



## Mains Practice Question

### Case Study

A woman was in a live-in relationship with her male partner. She complained to the police of sexual harassment and rape continuously for the last five years on the pretext of marriage by her partner. The police on prima facie investigation found out that the allegation is false and the couple was living happily until some internal feud developed that led to these baseless allegations. The woman complained to the State Commission for Women and alleged that she did not get justice from the police and they were biased against her due to a patriarchal mindset. She demands justice from the Women Commission. You are the chairperson of the State Commission for Women.

- (a) What steps will you take in such a situation?
- (b) Do you think that live-in relationships are against Indian culture and traditional values?

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### Approach

- Begin with your inference from the case study and identify the various stakeholders
- Suggest a logical course of action considering the various aspects of the case study
- Analyse the congruity of Indian culture and traditional values with live-in relationships

### Answer

The case is about the rape allegation and sexual harassment raised by a woman against her live-in partner with whom she has been cohabiting for last five years. The case prima facie looks to be of a relationship gone sour. However, it also shows the vulnerable position of both the partners in case any of them demands justice where both the law and society are not very receptive of the live-in relationships. As the Chairman of the State Commission for Women, my utmost responsibility is to get justice to the aggrieved party.

### Stakeholders involved

- Male live-in-partner
- Female live-in-partner
- Police officials
- State Women Commission
- Society at large

The issues involved in the case is to check the veracity of the allegations made by the complainant both in the case of sexual harassment by the live-in partner and dereliction of duty by the involved police officials

(a) The steps that can be taken in this regard are:

1. Firstly, I will try to verify the allegations made by women against the live-in partner and the police officers.

2. I will talk to the male live-in partner to know his side of the story and cross-check if the allegations are at all true or not.
3. I will request the police officials to share the preliminary investigation report to check whether the investigation was conducted in a free and fair manner.
4. I will also order for a fresh inquiry by the officials by involving women police officers given the sensitivity involved in the issue.
5. Meanwhile, emotional support and legal guidance should be provided to the aggrieved woman.

(b) Marriages in Indian culture are considered as a religious sacrament in which a man and woman are bound in a permanent relationship for physical, social and spiritual purposes of dharma, procreation and sexual pleasure. Generally, live-in relationships are not favored in the Indian society. It is yet not being fully accepted in our culture and this leads to social rejection of the people involved, if the live-in relation does not work, it gets all the more difficult to re-enter into established institution of marriage, especially in the case of women because of the rejection and stigma associated with it.

However, with time there has been a change of attitude towards these forms of relationships. Society has begun accepting live-in relations. The Supreme Court has ruled that any couple living together for a long time will be presumed as legally married unless proved otherwise. So it is gradually being accepted especially amongst the young generation. As per the law, 'living together is not a crime, but it is part of the right to life'.

Today, many traditional communities in the world are opposing live-in relationships. But it has to be understood that the emotional bindings and relationships can never be suppressed by social pressure and individual choices should never be undermined. If the youth is getting more influenced by the concept, then different stakeholders of society must take some necessary steps to keep a balance between traditional and changing society. On the other hand, people entering into such a relationship, must show a responsible attitude towards each other. In spite of rejecting live-in relationships outrightly, support should also be mobilized to help couples who are living together, so that one day they go for some healthier and more socially sustainable relationship.

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