

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

UNSTARRED QUESTION NO:3719
ANSWERED ON:25.08.2011
RECOGNITION TO LIVE-IN-RELATIONSHIP
Kanubhai Patel Jayshreeben

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

- (a) whether the Supreme Court has given recognition to live-in-relationship;
- (b) if so, the details thereof;
- (c) whether the court has recognized the need for legal support, in case any disharmony/dispute arises between couples living in live-in-relationship. for women;
- (d) if so, whether the Government is considering to make a law in view of providing legal social security and support to the persons living in such relationship;
- (e) if so, the time by which such a law is likely to be introduced; and
- (f) if not, the reasons therefor?

Answer

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a) to (c) 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.

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`.

- (d) No, Madam.
- (e) Does not arise.
- (f) Under the present social conditions it is not considered appropriate to make any legislative changes.