

GOOD MORNING

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DOWRY PROHIBITION ACT, 1961

Section 2 of the Dowry Prohibition Act, 1961 defines **“Dowry“**

Section 3 Explains : **"Penalty for giving and receiving Dowry"**

Section 4 Explains : **"Penalty for demanding dowry "**

Section 4-A : Imposes restriction and punishment on Advertisement of dowry.

Section 5 : “Declares that Agreement giving and taking dowry to be void” .

Section 6 Explains : That whoever receives any property or dowry on behalf of wife shall have to return within the prescribed period and it also imposes penalties for non-return of dowry to wife or to her heir.

WHAT IS DOWRY?

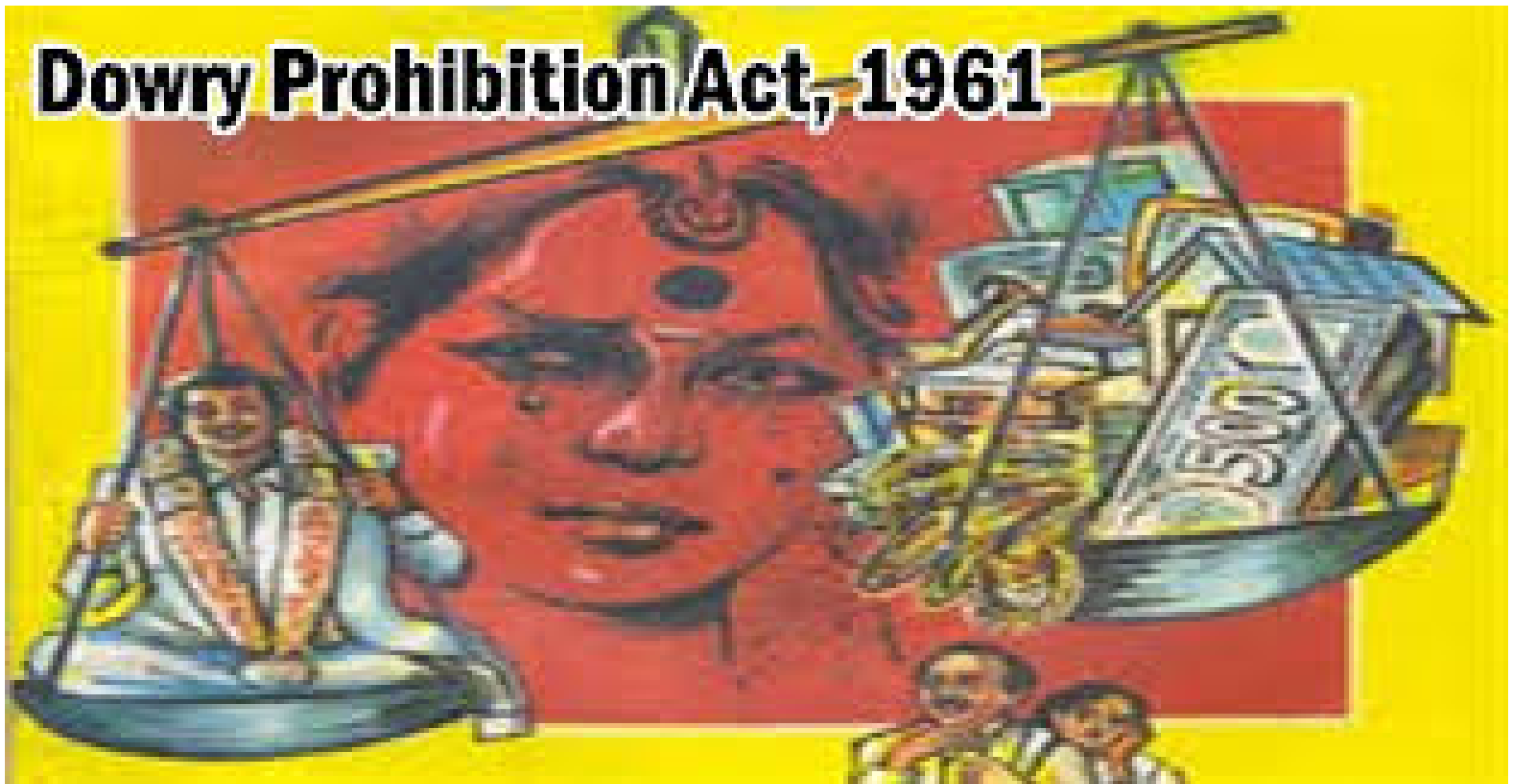
`Dowry' means any property or valuable security given or agreed to be given either directly or indirectly:

(i) by one party to a marriage to the other party to the marriage; or

(ii) 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 said parties but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies.

Dowry Prohibition Act, 1961



ARE CUSTOMARY PRESENTATIONS
AT THE TIME OF MARRIAGE IS
DOWRY?

Penalty for giving or taking dowry.-

(1) If any person, after the commencement of this Act, 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 five years, and with the fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more:

Provided that the Court may, for adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than five years.

* * * Explanation I omitted by Sec.2 w.e.f 2nd October, 1985

(2) Nothing in sub-section (1) shall apply to or, in relation to,-
presents which are given at the time of a marriage to the bride (without nay demand having been made in that behalf):

Provided that such presents are entered in list maintained in accordance with rule made under this Act;

presents which are given at the time of marriage to the bridegroom (without any demand having been made in that behalf):

Provided that such presents are entered in a list maintained in accordance with rules made under this Act;

Provided further that where such presents are made by or on behalf of the bride or any person related to the bride, such presents are of a customary nature and the value thereof is not excessive having regard to the financial status of the person by whom, or on whose behalf, such presents are given.

4. Penalty for demanding dowry.-

(1) If any person demands directly or indirectly, from the parents or 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 ten thousand rupees:

Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months.

4-A. Ban on advertisement. If any person-

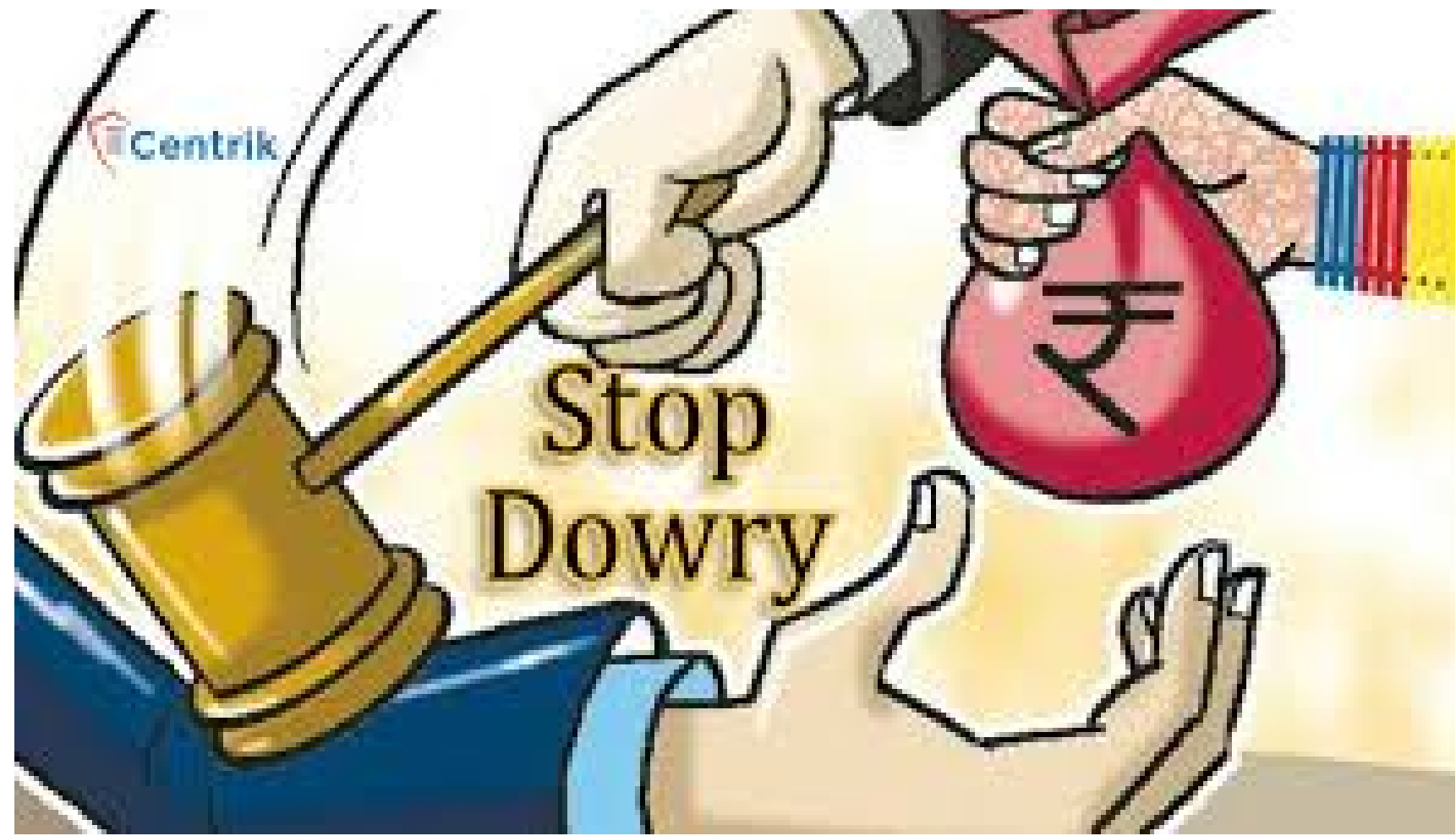
offers, through any advertisement in any newspaper, periodical, journal or through any other media any share in his property or of any money or both as a share in any business or other interest as consideration for the marriage of his son or daughter or any other relative,

prints or publishes or circulates any advertisement referred to Cl. (a), he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to five years, or with fine which may extend to fifteen thousand rupees:

Provided that the Court may, for adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than six months.

Centrik

Stop
Dowry



5. Agreement for giving or taking dowry to be void: Any agreement for the giving or taking of dowry shall be void.

6. Dowry to be for the benefit of the wife or heirs.

(1) 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 –

if the dowry was received before marriage, within three months after the date of marriage; or

if the dowry was received at the time of or after the marriage within three months after the date of its receipt; or

if the dowry was received when the woman was a minor, within three months after she has attained the age of eighteen years, and pending such transfer, shall hold it in trust for the benefit of the woman.

(2) If any person fails to transfer any property as required by sub-section (1) within the time limit specified therefor or as required by sub-section(3), he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend two years or with fine which shall not be less than five thousand rupees, but which may extend to ten thousand rupees or with both.

(3) Where the woman entitled to any property under sub-section (1) dies before receiving it, the heirs of the woman shall be entitled to claim it from the person holding it for the time being:

if she has no children, be transferred to her parents, or

if she has children, be transferred to such children and pending such transfer, be held in trust for such children.

(3-A) Where a person convicted under sub-section (2) for failure to transfer any property as required by sub-section (1) or sub-section (3) has not, before his conviction under that sub-section, transferred such property to the woman entitled thereto or, as the case may be, her heirs, parents or children, the Court shall, in addition to awarding punishment under that sub-section, direct, by order in writing, that such person shall transfer the property to such woman, or as the case may be, her heirs, parents or children within such period as may be specified in the order, and if such person fails to comply with the direction within the period so specified, an amount equal to the value of the property may be recovered from him as if it were a fine imposed by such Court and paid to such woman, as the case may be, her heirs, parents or children.

(4) Nothing contained in this section shall affect provisions of Sec. 3 or Sec. 4.

Arnesh Kumar vs State Of Bihar & Anr on 2 July, 2014

2014 (8) SCC 273

The petitioner apprehends his arrest in a case under [Section 498-A](#) of the Indian Penal Code, 1860 (hereinafter called as [IPC](#)) and [Section 4](#) of the Dowry Prohibition Act, 1961. The maximum sentence provided under [Section 498-A](#) IPC is imprisonment for a term which may extend to three years and fine whereas the maximum sentence provided under [Section 4](#) of the Dowry Prohibition Act is two years and with fine.

41. When police may arrest without warrant.-(1) Any police officer may without an order from a Magistrate and without a warrant, arrest any person –

(a) x x x x x

(b) against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence punishable with imprisonment for a term which may be less than seven years or which may extend to seven years

“41A. Notice of appearance before police officer.-(1) The police officer shall, in all cases where the arrest of a person is not required under the provisions of sub-section (1) of [Section 41](#), issue a notice directing the person against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists that he has committed a cognizable offence, to appear before him or at such other place as may be specified in the notice.

All the State Governments to instruct its police officers not to automatically arrest when a case under [Section 498-A](#) of the IPC is registered but to satisfy themselves about the necessity for arrest under the parameters laid down above flowing from [Section 41](#), [Cr.PC](#)

**MAINTENANCE & WELFARE OF PARENTS &
SENIOR CITIZEN ACT, 2007**

Maintenance and Welfare of Parents and Senior Citizens Act was passed in 2007 to enable senior citizens abandoned by their children to claim maintenance.

But how does this act work?



In 2007, the [Maintenance and Welfare of Parents and Senior Citizens Act](#) was passed to provide maintenance support to elderly parents and senior citizens. The Act establishes the Maintenance Tribunal to provide speedy and effective relief to elderly persons. Section 19 of the act also mandates the establishment of an old age home in every district and provides for the protection of life and property of the elderly.

Parents can opt to claim maintenance either under Section 125 of the [Criminal Procedure Code](#), 1973 or under this Act – they cannot opt for both. If a person has an application under Section 125 pending before the court, a request can be made to the court to withdraw the application. After the withdrawal, the person can file an application before the Maintenance Tribunal under this Act.

What is Maintenance?

Maintenance is defined in the Act as including “provision for food, clothing, residence and medical attendance and treatment”.

Who Can Claim Maintenance?

Parents

Parents means biological, adoptive and step parents. The age of parents is irrelevant to claim maintenance.

Grandparents

Grandparents includes both maternal and paternal grandparents.

Senior Citizen

A senior citizen is an Indian citizen who is 60 years of age or older.

The only condition for claiming maintenance under this Act is that the persons must be unable to maintain themselves from their own earnings and property.

Who is Legally Obligated to Pay Maintenance?

Adult Children and adult grandchildren, both male and female, are responsible for paying maintenance to parents and grandparents. An application can be filed against any one or more of them.

Senior citizens who do not have children or grandchildren can claim maintenance from a relative who is either possessing their property or who will inherit their property of the senior citizen after their death. The relative must not be a minor and must have sufficient means to provide maintenance. If more than one relative is entitled to inherit the property, then maintenance must be paid by relatives in proportion to their inheritance of the property.

How much Maintenance Must be Paid?

The Act mandates that the maximum maintenance paid will be Rs 10,000 per month. The maintenance amount is determined by the needs of the claimant and the aim is to provide maintenance for the person to lead a normal life.

Filing Maintenance Proceedings:

The application for maintenance must be filed before the Maintenance Tribunal in any district where the parent, grandparent or senior citizen resides; or the parent, grandparent or senior citizen has last resided; or the person against whom maintenance is claimed resides.

If the person herself cannot file the maintenance application, then any other person or organization authorized by her can file the application on her behalf. Additionally the Maintenance Tribunal has the power to take action on its own without any request by the parties.

The Act states that no party to a proceeding before the Maintenance Tribunal will be represented by a lawyer. However, parents or senior citizens can avail the services of the State Government appointed Maintenance Officer to represent their interests during proceedings before the Maintenance Tribunal.

Enforcing the Maintenance Order:

Once an order is passed by the Maintenance Tribunal, a copy of the order must be provided free of cost to the person who will receive maintenance. If the other person is ordered to pay a sum, such amount must be deposited within 30 days of the announcement of the Tribunal's order.

The failure to pay maintenance without sufficient reason will result in a warrant for collecting the due amount. If the person does not pay maintenance even after the warrant is executed, the person is liable to imprisonment for a maximum of 1 month or until the amount is paid, whichever is earlier. The application for enforcement of maintenance must be filed within 3 months from the date on which it became due. Otherwise the application will be dismissed.

The order can also be revised to alter or cancel the maintenance amount if there is any material change in circumstance of the claimant, misrepresentation (an innocent, unintentional, false statement) or mistake of fact (wrong belief about a fact).

Protection of Senior Citizens

Any person who is responsible for the protection and care of a senior citizen and intentionally abandons the senior citizen completely is liable to pay a fine of Rs 5,000 or be imprisoned for 3 months or both.

Additionally, senior citizens can file an application before the Maintenance Tribunal to declare the transfer of property void. The following conditions apply:

The transfer of property, irrespective of whether it is a gift or not, must be after the commencement of the Act.

The property must be transferred by attaching some conditions that require the person to whom the property is transferred to provide basic amenities and physical needs to the senior citizen.

The other person must have failed to or refused to provide the amenities and physical needs to the senior citizen.

If senior citizens have the right to receive maintenance from an estate and the estate is transferred, either partly or wholly, then the right to maintenance can be claimed from the person to whom the property has been transferred when:

The person to whom the property has been transferred for consideration has the notice of the right; or The transfer is gratuitous.

Responsibility of the State Government:

The State Government must ensure that all government hospitals and hospitals partly or fully funded by the government arrange separate queues for senior citizens and provide beds for all senior citizens. Additionally, every district hospital must have special facilities for senior citizens. Every district must have at least one old age home for senior citizens who are poor and needy. These old age homes must be able to accommodate at least 150 poor and needy senior citizens.

Old Age Homes by the State Governments

More than [58 crore rupees](#) has been released by the Government of India supporting the Old Age homes in states since 2013-14. More than 21000 beneficiaries were covered by about 900 old age homes in various states who received assistance.

**THE PROTECTION OF CHILDREN
FROM SEXUAL OFFENCES ACT
(POCSO), 2012**



Child Protection
POCSO Act -2012

To deal with child sexual abuse cases, the Government has brought in a special law, namely, The Protection of Children from Sexual Offences (POCSO) Act, 2012. The Act has come into force with effect from 14th November, 2012 along with the Rules framed there under. The 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 in the said Act. The said Act prescribes stringent punishment graded as per the gravity of the offence, with a maximum term of rigorous imprisonment for life, and fine.

The fundamental principles to be followed in the determination of a case involving a sexual offence against a child have been laid down in various international instruments and in the Preamble to the POCSO Act, 2012 itself. The State Governments, the Child Welfare Committee, the Police, the Special Courts, all other Government functionaries as well as Non-Government Organisations, and all professionals and experts assisting the child at the trial and pre-trial stages are bound to abide by these principles.

These principles are –

a) **Right to life and survival** -Every child has the right to life and survival and to be shielded from any form of hardship, abuse or neglect, including physical, psychological, mental and emotional abuse and neglect; and to a chance for harmonious development and a standard of living adequate for physical, mental, spiritual, moral and social growth. In the case of a child who has been traumatized, every step should be taken to enable the child to enjoy healthy development.

b) **The best interests of the child** - Every child has the right to have his/her best interests given primary consideration. This includes the right to protection and to a chance for harmonious development. Protecting the child's best interests means not only protecting the child from secondary victimisation and hardship while involved in the justice process as victim or witness, but also enhancing the child's capacity to contribute to that process. Secondary victimisation refers to the victimisation that occurs not as a direct result of the criminal act but through the response of institutions and individuals to the victim.

c) **The right to be treated with dignity and compassion** - Child victims should be treated in a caring and sensitive manner throughout the justice process, taking into account their personal situation and immediate needs, age, gender, disability and level of maturity and fully respecting their physical, mental and moral integrity. Interference in the child's private life should be limited to the minimum needed and information shared on a need to know basis. Efforts should also be made to reduce the number of professionals interviewing the child. At the same time, however, it is important that high standards of evidence collection are maintained in order to ensure fair and equitable outcomes of the justice process. In order to avoid further hardship to the child, interviews, examination and other forms of investigation should be conducted by trained professionals who proceed in a sensitive, respectful and thorough manner in a child-friendly environment. All interactions should also take place in a language that the child uses and understands. Medical examination should be ordered only where it is necessary for the investigation of the case and is in the best interests of the child and it should be minimally intrusive.

d) **The right to be protected from discrimination** - The justice process and support services available to child victims and witnesses and their families should be sensitive to the child's age, wishes, understanding, gender, sexual orientation, ethnic, cultural, religious, linguistic and social background, caste and socio-economic condition, as well as to the special needs of the child, including health, abilities and capacities. Professionals should be trained and educated about such differences. Age should not be a barrier to a child's right to participate fully in the justice process. Every child should be treated as a capable witness, according to his/her age and level of maturity.

e) **The right to special preventive measures** – Children may already face twice as much risk of repeated victimisation as adults because they often are or are perceived by a potential offender as being vulnerable, unsure of how to defend themselves or unable to properly assert themselves and take a strong position against an adult. A preventive measure that could be used to protect children is to demand references and a criminal background assessment before hiring personnel likely to work with children, such as schoolteachers.

f) **The right to be informed** - There are two aspects of child victims' and witnesses' right to be informed. The first aspect is the more general one and consists of informing child victims and witnesses about the assistance they are entitled to, the way legal proceedings are organized and the role they can play in those proceedings if they decide to do so. The second aspect is more specific and relates to information on the particular case in which the child is involved: it implies being informed about the progress of the case, about the scheduling of the proceedings, about what is expected of the child, about the decisions rendered, about the status of the offender, and so forth.

g) **The right to be heard and to express views and concerns**—Every child has the right to be heard in respect of matters affecting him/her. The child has a right to participate at all levels: being informed, expressing an informed view, having that view taken into account, and being the main or joint decision maker. When, for any good reason, the requirements and expectations of the child cannot be met, it needs to be explained to the child, in a child-friendly way, why certain decisions are made, why certain elements or facts are or are not discussed or questioned in Court and why certain views are not taken into consideration. It is important to show respect for elements that a child finds important in his/her story, but which are not necessarily relevant as evidence.

h) **The right to effective assistance**—The child must receive the required assistance to address his/her needs and enable him/her to participate effectively at all stages of the justice process. This may include assistance and support services such as financial, legal, counselling, health, social and educational services, physical and psychological recovery services and other services necessary for the child's healing, as well as for justice and reintegration.


i) **The right to privacy**—The child's privacy and identity must be protected at all stages of the pre-trial and trial process. The release of information about a child victim or witness, in particular in the media, may endanger the child's safety, cause the child intense shame and humiliation, discourage him from telling what happened and cause him severe emotional harm. Release of information about a child victim or witness may put a strain on the relationships of the child with family, peers and community, especially in cases of sexual abuse. In some cases it might also lead to stigmatization by the community, thereby aggravating secondary victimization of the child. There are two essential ways of protecting the privacy of child victims and witnesses: firstly, by restricting the disclosure of information on child victims and witnesses and secondly, by restricting the attendance of the general public or non-essential persons in courtrooms.

j) **The right to be protected from hardship during the justice process** - Throughout the justice process, child victims are exposed to hardship, also referred to as secondary victimization: this can occur while reporting the crime and recounting what has happened, while awaiting trial and while testifying in court. The judicial process is a very stressful one for the child; as far as possible, any stress the child may have as a result of the process should be minimized.

k) **The right to safety** - Where the safety of a child victim may be at risk, appropriate measures should be taken to require the reporting of those safety risks to appropriate authorities and to protect the child from such risk before, during and after the justice process. Professionals should be trained in recognizing and preventing intimidation, threats and harm to child victims and witnesses. Where child victims and witnesses may be the subject of intimidation, threats or harm, appropriate conditions should be put in place to ensure the safety of the child.

l) **The right to compensation**— The child victim may be awarded compensation for his/her relief and rehabilitation. This compensation may be awarded at an interim stage, during the pendency of trial, as well as at the conclusion of the trial. Procedures for obtaining and enforcing reparation should be readily accessible and child-sensitive. Victims may be repaid for material losses and damages incurred, receive medical and/or psychosocial support and obtain reparation for ongoing suffering.

**THE PROTECTION OF WOMEN
FROM DOMESTIC VIOLENCE
ACT, 2005**



Domestic violence :
An act done by the coward.
An act withstood by the weak.

Remember :
Man, you are not a coward.
Woman, you are not weak.

— #Eléftheros

THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE Act, 2005

“Domestic violence” includes

Harming or injuring a woman in a domestic relationship; be it

1. Physical abuse,
2. Sexual abuse,
3. Verbal and emotional abuse
4. Economic abuse

Therefore, what do we read between the lines?

1. Only a female can be a victim
2. Adult males who have been in a domestic relationship with the aggrieved woman, and male and female relatives of the husband/male partner can be made the respondent
3. Live-in relationships are also protected
4. There are specific definitions of physical, sexual, verbal and emotional, and economic abuse as well, which you can find in the Act

THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE Act, 2005

What remedies can you avail of?

1. Inform the Protection Officer
2. File an application and make use of government official's duties towards her
3. Make use of shelter homes, medical facilities and counselling if necessary

Rights to the aggrieved under the Act:

1. Right to reside in the shared household
2. Protection orders issued to the respondent, for the victim's safety
3. Residence orders be issued against the respondent as to whether or not he may stay
4. Monetary relief
5. Full custody of children may be given to the victim, with visiting hours for the respondent
6. Penalty to respondent for not following orders
7. Penalty to Protection Officer for not taking action

What are the most important definitions under the PWDVA?

[The definition of domestic violence](#) is well written and wide-ranging and holistic. It covers, mental as well as physical abuse, and also *threats* to do the same. Any form of harassment, coercion, harm to health, safety, limb or well-being is covered. Additionally, there are specific definitions for the following:

Physical abuse: Defined as act or conduct that 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*'. Physical abuse also includes assault, criminal intimidation and criminal force.

Sexual abuse: The legislation defines this as conduct of "sexual nature" that *'abuses, humiliates, degrades or otherwise violates the dignity of a woman.'*

Verbal and emotional abuse: Insults/ ridicule of any form, including those with regard to inability to have a male child, as well as repeated threats

Economic abuse: Categorized as including deprivation of financial resources required for survival of the victim and her children, the disposing of any assets which the victim has an interest/stake in and prohibition/restriction of financial resources which the victim is used to while in the domestic relationship.

The definition of “aggrieved person” includes any woman who is or has been in a domestic relationship with the respondent and who alleges to have been subjected to domestic violence by them. (See Section 2(a) of the PWDVA)

The definition of “respondent” includes any adult male who has been or is in a domestic relationship with the aggrieved woman, and against whom the woman has sought a relief or any male or female relative of the husband or male partner of a married woman or a woman in a relationship in the nature of marriage.

The definition of “domestic relationship” is any relationship 2 persons have lived together in a shared household and these people are:

related by consanguinity (blood relations)

related by marriage.

Though a relationship in the nature of marriage (which would include live-in relationships)

Through adoption

Are family members living in a joint family.

The definition of “child” is any person below the age of eighteen years, and also includes foster, adopted, or step child.

Q. What are other relevant features of the PWDVA?

Apart from the above definitions, the following are some other important aspects that the Act covers.

Victim resources

Under the Act, victims should be provided with adequate medical facilities, counselling and shelter homes as well as legal aid when required.

Counselling: Section 14

Counselling, as directed by the magistrate, should be provided to both the parties involved, or whichever party requires it, as ordered.

Protection Officers: Section 9

Under the Act, Protection Officers should be appointed by the government in every district, who preferably should be women, and should be qualified. The duties of the Protection Officer include filing a domestic incidence report, providing shelter homes, medical facilities and legal aid for the victims, and ensuring that protection orders issued against the respondents are carried out.

Protection orders: Section 18

Protection orders for the victim's safety can be issued against the respondent, and includes for when he commits violence, aid or abets it, enters any place which the victim frequents or attempts to communicate with her, restricts any form of assets of the victim or causes violence to people of interest to the victim.

Residence: Section 19

The magistrate may choose to restrict the respondent from the place of residence of both the parties if they feel that it is for the safety of the victim. Additionally, the respondent cannot evict the victim from the place of residence.

Monetary relief: Section 20

The respondent has to provide relief to the victim to compensate for loss, including loss of earnings, medical expenses, any expenses incurred due to loss of property by destruction, damage or removal, and maintenance of the victim and her children.

Custody of children: Section 21

Custody of children should be granted to the victim as required, with visiting rights to the respondent if necessary.

What are the benefits of the PWDVA?

This legislation was enacted after a ratification of the CEDAW (Convention on the Elimination of All forms of Discrimination Against Women)

The definition of 'domestic relationship' is broad enough to cover all sorts of household arrangements; for example, live-in relationships when the couple is not married. The inclusion of this, as well as relationships which fall under categories of fraudulent or bigamous, was a pioneering step. With regard to live-in relationships itself, in a distinctive judgement passed in the case of [*Bharata Matha & Ors v. R. Vijaya Renganathan & Ors*](#), it was decided that a child born out of a live-in relationship is entitled to property (the property owned by the parents, but not ancestral property). This means that a woman and her child in a live-in relationship cannot be threatened with economic abuse. Of course, although this has more relevance to property ownership and the Hindu Marriage Act, it is gratifying to know that children born out relationships which are not akin to marriage can also have property rights.

Furthermore, the Act also provides relief to domestic violence committed by both male and female relatives of the husband or male partner (which would aid in situations where family members harass the wife etc.). Additionally, the definition of "child" is also inclusive of foster, adopted and stepchildren.

The respondent has a duty to pay the victim compensation and not cut off financial resources, and this protects the victim from not only violence but also protects her interests.

The definition of "shared household" specifies that regardless of whether or not the victim has legal rights/equity over the household; if she has inhabited the house with the respondent, and he has been violent with her, then the respondent is liable under the Act. This means that even if she does not have legal or financial stake in the house, the respondent cannot evict her.

The protection orders are inclusive of most instances where the respondent could have possibly taken advantage of the victim, and again is not limited to that definition alone. Finally, the orders issued by the law should be given free of cost to the victim as proof.

Supreme Court: Domestic Violence vs Section 125 CrPC: Both are independent proceedings [Date - 29-10-2019]

The Supreme Court of India has made significant observations, the magistrate indirectly granted maintenance at a rate of Rs. 2,000 per month to the respondent till the proceedings under section 125 CrPC is not decided. The order is without jurisdiction and therefore wholly unjustified and unsustainable.

Delhi High Court: Qualification and the capacity to earn cannot be a ground to deny interim maintenance to a wife [Date - 24-08-2019]

A bench of Justice Sachdeva has passed the order in the case titled as Binita Dass v. Uttam Kumar on 09.08.2019. Delhi High Court has held that Magistrate cannot deny interim maintenance to wife only because she has earning capacity or is a qualified person.

Madhya Pradesh High Court: Wife living separately cannot file case against parents-in law [Date - 20-06-2019]

Justice Awasthi has passed the order in the case titled as Kuldeep Singh Vs. Rekha on 18.06.2019. Madhya Pradesh High Court has held that if the wife and husband leaves the share households to establish their own household, the domestic relationship comes to an end in respect of parents and therefore complaint under DV Act cannot be maintained against them. Under the Domestic Violence Act the first per-condition is that the applicant must be an aggrieved person is a person defined in Section 2(a) of the Act. The domestic relationship must be there between the aggrieved person and respondent to invoke Domestic Violence Act.

SC on Domestic Violence: Aggrieved wife may also file a complaint against a relative of the husband or the male partner, as the case may be [Date - 05-06-2019]

Justice Dr Dhananjaya Y. Chandrachud and Justice Hemant Gupta have passed the judgement in the case titled as Ajay Kumar v. Lata alias Sharuti dated on April 8, 2019. In accordance with the proviso to the section 2(q) of the Protection of Women from Domestic Violence Act, 2005, indicates that both, an aggrieved wife or a female living in a relationship in the nature of marriage may also file a complaint against a relative of the husband or the male partner, as the case may be.

Delhi High Court: Domestic Violence vs Section 125 CrPC: Wife entitled for maintenance under both provisions subject to adjustment [Date - 20-05-2019]

Justice Sachdeva has passed the order in the case titled as Vikas Bhutani v. State on 17.05.2019. Delhi High Court has observed that even if maintenance under Section 125 CrPC was granted, the wife is entitled for maintenance for domestic violence though there can be an adjustment qua earlier maintenance. The object of grant of maintenance is to afford a subsistence allowance to the wife, who is not able to maintain herself. The court directed the amount of Rs. 40,000 per month to be paid by the petitioner from the date of filing of application.

Supreme Court: Husband has to pay maintenance even if wife is well educated [Date - 15-05-2019]

Justice Khanwilkar and Justice Rastogi has passed the order in the case titled as Megha Khandelwal v. Rajat Khandelwal on 10.05.2019. Supreme Court enhanced substantially an interim maintenance for wife in a domestic violence case despite the fact that the wife was well educated. Supreme court found it appropriate to enhance the interim maintenance to Rs. 25,000 per month to be paid to the petitioner.

Bombay High Court: A Divorcee is not entitled benefit of Domestic Violence Act [Date - 22-03-2019]

Justice Giratkar has passed the order in case titled Sadhana vs Hemant on 18.04.2019.

Bombay High Court has held that if at the time of filing of petition, the wife has already been divorced, there cannot be any domestic relationship and as such, divorced wife cannot be entitled for protection under Domestic Violence Act.

*Thank
You*



PAVAN KUMAR SHARMA, ADVOCATE