

IN THE SUPREME COURT OF INDIA  
 CRIMINAL APPELLATE JURISDICTION  
 Crl. M. P. No. \_\_\_\_\_ of 2010

IN  
 REVIEW PETITION (CrI) NO. \_\_\_\_\_ OF 2010

IN  
 CRIMINAL APPEAL No. 2028-2029 OF 2010

**IN THE MATTER OF:**

Partners for Law in Development & Ors. ... Petitioners

Versus

D. Patchaiammal ... Respondent

**AND IN MATTER OF:**

D. Velusamy ... Appellant

Versus

D. Patchaiammal ... Respondent

**APPLICATION FOR PERMISSION TO FILE  
 REVIEW PETITION**

To

The Hon'ble Chief Justice of India  
 and his Companion Justices of the  
 Supreme Court of India  
 NEW DELHI.

The Humble petition of the Petitioner above named:

**MOST RESPECTFULLY SHOWETH:**

1. That the aforesaid Review Petition is being filed by seeking review of the Judgement dated 21.10.2010 passed by this Hon'ble Court in Criminal Appeal No. 2028-2029 of 2010, in which this Hon'ble Court while dealing with an appeal arising out of proceedings in an application under section 125 Cr.P.C. has gone into the larger issue of

dealing with the definition of the term “relationships in the nature of marriage” which has repercussions with regard to social and gender justice.

2. Applicant/Petitioner No. 1 “Partners for Law in Development” (hereinafter referred to as PLD), is a non profit legal resource and advocacy group founded in 1998 working in the field of social justice and women’s rights in India. The organisation is a public charitable trust registered under The Indian Trusts Act 1882, with a mission to advance social justice in society through the law. As a legal resource group, PLD contributes to the social sector through three programme streams – (i) creation of new knowledge through action research, production of education materials on law and gender justice; (ii) building capacities of stakeholders (NGOs, social workers, lawyers and government) through training workshops, perspective development and technical assistance; and (iii) undertaking policy advocacy at the national, regional and international arena. In all activities, PLD works with other stakeholders, especially community based organisations through whom PLD also undertakes field work.

One of PLD’s key areas of field work has been on women and access to justice, which allowed PLD to examine mediation by NGOs and district centres at the community level. This study provided insights into the

types of conjugal relationships that exist and the nature of abuse and violations women face across all types of conjugal relationships. These insights led PLD to undertake further field work to document relationships in the nature of marriage, and the protection gaps for women in these relationships. The impugned judgement (in *D. Velusamy vs. D. Patchaimmal*) deals with the definition of relationship 'in the nature of marriage' and involves issues related to social and gender justice, PLD is interested in seeking a review of the judgement.

3. Applicant/Petitioner No. 2 to 5 are community based organizations providing, amongst other services, crisis support to women. Petitioner No., The Academy for Socio-Legal Studies (ASLS) is a human rights organization based in Jaipur with a focus on advocating and asserting rights for the marginalized populations since 1995. It was registered in 1995 under the Rajasthan Societies Registration Act 1958. The organization was founded by some progressive advocates with commitment to rule of law and principles of natural justice. Petitioner No. 3, Chotanagpur Sankritik Sangh (CSS), was established in 1968 in Ranchi with the objective of preserving and promoting the culture of the Chotanagpur plateau, and to address the needs of the most vulnerable sections of society in that region. It is registered under the Societies Registration Act 1860. Petitioner No. 4, Friends

Association for Rural Reconstruction (FARR) was established in 1983 and is an organization that works primarily with the adivasi population of Kalahandi District in Orissa, undertaking empowerment programmes, building leadership of local women, to enable them to assert rights. It is registered under the Societies Registration Act 1860. Petitioner No. 5, Mahila Jan Adhikar Samiti (MJAS), based in Ajmer, has been active since 1997 in central areas of Rajasthan on issues of violence against women in the home and the workplace. It was registered in 2000 under the Rajasthan Societies Registration Act 1958.

4. Petitioner Nos. 6 and 7 are senior reputed academicians in the fields of women's studies, history and gender justice, with an impressive record of publications, and association with gender justice causes and activism. Petitioner Number 6, Dr. Mary E. John has been working in the fields of women's studies and feminist politics for many years. She was Associate Professor and Deputy Director of the Women's Studies Programme at JNU from 2001-2006. She has published numerous books and articles, including recently having edited 'Women's Studies in India: A Reader', New Delhi (Penguin, 2008). She is currently the Director of Centre for Women's Development Studies (CWDS), the premier national centre on women's studies in New Delhi. Petitioner Number 7, Professor Uma

Chakravarti, taught history at Miranda House, University of Delhi, from 1966 to 2004. She is one of the leading feminist historians of India and South Asia, and regularly writes about the intersection of caste, religion and sexuality. Among her published works include: 'Rewriting history: the life and times of Pandita Ramabai' (Kali for Women, 1998); 'Social Dimensions of early Buddhism' (Oxford University Press, 1987); 'The Delhi Riots: Three Days in the Life of a Nation' (co-edited with Nandita Haksar, South Asia Books 1987); 'Shadow lives: Writings on Widowhood' (co-edited with Preeti Gill, Zubaab 2001) and 'From Myths to Markets: Essays on Gender' (co-edited with Kumkum Sangari, Manohar Publications 2001). She has been associated with the women's movement and the democratic rights movement for the past forty years. Both these Petitioners serve as advisors to the action research undertaken by Petitioner Number 1 (in collaboration with community organizations including Petitioners Number 2 to 5), to give direction, guide methodology and process findings of the research. The Petitioners Number 2 to 7 therefore have considerable knowledge and experience of women's realities in the family in rural and small town India, as they work closely with the community, through crisis support and mediation services and through research respectively, and seek to provide the court information and assistance in understanding the field of

‘relationships in the nature of marriage’ in the Indian context, for reviewing the judgment in the present case.

5. The Petitioners believe that the definition of the “Relationship in the Nature of Marriage” and certain observations will have far reaching consequences on the Society in general and women in particular, the Petitioners being involved in the issue this Hon’ble Court has dealt with in the impugned Judgment, through this Review Petition, wishes to assist this Hon’ble Court in coming to the appropriate finding.

**PRAYER**

In view of the aforesaid facts and circumstances of the case and in the interest of justice it is therefore most respectfully and humbly prayed that this Hon’ble Court may be pleased to:

- [a] Grant the Petitioner, permission to file the present Review Petition;
- [b] Pass such other and further order (s) and /or direction as may be deemed fit and proper in the facts and circumstances of the case and in the interest of justice:

AND FOR THIS ACT OF KINDNESS AND JUSTICE, THE PETITIONER. AS IN DUTY BOUND. SHALL FOR EVER PRAY.

FILED BY:

**Ms. KAMINI JAISWAL**  
ADVOCATE FOR THE PETITIONER

Filed on: 10.12.2010

IN THE SUPREME COURT OF INDIA  
 CRIMINAL APPELLATE JURISDICTION  
 CrI. M. P. No. \_\_\_\_\_ of 2010

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Versus

D. Patchaiammal ... Respondent

**AND IN MATTER OF:**

D. Velusamy ... Appellant

Versus

D. Patchaiammal ... Respondent

**APPLICATION FOR CONDONATION OF DELAY**

To

The Hon'ble Chief Justice of India  
 and his Companion Justices of the  
 Supreme Court of India  
 NEW DELHI.

The Humble petition of the Petitioner above named:

**MOST RESPECTFULLY SHOWETH:**

1. That the aforesaid Review Petition is being filed by seeking review of the Judgement dated 21.10.2010 passed by this Hon'ble Court in Criminal Appeal No. 2028-2029 of 2010, in which this Hon'ble Court while dealing with an appeal arising out of proceedings in an application under section 125 Cr.P.C. has gone into the larger issue of

dealing with the definition of the term “relationships in the nature of marriage” which has repercussions with regard to social and gender justice.

2. Applicant/Petitioner No. 1 “Partners for Law in Development” (hereinafter referred to as PLD), is a non profit legal resource and advocacy group founded in 1998 working in the field of social justice and women’s rights in India. The organisation is a public charitable trust registered under The Indian Trusts Act 1882, with a mission to advance social justice in society through the law. As a legal resource group, PLD contributes to the social sector through three programme streams – (i) creation of new knowledge through action research, production of education materials on law and gender justice; (ii) building capacities of stakeholders (NGOs, social workers, lawyers and government) through training workshops, perspective development and technical assistance; and (iii) undertaking policy advocacy at the national, regional and international arena. In all activities, PLD works with other stakeholders, especially community based organisations through whom PLD also undertakes field work.

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types of conjugal relationships that exist and the nature of abuse and violations women face across all types of conjugal relationships. These insights led PLD to undertake further field work to document relationships in the nature of marriage, and the protection gaps for women in these relationships. The impugned judgement (in *D. Velusamy vs. D. Patchaimmal*) deals with the definition of relationship 'in the nature of marriage' and involves issues related to social and gender justice, PLD is interested in seeking a review of the judgement.

3. Applicant/Petitioner No. 2 to 5 are community based organizations providing, amongst other services, crisis support to women. Petitioner No., The Academy for Socio-Legal Studies (ASLS) is a human rights organization based in Jaipur with a focus on advocating and asserting rights for the marginalized populations since 1995. It was registered in 1995 under the Rajasthan Societies Registration Act 1958. The organization was founded by some progressive advocates with commitment to rule of law and principles of natural justice. Petitioner No. 3, Chotanagpur Sankritik Sangh (CSS), was established in 1968 in Ranchi with the objective of preserving and promoting the culture of the Chotanagpur plateau, and to address the needs of the most vulnerable sections of society in that region. It is registered under the Societies Registration Act 1860. Petitioner No. 4, Friends

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4. Petitioner Nos. 6 and 7 are senior reputed academicians in the fields of women's studies, history and gender justice, with an impressive record of publications, and association with gender justice causes and activism. Petitioner Number 6, Dr. Mary E. John has been working in the fields of women's studies and feminist politics for many years. She was Associate Professor and Deputy Director of the Women's Studies Programme at JNU from 2001-2006. She has published numerous books and articles, including recently having edited 'Women's Studies in India: A Reader', New Delhi (Penguin, 2008). She is currently the Director of Centre for Women's Development Studies (CWDS), the premier national centre on women's studies in New Delhi. Petitioner Number 7, Professor Uma

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'relationships in the nature of marriage' in the Indian context, for reviewing the judgment in the present case.

5. That the Petitioners were not party to the impugned Judgment, and only after the said Judgment was widely reported in the media, they came to know about it, and then only one the proper discussion with the experts and the lawyers, they were suggested to seek review of the said Judgment and thus the delay in filing this Review Petition occurred. The delay occurred is inadvertent and bonafide, irreparable loss may be caused to the society if the same is not condoned.

**PRAYER**

In view of the aforesaid facts it is most respectfully prayed that this Hon'ble Court may most graciously be pleased to:

- a) Condone the delay of \_\_\_ days in the filing of the present Review Petition against the judgment dated 21.10.2010 passed by this Hon'ble Court in Criminal Appeal No. 2028-2029 of 2010.
- b) Pass any such further and/or other Order(s) as this Hon'ble Court may deem fit in the interest of justice.

FILED BY:

**Ms. KAMINI JAISWAL**  
ADVOCATE FOR THE PETITIONER

Filed On: 10.12.2010

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CRIMINAL APPELLATE JURISDICTION

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**AND IN MATTER OF:**

D. Velusamy ... Appellant

Versus

D. Patchaiammal ... Respondent

**APPLICATION FOR PERMISSION TO  
PRESENT ORAL ARGUMENT**

To

The Hon'ble Chief Justice of India  
and his Companion Justices of the  
Supreme Court of India  
NEW DELHI.

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**MOST RESPECTFULLY SHOWETH:**

1. That the aforesaid Review Petition is being filed by seeking review of the Judgement dated 21.10.2010 passed by this Hon'ble Court in Criminal Appeal No. 2028-2029 of 2010, in which this Hon'ble Court while dealing with an appeal arising out of proceedings in an application under section 125 Cr.P.C. has gone into the larger issue of dealing with the definition of the term "relationships in the

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of Delhi, from 1966 to 2004. She is one of the leading feminist historians of India and South Asia, and regularly writes about the intersection of caste, religion and sexuality. Among her published works include: 'Rewriting history: the life and times of Pandita Ramabai' (Kali for Women, 1998); 'Social Dimensions of early Buddhism' (Oxford University Press, 1987); 'The Delhi Riots: Three Days in the Life of a Nation' (co-edited with Nandita Haksar, South Asia Books 1987); 'Shadow lives: Writings on Widowhood' (co-edited with Preeti Gill, Zubaab 2001) and 'From Myths to Markets: Essays on Gender' (co-edited with Kumkum Sangari, Manohar Publications 2001). She has been associated with the women's movement and the democratic rights movement for the past forty years. Both these Petitioners serve as advisors to the action research undertaken by Petitioner Number 1 (in collaboration with community organizations including Petitioners Number 2 to 5), to give direction, guide methodology and process findings of the research. The Petitioners Number 2 to 7 therefore have considerable knowledge and experience of women's realities in the family in rural and small town India, as they work closely with the community, through crisis support and mediation services and through research respectively, and seek to provide the court information and assistance in understanding the field of 'relationships in the nature of marriage' in the Indian context, for reviewing the judgment in the present case.

5. The Petitioners believe that the definition of the “Relationship in the Nature of Marriage” and certain observations will have far reaching consequences on the Society in general and women in particular, the Petitioners being involved in the issue this Hon’ble Court has dealt with in the impugned Judgment, through this Review Petition, wishes to assist this Hon’ble Court in coming to the appropriate finding. Since the Petitioners have considerable experience in dealing with such issue and is also in possession of various relevant documents, the Petitioners also wish to address this Hon’ble Court on the issue.

**PRAYER**

In view of the aforesaid facts and circumstances of the case and in the interest of justice it is therefore most respectfully and humbly prayed that this Hon’ble Court may be pleased to:

- [a] Grant the Petitioners, permission to Oral Argument’s of Review Petition;
- [b] Pass such other and further order (s) and /or direction as may be deemed fit and proper in the facts and circumstances of the case and in the interest of justice:

AND FOR THIS ACT OF KINDNESS AND JUSTICE, THE PETITIONER. AS IN DUTY BOUND. SHALL FOR EVER PRAY.

FILED BY:

**Ms. KAMINI JAISWAL**  
ADVOCATE FOR THE PETITIONER

Filed on: 10.12.2010