

Dowry Prohibition Act 1961

The Protection of Women from Domestic
Violence Act, 2005

The Maintenance and Welfare of
Parents and Senior Citizens Act, 2007

Female Foeticide in India

- Child sex ratio in 2011 is 914 girls against 1,000 boys (0-6 years)- the lowest since Independence.
- *Census of India 2011: Provisional Population Totals* released by the Office of the Registrar General and Census Commissioner, India

Female Foeticide in India

YEAR	CHILD SEX RATIO	VARIATION
1961	976	
1971	964	-12
1981	962	-02
	<i>Introduction of Ultra Sound Scanners in India</i>	
1991	945	-17
2001	927	-18
2011	914	-13

Ultra sound is the main culprit among all these techniques because it instantly gives results, is non-invasive, accessible and affordable to all.

It also facilitates other two techniques which are invasive:

Amniocentesis and Chorionic Villus Sampling.

Female Foeticide in India

- ◉ Dowry
- ◉ Crimes against women
- ◉ Male child preference
- ◉ ..

Dowry Prohibition Act 1961

Operation Vijay that led to the annexation of Goa in 1961.

- “Dowry” means any property or valuable security given or agreed to be given either directly or indirectly—
- (a) by one party to a marriage to the other party to the marriage; or
- (b) by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person;
- at or before or any time after the marriage in connection with the marriage of the said parties..

Dowry Prohibition Act 1961

- If any person gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than 5 years, and with fine of above Rs. 15000.

Dowry Prohibition Act 1961

If any person demands, directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom,, any dowry, he shall be punishable with imprisonment of 6 months-2 years.

Dowry Prohibition Act 1961

- Presents which are given at the time of a marriage to the bride (without any demand):
- to be entered in a list maintained in acc. with the rules

Dowry Prohibition Act 1961

Dowry received by any person other than the woman in connection with whose marriage it is given, that person shall transfer it to the woman in 3 months.

Failure to do so leads to imprisonment of 6 months-2 years.

Dowry Prohibition Act 1961

- The State Government **may** appoint Dowry Prohibition Officers.. to prevent, as far as possible, the taking or abetting the taking of, or the demanding of, dowry..

Dowry Prohibition Act 1961

Dowry Prohibition (Maintenance of Lists of
Presents to the Bride and Bridegroom)
Rules, 1985

Dowry Prohibition Act 1961

- Every list of presents shall be prepared at the time of the marriage or as soon as possible after the marriage:
 - a brief description of each present;
 - the approximate value of the present;
 - the name of the person who has given the present; and
 - where the person giving the present is related to the bride or bridegroom, a description of such relationship;

..shall be signed by both the bride and the bridegroom.

Dowry Prohibition Act 1961

*In Re: Enforcement and Implementation of
Dowry Prohibition Act, 1961*

Even an enacted law did not help in eradicating
or at least lessening the menace...
social revolution is needed to put an end to the
menace...

Writ Petition (Civil) No. 499 of 1999, Judgement 2 May 2005.

Dowry Prohibition Act 1961

*In Re: Enforcement and Implementation of
Dowry Prohibition Act, 1961*

We also hope that our educated young men would refuse to be sold in the marriage market and come forward to choose their partners in life in a fair manner.

The Protection of Women from Domestic violence Act, 2005

- The Indian Penal Code
- 498A. Husband or relative of husband of a woman subjecting her to cruelty.—
Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.
- Inserted by Act 46 of 1983

The Protection of Women from Domestic violence Act, 2005

- The Indian Penal Code
- Explanation.—For the purpose of this section, “cruelty” means—
 - (a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or
 - (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any **unlawful demand for any property** or valuable security or is on account of failure by her or any person related to her to meet such demand.]
- Inserted by Act 46 of 1983

The Protection of Women from Domestic violence Act, 2005

- Section 3 defines domestic violence:
 - ∅ Any form of abuse causing harm or injury to the physical and / or mental health of the
 - woman or compromising her life and safety.
 - ∅ Any harassment for dowry or any other unlawful demands for any property.
 - ∅ Threat to cause injury or harm to those related to the woman.

The Protection of Women from Domestic violence Act, 2005

Domestic Relationship has been defined as a relationship between two persons who live, or have at any point of time lived together in the shared household. It includes relations of consanguinity, marriage, or relationships in the nature of marriage, adoption, or joint family.

Ø Domestic relationships are not restricted to the marital context

Ø Domestic relationships are meant to cover sisters, widows, mothers, daughters, women in relationships of cohabitation, single women, etc.

Ø Domestic relationships are also applicable to women in fraudulent or bigamous marriages or in marriages considered invalid/void before the law

The Protection of Women from Domestic violence Act, 2005

Shared Household

A household where the aggrieved person lives/has lived in a domestic relationship, either singly or along with the respondent.

Includes a household:

Ø Whether owned or tenanted either jointly by the person aggrieved and the respondent, or by either of them.

Ø Where either the person aggrieved or the respondent or both jointly or singly have any right, title, interest or equity.

Ø Includes such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or person aggrieved has any right, title or interest in the shared household

The Protection of Women from Domestic Violence Act, 2005

- The PWDVA envisages the creation of a Single Window Remedy System, to address the multiple needs of a victim, coordinated by Magistrates, Protection Officers, Service Providers, Medical Facility In-charges and the Police. The Protection Officer (PO) is the key authority appointed under PWDVA by the State governments and acts as the
- nodal agency between the various stakeholders.

The Protection of Women from Domestic Violence Act, 2005

- Their duties include receiving the
- complaint, informing the victim of her rights and facilitating her access to support services
- and the Court. The PO also enforces the orders of the Court. Service providers, consisting of
- various governmental and non-governmental organizations registered under the
- PWDVA, are supposed to play a supportive role in offering these services to domestic
- violence victims.

The Protection of Women from Domestic Violence Act, 2005

Protection Orders Preventing the Respondent from:

Committing, aiding or abetting any act of DV or any other act specified in the order;

Entering the place of employment or any other place frequented by the person aggrieved;

Attempting to communicate with the person aggrieved, including personal, oral or written, electronic or telephonic contact;

Alienating assets, operating bank lockers or bank accounts used/held/enjoyed by both parties, including her stridhan; (except with the leave of the court)

Causing violence to dependants, other relatives & persons who give the person aggrieved assistance from domestic violence.

The Protection of Women from Domestic Violence Act, 2005

DIR is a 'Domestic Incidence Report'. Simple format given under FORM I of the Act. She may fill it herself or take the assistance of Protection Officers, Service Providers or Police Officers.

The Protection of Women from Domestic Violence Act, 2005

Residence Orders

Restrain from disturbing possession of the aggrieved person from the shared household, or from entering any portion of the shared household in which the aggrieved person resides;

Direct the Respondent to remove himself from the shared households; (This order cannot be passed against a woman)

Restrain the respondent from alienating/disposing off/encumbering the shared household (except with the leave of the court);

Direct the respondent to secure alternate accommodation for the person aggrieved. (Where she so desires)

The Protection of Women from Domestic Violence Act, 2005

Residence Orders

Examples: A mother can ask for an order against her son who is trying to/has dispossessed her,
sister against brother who is being denied access to ancestral home which is her shared household;
wife against husband for restraining him from dispossessing her..

The Protection of Women from Domestic Violence Act, 2005

Monetary Relief to meet expenses incurred and losses suffered, including maintenance, medical expenses and so on.

Temporary Custody of any child (Best Interest of child principles)

Compensation and damages for injuries caused by acts of domestic violence committed by the respondent (mental injury)

Interim & Ex parte Orders on the satisfaction of Magistrate

The Protection of Women from Domestic Violence Act, 2005

In 2012, *Kavita Dass v. NCT of Delhi & Anr.*, the Delhi High Court:

‘Shared household’ includes any household owned or tenanted by either of the parties in respect of which either the woman or the respondent or both, jointly or singly, have any right. Since the woman was the legally wedded wife of the respondent, the High Court held that she had a right to live with the respondent, whether he lives in an ancestral house, his own acquired house or a rented house.

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

An Act to provide for more effective provisions for the maintenance and welfare of parents and senior citizens guaranteed and recognised under the Constitution..

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

- A senior citizen, including parent, who is unable to maintain himself/ herself from his/her own earning or out of the property owned by him/her is entitled to make an application for maintenance allowance by his/her children/ relative/heir.
- If a senior citizen or a parent is incapable, he/she can authorize any other person or organization for filing an application for maintenance on his/her behalf.

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

- Application filed for monthly allowance shall be disposed of by the Tribunal within 90 days
- Proceedings of maintenance application shall be taken in any district where the senior citizen or parent resides/ last resided or where the children or relative resides
- Maintenance allowance up to Rs. 10,000/- per month can be awarded

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

- Maintenance allowance shall be deposited by children/ relative within 30 days from the date of announcing the order by the Tribunal
- Any senior citizen or a parent, aggrieved by an order of a Tribunal can prefer an appeal to the Appellate Tribunal within 60 days from the date of the order of the Tribunal
- No party to a proceeding before a Maintenance and Appellate Tribunals shall be represented by a legal practitioner

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

The State Government may establish and maintain such number of oldage homes ...beginning with at least one in each district to accommodate in such homes a minimum of one hundred fifty senior citizens who are indigent.

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

Transfer of property to be void..

Where any senior citizen who, after the commencement of this Act, has transferred by way of gift or otherwise, his property, subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor and such transferee refuses or fails to provide such amenities and physical needs, the said transfer of property shall be deemed to have been made by fraud or coercion or under undue influence and shall at the option of the transferor be declared void by the Tribunal.

The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

Whoever, having the care or protection of senior citizen leaves, such senior citizen in any place with the intention of wholly abandoning such senior citizen, shall be punishable with imprisonment of either description for a term which may extend to three months or fine..

THANK YOU!

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