

**GOVERNMENT OF INDIA  
LAW AND JUSTICE  
LOK SABHA**

STARRED QUESTION NO:55

ANSWERED ON:11.11.2010

. LIVE IN RELATIONSHIP

Kumar Shri Kaushalendra;Ramkishun Shri

**Will the Minister of LAW AND JUSTICE be pleased to state:**

- (a) whether the Government is aware that the Supreme Court has recently pronounced a judgement regarding grant of maintenance in cases of live-in-relationship;
- (b) if so, the details thereof;
- (c) whether the Government proposes to amend the relevant law(s) in this regard; and
- (d) if so, the details thereof?

**Answer**

MINISTER OF LAW AND JUSTICE (DR. M. VEERAPPA MOILY)

(a) to (d) : A statement is laid on the Table of the House.

Statement referred to in reply to parts (a), (b), (c) and (d) of the Lok Sabha Starred Question No.55 for answer on 11.11.2010.

(a) & (b): The Hon'ble Supreme Court of India while allowing Criminal Appeal No.'s 2028 - 2029 of 2010 in the case of D. Velusamy Vs. D.Patchaiammal, has inter alia held as under:-

'33. In our opinion a `relationship in the nature of marriage` is akin to a common law marriage. Common law marriages require that although not being formally married:-

- (a) The couple must hold themselves out to society as being akin to spouses.
- (b) They must be of legal age to marry.
- (c) They must be otherwise qualified to enter into a legal marriage, including being unmarried.
- (d) They must have voluntarily cohabited and held themselves out to the world as being akin to spouses for a significant period of time.

(see `Common Law Marriage` in Wikipedia on Google)

In our opinion a `relationship in the nature of marriage` under the 2005 Act must also fulfill the above requirements, and in addition the parties must have lived together in a `shared household` as defined in Section 2 (s) of the Act. Merely spending weekends together or a one night stand would not make it a `domestic relationship`.

34. In our opinion not all live in relationships will amount to a relationship in the nature of marriage to get the benefit of the Act of 2005. To get such benefit the conditions mentioned by us above must be satisfied, and this has to be proved by evidence. If a man has a `keep` whom he maintains financially and uses mainly for sexual purpose and/or as a servant it would not, in our opinion, be a relationship in the nature of marriage.`

(c): No, Madam.

(d): Does not arise.