

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

UNSTARRED QUESTION NO:3341

ANSWERED ON:13.12.2012

. LIVE IN RELATIONSHIP

Das Shri Ram Sundar;Karwariya Shri Kapil Muni

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

- (a) whether the Government is aware that the Hon`ble Supreme Court has recently delivered a judgment on providing maintenance in `live-in- relationship` cases;
- (b) if so, the details thereof;
- (c) whether the Government proposes to amend the corresponding law in this regard; and
- (d) if so, the details in this regard?

Answer

MINISTER OF LAW AND JUSTICE (Dr. ASHWANI KUMAR)

(a) Yes, Madam.

(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.Patchiammal 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`.

(c) No, Mad am.

(d) Does not arise.