

**PRESENTATION
ON
“ROLE OF SOCIAL
LEGISLATION”**

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TITLE

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Aim of Social legislation

Need of Social legislation

Objectives of Social legislation

Social legislation in welfare state

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- [Criminal Law \(Amendment\) Act, 1983](#)
- [Dowry Prohibition Act, 1961](#)
- [Immoral Traffic \(Prevention\) Act, 1956](#)
- [Indecent Representation of Women \(Prohibition\) Act, 1986](#)
- [National Commission for Women Act, 1990](#)
- [Prohibition of Sexual Harassment of Women at the Workplace Bill, 2010](#)
- [Protection of Women from Domestic Violence Act, 2005](#)

Laws relating to working women

- [Contract Labour \(Regulation and Abolition\) Act, 1976](#)
- [Employees State Insurance Act, 1948](#)
- [Equal Remuneration Act, 1976](#)
- [Factories \(Amendment\) Act, 1948](#)
- [Maternity Benefit Act, 1961 \(Amended in 1995\)](#)
- [Plantation Labour Act, 1951](#)

Laws related to marriage and divorce


- [Hindu Marriage Act, 1955](#)
- [Hindu Marriages \(Validation of Proceedings\) Act, 1960](#)
- [Indian Divorce Act, 1869](#)
- [Prohibition of Child Marriage Act, 2006](#)
- [Special Marriages Act, 1954](#)

Laws related to abortion

- [Medical Termination of Pregnancy Act, 1971](#)
- [Pre-Natal Diagnostic Techniques \(Regulation & Prevention of Misuse\) Act, 1994](#)
- [Pre-Natal Diagnostic Techniques \(Regulation & Prevention of Misuse\) Amendment Act, 2001](#)
- [Pre-Natal Diagnostic Techniques \(Regulation & Prevention of Misuse\) Amendment Act, 2002](#)

Laws related to maintenance

- [Order for maintenance of wives, children and parents under section 125](#)
- [Procedure to be followed under section 125](#)
- [Alteration in allowance under section 125](#)
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Crimes against women

Women's Rights

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References



DEFINITIONS OF SOCIAL LEGISLATION

- According to Oliver Wendell, “Legislation of today is to meet the social needs of yesterday.”
- Dr. R.N. Saxena defines social legislation as ‘any act passed by the legislature or a decree issued by the government for the removal of certain social evils or for the improvement of social conditions or with the aim of bringing about social reform.’
- A comprehensive definition of the term social legislation is found in the Dictionary of Sociology by Fairchild. According to this definition, social legislation means laws designed to improve and protect the economic and social position of those groups in society which because of age, sex, race, physical or mental defect or lack of economic power cannot achieve health and decent living standards for themselves.
- Social legislations, according to Prof. Gangrade, involve an active process of remedy by preventing or changing the wrong course of society or by selecting among the courses that are proved to be right.
- Social Legislation generally means ‘The Laws’ designed to improve and protect the economic & social position of those group in society which because of age, race, sex, physical or mental disability or lack of economic power, can’t achieve healthful standards of living for themselves.

CONCLUSION

- To sum up these definitions social legislation can be defined as special laws which are passed with the special purposes of improving the socio-economic position of the specific groups such as women, children, elderly, scheduled castes, scheduled tribes, physically and mentally challenged, unorganized workers, agricultural and landless labourers and other such vulnerable groups.

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AIM OF SOCIAL LEGISLATION

To change and reorganize society by improving its social and economic condition.

Each individual of the society has to be given equal rights and equal opportunities.

Social legislation aims to address social problems through legislative means, and initiates process of social reform and social change based on sound social rules.

Since the process of social change in fast social legislation also provides desired direction to changes.

NEEDS FOR SOCIAL LEGISLATION

- to ensure social justice,
- to bring about social reform,
- to promote social welfare,
- to bring about desired social change,
- to protect and promote of rights of socioeconomically disadvantaged groups of the society.

OBJECTIVES OF SOCIAL LEGISLATION

- Social legislation derives its inspiration from our constitution and has the following specific objectives:
 - i) Removal of discrimination on the grounds of sex, religion, caste, class etc. and promotion of equality to all.
 - ii) Safeguard the rights of the weaker section such as women, children, elderly, widows, destitute and the backward classes.
 - iii) Eradication of traditional malpractices and social evils such as untouchability, dowry, child marriage, female infanticide etc.
 - iv) Provision of social security.

NATURE OF LEGISLATION IN WELFARE STATE:

- Women welfare
- Child welfare
- Schedule caste development
- Welfare of OBC
- Welfare of disable person
- Labour welfare
- Housing welfare

Women welfare:

- The total workforce in our country is about 314 million, out of which women constitute 90 million & man 224 million. To maintain the dignity of women, equality of sexes & establishment of special justice, women welfare programmes such as Janani Suraksha Yojana, MCH, Maternity Benefit Leave, ICDS, formation of SHG, micro finance are some of the keys which has provided welfare majors to the women.
- Others as Hindu marriage act-1955, Hindu Succession Act-1956, Women Trafficking Act-1956, Dowry Prohibition Act-1961, Women Education Equality Act-1956, Women Empowerment Act-1993 etc. are protecting the rights of women.

Child welfare:

- After the formation of legislation, child labour act-1986 was come into force. According to which no child below the age of 14 years should work in any hazardous place. In July 2006, the Indian Govt. brought an amendment according to which, “no child below the age of 14 should work in any hazardous place or in dhaba, hotels as servant or work as a domestic servant. ”The Juvenile Justice Act, 2001 said that if a child below the age of 14 saw any deviant behavior shouldn't be punished & treat friendly behavior in adjudication.

Schedule Caste development:

- The Ministry of social justice & empowerment is the nodal ministry that oversees the interest of the schedule caste. Besides this the national commission has been set-up to look-after the interest of SCs & STs under article 338.
- To achieve their social development to protect them from exploitation, the protection of Civil Rights Act, 1995, the SC & ST Act 1989 were enacted.
- Article 330 for reservation of SC & ST, Article 15 for abolition of untouchability is ensured by the legislation.

Welfare of OBC :

- In 1990, after a long deliberation of the recommendation of Mandal Commission, it's decided for reservation of 27% for OBC in Civil Services.
- In 2008, Budget Session the OBC Reservation Bill was remaining as a main topic to discuss.
- The National Commission for OBC was set-up on 14th August 1993, which is working for the development & betterment of the Other Backward Classes. In 2008, under Budget Planning, Government planned for 27% of reservation for OBC in higher education with the amount of 875 crore.

Welfare of disable person:

- The Comprehensive Law namely the equal opportunity, protection of rights & full participation act-1995 has been enacted & enforced in February 1996.
- The Mental Health Act 1987 & Lunacy Act 1898 are working for the prevention & promotional aspects of the disable persons.
- The rehabilitation such as education, employment & vocational training, Grant in Aid should be given to the people with disable.

Labour welfare:

- The International Labour Organization (ILO) was set-up in 1919, as a part of the League of Nations for the promotion of Universal Peace through social justice.
- The study group of 'National Commission' on Labour on 2002 has brought out the new changes and welfare majors for women, children & self employed workers who work as labourer.
- The labour welfare funds/schemes providing medical, educational, recreational & other family welfare benefits, who are working in iron ore, mica, chrome ore.
- The labour welfare policies as equal pay for equal work, crèche system for working women, maternity leave, security & care facilities for labourer are some of the welfare majors.

Housing welfare:

- To provide houses to workers, employees to lay-down obligations on the employers & low income group people through various acts, the central government provides loans & subsidies to State Govt., individuals & employees.
- The welfare fund act, Indira Awas Yojana, Jawahar Homes through Jawahar Rojgar Yojana, Short-stay Homes for destitute women, the person effected with communicable diseases as Leprosy, TB etc. are some of the housing welfare majors provided by the Government.

Laws relating to women

- Commission of Sati (Prevention) Act, 1987
- Criminal Law (Amendment) Act, 1983
- Dowry Prohibition Act, 1961
- Immoral Traffic (Prevention) Act, 1956
- Indecent Representation of Women (Prohibition) Act, 1986
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- Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Amendment Act, 2002

Laws relating to maintenance

- The Code of Criminal Procedure, 1973
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Laws relating to women

SATI (PREVENTION) ACT, 1987



- Sati is an old, almost completely defunct custom among some communities, in which the widow was immolated alive on her husband's funeral pyre.
- Although the act was supposed to be voluntary on the widow's part, its practice is forbidden by the Hindu scriptures in Kaliyuga, the current age (Anonymous, 2015). After the foreign invasions of Indian subcontinent, this practice started to mark its presence, as women were often raped or kidnapped by the foreign forces.
- It was abolished by the British in 1829. There have been around forty reported cases of sati since independence (Dang, 1998). In 1987, the Roop Kanwar case in Rajasthan led to The Commission of Sati (Prevention) Act (Anonymous, 2015).



- It was enacted by Government of Rajasthan in 1987.
- It became an Act of the Parliament of India with the enactment of **The Commission of Sati (Prevention) Act, 1987** in 1988.
- The Act seeks to prevent Sati practice or the voluntary or forced burning or burying alive of widows, and to prohibit glorification of this action through the observance of any ceremony, the participation in any procession, the creation of a financial trust, the construction of a temple, or any actions to commemorate or honor the memory of a widow who committed sati.
- Sati was first banned under Bengal Sati Regulation, 1829.

THE CRIMINAL LAW (AMENDMENT) ORDINANCE, 2013

CRIMINAL LAW (AMENDMENT) ACT, 2013

The law promoted as the weapon that will dissuade potential rapists –and which proposes death for the more barbaric of them– was passed by the Lok Sabha on March 19 and by the Rajya Sabha on March 21

■ It amended various sections of the Indian Penal Code, the Code of Criminal Procedure, the Indian Evidence Act and the Protection of Children from Sexual Offences Act

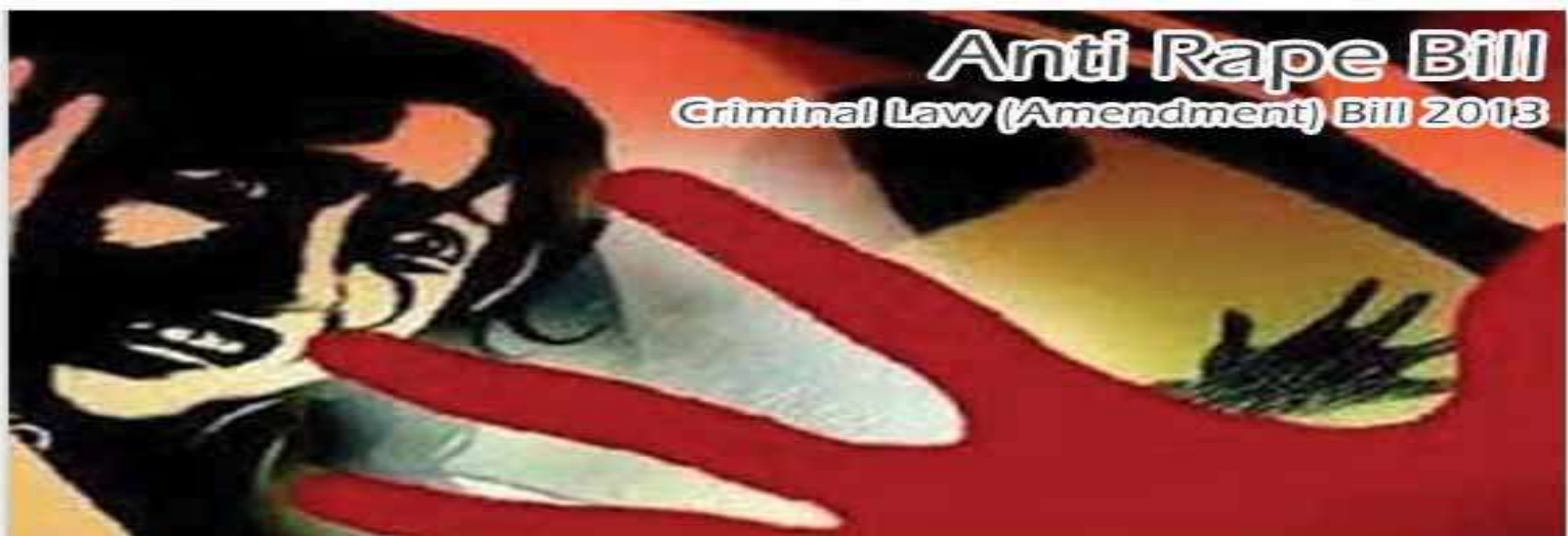
■ Under the law, rapists stand to get

sentenced to rigorous imprisonment for a term not less than 20 years– and possibly extending for life – with a fine.

■ It proposes death sentence for offenders with a prior conviction for a similar crime

■ It defines stalking and voyeurism as non-bailable offences if committed a second time

■ Perpetrators of acids attack face 10 years in jail.



- This new Act has expressly recognized certain acts as offences which were dealt under related laws. These new offences like, acid attack, sexual harassment, voyeurism, stalking have been incorporated into the Indian Penal Code.

The Bill was passed by the Lok Sabha on 19 March 2013, and by the Rajya Sabha on 21 March 2013, making certain changes from the provisions in the Ordinance (The Hindu, 2013).

The Bill received Presidential assent on 2 April 2013 and came into force from 3 April 2013.

THE DOWRY PROHIBITION (MAINTENANCE OF LISTS OF PRESENTS TO THE BRIDE AND BRIDEGROOM) RULES, 1985



- Dowry Prohibition Act, 1961, says that if any one gives or receives or even helps the exchange, he or she will face a jail term five years or more and a fine of Rs 15,000 or the sum of dowry, whichever is more.
- A 1997 report claimed that each year at least 5,000 women in India die dowry-related deaths, and at least a dozen die each day in 'kitchen fires' thought to be intentional ([UPI, 1997](#)). The term for this is "[bride burning](#)" and is criticized within India itself. Amongst the urban educated, such dowry abuse has reduced considerably.
- In 2011, the National Crime Records Bureau reported 8,618 [dowry deaths](#). Unofficial estimates claim the figures are at least three times as high ([UN Women, 2012](#)).

'DOWRY'

Stand for

D- Donkeys

O- Of the first order

W- Who can't stand on their own feet

R- Rely on their wives riches

Y- Yet Shameless

BE A MAN, NOT BEGGAR TO ASK DOWRY

As a matter of fact

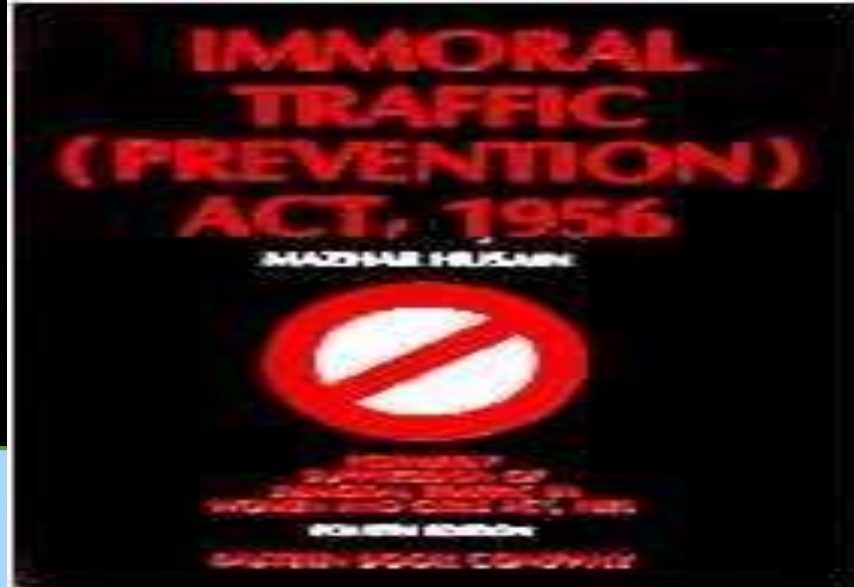
Crimes	2015	2016
Dowry harassment	188	171
Dowry death	14	16
POCSO	57	63
Burglary	164	213
Murder	48	56
Rape	54	54
Loot & dacoity	4	12
Eve-teasing	41	7

FIGURES TILL SEP

THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956



- It is an Act which provides in pursuance of the International Convention signed at New York on the 9th day of May, 1950, for the prevention of immoral traffic.
- The Act intends to combat trafficking and sexual exploitation for commercial purposes. While prostitution is not an offence, practicing it in a brothel or within 200 m of any public place is illegal.
- The Act leads to the codification of an Act that lays down rules and regulations regarding the sensitive issue of prostitution. It protects women and children from forceful flesh trade. This leads to reduction of objectification of women and children. Through this Act, children can be further protected and offenders who force children can be punished for the same.



- The Act regularized prostitution and provides assistance to all women and children who have been forced into the same. The provisions of the Act clearly state that it is an offence to force any child for flesh trade or trafficking of a child for various other purposes.
- The State Government may in its discretion establish as many protective homes and corrective institutions under this Act as it thinks fit and such homes and institutions, when established, shall be maintained in such manner as may be prescribed.

INDECENT REPRESENTATION OF WOMEN (PROHIBITION) RULES, 1987

- It prohibits any individual or organization to publish or help post, publish, exhibit or advertise - online or offline - any kind of representation of women that can be considered to be indecent (National Commission for Women, 2015).

OBSCENITY STICK

The existing law against indecent representation of women and the changes proposed

EXISTING LAW	PROPOSED LAW
Scope	Scope
Covers only print media	Covers print and digital media
Punishment	Punishment
● Maximum two years first time	● At least 3 years' jail for first violation
● Up to seven years if offence repeated	● Up to seven years for repeat offenders
● Up to Rs 2,000 first time; up to Rs 1 lakh for later violations	● Fines up to Rs 1 lakh for first conviction; up to Rs 5 lakh if repeated

THE NATIONAL COMMISSION FOR WOMEN ACT, 1990

An Act to constitute a National Commission for Women and to provide for matters connected therewith or incidental thereto.

It enacted by Parliament in the Forty-first Year of the Republic of India.

Functions of the Commission—

(1) The Commission shall perform all or any of the following functions, namely:—

- (a) Investigate and examine all matters relating to the safeguards provided for women under the Constitution and other law;
- (b) Present to the Central Government, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
- (c) Make in such reports recommendations for the effective implementation of those safeguards for improving the conditions of women by the Union or any State;
- (d) review, from time to time, the existing provisions of the Constitution and other laws affecting women and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislations;

- (e) Take up the cases of violation of the provisions of the Constitution and of other laws relating to women with the appropriate authorities;
- (f) Look into complaints and take suo moto notice of matters relating to—
- (i) Deprivation of women's rights;
- (ii) Non-implementation of laws enacted to provide protection to women and also to achieve the objective of equality and development;
- (iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women, and take up the issues arising out of such matters with appropriate authorities;
- (g) Call for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against women and identify the constraints so as to recommend strategies for their removal;
- (h) undertake promotional and educational research so as to suggest ways of ensuring due representation of women in all spheres and identify factors responsible for impeding their advancement, such as, lack of access to housing and basic services, inadequate support services and technologies for reducing drudgery and occupational health hazards and for increasing their productivity.

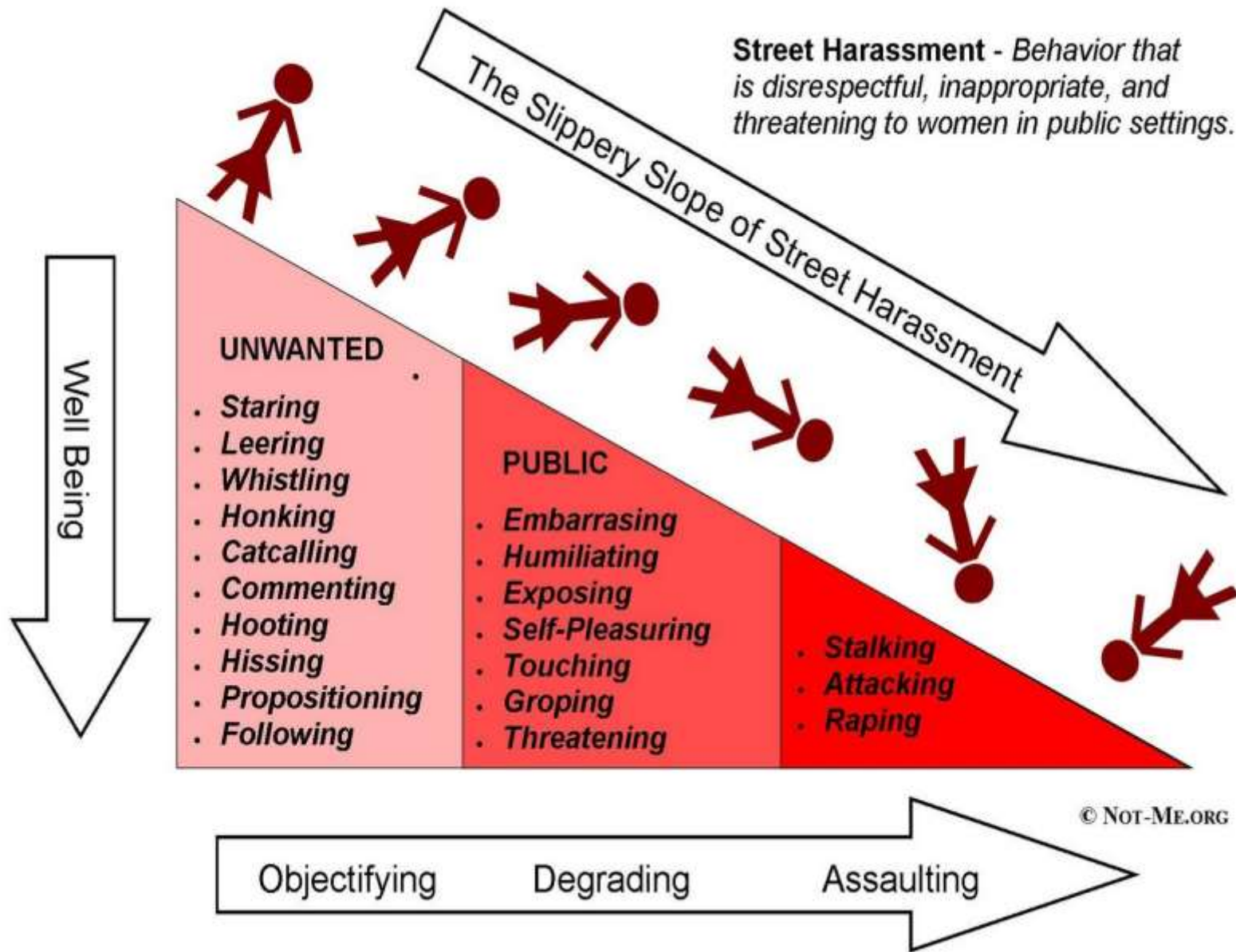
SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

- It is a legislative act in India that seeks to protect women from sexual harassment at their place of work.
- It was passed by the Lok Sabha (the lower house of the Indian Parliament) on 3 September 2012. It was passed by the Rajya Sabha (the upper house of the Indian Parliament) on 26 February 2013 (Kapur, N., 2013).
- The Bill got the assent of the President on 23 April 2013 (Press Information Bureau, 2013). The Act came into force from 9 December 2013 (Times of India, 2013). This statute superseded the Vishakha Guidelines for prevention of sexual harassment introduced by the Supreme Court of India.
- It was reported by the International Labour Organization that very few Indian employers were compliant to this statute. Most Indian employers have not implemented the law despite the legal requirement that any workplace with more than 10 employees need to implement it.



- Eve teasing is a euphemism used for sexual harassment or molestation of women by men. Many activists blame the rising incidents of sexual harassment against women on the influence of "Western culture."
- Of the total number of crimes against women reported in 1990, half related to molestation and harassment in the workplace (Menon-Sen, K. and Kumar, A.K. S., 2001).
- In 1997, in a landmark judgment the Supreme Court of India took a strong stand against sexual harassment of women in the workplace.
- The Court also laid down detailed guidelines for prevention and redressal of grievances.
- The National Commission for Women subsequently elaborated these guidelines into a Code of Conduct for employers (Menon-Sen, K. and Kumar, A.K. S., 2001).
- In 2013 India's top court investigated on a law graduate's allegation that she was sexually harassed by a recently retired Supreme Court judge (Staff writer, 2013).

Street Harassment - Behavior that is disrespectful, inappropriate, and threatening to women in public settings.



Protection of Women from Domestic Violence Act, 2005



- It is an Act of the Parliament of India enacted to protect women from domestic violence.
- It was brought into force by the Indian government from 26 October 2006.
- The Act provides for the first time in Indian law a definition of "domestic violence", with this definition being broad and including not only physical violence, but also other forms of violence such as emotional/verbal, sexual, and economic abuse.
- It is a civil law meant primarily for protection orders and not meant to penalize criminally. The act does not extend to Jammu and Kashmir, which has its own laws, and which enacted in 2010 the Jammu and Kashmir Protection of Women from Domestic Violence Act, 2010 (Crime, 2015).

Domestic violence in India is endemic (Ganguly, S., 2012). Around 70% of women in India are victims of domestic violence, according to Renuka Chowdhury, former Union minister for Women and Child Development (Chowdhury, 2006).

Domestic violence was legally addressed in the 1980s when the 1983 Criminal Law Act introduced section 498A "Husband or relative of husband of a woman subjecting her to cruelty" (UN Women, 2012).

The National Crime Records Bureau reveal that a crime against a woman is committed every three minutes, a woman is raped every 29 minutes, a dowry death occurs every 77 minutes, and one case of cruelty committed by either the husband or relative of the husband occurs every nine minutes. This occurs despite the fact that women in India are legally protected from domestic abuse under the Protection of Women from Domestic Violence Act (Chowdhury, 2006).

पत्नी और ससुरालियों से तंग आकर सुसाइड की कोशिश

शिथरपुर के देगेर नगर का सख्त, सख्त तो बाधा है

सख्त नगर। शिथरपुर। सख्त देगेर नगर में एक युवा को तंग आकर सुसाइड की कोशिश

पत्नी को साथ नहीं भेजने पर युवक ने की खुदकुशी

- युवा को तंग आने से निरास हो कर सुसाइड
- सुसाइड नोट में युवक ने बताया घर छोड़ने के बाद क्या होगा

सख्त देगेर नगर। शिथरपुर। सख्त देगेर नगर में एक युवा को तंग आकर सुसाइड की कोशिश

दहेज उत्पीड़न के केस से आहत बुजुर्ग ने जान दी

सख्त देगेर नगर। शिथरपुर। सख्त देगेर नगर में एक बुजुर्ग को तंग आकर सुसाइड की कोशिश



नई भाभी से परेशान होकर देवर-देवरानी ने जान दी

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मुकदम के डर से बहू के खौफ से ननद ने जान दी सास नहर में कूदी

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MASS SUICIDE IS AN ACCIDENT, FOR NOW



सख्त देगेर नगर। शिथरपुर। सख्त देगेर नगर में एक युवा को तंग आकर सुसाइड की कोशिश

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Laws relating to working women

THE CONTRACT LABOUR (REGULATION AND ABOLITION) ACT, 1970



The Objective of the Contract Labour Regulation and Abolition) Act, 1970 is to prevent exploitation of contract labour and also to introduce better conditions of work.

A workman is deemed to be employed as Contract Labour when he is hired in connection with the work of an establishment by or through a Contractor.

Contract workmen are indirect employees.

Contract Labour differs from Direct Labour in terms of employment relationship with the establishment and method of wage payment.

Contract Labour, by and large is not borne on pay roll nor is paid directly. The Contract Workmen are hired, supervised and remunerated by the Contractor, who in turn, is remunerated by the Establishment hiring the services of the Contractor.

EMPLOYEES' STATE INSURANCE ACT, 1948

- The promulgation of Employees' State Insurance Act, 1948 envisaged an integrated need based social insurance scheme that would protect the interest of workers in contingencies such as sickness, maternity, temporary or permanent physical disablement, and death due to employment injury resulting in loss of wages or earning capacity.
- The Act also guarantees reasonably good medical care to workers and their immediate dependants.
- Following the promulgation of the ESI Act the Central Govt. set up the ESI Corporation to administer the Scheme.
- The Scheme, thereafter, was first implemented at Kanpur and Delhi on 24th February 1952.
- The Act further absolved the employers of their obligations under the Maternity Benefit Act, 1961 and Workmen's Compensation Act 1923.
- The benefit provided to the employees under the Act is also in conformity with ILO conventions.



The Employees' State Insurance Act, 1948

ESI Scheme Today (As on 31st March 2010)



Coverage in India:

- No. of States/UTs covered:- 29
- No. of implemented centers:- 787
- No. of Employees:- 1.39 crores
- No. of Insured Persons/Family units:- 1.43 crores
- No. Insured women:- 26.00 lakhs
- No. of Beneficiaries:- 5.55 crores
- No. of Employers covered:- 4.06 lakhs



Infrastructure in India:

- No. of Regional/Sub-Regional/Divl. Offices:- 52
- No. of Branch/Pay offices:- 798
- No. of ESI Hospitals:- 148
- No. of Hospital Annexes:- 42
- Total No. of Hospital Beds:- 27,739
- No. of ESI dispensaries:- 1388
- No. of IMOs/IMPs/Specialists etc.:- 8925
- No. of Para-medical staff:- 45000



At an average the ESI Corporation makes **40 lacs** individual payments each year amounting to about **Rs. 300 crores** through its wide spread network of branch Offices in implemented areas.

EQUAL REMUNERATION ACT,



- The Equal Remuneration Act, 1976 aims to provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in the matter of employment and for matters connected therewith or incidental thereto.
- According to the Act, the term 'remuneration' means "the basic wage or salary and any additional emoluments whatsoever payable, either in cash or in kind, to a person employed in respect of employment or work done in such employment, if the terms of the contract of employment, express or implied, were fulfilled".
- Nothing in this Act shall apply:-
 - to cases affecting the terms and conditions of a woman's employment in complying with the requirements of any law giving special treatment to women; or
 - to any special treatment accorded to women in connection with the birth or expected birth of a child, or the terms and conditions relating to retirement, marriage or death or to any provision made in connection with the retirement, marriage or death.

THE FACTORIES ACT, 1948



- The Factories Act, 1948 (Act No. 63 of 1948), as amended by the Factories (Amendment) Act, 1987 (Act 20 of 1987)), serves to assist in formulating national policies in India with respect to occupational safety and health in factories and docks in India.
- It deals with various problems concerning safety, health, efficiency and well-being of the persons at work places.
- The Act is administered by the Ministry of Labour and Employment in India through its Directorate General Factory Advice Service & Labour Institutes (DGFASLI) and by the State Governments through their factory inspectorates.
- DGFASLI advises the Central and State Governments on administration of the Factories Act and coordinating the factory inspection services in the States.
- The Act is applicable to any factory whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, or whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on; but this does not include a mine, or a mobile unit belonging to the armed forces of the union, a railway running shed or a hotel, restaurant or eating place.

KEY CHANGES TO FACTORIES ACT

■ In a move that will take 14,300 small units across the state out of the purview of the Factories Act, the government also decided to redefine the criteria for factories bound by the legislation

■ Further, the government has decided to scrap the mandatory clearance that companies had to secure for making their employees work overtime under the Factories Act

■ The limit for the number of extra hours that a worker can be permitted to work has

been raised to 115 from 75 per quarter

■ The minimum number of days that a worker is required to work to be eligible for paid leave is now being brought down to 90 per year from the current 240

■ The government has also decided to compound minor offences by units so that fewer cases go to the courts

■ To register a court case, inspectors will need written clearance from the regional chief factory inspector

MATERNITY BENEFIT (AMENDMENT) ACT, 2017



- The Ministry of Labour and Employment, Government of India ("**Ministry of Labour**") *vide* Official Gazette notification dated 31 March 2017 has appointed 1 April 2017 as the date on which the Maternity Benefit (Amendment) Act 2017 ("**MB Amendment Act**") has come into force. However, the relevant provision on the "work from home" option will come into effect from 1 July 2017.
- The MB Amendment Act had received Presidential assent on 27 March 2017 and was published in the Official Gazette on 28 March 2017.
- The MB Amendment Act regulates paid maternity leave entitlement and other related benefits for women employed in factories, mines and shops or commercial establishments employing 10 or more employees.

Key amendments introduced in the MB Amendment Act:

Increased Paid Maternity Leave: The MB Amendment Act has increased the duration of paid maternity leave available for women employees from the existing 12 weeks to 26 weeks. Under the MB Amendment Act, this benefit could be availed by women for a period extending up to 8 weeks before the expected delivery date and remaining 18 weeks can be availed post childbirth. For women who are expecting after having 2 children, the duration of paid maternity leave shall be 12 weeks (i.e., 6 weeks pre and 6 weeks post expected date of delivery).

Maternity leave for adoptive and commissioning mothers: The MB Amendment Act extends certain benefits to adoptive mothers as well and provides that every woman who adopts a child shall be entitled to 12 weeks of maternity leave, from the date of adoption.

Work from Home option: The MB Amendment Act has also introduced an enabling provision relating to "work from home" for women, which may be exercised after the expiry of the 26 weeks' leave period. Depending upon the nature of work, women employees may be able to avail this benefit on terms that are mutually agreed with the employer.

Crèche facility: The MB Amendment Act makes crèche facility mandatory for every establishment employing 50 or more employees. Women employees would be permitted to visit the crèche 4 times during the day.

Employee awareness: The MB Amendment Act makes it mandatory for employers to educate women about the maternity benefits available to them at the time of their appointment.

THE AMENDMENT...

...to extend maternity leave from:

12 weeks to **26 weeks**

WHOM ALL TO BENEFIT

26 weeks' leave for women with 2 surviving kids



For women with more than 2 kids, **12 weeks** of leave apply.



WHO ELSE WILL BENEFIT

The Bill takes into account 'commissioning mother' and 'adopting mother', who will get 12 weeks of paid leave.

HOW MANY WILL BENEFIT

Amendments in the maternity Bill will help approximately 18 lakh women workforce in the organised sector.

OTHER FEATURES:

Work from home facility to be provided.

Workplaces with 50 or more staff must have creches.

CHECK LIST

Object of the Act

To protect the dignity of motherhood and the dignity of a new person's birth by providing for the full and healthy maintenance of the woman and her child at this important time when she is not working.

Coverage of the Act

Upon all women employees either employed directly or through contractor except domestic women employees employed in mines, factories, plantations and also in other establishments if the State Government so decides. Therefore, if the State Government decides to apply this Act to women employees in shops and commercial establishments, they also will get the benefit of this Act. Bihar, Punjab Haryana, West Bengal, U.P., Orissa and Andhra have done so.

Conditions for eligibility of benefits

Women indulging temporary of unmarried are eligible for maternity benefit when she is expecting a child and has worked for her employer for at least 80 days in the 12 months immediately preceding the date of her expected delivery

HC: SSA teachers entitled to 180-day maternity leave

SAURABH MALIK/TNS

CHANDIGARH, MAY 23

The Punjab and Haryana High Court (HC) has made it clear that teachers and other employees appointed under the Sarv Sikhiya Abhiyan (SSA) are entitled to maternity leave for 180 days.

The ruling by Justice Augustine George Masih is significant as prior to it, an employee was entitled to only 90 days

of maternity leave as per the regulations and instructions of the SSA Authority.

The ruling came on a petition filed by Reena Singla through her PunjabColleges.com lawyer against the state of Punjab and other respondents. She had moved the HC after her claim for extension of maternity leave was dismissed vide order dated March 1.

Justice Masih asserted: "It is true that under the Maternity

Benefit Act, 1961, a woman is entitled to maternity leave of six weeks. However, there is no bar to the grant of benefits over and above the period specified in Section 5 of the Act. "The state of Punjab as well as the Central Government having adopted the norm of 180 days to be the maternity leave, the employees working in Punjab under the SSA Society, would be entitled to the same benefit of 180 days."

PLANTATIONS LABOUR ACT,1951:



- With the employment of over 1 million, the Plantation industry in India is among the largest private employers in India.
- It is spread across the States of Assam, Kerala, Tamil Nadu and West Bengal.
- The Plantation workforce, however, has been among the most exploited workforce in the organized sector.
- Their wages are amongst the lowest when compared to other workers and working and living conditions most dismal. Most of the plantations are located in remote and 'isolated areas.
- Workers are mainly dependent on the Plantations as there is hardly any other employment avenue. Workers are illiterate and migrants with no awareness or information about their rights.

- The fact that plantation areas do not come under the purview of rural development and antipoverty programmes have also prevented conditions from improving.
- In 1951, the Parliament passed the Plantations Labour Act [PLA] which sought to provide for the welfare of labour and to regulate the conditions of workers in plantations.
- Under this law, the State Governments have been empowered to take all feasible steps to improve the lot of the plantation workers. The passing of PLA brought some improvements in the plantations sector.
- It also helped in creating conditions for organizing the workers and the rise of trade unions. **However, the potential benefits promised under the PLA remain unachieved mainly due to ignorance of workers about their rights under the law.**
- Plantation Labour Act (PLA) has been brought out with a view to disseminate information on legal rights of the plantation workers under the law.
- It is our hope that the trade union activists will find this handy reference tool in their work among the plantation workers.




Laws relating to marriage & divorce

THE HINDU MARRIAGE ACT, 1955



- An Act to amend and codify the law relating to marriage among Hindus, enacted by Parliament in the Sixth Year of the Republic of India as
- This Act applies –
- to any person who is a Hindu by religion in any of its forms or developments, including a Virashaiva, a Lingayat or a follower of the Brahmo, Prarthana or Arya Samam,
- to any person who is a Buddhist, Jaina or Sikh by religion, and
- to any other person domiciled in the territories to which this Act extends who is not a Muslim, Christian, Parsi or Jew by religion, unless it is proved that any such person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Act had not been passed.




any child, legitimate or illegitimate, both of whose parents are Hindus, Buddhists, Jainas or Sikhs by religion;

any child, legitimate or illegitimate, one of whose parents is a Hindu, Buddhist, Jaina or Sikh by religion and who is brought up as a member of the tribe, community, group or family to which such parent belongs or belonged; and

any person who is a convert or re-convert to the Hindu, Buddhist, Jaina or Sikh religion.

Notwithstanding anything contained in sub-section (1), nothing contained in this Act shall apply to the members of any Scheduled tribe within the meaning of clause (25) of article 366 of the Constitution unless the Central Government, by notification in the Official Gazette, otherwise directs.



The expression 'Hindu' in any portion of this Act shall be construed as if it included a person who, though not a Hindu by religion, is, nevertheless, a person to whom this Act applies by virtue of the provisions.

The marriage between the members of Scheduled Tribes is not governed by the Hindu Marriage Act in the light of section 2(2). Rather their marriage would be governed only by their Santhal customs and usage.

Continue...

▣ **The Hindu Marriage Act 1955.**

- This Act is applicable for the total India and Jains, Sikhs, Buddhists and the scheduled castes.
- **Condition for Valid Marriage as Provided under this Act;**
 - ❖ Prohibits polygyny, polyandry and child marriage.
 - ❖ The bridegroom must have completed 21 years of the age and bride 18 years of age.
 - ❖ Equal rights for men and women in marriage.
 - ❖ Given permission for inter-caste and inter-religion marriages.

'Hindu Marriage Law Amendment Bill is anti-men, will destroy Indian families'

'Men's Right bodies demand open debate, slam new bill as another instrument to harass innocent men and their family members'

■ Staff Reporter

SEVERAL organisations working for Men's Rights have flayed 'The proposed Marriage Law Amendment Bill' and dubbed it as anti-men and another instrument to harass innocent husbands and their family members. The organisations have sought open debate on marriage laws and reiterated their demand to make marriage laws gender-neutral.

After the disastrous experience of 498-A, a heavily loaded pro-women court procedure in marital dispute and domestic violence act, this new amendment will help only in grabbing the property of in-laws, claimed Save India Family Foundation (SIFF). The bill proposes to divide the property of the husband and give most of the assets to the wife and the liability to the husband will cause severe social and marital destruction in all forms, Rajesh Vakharia of the SIFF apprehended.

Activists have questioned the tearing hurry shown by the government and claimed that the ill-thought provision would lead to sensational chaos, family destruction, murders for property and untimely demise

of the age old institution that upheld Indian family system. They have flayed the feminists for unleashing a vicious propaganda against men and questioned as to why liability was not shared equally between husband and wife. This does not happen even in splits of business under partnership as Liabilities and Duties are also shared equally. With no current clarity of definition of Marital Property, even acquired parental property could go to wives, the organisation claimed.

In the name of easing divorce procedure, a veto power has been given to wife without according similar power to husband who can not opposed divorce petition filed by the wife under 'Irretrievable Breakdown of Marriage.' This is in addition to 498-



A and Domestic Violence Act under which a wife can always send in-laws to jail and even Supreme Court was forced to describe such cases as legal terrorism, Vakharia claimed.

The organisations have slammed Law Minister Salman Khurshid for piloting such a bill with far reaching consequences without any debate with the citizenry.

They also wondered as to why women right organisations are concentrating on rights of young married women and never raise their voice against harassment of young unmarried girls from their own parents, in their natal homes, or the cause of widows who suffer social bias, or the cause of old women being harassed in their families, especially old mothers-in-law tortured by their daughters-in-law.

THE HINDU MARRIAGES (VALIDATION OF PROCEEDINGS) ACT, 1960 ACT NO. 19 OF 1960

- An Act to validate certain proceedings under the Hindu Marriage Act, 1955, enacted by Parliament in the Eleventh Year of the Republic of India as follows:-
 - Validation of proceedings of certain courts under Act 25 of 1955 . (25 of 1955.)
- (1) All proceedings taken and decrees and orders passed before the commencement of this Act by any of the courts referred to in sub- section
 - (2) Exercising or purporting to exercise jurisdiction under the Hindu Marriage Act, 1955, (25 of 1955) shall, notwithstanding any judgment. decree or order of any court, be deemed to be as good and valid in law as if the court exercising or purporting to exercise such jurisdiction had been a district court within the meaning of the said Act.
 - (3) The courts referred to in sub- section (1) are the following, namely:- The court of an additional judge, additional district judge, joint district judge, assistant district judge, assistant judge and any other court, by whatever name called, not being lower in rank than the court of a subordinate judge.



THE INDIAN DIVORCE ACT, 1869

- This Act extends to [the whole of India [except the State of Jammu and Kashmir.
- Extent of power to grant relief generally, and to make decrees of dissolution, or of nullity –
- Nothing hereinafter contained shall authorize and Court to grant any relief under this Act except where the petitioner [or respondent] professes the Christian religion, or to make decrees of dissolution of marriage except where the parties to the marriage are domiciled in India at the time when the petition is presented, or to make decrees of nullity of marriage except where the marriage has been solemnized in India and the petitioner is resident in India at the time of presenting the petition, or to grant any relief under this Act, other than a decree of dissolution of marriage or of nullity of marriage, except where the petitioner resides in India at the time of presenting the petition.

Grounds for Divorce in Indian Laws

There are four different grounds on which the divorce Laws in India depends. All these are given below:

- Adultery
- Desertion
- Cruelty
- Impotency
- Chronic Diseases
- Mental disorder
- Venereal Diseases
- Renunciation
- No Resumption of Co habilitation
- Not Heard Alive

Indian Community Asks Divorce Law

Srinagar, India, June 18 (U.P.)
—The Kashmiri Pandit community is up in arms for a divorce act, the first Hindu community to declare in favor of divorce. It took an act of savagery to bring this about.

A resident of the community, graduate of an Indian university, became so enraged at his wife when she refused him money that he destroyed one of her eyes. The act so enraged the populace that a demonstration of more than 4,000 persons was organized in protest and to urge a divorce act.

THE PROHIBITION OF CHILD MARRIAGE ACT, 2006

- This is not just for girls. However, the incidents reported indicate towards the underage girls. The Child Marriage Restraint Act, 1929, prohibits a girl who is not 18 (age defined by the Hindu Marriage Act) to get married. Child marriage
- Child marriage has been traditionally prevalent in India and continues to this day. Historically, child brides would live with their parents until they reached puberty. In the past, child widows were condemned to a life of great agony, shaved heads, living in isolation, and being shunned by society (Kamat, J., 2006). Although child marriage was outlawed in 1860, it is still a common practice (Lawson, A., 2001). The Child Marriage Restraint Act, 1929 is the relevant legislation in the country.
- According to UNICEF's "State of the World's Children-2009" report, 47% of India's women aged 20–24 were married before the legal age of 18, rising to 56% in rural areas (UNICEF, 2009). The report also showed that 40% of the world's child marriages occur in India (Dhar, A., 2009).
- The object of the Act is to prohibit solemnization of child marriage and connected and incidental matters.

- To ensure that child marriage is eradicated from within the society, the Government of India enacted Prevention of Child marriage Act 2006 by replacing the earlier legislation of Child Marriage Restraint Act 1929. This new Act is armed with enabling provisions to prohibit for child marriage, protect and provide relief to victim and enhance punishment for those who abet, promote or solemnize such marriage.
- This Act also calls appointment of Child Marriage Prohibition Officer for implementing this Act. This Act consists of 21 sections. It extends all over India except Jammu and Kashmir and renoncants of the Union territory of Pondicherry.

NOVEMBER 5, 2013: Dhananjay, BSP MP from Jaunpur constituency in UP, and Jagriti, a dental surgeon at the RML Hospital were arrested in connection with the death of their 35-year-old maid Rakhi Bhadra and torturing their other maid and a juvenile servant.

OCT 28, 2013: A 13-year-old Manipuri girl was rescued from a Netaji Nagar flat where she was working as a domestic help. The girl was often beaten up, starved and not paid. Her employer, a stewardess with Air India, would even slam the girl's head against the wall if she was found resting.

TORTURED HISTORY

Accused, Bira Thoibi, and her sister Stoile Naubi are currently in judicial custody.

OCT 1, 2013: A 15-year-old girl from Jharkhand working as a domestic help in a Vasant Kunj home was rescued by an NGO and admitted to Safdarjung Hospital with knife injuries, bruises, dog bites and sores all over her body. She alleged that her employer, Vandana Dhir, kept her half-naked to prevent her from running away and was not paid a single month's salary

since her employment, Dhir is now in judicial custody.

APRIL 13, 2012: Delhi Police rescued a 14-year-old girl, from Jamia Nagar area, who was allegedly beaten up and sexually assaulted by 25-year-old Nadeem. The victim who hails from Bihar is currently in a child care home. Nadeem is in judicial custody.

MAY 20, 2011: A 16-year-old girl was trafficked to a placement agency in Delhi. The agents raped and abused her for years.

MASSIVE PREVALENCE, FEW CASES, EVEN FEWER CONVICTIONS



102.61 million*

(17.46% of total female population of 587.58 million) WERE MARRIED before they had turned 18 years of age

948

CASES were registered against those performing or promoting child marriage, but only 157 individuals were CONVICTED under these charges

*Married for between 1 day and 40 years at the time of the Census survey

INSTANCES OF GIRL CHILD MARRIAGE STRONG IN 'RECENT MARRIAGES'

6.48 million girls*

(17.23% of all married women/girls) had married while being under 18. For men, it was **0.9 MILLION** (2.62% of men who married from 2001-11)

*Among those married for fewer than 4 years when surveyed during the Census

CLEARLY, PROVISIONS OF THE 2006 ACT HAVE BEEN NO DETERRENT

PUNISHMENT

Prohibition of Child Marriage Act: up to 2 years jail, Rs 2 lakh fine

FAR TOUGHER

Than Child Marriage Restraint Act, 1929: 3 months prison or fine

RAJASTHAN IS THE WORST OFFENDER, BUT NUMBERS ARE BAD ELSEWHERE TOO

GIRLS MARRIED UNDER AGE 18

RAJASTHAN 42.62% (7.9 million)*
ANDHRA PRADESH 41.01% (10.97 million)
WEST BENGAL 40.27% (11.05 million)
MADHYA PRADESH 39.56% (7.7 million)
CHHATTISGARH 38.07% (2.69 million)

* As percentage of state's married women. Absolute numbers in parentheses.

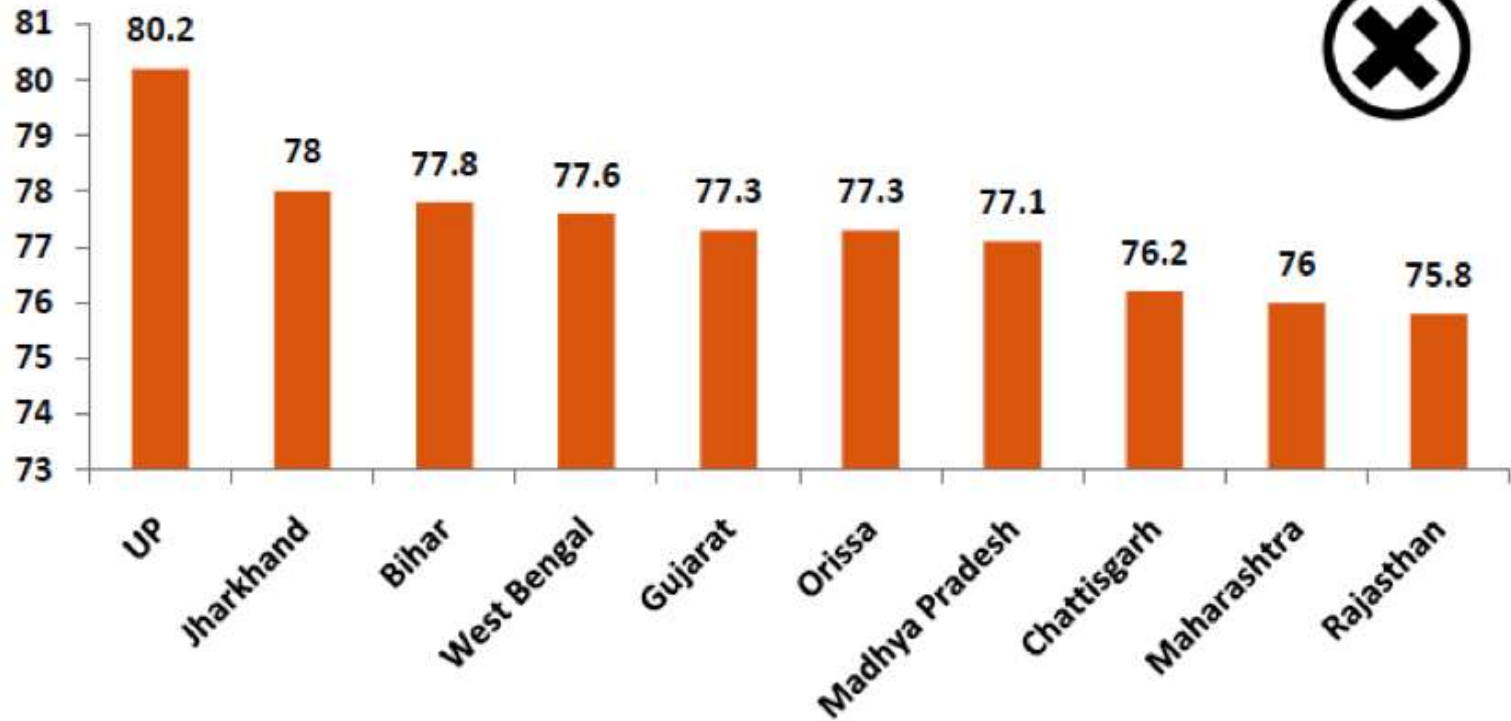
SIGNIFICANTLY, FAR LARGER PERCENTAGE OF GIRLS THAN BOYS MARRY UNDER AGE 18

19.47 million*

6.48% of all married men MARRIED before they turned 18



Percentage of Parents not aware of the Child Marriage Prohibition Act




THE SPECIAL MARRIAGE ACT, 1954



- The **Special Marriage Act, 1954** is an Act of the Parliament of India enacted to provide a special form of marriage for the people of India and all Indian nationals in foreign countries, irrespective of the religion or faith followed by either party.
- The Act originated from a piece of legislation proposed during the late 19th century.
- In 1872 Act III, 1872 was enacted but later it was found inadequate for certain desired reforms, and Parliament enacted a new legislation.
- Henry Sumner Maine first introduced Act III of 1872, which would permit any dissenters to marry whomever they chose under a new civil marriage law. In the final wording, the law sought to legitimize marriages for those willing to renounce their profession of faith altogether ("I do not profess the Hindu, Christian, Jewish, etc. religion").



- It can apply in inter-caste and religion marriages. Overall, the response from local governments and administrators was that they were unanimously opposed to Maine's Bill and believed the legislation encouraged marriages based on lust, which would inevitably lead to immorality.
- **The Special Marriage Act, 1954 replaced the old Act III, 1872. The new enactment has 3 major objectives:**
 - To provide a special form of marriage in certain cases,
 - to provide for registration of certain marriages and,
 - to provide for divorce.




Laws relating to abortion

THE PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) AMENDMENT, ACT 2001

- An Act to amend the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994.
- It was enacted by Parliament in the Fifty-second Year of the Republic of India as follows:-
- This Act may be called the Pre-Natal Diagnostic Techniques (Regulation and Prevention and Misuse) Amendment Act, 2001
Amendment of section 8 of Act 57 of 1994 – In the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, in section 8, in sub-section (1) in clause(a),-
 - the word "and" shall be omitted;
 - the following proviso shall be inserted, namely:- “provided that the term office of a member elected under clause (f) of sub-section (2) of section 7 shall come to an end as soon as the member becomes a Minister or minister of State or Deputy Minister or the Speaker or the Deputy Speaker of the House of the People, or the Deputy Chairman of the Council of States or ceases to be a member of the House from which she was elected; and”.

Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Amendment Act, 2002

- An Act further to amend the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, it enacted by Parliament in the Fifty-third year of the Republic of India as follows:-
 - This Act may be called the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 2002.
 - It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- "An Act to provide for the prohibition of sex selection, before or after conception, and for regulation of pre-natal diagnostic techniques for the purposes of detecting genetic abnormalities or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex-linked disorders and for the prevention of their misuse for sex determination leading to female foeticide and for matters connected therewith or incidental thereto."



Laws relating to maintenance

ORDER FOR MAINTENANCE OF WIVES, CHILDREN AND PARENTS UNDER SECTION 125

- (1) If any person having sufficient means neglects or refuses to maintain-
- (a) his wife, unable to maintain herself, or
 - (b) his legitimate or illegitimate minor child, whether married or not, unable to maintain itself, or 1. Subs. by Act 45 of 1978, s. 12, for" Chief Judicial Magistrate" (w. e. f, 18-12- 1978).
 - (c) his legitimate or illegitimate child (not being a married daughter) who has attained majority, where such child is, by reason of any physical or mental abnormality or injury unable to maintain itself, or
 - (d) his father or mother, unable to maintain himself or herself, a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, father or mother, at such monthly rate not exceeding five hundred rupees in the whole, as such Magistrate thinks fit, and to pay the same to such person as the Magistrate may from time to time direct: Provided that the Magistrate may order the father of a minor female child referred to in clause (b) to make such allowance, until she attains her majority, if the Magistrate is satisfied that the husband of such minor female child, if married, is not possessed of sufficient means

- (2) Such allowance shall be payable from the date of the order, or, if so ordered, from the date of the application for maintenance.
- (3) If any person so ordered fails without sufficient cause to comply with the order, any such Magistrate may, for every breach of the order, issued a warrant for levying the amount due in the manner provided for levying fines, and may sentence such person, for the whole or any part of each month' s allowances remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment if sooner made: Provided that no warrant shall be issued for the recovery of any amount due under this section unless application be made to the Court to levy such amount within a period of one year from the date on which it became due: Provided further that if such person offers to maintain his wife on condition of her living with him, and she refuses to live with him, such Magistrate may consider any grounds of refusal stated by her, and may make an order under this section notwithstanding such offer, if he is satisfied that there is just ground for so doing.
- (4) No Wife shall be entitled to receive an allowance from her husband under this section if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.
- (5) On proof that any wife in whose favour an order has been made under this section is living in adultery, or that without sufficient reason she refuses to live with her husband, or that they are living separately by mutual consent, the Magistrate shall cancel the order.

PROCEDURE TO BE FOLLOWED

UNDER SECTION 125

- (1) Proceedings under section 125 may be taken against any person in any district-

 - (a) where he is, or
 - (b) where he or his wife, resides, or
 - (c) where he last resided with his wife, or as the case may be, with the mother of the illegitimate child.
- (2) All evidence in such proceedings shall be taken in the presence of the person against whom an order for payment of maintenance is proceed to be made, or, when his personal attendance is dispensed with, in the presence of his pleader, and shall be recorded in the manner prescribed for summons- cases: Provided that if the Magistrate is satisfied that the person against whom an order for payment of maintenance is proposed to be made is willfully avoiding service, or willfully neglecting to attend the Court, the Magistrate may proceed to hear and determine the case ex parte and any order so made may be set aside for good cause shown on an application made within three months from the date thereof subject to such terms including terms at to payment of costs to the opposite party as the Magistrate may think just and proper.
- (3) The Court in dealing with applications under section 125 shall have power to make such order as to costs as may be just.

ALTERATION IN ALLOWANCE UNDER SECTION 125

- (1) On proof of a change in the circumstances of any person, receiving, under section 125 a monthly allowance, or ordered under the same section to pay a monthly allowance to his wife, child, father or mother, as case may be, the Magistrate may make such alteration in the allowance he thinks fit: Provided that if he increases the allowance, the monthly rate of five hundred rupees in the whole shall not be exceeded.
- (2) Where it appears to the Magistrate that, in consequence of any decision of a competent Civil Court, any order made under section 125 should be cancelled or varied, he shall cancel the order or, as the case may be, vary the same accordingly.
- (3) Where any order has been made under section 125 in favour of a woman who has been divorced by, or has obtained a divorce from, her husband, the Magistrate shall, if he is satisfied that-

 - (a) the woman has, after the date of such divorce, remarried, cancel such order as from the date of her remarriage;

- (b) the woman has been divorced by her husband and that she has received, whether before or after the date of the said order, the whole of the sum which, under any customary or personal law applicable to the parties, was payable on such divorce, cancel such order,-
- (i) in the case where, such sum was paid before such order, from the date on Which such order was made,
- (ii) in any other case, from the date of expiry of the period, if any, for which maintenance has been actually paid by the husband by the woman;
- (c) the woman has obtained a divorce from her husband and that she had voluntarily surrendered her rights to maintenance after her divorce, cancel the order from the date thereof.
- (4) At the time of making any decree for the recovery of any maintenance or dowry by any person, to whom a monthly allowance has been ordered to be paid under section 125, the Civil Court shall take into account the sum which has been paid to, or recovered by, such person as monthly allowance in pursuance of the said order.

ENFORCEMENT OF THE ORDER OF MAINTENANCE

- A copy of the order of maintenance shall be given without payment to the person in whose favour it is made, or to his guardian, if any or to the person to whom the allowance is to be paid; and such order may be enforced by any Magistrate in any place where the person against whom it is made may be, on such Magistrate being satisfied as to the identity of the parties and the non- payment of the allowance due.

- Fraudulent marriage ceremony without lawful marriage
- Husband or relative of a husband of a woman subjecting her to cruelty
- Importation of girl from foreign country
- Intercourse by man with his wife during separation
- Intercourse by a member of management or staff of a hospital with any woman in that hospital
- Intercourse by public servant with a woman in his custody
- Intercourse by superintendent of jail, remand home, etc
- Kidnapping, abducting or inducing woman to compel her marriage
- Marriage ceremony fraudulently gone through without lawful marriage
- Marrying again during lifetime of spouse (Also see here)
- Preventing a child from being born alive or causing its death after birth
- Procreation of minor girl
- Rape (Also see here)
- Selling minor for purpose of prostitution
- Word, gesture or act intended to insult the modesty of a woman



Crime Against Women in India - 2012

1 crime every 2 minutes

1 case of cruelty every 5 minutes

1 case of molestation every 12 minutes

1 kidnapping every 14 minutes

1 rape every 21 minutes

1 sexual harassment every 57 minutes

1 dowry death every 64 minutes

Source: NCRB Report 2012

Female infanticide

Demographers say millions of women who should have been born in Asia have been victims of female-selected abortion or female infanticide.

COUNTRY (YEAR)	FEMALE VICTIMS
China (2000)	40,617,103
India (2001)	39,284,065
Pakistan (1998)	5,983,526
Bangladesh (2001)	2,700,028
Afghanistan (2002)	1,108,266
Taiwan (2000)	448,512
South Korea (2000)	151,073
TOTAL	90,292,573

SOURCES: U.N. and national census or population studies
by Valerie Hudson, BYU

	CRIME HEAD	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
1	Assault on women with intent to outrage her modesty	34,175	36,617	38,734	40,413	38,711	40,613	42,968	45,351	70,739	82,235
2	Kidnapping and Abduction of Women & Girls	15,750	17,414	20,416	22,939	25,741	29,795	35,565	38,262	51,881	57,311
3	Rape	18,359	19,348	20,737	21,467	21,397	22,172	24,206	24,923	33,707	36,735
4	Insult to the modesty of Women	9,984	9,966	10,950	12,214	11,009	9,961	8,570	9,173	12,589	9,735
5	Immoral Traffic (P) Act	5,908	4,541	3,568	2,660	2,474	2,499	2,435	2,563	2,579	2,070
6	Indecent Representation of Women (P) Act	2,917	1,562	1,200	1,025	845	895	453	141	362	47
7	Cruelty by Husband or his relatives	58,319	63,128	75,930	81,344	89,546	94,041	99,135	106,527	118,866	122,877
8	Dowry Prohibition Act	3,204	4,504	5,623	5,555	5,650	5,182	6,619	9,038	10,709	10,050
9	Dowry Deaths	6,787	7,618	8,093	8,172	8,383	8,391	8,618	8,233	8,083	8,455
10	Importation of Girls from Foreign	149	67	61	67	48	36	80	59	31	13
11	Commission of Sati (P) Act	1	-	-	1	-	-	1	-	-	-
12	Attempt to Rape										4,234
13	Abetment of Suicide of Women										3,734
14	Protection of Women From Domestic Violence Act										426
	Total Crimes against Women	155,553	164,765	185,312	195,857	203,804	213,585	228,650	244,270	309,546	337,922
		0.8%	5.9%	12.5%	5.7%	4.1%	4.8%	7.1%	6.8%	26.7%	9.2%

(Source: data.gov.in & ncrb.gov.in)

CRIME AGAINST WOMEN (UP TO DEC 15)

Crime Heads	2012	2013	2014	2015
Rape	706	1,636	2,085	2,095
Molestation	727	3,515	4,182	5,192
Eve-teasing	214	916	1,282	1,444
Dowry death	134	144	147	119
406/498-A IPC	2,046	3,045	3,005	3,301
Dowry Proh. Act	15	15	13	18
Kidnapping	2,210	3,609	3,887	4,160
POCSO Act	-	136	104	82

Constitutional Provisions and Privileges

- (i) Equality before law for women ([Article 14](#))
- (ii) The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them ([Article 15 \(i\)](#))
- (iii) The State to make any special provision in favour of women and children ([Article 15 \(3\)](#))
- (iv) Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State ([Article 16](#))
- (v) The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood (Article 39(a)); and equal pay for equal work for both men and women ([Article 39\(d\)](#))
- (vi) To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities ([Article 39 a](#))

- (vii) The State to make provision for securing just and humane conditions of work and for maternity relief ([Article 42](#))
- (viii) The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation ([Article 46](#))
- (ix) The State to raise the level of nutrition and the standard of living of its people ([Article 47](#))
- (x) To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women ([Article 51\(A\) \(e\)](#))
- (xi) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat ([Article 243 D\(3\)](#))
- (xii) Not less than one- third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women ([Article 243 D \(4\)](#))

Offences against women and children in the Indian Penal Code

- The Indian Penal Code, 1860
- Abandoning of child under 12 years of age
- Adultery
- Assault or criminal force to a woman with intent to outrage her modesty
- Buying minor for purpose of prostitution
- Causing death of quick unborn child by act amounting to culpable homicide
- Causing miscarriage or miscarriage without the woman's consent
- Cohabitation caused by a man deceitfully inducing a belief of lawful marriage
- Concealment of birth by secret disposal of dead body
- Concealment of former marriage
- Death caused by act done with intent to cause miscarriage
- Dowry death
- Enticing, detaining or taking away with criminal intent a married woman

- Fraudulent marriage ceremony without lawful marriage
- Husband or relative of a husband of a woman subjecting her to cruelty
- Importation of girl from foreign country
- Intercourse by man with his wife during separation
- Intercourse by a member of management or staff of a hospital with any woman in that hospital
- Intercourse by public servant with a woman in his custody
- Intercourse by superintendent of jail, remand home, etc
- Kidnapping, abducting or inducing woman to compel her marriage
- Marriage ceremony fraudulently gone through without lawful marriage
- Marrying again during lifetime of spouse (Also see here)
- Preventing a child from being born alive or causing its death after birth
- Procreation of minor girl
- Rape (Also see here)
- Selling minor for purpose of prostitution
- Word, gesture or act intended to insult the modesty of a woman

Author's Name	Year	Major findings
Carroll	1989	emphasized that few women of the upper castes availed themselves to their new right to remarry, while those widows who, in the exercise of their customary rights, remarried independently of the Act, found themselves now subject to the forfeiture clause of Section 2, regardless of their Customary Law which permitted a widow to remarry and certainly in many, if not most, cases permitted her also to retain property inherited from her first husband' .

Author's Name	Year	Major findings
Talwar	1990	pointed out that the movement for the upliftment of women initiated by men in the early C19th – e.g. Raja Ram Mohan Roy – and included education, widow remarriage, abolition of purdah, and agitation against child marriage. Social reform movements arose out of conflict between the older feudal joint family system and material needs of the developing urban middle class. The urban m/c family was no longer a productive unit but a place of emotional fulfillment. The reform movement of the C19th was generally limited to urban areas.

Author's Name	Year	Major findings
Kumar	1993	stated that, 1881 Indian Factories Act child defined as under 12 – could not work until aged 7, limited to 9 hour day & given 4 days holiday a month – criticized as insufficient to protect children and no protection for women. 1891 Indian factories (Amendment) Act – applied to anyone under 14, minimum age for work now 9, 7-hour day (women 11) – women and children limited to working between 5am and 8pm. 1908 Indian Factory Commission Report said ‘On the woman rests the main responsibility of producing a healthy race.’

Author's Name	Year	Major findings
Kumar	1993	analyzed that 'as an Indian bourgeois society developed under western domination, this class sought to reform itself, initiating campaigns against caste, polytheism, idolatry, animism, purdah, child marriage, sati and more, seeing them as elements of a pre-modern or primitive identity'.

Author's Name	Year	Major findings
Kumar	1993	<p>reported that the All India Women's Conference divided on whether to campaign for Harbilas Sarada's bill against child marriage – would raise age of marriage for girls from 10 to 12. Preferred Hari Singh Gour's Bill of 1924 which proposed minimum age of 14. Opposition to legislation on child marriage came from those who said Government had no right to interfere in what was a religious matter – this was more about maintaining the boundaries between civil & religious laws and occurred in context of a new wave of religious fundamentalism.</p> <p>Campaign against child marriage also intended to embarrass colonial state – could not oppose legislation and still claim to be agent of modernity – British government tried to delay law and afterwards tried to slow down its implementation.</p> <p>assembly.</p>

Author's Name	Year	Major findings
Sinha	2000b	emphasized that minimum age of marriage is 18 for women and 21 for men. He said that 'The unprecedented campaign orchestrated by the early women's movement for the passage of the Child Marriage Restraint Act, or the Sarda Act as it was popularly called after its sponsor Harbilas Sarda, constituted the most telling response of organized women to Mother India'. But a great deal of the campaigning preceded the publication of <i>Mother India</i> .

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