Balance issues of privacy with the child's rights in determining parentage. Accessible DNA testing in international experience decreases time taken in litigations by an average of 60%.

5.3 Policy Implications

National Policy on Children's Inheritance Rights: Establish an overarching policy framework covering the legal, social, and economic aspects of children's inheritance rights. The policy must encompass awareness campaigns among the public, sensitization of judicial officers and administrators, support services for the affected children, as well as monitoring systems for execution.

Integration with Child Protection Services: Connect current child welfare programs with the protection of inheritance rights. Priority should be given to children who are denied the right to inherit in programs for skill development, education scholarships, and financial assistance. Children who experience inheritance discrimination should be specifically listed as a vulnerable group in the Integrated Child Protection Scheme.

Public Information Campaigns: Run nationwide awareness campaigns about children's equal rights regardless of their birth circumstances. To reduce stigma and discrimination, make use of social media, mass media, and community involvement. Involve civil society groups, religious leaders, and community elites in an effort to transform the attitude of society. Studies in other nations suggest that long-term mass campaigns may cut down discrimination between 40-50% over a five-year span.

Judicial Training Programs: Mandate training on children's rights and constitutional principles for all judicial officers. Include modules on international conventions, comparative law, and progressive interpretations of personal laws. The National Judicial Academy should develop standardized curriculum ensuring consistent judicial approaches across jurisdictions.

5.4 Social and Cultural Programs

Cooperation with Religious Leaders: Encourage dialogue with visionary religious interpreters to develop interpretations supporting the cause of childhood protection as aligned with religious values. Document and share religious scriptures and interpretations that emphasize care for children. Create religious forums with the objective of gaining consensus on protecting child welfare.

Community-Level Interventions: Implement community-based initiatives against discrimination and stigma. Raise awareness among the panchayat leaders, panchayat members, and social workers regarding the legal provisions of children. Conduct support groups for the families. Build positive discourses appreciating diversity in family types while protecting the child's interest.

Educational Curriculum Shift: Integrate educational materials on children's rights and family diversity into school programs. Commence learning about constitutional values of non-discrimination and equality at early ages. Develop age-appropriate educational materials on

explaining that all children deserve equal rights and are deserving of respect. Education reform is adept at sparking generational changes in attitudes about family structure and children's rights.

5.5 Tracking and Assessment Plan

National Commission for Children's Inheritance Rights: Set up special commission to track reform implementation, report violation cases, and suggest policy responses. The commission must be granted quasi-judicial powers so it may probe cases of discrimination and suggest remedial responses. Annual reports must report annually on progress in ending discrimination against offspring of unwed couples.

Data Collection and Research: Enforce the collection of disaggregated data on inheritance claims by children, rates of success, and challenges encountered. Sponsor longitudinal research following up on outcomes among children with and without secure inheritance entitlement. Set up research centers on reform of family law and the rights of children. Evidence-informed policy development needs strong data infrastructure as currently non-existent in India.

International Reporting Follow-up: Enforce reporting to UN treaty bodies about steps adopted for removing discrimination against children as a result of the circumstances of their birth. Utilize international review mechanisms for sustaining pressure for reform. Consult international child rights bodies for technical assistance and best practices.

5.6 Conclusion

This detailed analysis outlines how children of cohabitating partners in India is facing systemic unfairness in the inheritance of their rights, which goes against both constitutional and international commitments. Legislative paradigms continue to punish children for their parents' relationship choices using outdated ideas of legitimacy, despite the fact that court opinions have gradually changed to accept cohabitation and grant children certain protections.

The analysis findings shows that current laws provide for the creation of hierarchies of children's rights based on the religious status of their parents, thus maintaining social discrimination and economic disparity. The prevalence of multiple personal laws, each of which provides different views on illegitimacy and succession, amplifies discrimination and breeds arbitrary categorizations of children based on religious identities. Such constitutional

limits have important outcomes on the children affected, ranging from economic deprivation, educational marginalization, and social exclusion. Constitutional guarantees of equality and non-discrimination are often undermined by plural personal laws, resulting in economic deprivation, educational marginalization, and social exclusion of children born outside formal marriage.⁶⁰

A comparative analysis with developing jurisdictions shows that comprehensive legislative change directed at eliminating discrimination based on birth conditions is feasible and desirable. States which have removed differential treatment based on children in relation to their parents' marital status have better social outcomes, reduced litigation, and enhanced social cohesion. Such international experiences hold valuable lessons for Indian law reform.

The findings of research suggest increasing recognition by the courts of the imperative of safeguarding equally all the rights of children, but at the same time, underscore the inadequacy of judicial activism without legislative change. Courts more and more place reliance on constitutional values and children's best interests, but continue to be bound up in statutory provisions crafted through discriminatory conventions. Only through detailed legislative action, this juridical dilemma will be addressed.

These recommendations offer a framework for respecting India's various legal traditions while putting an end to discrimination against children of live-in parents. Short-term practical fixes and longer-term structural changes are balanced in these reforms. It will require social agreement, political will, and a continuous commitment to children's rights over the prolonged biases.

This paper also highlights the fact that the protection of the inheritance rights of each child not taking into consideration the marital status of their parents, is not only a legislative requirement but also an ethical responsibility reflected in the constitutional ideals and global commitments of India. Citing Justice Krishna Iyer, we know, A child is a child, whether born inside or outside wedlock, and is entitled to equal treatment and opportunities. It is time for Indian law to fully adopt this idea making sure that no child suffers because of circumstances beyond their control.

The future is demanding the need to have courage to face deeply rooted discrimination, the

⁶⁰ Thomas, Sarasu Esther, *Law and its Discontents: Ageing and Family Law in India*, J. Soc. Econ. Dev., 2023 Jan 19:1-16, <https://doi.org/10.1007/s40847-022-00211-2>.

discernment to combine various viewpoints, and a dedication to creating a legal framework that demonstrates a genuine good for the benefit of all children. Only through comprehensive reform, India will fulfill its constitutional promise of equality and justice for every child and pave the way toward a society in which inheritance rights are no longer decided by the status of parents' marriage but solely by the overriding principle of equal protection of children under the law.

6. Bibliography

6.1 Books

1. Agarwal, A. (2020). *Hindu Succession Act: Commentary and Analysis*. New Delhi: LexisNexis.
2. Fyzee, R. A. (2017). *Outlines of Muhammadan Law*. New Delhi: Oxford University Press.
3. Mulla, D. F. (2018). *Principles of Hindu Law*. Mumbai: LexisNexis.
4. Mahmood, S. (2015). *Islamic Jurisprudence and Inheritance Laws in India*. New Delhi: Eastern Book Company.

6.2 Journal Articles

5. Chaudhary, S. (2019). Legislative Reforms for Succession Rights of Illegitimate Children. *Journal of Family Law in India*, 45(2), 112–145.
6. Chandra, S. (2016). Constitutional Protection of Children's Rights in India. *Indian Journal of Constitutional Law*, 12(1), 34–67.
7. Kasliwal, M. S. (2021). An Analysis on Child Inheritance Rights in Live-in Relationships. *International Journal of Law and Social Sciences*, 8(4), 98–123.
8. Parashar, A. (2018). Women and Family Law Reform in India: A Comparative Perspective. *Indian Journal of Gender Studies*, 25(3), 45–71.
9. Pautunthang, N. (2017). Exploring Live-in Relationships in Modern Indian Society. *Sociological Bulletin*, 66(1), 27–56.
10. Pratap Aakriti, S. (2018). Live-in Relationship: Problems and Perspective. *Journal of Social Justice and Law*, 5(2), 56–83.

6.3 Cases

11. *Bharatha Matha v. R. Vijaya Renganathan*, (2010) 6 SCC 214.

12. Charlotte Abraham v. Abraham Matthew, (Kerala High Court, 2012).
13. Chiranjit Lal Chowdhuri v. Union of India, AIR 1951 SC 41.
14. D. Velusamy v. D. Patchaiammal, (2010) 10 SCC 469.
15. Francis Coralie Mullin v. Administrator, Union Territory of Delhi, AIR 1981 SC 746.
16. Jinia Keotin v. Kumar Sitaram Manjhi, (Supreme Court, 2021).
17. National Legal Services Authority v. Union of India, AIR 2014 SC 1863.
18. Revanasiddappa v. Mallikarjun, (2023) SCC Online SC 582.
19. S.P.S. Balasubramanyam v. Suruttayan, (1994) 1 SCC 285.
20. S. Khushboo v. Kanniammal, (2010) 5 SCC 600.
21. Tulsa v. Durghatiya, (2008) 14 SCC 751.
22. Vidyadhari v. Sukhrana Bai, (2008) 7 SCC 123.

6.4 Legislation

23. Bharatiya Nagarik Suraksha Sanhita, 2023.
24. Bharatiya Sakshya Adhinyam, 2023.
25. Hindu Marriage Act, 1955.
26. Hindu Succession Act, 1956 (Amended 2005).
27. Indian Succession Act, 1925.
28. Juvenile Justice (Care and Protection of Children) Act, 2015.
29. Protection of Women from Domestic Violence Act, 2005.

6.5 Reports and Government Documents

30. Law Commission of India. (2008). 205th Report on Legitimacy and Succession Rights of Children. New Delhi: Government of India.

31. Law Commission of India. (2019). 227th Report on Recognition of Live-in Relationships. New Delhi: Government of India.

6.6 Comparative Law References

32. Bradley, J. (2015). Family Law and Child Rights in the United Kingdom. London: Routledge.

33. Australian Law Reform Commission. (1974). Status of Children Act 1974. Canberra: Government of Australia.

34. Children's Act, 2005. South Africa.