

INFORMATION BOOKLET ON LAWS RELATING TO WOMEN

8th March, 2016

International Women's Day



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International Women's Day (IWD) celebrated on 8th March is a global day celebrating the social, economic, cultural and political achievements of women. IWD has been observed since in the early 1900's - a time of great expansion and turbulence in the industrialized world that saw booming population growth and the rise of radical ideologies.

The role of women in the socio-economic and cultural life of Manipur is significant. The Ima Market is proof of the thriving trade and commerce that is mainly driven by women. Be it handloom, handicrafts or agricultural products, the women have made a stellar contribution and they dominate this sector of the market as entrepreneurs. Manipur is a land of culture and sports, and the state can boast of daughters who have brought laurels at the national and international level.

Be it the urban or rural set up, women in Manipur contribute economically to the running of the household and also to the community. Being a society steeped with customs and traditions, women play the main role in maintaining and participating in social functions. However, despite the importance of women in a society like ours, they face hurdles at every step of the way. Challenges arise due to gender based stereotypes and women face discrimination that deny them equitable access to opportunities, resources, assets and services.

Being in a conflict zone, women in Manipur are at a higher risk. Crimes against women in the public domain as well as cases of domestic violence are on the rise. Women are in a perpetual state of watchfulness in this chaotic situation.

Recognising the need for women to be aware of the existing mechanisms for the redressal of their grievances, this booklet is published in relation with the celebration of IWD 2016. This booklet will provide information on how the law, international and national, protects and safeguards the rights of women, and if such rights are violated, the provisions provided to penalise the perpetrator and the relief available to women.

1. CONSTITUTIONAL PROVISIONS:-

| | |
|------------------|---|
| Article 14 | Equality before law. |
| Article 15(1) | The state shall not discriminate against any citizen on grounds of religion, race, caste, sex ,place of birth or any of them. |
| Article 15(3) | The state shall make any special provision in favour of women and children. |
| Article 16 | Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state. |
| Article 39(a) | The state to direct its policy towards securing for men and women equally the right to adequate means of livelihood. |
| Article 39(d) | Equal pay for equal work for both men and women. |
| Article 42 | The state to make provision for securing just and humane conditions of work and maternity relief. |
| Article 46 | 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 47 | The state to raise the level of nutrition and the standard of living of its people. |
| Article 51(a)(e) | To promote harmony and spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women. |
| Article 243D(3) | Not less than one-third (including the no. of seats reserved for women belonging to the scheduled castes and the scheduled tribes)of the total no. 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 243D(4) | Not less than one-third of the total no. of offices of chairpersons in the panchayats at each level to be reserved for women. |
| Article 243T(3) | Not less than one –third(including the no. of seats reserved for women belonging to scheduled castes and scheduled tribes)of the total no. of seats to be filled by direct election in every municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a municipality. |
| Article 243T(4) | Reservation of offices of chairpersons in municipalities for the scheduled castes ,scheduled tribes and women in such manner as the legislature of a state may by law provide. |



2. THE INDIAN PENAL CODE

| Sections | Offences | Punishments |
|------------------|---|---|
| 302/304 B | Homicide for dowry, dowry deaths or their attempts. | Death/imprisonment for life & fine. 7 years to imprisonment for life. |
| 312 | Causing miscarriage. | 3-7 years & fine |
| 313 | Causing miscarriage without woman's consent. | 10 years & fine |
| 314 | Death caused by act done with intent to cause miscarriage. | 10 years & fine |
| 315 | Act done with intent to prevent child being born alive or to cause it to die after birth. | 10 years & fine |
| 316 | Causing death of quick unborn child by act amounting to culpable homicide | 10 years & fine |
| 354 | Molestation, assault or criminal force to woman with intent to outrage her modesty. | 5 years & fine |
| 354 A | Sexual harassment | 3 years & fine |
| 354B | Act with intent to disrobe a woman. | 7 years & fine |
| 354C | Voyeurism | 3-7 years & fine |
| 354D | Stalking | 5 years & fine |
| 366 | Kidnapping, abducting or inducing women to compel her for marriage, etc. | 10 years & fine |
| 366A | Procurator of minor girl. | 10 years & fine |
| 366B | Importation of girl from foreign country. | 10 years & fine |
| 370 | Trafficking of persons. | 10 years & fine |
| 372 | Selling minor for purposes of prostitution, etc. | 10 years & fine |
| 373 | Buying minor for purposes of prostitution, etc. | 10 years & fine |

| | | |
|--------------------------------|--|-------------------------------|
| 376 | Rape | 7years –imprisonment for life |
| 376A | Intercourse by a man with his wife during separation. | 20years/imprisonment for life |
| 376B | Intercourse by public servant with woman in custody | 2-7years |
| 376C | Intercourse by superintendent of jail,remand home ,etc. | 5-10years |
| 376D | Intercourse by any member of the management or staff of a hospital with any woman in that hospital. | 20years & fine |
| 493 | Cohabitation caused by a man deceitfully inducing a belief of lawful marriage. | 10years & fine |
| 494 | Marrying again during the lifetime of husband /wife. | 7years & fine |
| 495 | Same offence with concealment of former marriage from person with whom subsequent marriage is contracted. | 10years & fine |
| 496 | Marriage ceremony fraudulently gone through without lawful Marriage. | 7years & fine |
| 497 | Adultery | 5years & fine |
| 498 | Enticing or taking away or detaining with criminal intent a married woman. | 2years & fine |
| 498-A | Torture,both mental and physical/husband or relative of husband of a woman subjecting her to cruelty. | 3years & fine |
| 509 | Insulting the modesty of women. | 3years & fine |
| 34A,The Police Act,1861 | Annoying any female, willfully and indecently exposes his person or any portion thereof, makes any gesture, utters any word, or makes or other sound, in any office, street, public place or vehicle | Fine of Rs.500/ |

3.THE PRE-NATAL DIAGNOSTIC TECHNIQUES (REGULATION AND PREVENTION OF MISUSE) ACT,1994.



- The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, was enacted and brought into operation from 1st January, 1996, in order to check female feticide.
- The Act prohibits determination and disclosure of the sex of foetus, any advertisements relating to pre-natal determination of sex and prescribes punishment for its contravention. The person who contravenes the provisions of this Act is punishable with imprisonment and fine.
- Section 23- Offences and penalties.-
- (1) Any medical geneticist, gynaecologist, registered medical practitioner or any person who owns a Genetic Counselling Centre, a Genetic Laboratory or a Genetic Clinic or is employed in such a Centre, Laboratory or Clinic and renders his professional or technical services to or at such a Centre, Laboratory or Clinic, whether on an honorary basis or otherwise, and who contravenes any of the provisions of this Act or rules made there under shall be punishable with imprisonment for a term which may extend to **three years** and with fine which may extend to **ten thousand rupees** and on any subsequent conviction, with imprisonment which may extend to **five years** and with fine which may extend to **fifty thousand rupees**.
- (2) The name of the registered medical practitioner who has been convicted by the court under subsection (1), shall be reported by the

Appropriate Authority to the respective State Medical Council for taking necessary action including the removal of his name from the register of the Council for a period of two years for the first offence and permanently for the subsequent offence.

- (3) Any person who seeks the aid of a Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic or of a medical geneticist, gynaecologist or registered medical practitioner for conducting prenatal diagnostic techniques on any pregnant woman (including such woman unless she was compelled to undergo such diagnostic techniques) for purposes other than those specified in clause (2) of section 4, shall, be punishable with imprisonment for a term which may extend to three years and with fine which may extend to **ten thousand rupees** and on any subsequent conviction with imprisonment which may extend to five years and with fine which may extend to **fifty thousand rupees**.

Section 4:- Regulation of pre-natal diagnostic techniques.- On and from the commencement of this Act,--

- (1) no place including a registered Genetic Counselling Centre or Genetic Laboratory or Genetic Clinic shall be used or caused to be used by any person for conducting pre-natal diagnostic techniques except for the purposes specified in clause (2) and after satisfying any of the conditions specified in clause (3); (2) no pre-natal diagnostic techniques shall be conducted except for the purposes of detection of any of the following abnormalities, namely:-- (i) chromosomal abnormalities; (ii) genetic metabolic diseases; (iii) haemoglobinopathies; (iv) sex-linked genetic diseases; (v) congenital anomalies; (vi) any other abnormalities or diseases as may be specified by the Central Supervisory Board; (3) no pre-natal diagnostic techniques shall be used or conducted unless the person qualified to do so is satisfied that any of the following conditions are fulfilled, namely:-- (i) age of the pregnant woman is above thirty-five years; (ii) the pregnant woman has undergone of two or more spontaneous abortions or foetal loss; (iii) the pregnant woman had been exposed to potentially teratogenic agents such as drugs, radiation,

infection or chemicals; (iv) the pregnant woman has a family history of mental retardation or physical deformities such as spasticity or any other genetic disease; (v) any other condition as may be specified by the Central Supervisory Board; (4) no person, being a relative or the husband of the pregnant woman shall seek or encourage the conduct of any pre-natal diagnostic techniques on her except for the purpose specified in clause (2).

4. THE MEDICAL TERMINATION OF PREGNANCY ACT, 1971.

- This Act was enacted to legalize and regulate the conditions of termination of pregnancy and really did much for the upliftment of women. This was the first step to legalize abortions which were performed by quacks and which instilled fear in the minds of pregnant women.
- This Act says pregnancy could be terminated (upto twenty weeks of pregnancy).
- According to this Act only a qualified registered medical practitioner as defined under this Act could conduct termination of pregnancy.
- And such termination of pregnancy shall be done only in a place established, maintained or approved by the Govt.



5. RIGHT TO EDUCATION ACT , 2009.

- This Act provides for free and compulsory education to all children of the age of six to fourteen years.

6. DECLARATION OF PROTECTION OF WOMEN AND CHILD IN EMERGENCY ARMED CONFLICT (1974):

- The Declaration states that women and children suffer victimization during armed conflict due to “suppression, aggression, colonialism, racism, alien domination and foreign subjugation:.
- The Declaration specifically prohibits attacks and bombing of civilian population (Art. 1) and the use of chemical and biological weapons on civilian populations (Art.2). Article 3 requires states to abide by the [Geneva Protocol] of 1925 and the Geneva Convention of 1949.
- The Declaration also requires countries to take measures to end “persecution, torture, punitive measures, degrading treatment and violence” especially when they are targeted against women and children, as well as recognizing “imprisonment, torture, shooting, mass arrests, collective punishment, destruction of dwellings, and forcible evictions” as criminal acts.
- Certain inalienable rights are also enshrined in the Declaration, such as access to food, shelter, and medical care, which are to be provided to women and children caught in emergency situations.



7.The Protection of Children from Sexual Offences Act (POCSO) Act, 2012 is a comprehensive law to provide for the protection of children from the offences of sexual assault, sexual harassment and pornography, while safeguarding the interests of the child at every stage of the judicial process by incorporating child-friendly mechanisms for reporting, recording of evidence, investigation and speedy trial of offences through designated Special Courts.

The said Act defines a **child** as **any person below eighteen years of age**, and defines different forms of sexual abuse, including penetrative and non-penetrative assault, as well as sexual harassment and pornography, and deems a sexual assault to be “aggravated” under certain circumstances, such as when the abused child is mentally ill or when the abuse is committed by a person in a position of trust or authority vis-à-vis the child, like a family member, police officer, teacher, or doctor.

People who traffick children for sexual purposes are also punishable under the provisions relating to abetment.

| Relevant Sections | Offence | Punishment |
|-------------------|---|---|
| 3 & 4 | Penetrative sexual assault | 7 years to life imprisonment +fine |
| 5&6 | Aggravated penetrative sexual assault (includes gang) | 10 years to lifetime imprisonment +fine |
| 7&8 | Sexual assault | 3 to 5 years+fine |
| 9&10 | Aggravated Sexual Assault | 5 to 7 years+ fine |
| 11&12 | Sexual Harrassment | Upto 3 years+fine |
| 13&14 | Using child for pornographic purposes | 5 years+fine; If with other offences relating to sections 3,5,7,9 then upto 10 years+fine. |



8. PROHIBITION OF CHILD MARRIAGE ACT 2006:

Section 2- (a) "**child**" means a person who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age;

(b) "**child marriage**" means a marriage to which either of the contracting parties is a child;

Section 9 - Punishment for male adult marrying a child

- Whoever, being a male adult above eighteen years of age, contracts a child marriage shall be punishable with rigorous imprisonment which may extend to two years or with fine which may extend to one lakh rupees or with both.

Section 10 - Punishment for solemnising a child marriage

- Whoever performs, conducts, directs or abets any child marriage shall be punishable with rigorous imprisonment which may extend to **two years and shall be liable to fine which may extend to one lakh rupees** unless he proves that he had reasons to believe that the marriage was not a child marriage.

Section 11 - Punishment for promoting or permitting solemnization of child marriages

- Where a child contracts a child marriage, any person having charge of the child, whether as parent or guardian or any other person or in any other capacity, lawful or unlawful, including any member of an organisation or

association of persons who does any act to promote the marriage or permits it to be solemnised, or negligently fails to prevent it from being solemnised, including attending or participating in a child marriage, shall be punishable with rigorous imprisonment which may extend to **two years and shall also be liable to fine which may extend up to one lakh rupees:**

Provided that no woman shall be punished with imprisonment.

(2) For the purposes of this section, it shall be presumed, unless and until the contrary is proved, that where a minor child has contracted a marriage, the person having charge of such minor child has negligently failed to prevent the marriage from being solemnised.

9. INDECENT REPRESENTATION OF WOMEN (PROHIBITION) ACT, 1986 :

- An Act to prohibit indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner and for matters connected therewith or incidental thereto.
- "Indecent Representation Of Women" means the depiction in any manner of the figure of a woman; her form or body or any part thereof in such way as to have the effect of being indecent, or derogatory to, or denigrating women, or is likely to deprave, corrupt or injure the public morality or morals;
- Prohibition of advertisements containing indecent representation of Women.- No person shall publish, or cause to be published, or arrange or take part in the publication or exhibition of, any advertisement which contains indecent representation of women in any form.
- Prohibition of publication or sending by post of books, pamphlets, etc; containing indecent representation of women.- No person shall produce or cause to be produced, sell, let to hire, distribute, circulate or send by post any book, pamphlet, paper, slide, film, writing, drawing, painting,

photograph, representation or figure which contains indecent representation of women in any form:

Provided that nothing in this section shall apply to-

(a) any book, pamphlet, paper, slide, film, writing, drawing, painting, photograph, representation or figure –

(i) the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, slide, film, writing, drawing, painting, photography, representation or figure is in the interest of science, literature, art, or learning, art, or learning or other objects of general concern; or

(ii) which is kept or used bona fide for religious purpose;

(b) any representation sculptured, engraved, painted or otherwise represented on or in –

(i) any ancient monument within the meaning of the Ancient Monument and Archaeological Sites and Remains Act, 1958 (24 of 1958); or

(ii) any temple, or on any car used or the conveyance of idols, or kept or used for any religious purpose;

(iii) any film in respect of which the provisions of Part II of the Cinematograph Act, 1952 (37 of 1952), will be applicable.

- **PENALTY**.- Any person who contravenes the provisions of Sec 3 or Sec 4 shall be punishable on first conviction with imprisonment of either description for a term which may extend to two years, and with fine which may extend to two thousand rupees, and in the event of a second or subsequent conviction with imprisonment for term of not less than six months but which may extend to five years and also with a fine not less than ten thousand rupees but which may extend to one lakh rupees.

10. THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956:

- An Act adopted by Indian Parliament in the year 1956 to prevent Immoral Trafficking, This Act extends to whole over India.
- This Act says that no person can keep a brothel or allow premises to be used as brothel. No person can live on the earnings on prostitution, No person can procure, induce or take person for the sake of prostitution, No person who have the custody, charge or care or a position of authority over, any person can cause or abet the seduction for prostitution of that person.

Penalty for Violating the Act:

- Any person who keeps or manages a brothel, shall be punishable with punishment for 1-5 years and also with a fine of Rs.2,000/-
- Any adult who lives on the earnings of the prostitution shall be punishable imprisonment for 2 years or with fine of Rs.1,000/- or both, if it is minors case the imprisonment shall be 7-10 years.
- Any person who procures, induces or takes a person to carry on prostitution shall be punishable on conviction with rigorous imprisonment for 3-7 years and also with fine of Rs.2,000/- and if the offence is committed against the will of the victim the punishment of imprisonment will be for 7-14 years.
- Seduction of person in custody- Punishment of 7 years to Life imprisonment or 10 years of imprisonment who shall also be liable to fine.

11. THE MATERNITY BENEFIT ACT, 1961 :

This is an act to regulate the employment of women in certain establishments for certain periods before and after child-birth and to provide for maternity benefit and certain other benefits too. It grants employees mandatory paid leave and extends to the whole of India.

12. THE SPECIAL MARRIAGE ACT, 1954:

The Special Marriage Act was passed in 1954 by the Indian Parliament as an extension of the British law. The fundamental purpose of the Act was to provide special type of marriage, registration of marriage and divorce in certain cases stated in the legislation. The Act received the assent of the President on October 9, 1954 and came into force on January 1, 1955.

The Act stipulates various clauses which provides for solemnization of marriage between two persons. The Act states that at the time of marriage, neither of the spouse shall have another living partner; male shall attain the age of 21 years and female shall attain the age of 18 years; the parties shall not be in a relationship prohibited by law. Some other grounds for not approving marriage under the Act are unsoundness of mind, mental instability, insanity, epilepsy etc., for solemnizing a marriage under the Act the parties shall furnish a notice to the Marriage Officer in the manner specified in the Second Schedule to the Act.

13. THE FAMILY COURTS ACT, 1984:

The Court establishes to conclude upon matters relating to family law like matrimonial reliefs custody of children, maintenance of wife and children etc. as a family court. The Central aim of the Legislation was to resolve family disputes and settle the disputes through conciliation where ever possible. This ensures that the matter is solved by an agreement between both the parties and reduces the chances of any further conflict. The aim is to give priority to mutual agreement over the usual process of adjudication.

14.THE DOWRY PROHIBITION ACT, 1961:

In this Act, Dowry means any property or valuable security given or agreed to be given either directly or indirectly by:

One party to a marriage to the other party to the marriage; or the parents of either party to a marriage or by any other person, to either party to the marriage to any other person.

Penalty for giving Dowry:

- If any person, after the commencement of this Act, gives or takes or abets the giving or the taking of dowry, he/she shall be punishable with imprisonment for a term which shall not be less than 5 (five) years and with fine which shall not be less than Rs.15,000/- or the amount of the value to such dowry, whichever is more.

Penalty for demanding Dowry:

- If any person demands, directly or indirectly from the parents or the other relatives or guardian of a bride or bridegroom as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to Rs.10,000/-

Dowry to be for the benefit of the wife or her heirs: where any dowry is received by any person other than the woman in connection with whose marriage it is given, that person shall transfer it to the woman.



15. PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005:

This Act is to protect women who are **victims of violence of any kind occurring within the family**. The Protection of Women from Domestic Violence Act, 2005 differs from the earlier law, Section 498 A of the Indian Penal Code, in that it explicitly defines Domestic Violence in Addition to dowry-related cruelty. Domestic Violence is defined as follows:

(i) **"physical abuse"** means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force;

(ii) **"sexual abuse"** includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman;

(iii) **"verbal and emotional abuse"** includes- (a) insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and

(b) repeated threats to cause physical pain to any person in whom the aggrieved person is interested.

(iv) **"economic abuse"** includes-

(a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, stridhan, property, jointly or separately owned

by the aggrieved person, payment of rental related to the shared household and maintenance;

(b) disposal of household effects, any alienation of assets whether movable or immovable, or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person; and

(c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household.

Sections 18 to 23 of the said Act make provisions for reliefs in favour of the aggrieved person for:-

Sec 18: Protection Orders

Sec 19: Residence Orders

Sec 20: Monetary Reliefs

Sec 21: Custody Orders

Sec 22: Compensation Orders

Sec 23: Power to grant interim and ex-parte orders

How can a woman get relief from the Court?

Woman or any person on her behalf can give information of Domestic Violence to the Protection Officer (PO), Service Provider, Police or the Magistrate.

16.THE INDIAN DIVORCE ACT, 1869 :

This law deals with divorce among Christians and other matrimonial reliefs; grant authority on the District Court and High Court to deal with matters relating to matrimonial causes. The act came into force on first day of April, 1869 which contains fourteen chapters and sixty two sections.

17.THE MUSLIM WOMEN PROTECTION OF RIGHTS ON DIVORCE ACT, 1986:

- This is a legislation to safeguard the rights of divorces Muslim women who have been separate from their husband either by themselves or by the husband. The former husband shall pay the divorced woman rational and fair maintenance during the iddat period.
- Where the maintenance of children is borne by the woman, the husband is under an obligation to pay maintenance of children for a period of two years from the child's date of birth.
- The woman is also entitled to receive a sum equivalent to mahr agreed during or after the marriage, all properties given to her by her parents or relative etc. If the husband fails to comply with the provisions of the Act, the woman shall file an application before the magistrate for an order to compel the husband to provide her maintenance, mahr, property and such other allowances specified by the Act.

18.THE HINDU WIDOW REMARRIAGE ACT, 1856

- This is an Act to relieve all Hindu widows from the legal incapacity of which they complain, and to remove all legal obstacles to the marriage of Hindu widows will tend to the promotion of good morals and to the public welfare.

19.THE MINIMUM WAGES ACT, 1948:

- In this Act, there is a statement that the State shall, in particular, direct its policy towards securing (a) that the citizen, men and women

equally shall have the right to an adequate livelihood and (b) that there is equal pay for equal work for both men and women.

20. THE EQUAL REMUNERATION ACT, 1976:

This is an Act 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 and incidental thereto.

21. THE HINDU SUCCESSION ACT, 1956 :

Under this Act, females are granted ownership of all property acquired either before or after the signing of the Act, abolishing their "limited owner" status.

Any property possessed by a Hindu female is to be held by her absolute property and she is given full power to deal with it and dispose it of by will as she likes. However, it was not until the 2005 Amendment that on coparcenary property, daughters of the deceased were allowed equal rights with sons, and subjecting them to the same liabilities and disabilities. This invariably grants females property rights.

The property of a Hindu female dying intestate, or without a will, shall devolve in the following order:

1. upon the sons and daughters (including the children of any pre-deceased son or daughter) and the husband,
2. upon the heirs of the husband,
3. upon the father and mother,
4. upon the heirs of the father, and
5. upon the heirs of the mother.

22.HINDU ADOPTIONS AND MAINTENANCE ACT, 1956 :

- Under this Act, Women can adopt if they have the consent of their husband. Again, the only way of getting around obtaining the permission of the husband is if he is unsound, has died, has completely and finally renounced the world, and has ceased to be a Hindu.
- Women who are unmarried can adopt as well, as long as they are not a minor. However, if a woman were to adopt a son, the woman must be twenty one years of age or older. If the child is adopted and there are more than one wife living in the household, then the senior wife is classified as the legal mother of the adopted child.
- This Act also provides that a Hindu wife shall be entitled to be maintained by her husband during her lifetime. The wife is allowed to live separately from her husband and still be provided for by him. If the wife is widowed by her late husband, then it is the duty of the father-in-law to provide for her.
- This legal obligation only comes into effect if the widowed wife has no other means of providing for herself. If she has land of her own, or means of an income and can maintain herself then the father-in-law is free from obligation to her. Additionally, if the widow remarries then her late husband's father-in-law does is not legally bound by this Act anymore as well.

23. THE HINDU MINORITY AND GUARDIANSHIP ACT, 1956 :

- This Act recognizes the advancement in the status of women in all spheres giving them the right to be appointed as guardians. It also made the welfare of the minor the paramount consideration in the appointment of a guardian.

24. CODE OF CRIMINAL PROCEDURE, 1973

- Section 125 - Order for maintenance of wives, children and parents

(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

(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 a person to make a monthly allowance for maintenance.

25. MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT, 2007

This is an Act to provide more effective provision for maintenance and welfare of parents and senior citizens. This Act make it a legal obligation for children and heirs to provide maintenance to senior citizens and parents, by

monthly allowance and also provides simple, speedy and inexpensive mechanism for the protection of life and property of the older person.

“Maintenance” includes provision for food, clothing, residence and medical attendance and treatment

Sec 4 states: A senior citizen including parent who is unable to maintain himself from his own earning or property owned by him, shall be entitled to make an application under section 5 in case of -

- i. parent or grand-parent, against one or more of his children not being a minor
- ii. a childless senior citizen, against such of his relative referred to in clause (g) of section 2

26. THE SEXUAL HARASSMENT OF WOMEN AT WORK PLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013:

The Vishaka Guidelines (**Vishaka Vs. State of Rajasthan** (JT 1997 (7) SC 384) were a set of procedural guidelines for use in India in cases of sexual harassment. They were promulgated by the [Indian Supreme Court](#) in 1997 and were superseded in 2013 by [The Sexual Harassment of Women at Workplace \(Prevention, Prohibition and Redressal\) Act, 2013](#). This Act is a legislative act in India that seeks to protect women from sexual harassment at their place of work. Sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment.

The protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and

instruments such as Convention on the Elimination of all forms of Discrimination against Women.

RECENT DEVELOPMENTS:

Supreme Court in a landmark judgment declared that now, an unwed mother is not bound to disclose the name of child's father and also, she would have all the rights as a guardian to child under guardianships rights. She need not take father's consent for guardianship rights. (ABC vs The State NCT of Delhi)

In **Dhannulal vs Ganeshram**, the Supreme Court held that living under the same roof, you are married under law. There is a presumption in favour of marriage, unless proven otherwise. This was a case regarding dispute for a property that their grandfather possessed would also be inherited by the women with whom he lived for 20years or not, as she wasn't his legally wedded wife. She was referred as a mistress but not wife. The women failed to prove that she was a legally wedded wife but, the bench still held that she was eligible to inherit the property.

In **State of Madhya Pradesh vs Madan Lal**, Supreme court observed that in a case of rape or attempt of rape, the conception of compromise can in no circumstances be really thought of. There cannot be a compromise or settlement as it would be against her honour which matters the most.

The Right to Dignity: In **Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan**, the Supreme Court emphasised the fact that the right to life included in its ambit the right to live with human dignity. This would include the right against being subjected to humiliating sexual acts. It would also include the right against being insulted. These two facets of the right to life find mention under the definitions of sexual abuse and emotional abuse, respectively.

SPECIAL INITIATIVES FOR WOMEN:

NATIONAL COMMISSION FOR WOMEN:

- In January 1992, the Government set-up this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary, etc.

RESERVATION FOR WOMEN IN LOCAL SELF-GOVERNMENT:

- The 73rd Constitutional Amendment Acts passed in 1992 by Parliament ensure one-third of the total seats for women in all elected Offices in local bodies whether in rural areas or Urban Areas.

THE NATIONAL PLAN OF ACTION FOR THE GIRL CHILD (1991-2000):

- The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child.

NATIONAL POLICY FOR THE EMPOWERMENT OF WOMEN, 2001:

- The Department of Women & Child Development in the Ministry of Human Resource Development has prepared a “National Policy for the Empowerment of Women” in the year 2001. The goal of this policy is to bring about the advancement, development and empowerment of women.

UJJAWALA SCHEME FOR VICTIM OF SEX TRAFFICKING :

- This Scheme is supported by the Ministry of Women and Child Development, Government of India to combat trafficking in women and children, rescue and rehabilitation of survivors of trafficking, re-integration and repatriation of survivors of trafficking.

SWADHAR GREH SCHEME :

- The scheme envisions a supportive institutional framework for women victims of difficult circumstances so that they could lead their life with dignity and conviction. It envisages that shelter, food, clothing, and health as well as economic and social security are assured for such women. It also envisions that the special needs of these women are properly taken care of and under no circumstances they should be left unattended or abandoned which could lead to their exploitation and desolation.

SCHEME FOR SHORT-STAY HOME FOR WOMEN AND CHILDREN :

Under the scheme, grants are given to Voluntary Organizations, to set up Short Stay Homes for women and girls, with a view to protect and rehabilitate those women and girls who are facing social, economic and emotional problems due to family problems, mental stress, social ostracism, exploitation or other causes or are being forced into prostitution and are in moral danger.

JANANI SURAKSHA YOJANA, 2005 :

The Ministry of Government of India launched this scheme in 2005. It provides One-time cash incentive to pregnant women for institutional/home births through skilled assistance.

SABLA OR RAJIV GANDHI SCHEME FOR EMPOWERMENT OF ADOLESCENT GIRLS, 2011 :

This scheme was launched in 2011 by the Ministry of Government of India by empowering adolescent girls (Age of 11–18 years) with focus on out-of-school girls by improvement in their nutritional and health status and upgrading various skills like home skills, life skills and vocational skills.

SUKANYA SAMRIDHI YOJANA (GIRL CHILD PROSPERITY SCHEME), 2015:

The Ministry of Government of India launched this scheme in Jan 2015. The scheme primarily ensures equitable share to a girl child in resources and savings of a family in which she is generally discriminated as against a male child.

BETI BACHAO BETI PADAO YOJANA :

The program seeks to promote gender sensitization, awareness against female feticide and education for girls.

SEC. 357-A CR.P.C. VICTIM COMPENSATION SCHEME:

Every State Government in coordination with the Central Government shall prepare a scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation.

Fundamental Duties - Articles 51 (A) (e) to renounce practices derogatory to the dignity of women.

DETAILS ABOUT SWADHAR SHELTER HOME IN MANIPUR

Swadhar scheme will provide primary need of shelter, food, clothing etc. to the women/ girls who are living in difficult circumstances without any social and economic support as well as counseling to such women, i.e. widows, women pensioner released from jail, trafficked family etc. There are 18 NGOs implementing the scheme with the grant-in-aid from the Ministry of women and child Development, Government of India, New Delhi.

| Sl. No. | Name of NGO | Address of the NGO | District (Project) | Capacity |
|----------------|---|---|---------------------------|-----------------|
| 1. | All Backward Classes & Economic Development Organisation (ABCEDO) | Samaram Bazar, P.O. Wangjing, District & P.S. Thoubal | Thoubal | 50 nos |
| 2. | Rural Development Society (RDS) | RDS Bhawan, Wangjing Bazar, Thoubal | Thoubal | 50 nos |

| | | | | |
|-----|---|---|--|---------|
| 3. | Rural Area Development Association (RADA) | Lukham – 3, P.O. & P.S. Tamenglong | Tamenglong | 50 nos |
| 4. | Revival Foundation (REFOUND) | Wangjing S.K. Leikai, P.O. Wangjing, Thoubal | Moreh, Chandel Dist. | 50 nos |
| 5. | Rural Voluntary Service (RVS) | Wangbal Mayai Leikai, P.P. Wangjing, Thoubal | Wangbal, Thoubal | 50 nos |
| 6. | Social Development and Resource development Agency (SURDA) | Khangabok, Thoubal | Khangabok, Thoubal | 50 nos |
| 7. | Universal Caring Mission | Khurai Lamlong Thong | Wunghon, Ukhrul Dist. | 50 nos. |
| 8. | Manipur Rural Service Association | Old Checkon, Opp. Ananda Singh Hr. Sec. Academy, Imphal East | Lamsang, Imphal East | 50 nos. |
| 9. | Integrated Economic Development Society (IEDS) | Thongju Heingang, Super Market, P.O. Canchipur, Imphal East Dist. | Thongju Part –IV, Heingang Super Market | 50 nos. |
| 10. | Environment & Economics Management Association (EEMA) | Keishampat Keisham Leikai, Imphal, Manipur | Keikhu Kabui Village, Imphal East District | 50 nos. |
| 11. | Socio-Economic Integrated Development Organisation | Longmai (Noney), Tamenglong District | Tamenglong District | 50 nos. |
| 12. | Shree Shree Radha Mohan Nam Pala Association | Khagempali Panthak, Imphal West | Changangai Uchekon, Imphal West | 50 nos. |
| 13. | SC/ST Backward Women & Children Development Organization in Rural Areas | Thoubal Khunou, Manipur | Saikul Bazar, Senapati District | 50 nos. |
| 14. | Women Income Generation Centre (WIGC) | Thoubal Wangmataba, Thobal District - 795138 | Oinam Bazar, Nambol, Bishnupur Dist. | 50 Nos. |
| 15. | Institute of Social Development for Weaker Section, Wahengbam | Wahengbam Leikai, Khongnanghogaibi, N.C. Road, Imphal West | Sangai prou Mamang Leikai, Tiddim Road, | 50 nos. |

| | | | | |
|-----|--|--|---|---------|
| | Leikai | | Imphal West | |
| 16. | Moulvaiphei Rural Health Research Centre, Churachandpur | Churachandpur - 795128 | Moulvaiphei, Churachandpur | 50 nos. |
| 17. | Women voluntary Organisation, Keishamthong Moirang Ningthou Leirak | Keishamthong, Moirang Ningthou Leirak - 795001 | Keishamthong Moirang Ningthou Leirak | 50 nos. |
| 18. | Public Yoga and Nature Care Association, Kakching Chumnang Leikai | Kakching Chumnang Leikai, Opp. Kakching Police Station | Kakching Chumnang Leikai, Thoubal Dist. | 50 nos. |

IMPORTATION INFORMATION REGARDING SHORT STAY HOMES

| Sl. No. | Name & Address of Organisation | Location | No. of inmates |
|----------------|--|--|-----------------------|
| 1. | All Manipur Women Association | Nongmeibung, Imphal East | 30 nos. |
| 2. | Organisation for unemployed Women Welfare, Singjamei | Wangoi, Imphal East | 30 nos. |
| 3. | Social Development Rehabilitation Council, Phouden | Mayang Imphal, Imphal West | 30 nos. |
| 4. | Women Worth Organisation, Nagamapal | Nagamapal, Imphal West District | 30 nos. |
| 5. | RuralHealth Organisation, Naoremthong | Naoremthong Laishram Leirak, Imphal West | 30 nos. |
| 6. | Youth Development Organisation, Tera Bazar | Jiribam, Imphal East | 30 nos. |

*** Amongst the 30 inmates, children within the age group of 0-7 years of those lactating mothers are also allowed to stay in the home without affecting target of 30 inmates.