

REPORT ON

**STATUS OF WOMEN'S ACT IN
EMPOWERING WOMEN
IN THANJAVUR DISTRICT
TAMIL NADU**

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Submitted by



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Our institution has the welfare of women especially those in the lower strata of the society as the focal point of its vision encompassing the whole gamut of human well-being. Being convinced of the commitment with which we have been consistently carrying out activities in this direction over decades, (late) Dr. K. Venkatasubramnian, Member, Planning Commission, Government of India suggested that we take up a study of the “Status of Women’s Act in Empowering Women in Thanjavur District”. We owe our heart-felt thanks to him for his inspiring suggestion and helpful encouragement in the subsequent phases of this project.

A study of this nature and dimensions could be aptly executed with some kind of financial assistance. When we proposed to take up a full- fledged project on “Status of Women’s Act in Empowering Women in Thanjavur District”, the Department of SER Division, Planning Commission, Government of India guided us on the selection of theme, preparation of the project proposal, and execution.

The chairperson of our college Dr. K.Veeramani, expressed words of appreciation for our initiative and asked us to complete the study with the aim of providing guidelines for the rural women who at present are not aware of any of the large number of legal provisions available in the country, that would address many of their problems. We would like to thank him for his gesture and assurance to make use of the outcome of the study for the benefit of the rural women.

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Status of Women's Act in Empowering Women in Thanjavur district

ABSTRACT

The people of the society should be hale and hearty, strong and bold and also free-thinking with self-respect ideals. There is no chance for attaining the status of a developed society unless the condition of women is improved. Still through centuries, societies the world over have been denying women their rightful place. The very concept of women empowerment shows that the society as such has given a raw deal to women – who comprise fifty percent of the population.

Attitudes towards women have not changed despite exclusive Laws and Acts. Hence this project entitled “ Status of Women's Acts in Empowering Women in Thanjavur district” lays down in detail with data how far Women's Act have empowered women. In pursuance of the Ninth Plan objective, a national plan of action is being formulated to ensure the requisite access of women to information, resources and services.

By and large in the urban areas, there is a greater acceptance of its need than in rural areas. Now-a-days women's empowerment has assumed special significance in the context of the countries planning for reaching a development status. Since the focus has always been the welfare of women, this project gains significance.

The first chapter explains the reasons for choosing the theme. Some media News Items on women's problems are listed out. Atrocious acts on womenfolk and ill-treatment and harassment meted out to the latter faced by them are also enumerated.

The second chapter details out status of women at various periods of time. The present status of women such as their insecurity, dowry menace, feminization of poverty get-revealed. Also in this chapter it is possible to see the tabulation of multipronged crime against women in Tamilnadu.

The third chapter deals with the meaning, scope and need for the study. It also explains the objectives of this project.

The fourth chapter focuses the methodology adopted for this study. The particular areas where the primary data were collected are also detailed in this chapter.

The fifth chapter surveys books and other sources of information on women and their issues, and various laws that have provisions to address such issues. Legal provisions to minimize the crime against women are also detailed in this chapter.

The chapter six presents the analytical study collected from various processes, and schemes. A questionnaire consisting of queries related to women's Acts and awareness of it among women are also discussed in this chapter.

The chapter seven concludes the analytical study and expresses the real status of women found from the survey, the status of the Acts, the worthwhile suggestions to make them be aware of the Acts and various programmes that are available for the uplift of women.

Chapter 1

Introduction

“You can tell the condition of a nation by looking at the status of its women”. The Progress of a country can be judged by seeing the status of its women.

Mr. Jawaharlal Nehru

Vision of the institution

Ever since its inception, Periyar Maniammai College of Technology for Women has been dedicated to serve the society in line with the vision of the founder. That is why the institution itself is situated in a rural area.

In accordance with the vision, the focus area has always been the welfare of women, particularly those in villages. Eradication of the social evils, especially against women, is the first and foremost approach and the empowerment has to cover the political, economic, social and legal fields.

During the implementation of the five-year plans, post-independence India appears to have made considerable progress in various fields including education, science, medicine, agriculture, engineering and a variety of other fields.

During this period the employment scenario has also favourably improved. More women are found to carry out higher education and become professionals. Statistical data, in any way, show that the proportion of women in the upper management positions continues to be insignificant. Only a very few have come up as a result of their capability, performance and talent. However they feel that they are often harassed in work environments because of male chauvinism. Another fact is that most of the women have managed to reach the upper management position on the strength of their investment in the family owned

organization. In such cases, they could not exercise the authority associated with the senior positions they hold.

Almost in all these cases, the women are not sufficiently empowered to participate in the decision making process. The reason is mostly attributable to the social web established over centuries. Attitude towards women have not changed. In fact, things have indeed gone from bad to worse.

Whatever progress we feel has been achieved in the national level, it has however been considerably less compared to the achievements of other countries such as Malaysia, Singapore, Korea, etc., not to mention the extraordinary success of Japan and Germany after the fall in the World War II.

Among the employed women, the majority is constituted by those employed as poorly paid labourer. They too are not given wages equal to what is paid to men performing equivalent tasks.

Not allowing women to take up certain jobs is attributed to their poor physical strength compared to men. A detailed investigation of this would show that this claim is not substantiated and it is mostly an alibi.

Retracing the situation to the days immediately after independence, the women were practically out of the employment scene except for menial jobs. Literacy rate was alarmingly low in the case of women because of social customs.

During the pre-independence days, women had virtually no access to employment and education. Household routine including bringing up children, the stereotype assignments such as caretaker of the combined family and modest and obedient housewife not even allow them to think of any change from the drudgery inherited over centuries, women were looked down upon as a lesser species, virtual second-class citizens. Sufferings in the form of undesirable social customs like 'sati' and dowry system coupled with cruelty ranging from abuse to physical pain were very common.

All these were incidents that were common and took place with the knowledge of the members of the family who unquestioningly took such situations for granted. The phenomenon was found to be existent all over the state and quite likely extended to the country as a whole, maybe in a different form.

A few typical news items appearing in the media are described in the subsequent paragraphs.

Some Media News Items

Dowry harassment

It was reported in the news item that an inspector of police in Dharmapuri¹ had treated his wife cruelly demanding dowry for about Rs. 1.5 lakhs and forced her to undergo abortion. She reported her miserable plight to the collector and an inquiry and legal proceedings were conducted and he was awarded punishment by the court.

Another incident regarding dowry harassment at Chennai was reported. A thirty-year old lady committed suicide due to harassment by her in-laws demanding dowry. The in-laws were subsequently arrested and enquiry was initiated.

During June 2003, two dowry harassment complaints-one Nisha² Sharma in Delhi and the other Vidya³ in Chennai were flashed and remedial measures were taken.

In the first case, the bridegroom and the parent claimed that they were not interested in dowry in any form. However, an hour before the marriage, the bridegroom and his mother started demanding dowry in cash. When the bride's father protested, they insulted him by spitting on his face and illtreated him by calling names. Nisha took a bold step of calling the marriage off. Such a courageous action has become almost prototypes for young brides, harassed by greedy grooms and their families. People from all over the states appreciated the stand, taken by her. In the second case, along the same line, one Vidya did a similar action in Chennai and called off the proposed marriage.

A news item appeared that a police officer⁴ in karur harassed his wife for a dowry of about Rs. 2 lakhs. In another incident in Cuddalore⁴ a lady committed suicide because of dowry harassment. The court awarded her husband a punishment of 7 years imprisonment.

It took sixteen years for a court to pronounce judgement against five persons for the murder of a young newly married woman, who was killed by her own husband and in-laws. The reason for the murder was that she could not bring enough dowry.

Infanticide

An incident of infanticide⁵ happened at Chennai on June 8 2003. When Neelavathi of Nattarmangalam in Perambalur district was delivered of a girl, her husband and in-laws refused to meet her and her child for more than a week. This led Neelavathi to covet a boy and was so upset that she developed a mental condition known as post-partum psychosis. A few weeks later she killed the child with a spade.

In Salem, during October 2003, a 20 day-old female baby⁴ was killed by its father.

In Dharmapuri, a female child¹ was kept in a cradle as 300th cradle baby.

It is observed that the sex ratio⁶ in the population aged 7 and above declined from 929 in 1981 to 923 in 1991. Similarly, the sex ratio in the population aged 0-6 declined from 962 in 1981 to 945 female per 1000 males in 1991. In the first instance, the lower sex ratio reflects that women suffered from neglect in the past and probably continue to do so even now. A fall of 17 points in the child sex ratio over a decade, however, is very substantial and a matter of serious concern which needs explanation.

Teasing

At Kolkatta, five members of the Reserve police force were arrested for having teased⁷ a girl.

Rape cases

1. At Idaipadi¹, Panchayat president was arrested since he raped a girl.

At Nagercoil¹, a fourteen-year-old young girl was raped and then murdered cruelly.

In New Delhi⁴, a twenty-four year old girl was raped and then murdered.

Another incident was reported in a daily at Karachi⁴ during October 2003, that a lady attempted to commit suicide by drowning herself in Jelum river due to torture from her husband. She was rescued by the Indian army and imprisoned for 15 months, as she was not having the passport and visa. In the prison at Kashmir she was raped by the police personnel. Finally, she could not go back to her native as she was not having the passport and she is now at India.

An American airman⁸ was sentenced to a 32-month jail term on March 2002, 28 for raping a Japanese woman on Okinawa Island in June 2001. U.S. Air Force Staff Sergeant, Timothy Woodland (25) was pronounced guilty by a Japanese court in Naha, Okinawa, for raping the same woman on the hood of a car in a shopping area.

Two nurses of the Kozhikode Medical College Hospital⁹ were placed under suspension in connection with the incident on July 19 in which a 23-year-old woman was reportedly raped in the bathroom of the hospital. The nurses (K. C. Achamma and V. V. Rakhi) were on duty at the time of the incident. They have been suspended on charges of negligence of duty. The accused has been booked under Sections 376 (rape) and 377 (unnatural sexual offence).

7. The Tirukanoor police arrested on April 21, a 25-year-old youth, G. Murugan, on a charge of alleged rape of a 16-year-old girl who was mentally unsound and

also dumb. Police sources said that the accused was held at Madhurapakkam, a border village of Tamil Nadu, close to Mannadipet limits.

Incidents of women being molested under the shelter of religious ceremonies and exercises have also come to light as we learn from many media stories. One of the well known incidents is the case of Premanada. Reports have been flashed on the basis of court's proceedings and decree that helpless refugee women, very young in their teenages, were forced to indignities and cruelties.

Sati¹⁰

That one would voluntarily commit Sati in the twentieth century is very difficult to comprehend for Westerners and many Indians. This is especially evident in the reactions that occurred in 1987 when Roop Kanwar, a well-educated eighteen-year-old girl from the Rajput caste, decided to be burned alive on her husband's funeral pyre, though they were only married for eight months. Varying accounts exist of the incident suggesting that Roop Kanwar may have been forced into self-immolation and she was possibly drugged (Kumar 1995: 81). In any case, the incident aroused considerable upheaval throughout India and forced the country to re-evaluate the status of women.

Incidents like these are happening now and then as can be known from the media reports.

There are thousands of cases that have been never tried even to the lower courts. This is partly because of the loopholes in the law and mainly because those given the task of following up, such cases do not persist. When girls have been brutally murdered, parents usually have given up the case in despair and live with their sorrow. Thus there are millions of women bearing the cross and suffering silently and becoming victims even though there are enormous legal remedies.

"Bride Burnings" and "Dowry Deaths" - are phrases that no civilized citizen, male or female would tolerate. It is virtually a matter of shame to the civilization that indiscriminate attacks and violence against women are committed.

In the light of the various happenings described earlier, it will be proper to consider the different disturbing media news items stated in the beginning. To bring out remedial measures, it is worthwhile to investigate the knowledge, awareness as well as the outlook of women with reference to the legal provisions and irrefutable social laws. It is likely that most women in rural and urban areas do not even know that they can approach the legal professionals and police administration for redressing their grievances inflicted by the society, particularly men, who are guilty on all counts.

Our social practices show that we have continually perpetuated some of the undesirable acts and have been unwittingly carrying forward through the centuries as in the Despite laws, such reprehensible practices as

- ? Sati
- ? Divorce
- ? Dowry
- ? Gender-biased infanticide
- ? Depravation of inheritance rights
- ? Denial of widow marriage
- ? Forced prostitution
- ? Sexual harassment at work spot
- ? Eve teasing and child marriage – are still prevalent in many parts of our country.

In most cases, the victims are too shy to report the cases. Moreover, they have all along been threatened with dire consequences if they complained in any forum that could lead to justice.

It is quite obvious that from the Vedic period to independence, many of these issues had not been addressed from the legal angle.

In the recent decades, these undesirable issues have been adequately covered through appropriate legal provisions. However, as disturbing news items from media as referred in this chapter, the entire situation deserves a detailed study.

One possible approach has to be to carry out a study how far these legal provisions reach the general public, particularly women.

The details of such a study are furnished in the subsequent chapters.

Chapter 2

Status of women over centuries

The study presented the status of women and their awareness regarding the legal provisions concerning them in the introductory chapter has been prevailing approximately the century preceding the independence and the post-independence years. To ascertain the reasons for this trend, the corresponding situation in the earlier centuries up to the Vedic period and little beyond should be well retraced.

Status of women in Vedic period

During the Vedic period (approximately 4000-1000 BC), women in India held equal status with that of men (Kuppuswamy 1975; Choudhury, 1978). In ancient India, women occupied a very important position, in fact a superior position to men. It is the culture of Indians whose only words for strength and power are feminine -"Shakti" means "power" and "strength." All male powers come from the feminine. Literary evidence suggests that kingdoms and countries were destroyed because a single woman was wronged by the state. For example, Valmiki's Ramayana teaches that Ravana and his entire clan was wiped out because he abducted Sita. Veda Vyasa's Mahabharatha teaches that all the Kauravas were killed because they humiliated Draupadi in public. Elango Adigal's Sillapathigaram teaches Madurai, the capital of the Pandyas was burnt because Pandyan Nedunchezhiyan mistakenly killed her husband on theft charges.

In Vedic times women and men were equal as far as education and religion were concerned. Women participated along with men in the public sacrifices. One text mentions that there was a female rishi Visvara. Some Vedic hymns, are attributed to women such as Apala, the daughter of Atri, Ghosa, the daughter of Kaksivant or Indrani, the wife of Indra. Apparently in early Vedic times women also received the sacred thread and could study the Vedas. The Haritasmrti mentions a class of women called brahmavadinis who remained unmarried and

spent their lives in study and ritual. Panini's distinction between arcarya (a lady teacher) and acaryani (a teacher's wife), and upadhyaya (a woman preceptor) and upadhyayani (a preceptor's wife) indicates that women at that time could not only be students but also teachers of sacred lore. He mentions the names of several noteworthy women scholars of the past such as Kathi, Kalapi, and Bahvici. The Upanishads refer to several women philosophers, who disputed with their male colleagues such as Vacaknavi, who challenged Yajnavalkya. The Rig Veda also refers to women who engaged in warfare. Even as late a witness as Megasthenes (fifth century B.C) mentions about heavily armed women guards protecting Chandragupta's palace.

The degradation of women started since 300 BC only. The patriarchal joint-family system, structure of property ownership, early marriage, self-immolation of widows (sati) or state of permanent widowhood, all became obstacles to the development of women (Neera Desai, quoted in Kuppuswamy, 1975:243). Since late nineteenth and early twentieth centuries of the common era, several reformers fought against those aspects of the crud system that have resulted in the oppression of females. To them, women should labour under no dissatisfaction, not suffered by man. As the result of their efforts, independent India has adopted several rules and regulations to protect the rights of women and establish equal status.

During the later Aryan period after 300 B.C., dominated by the Brahmins the growth of the caste system and other factors led to social decline especially on the status of women. Child marriage became the norm, wives were expected to worship their husbands, barren women were thrown out of their homes and widows were not permitted to remarry. Many of these vicious customs are still observed in many parts of the country. Other religions, like Buddhism, Jainism, Sikhism or Islam, have questioned some of the practices in Hinduism, but, by and large, all religions have kept their women in varying stages of confinement and restrictions. The Bhakti cults tried to restore women's status and questioned some of the forms of oppression.

THE BEGINNING OF CHANGES

One of the fallouts of English education for the middle class during the colonial period was a change in attitude towards women. Through the Arya Samaj and the Brahmo Samaj, the Bengali middle class questioned the rigidity of brahminical Hinduism. Social reformers like Raja Rammohun Roy opposed Sati or the practice of burning the widow on the husband's funeral pyre. The government abolished it in 1829. Ishwar Chandra Vidyasagar's crusade for widows led to the Widow Remarriage Act of 1856. Several decades of agitation led to the Child Marriage Restraint Act of 1929 that stipulated 14 as the minimum age of marriage for a girl. Girls' education through formal schooling was another major concern. An all India Women's Education Conference was held in Pune in 1927. It gave the stimulus to start a leading organization in the movement for social changes.

Women played a major role in the struggle for freedom from colonial rule. In 1917, the first women's delegation met the Secretary of State to demand women's political rights. The Indian National Congress supported the demand. In 1949 independent India gave them their due by enshrining in the Constitution the right of equality for women. Indian women have participated in large numbers in people's movements including those for land rights, environment, anti-price rise and anti-liquor agitations.

India is a home for a diverse group of people characterized by different languages, customs, traditions, religions, life-styles or habits. Virtually each state has its own culture, which is very important in studying any aspect of this society (Davis, 1973) including the status of its women.

Present status of women

The family in India, including Tamil Nadu, is largely patriarchal, in which the core of the family is the male and the women are brought as brides into the family.

Amongst the higher castes, extended joint families of several generations prevail, but this is less typical amongst the poorer people who lack the physical resources to maintain extended kinship structures. Life in joint families is highly segregated between men and women. A wife has little contact with her husband but spends a great deal of time with other women. The tasks of running the household are shared between the women with the youngest bride shouldering the heaviest burden. The older women are given the role of controlling the younger women and enforcing the qualities of docility, obedience and submissiveness. But nuclear families tend to bring little change in social relations -the overall influence of the joint family remains, but without the emotional support and companionship of other women. As a result, women can face increased isolation in a nuclear family situation.

Women face considerable insecurity in the **patriarchal family structure**. Sent as a young bride into a strange household (in Tamil Nadu the average age of marriage is 20 years), contact with her parental home is discouraged. At the same time, a woman is never a permanent member of her husband's family - she may have to leave if she does not satisfy. This fear frequently encourages a woman to relinquish her rights to a share (legal coparcenaries rights) in the parental property in favour of her brothers in order to enjoy the 'affection' of the brothers and to ensure a welcome in case she has to fall back upon them if her marriage breaks down.

The devaluation of women commences at birth itself with the preference for male offspring as the natural successor in the patriarchal family. The religious requirement of a son is an even more compelling reason for male preference, as a son alone is qualified to perform the rites of lighting the funeral pyre. The birth of a son is celebrated as the means of support in old age whilst the birth of a daughter is viewed as placing a heavy burden on the family to raise the necessary dowry for her marriage and for other functions. A daughter is considered 'another's property' and hence any investment in her development is regarded as fruitless. This leads to discrimination in the allocation of resources -

nutrition, medical care, education, etc. - between the sexes. Even as adults, women frequently do not have equal access to food within the family but have what is left after the men have eaten, with consequent repercussions on their health and strength. These attitudes are in turn reflected in higher rates of mortality amongst female infants and young girls, whilst, **female infanticide** is not uncommon, in some pockets, and amongst some communities.

The parental family undertakes the initial conditioning in acceptance of unequal status as young girls are taught to be submissive and docile while boys are given importance and status and full freedom to act in which ever way they like. The entire process of socialization of females is to internalize the concept of dependency and subordination to the will and happiness of others, with the emphasis on the development of roles rather than of personality.

Whilst the **dowry system** has been legally abolished, in practice its prominence is more marked than ever, particularly in urban middle class society where the payments have increased substantially. The whole practice of dowry is a further reflection of the devaluation of women and their powerlessness. It devalues the girl's contribution and her input into home making and the family economy. In the commercial transaction, the girl as a person is a forgotten factor as she becomes a traded commodity. The problem of dowry is one of the most important issues in the women's movement in the country. As the demands for dowry continue to grow, so does the harassment of young brides by their husband's family for a continuous flow of gifts and cash and the inability to comply unleashes violence ranging from wife beating to resultant suicide and murder. It is, however, a difficult problem to tackle through the law as it relates to the domestic sphere and to the private lives of women and domestic violence is treated as a family affair.

The **status of widows** is even worse. Although they form a minority, in absolute numbers widows are a large group of women subjected to a great deal of suffering. Although allowed to remarry in the lower castes, very few actually do. Remarriage has also unleashed many new problem in most cases. The plight of

widows is the product of an unsympathetic attitude of the society. Today not many men or their families approve of marriages with a widow. Where young brides have been married to older men, many widows can be quite young with young children to support. Widows traditionally suffer from a number of social indignities being debarred from public places and auspicious ceremonies, not allowed to wear good clothes or to eat normal food and made to observe lifelong mourning for their deceased husbands. The plight of many widows is not exposed where they remain part of their husband's family but are frequently neglected and ill-treated. Even widowers do not come forward to marry widows, however young, well behaved and responsible they are.

Thus, **early marriage**, preceded by a cheerless childhood, a grueling exercise of dowry system, adjustment with an unknown family, at the husband's home, anxiety to give birth to male children, curbs on freedom of eating, sleeping, talking and moving, the various intrigues among the women, the manipulation of males (sons) and pathetic old age and unprotected widowhood are the cruelty and injustice facing majority of women. Whether the experience is bitter or happy, it is largely made so by agencies other than her own will and outside of her control. Within the family, a woman is treated as a social and financial dependent, controlled by the family in every aspect of her life. Having had little or no education, her worth is measured in terms of her ability to produce male children or bring in money/assets. She no longer belongs to her father's family, whilst her position in her husband's family is conditional. Oddly enough, when the young women grow older, they become party to perpetrating the deep rooted the vicious customs.

Whilst the way a woman lives, may seem to have changed a little over the years, there is some evidence that the manner in which women have begun to perceive themselves and their surroundings is beginning to undergo a change. Some women are beginning to question if this is all there is to life. The cocoon that had sheltered and given security and comfort to previous generations of women can

no longer provide them to the younger women in the present highly materialistic and changing society.

Economic Role of Women

The position of women in the social structure affects the way they are regarded in their economic roles as well. First, it has resulted in a pervasive sexual division of labour, which reinforces the notion of the male having more power and relegates low status occupations to women. In doing so it leads to a waste of female potential and ignores individual differences in capacities and abilities within each sex. Once occupational or task segregation takes place, it tends to be retained against all other rational criteria.

Second, having defined women as solely responsible for family care, their incursion into the labour market, made inevitable by inadequate incomes of males or absence of male earners, is at certain levels seen as deviant behaviour. It results in the pervasive notion of the woman worker as a supplementary earner irrespective of the total resources contributed to the household or the time and energy spent. Thus a woman who earns as much as 50% or sometimes 100% of the household income is still regarded as a supplementary earner. And almost in all cases and in all levels (except to a large extent in the organized sector which accounts for a very small percentage of women) they do not get equal wages for equal work, nor do the conditions of work offered to them take into account their dual roles. The need to combine productive work with her reproductive role and family responsibilities means that a woman's choice of work is often dictated by what is feasible and easily available. Need for this flexibility is frequently exploited by the labour market and is easily used as another excuse to pay low wages to women.

Amongst the poorer sections of the rural community, women are frequently expected to shoulder the burden of the survival of their families. As one woman

put it - "If there is money in the house, the control is his. If there is no money in the house, the responsibility is mine".

On account of the highly erratic availability of work, women are generally engaged in a multiplicity of activities. Similarly, their employment status varies from unpaid family work to wage labour outside the home, such as act/piece work, independent work and rendering services in exchange for goods and services. Women tend to work for longer hours and contribute more than men in terms of total labour energy spent by the household members. On account of deeply entrenched social customs, taboos and prejudices, women folk's work continues to be invisible and confined more to non- monetary activities. The average hours of unpaid work done by married women outside the home varies from 6 to 7.5 hours per day and some of them working more than 10 hours during the peak agricultural seasons. It is not uncommon for them to be engaged in agricultural operations for 12 hours per day.

Women are principally engaged in agriculture or in the unorganised sector as construction workers, petty hawkers and vendors and in traditional home based occupations such as basket and mat weaving, making bidi, lace and agarbathis, etc. Women are also involved in marketing in certain traditional areas. Men, however, traditionally undertake marketing of agricultural products. Women are involved in fish trading, vegetable and flower vending and other areas of petty market trading. Similarly, women involved in handicraft occupations such as basket making, etc., frequently market their products in the local shandies (bazaars).

Women in agriculture

Women carry out the bulk of work in agricultural production. Women do around 70-80% of all fieldwork and most post harvest and processing tasks are solely their responsibility. There is, however, strict gender division of labour in agricultural work. Men perform all operations involving machinery and draught

animals. Thus, men are responsible for all ploughing, harrowing and levelling for irrigation using bullock bailing, for threshing where animals are used and for spraying. All activities involving direct manual labour are assigned to women. These include sowing, transplanting and weeding. Women also play an important role in harvesting and processing work, which has not been mechanised. This particularly applies to harvesting, threshing, winnowing, dehusking and grinding of millets. Rice, on the other hand, is now mostly de-husked by rice mills.

Women are also heavily involved in animal husbandry. Whilst the care of draught animals tends to be the man's responsibility, looking after milch animals, sheep and goats are the woman's preserve. In this connection, women are involved in the collection of fodder from the forests and other communal areas. Collecting fuel wood from forests for use in the kitchen is the responsibility of the young women. While the above tasks are by and large the responsibilities of women, sometimes men also perform them. In such cases, women are paid less for equivalent tasks they perform.

Women in the informal sector

Women's involvement in the informal sector is characterised by a high incidence of casual labour with women mostly doing intermittent jobs for extremely low wages or working on their own account for very uneconomical returns. There is a total lack of job security and social security benefits. The areas of exploitation are high, resulting long hours of strenuous work in unsatisfactory conditions and health hazards. In addition, the women are exposed to financial exploitation by traders and middlemen who provide credit or raw materials and take back the finished product by cheating the women through providing insufficient or sub-standard raw materials. The organised sector takes advantage of this vulnerable position of the labour force in the informal sector and large industries are now finding it advantageous to decentralise production to make use of workers in the informal sector.

Access and Control over income and participation in decision-making

Although many families survive only through the contributions made by women to the family income, paradoxically women have little control over family income and expenditure decisions. As a rule, the men consider their wages as their own income and they give only a certain part to the women for family needs. Wages for agricultural work, even when paid to the women, are usually taken over and controlled by the household men. The squandering of women's income by the men on liquor, etc. are a major concern for many women though it affects the family as a whole. The so-called breadwinners consider their income to be private property whilst women are left to manage the household as best they may. However, where the women have some control over the money they earn, they usually spend the bulk of it on the family's basic needs, especially food. Hence, the issue of control over household income is a crucial factor affecting nutritional level of women and children.

Various studies have revealed that children's malnutrition in agricultural labour households are much more closely linked to whether or not the mother was employed, than to the father's employment; daughters in particular were left much worse off than the sons on the mother's non-working days.

Women, in addition, have virtually no control over the family assets. In the majority of cases land is in the name of the male head of the household. The women also have no control over, or access to, other means of production necessary for agricultural operations like wells, ploughs and draught animals which are the men's possessions. The same is true to other agricultural implements and tools, like harrows, sowers, carts, etc. The only tools and implements in the possession of women are sickles, baskets and winnowing fans. Furthermore, there is a qualitative difference between the tools controlled by men and those in the control of women. Whereas men's tools are usually based on the use of other- than-human sources of energy, women's tools are usually dependent on their own physical energy. Thus, women's tools imply more

labour intensive work than those of men. As a result, women's work is considered less productive than men's work and is consequently lower paid. Thus, wages for women in agriculture are only around 50-60% of those of men.

Feminization of poverty

Poverty and unemployment have the worst effect on women leading to the phenomenon of feminization of poverty. Wide inequalities exist in the distribution of the burden of poverty between male and female household members in the male-headed households. Women are discriminated against accessibility to basic necessities such as food and medical care. When the family resources become meager, the shortfall in the food intake of women is likely to be twice as high as the male members of the household. Amongst children, consistently higher proportions of girls are found to be malnourished, with the situation particularly acute amongst the landless families. Given the link between nutritional deficiency and susceptibility to infection, incidence of illness amongst female children becomes higher than the male. This coupled with less access to medical treatment for girls and finally leads to higher mortality rates of young girls than of boys.

Amongst adults, greater percentage of women receive no medical treatment in the event of illness and among those treated, the reliance on traditional medicine is higher amongst women whereas men receive more expensive modern medical treatment. These differences in the treatment of men and women are reflected in the sex- differentials in mortality. Indian women have a lower expectancy of life than men and the difference between male and female life expectancy has been increasing consistently since 1921 and female life expectancy exceeded that of males by 1.5 years. Now the position is reversed and male life expectancy exceeds that of females by 1.7 years.

The few time allocation studies undertaken in India indicate that rural women of poor households put in long hours of work, often longer than men, while domestic

work, other home-based work and labour outside home is counted. Anecdotal evidence also indicates that rural men have more leisure than rural women who can rarely enjoy 'leisure' in any real sense due to their sole responsibility for child care. The burden of women's domestic work, particularly their specific responsibility for collecting fuel, fodder and water has increased under conditions of increasing deforestation and ecological deterioration requiring them to walk longer distances and spend longer hours in acquiring the family's needs. Where these can no longer be met, changes in consumption patterns occur involving a decrease in the number of cooked meals, which adversely affects the nutritional quality of the food intake of the family.

Women are particularly affected by seasonal variations in poverty, particularly where food-at-work, as part of the wages is a significant factor in women's overall intake of food. Women's employment is much more seasonal in nature than men's due to the greater task-specificity of women's work. This means that female agricultural labourers have access to income only in certain times of the year and during the slack period they are exposed much to the risk of undernourishment and starvation.

The major problem for the bulk of rural families is the availability of employment. The pressure on land, the extinction of certain handicrafts, etc. have contributed to migration from the rural areas. 77% of all migrants are females.

Female headed households

Female headed households are predominantly to be found amongst the poor where they constitute a much more marginalized group even amongst the 'poorest of the poor'. Women headed households are the result of widowhood, migration, desertion or illness, unemployment or the addictive habits of their husbands. They suffer a high incidence of poverty and occupy the bottom rung of society. At the same time, the delivery structures of credit, technical advice, etc. do not reach them as institutions are slow to recognize women as heads of

households. In Tamil Nadu, 15% of the households are headed by women compared with 10% in India as a whole. But this is acknowledged to be a gross underestimate, failing to take due account of the de facto female headed households where women are the effective supporters of the family, due to the inability of male members. Amongst all the States, Tamil Nadu has the fourth highest percentage of female-headed households in the country.

Various studies of female headed households (FHHs) indicate that compared to male-headed households (MHHs) a significantly higher percentage of FHHs are in the higher age groups (over 60 years), depend on wage labour as opposed to self-employment in non-agricultural activities and have a low education level and high illiteracy rate. Amongst cultivating households, FHHs tend to be concentrated amongst the smallest holding size of less than one acre. All these factors indicate that female-headed households are more poverty-prone.

Women's status in Tamil Nadu

Has the position of women deteriorated in the last few years? Asks DR. DEVAKI Jain, a development economist. She further quotes:

"I was surprised to note that the national statistics in India showed reduction in poverty. Studies by the World Bank show that women in the rural economies have been switched from this place to this - like cultivators have become labourers. Labourers have gone to the corner of the worst paid, most arduous, least regular jobs. So in fine print and not as a big picture you will find amongst the poor women are at the lowest level. The bottom line of data related to economics is the sale of girl children. Even in the last 20 years the sale has increased in South India. The latest shocking data is from Kerala where sex - selective abortion has come in. Somewhere the status of women is declining in spite of our struggle."

Crimes against women in Tamil Nadu

The Government of Tamil Nadu has been taking intensive efforts to prevent and reduce the incidence of violence and crimes against women. Special facilities like All Women Police Stations, Helpline, Child line and Mobile Counselling Centers have been set up in different parts of the State. A greater awareness and willingness to prefer complaints has been created in the minds of the public in general, and women in particular. As such, a sharp increase in the reporting of incidence of crimes against women was noticed in the year 2002. A total number of 4939 cases of crime against women was reported in 2001. In the year 2002, the number rose to 6077, largely due to better reporting. In 2003, 5876 cases of crime against women were reported. This reveals a decrease of 3.3% of crimes against women when compared to the corresponding period in 2002.

The prevention of crimes against women is the motto of the Tamil Nadu Police Force. The Police all over the State have taken up this challenging task seriously. The total number of cases reported during 2001 was 4959 out of which 4281 cases had been detected (86 %). The crime rate reported during 2001 is lesser by 14.9% than the average of the past 5 years period from 1996. A senior woman IPS Officer of IG rank has been specially entrusted with the subject of tackling of crimes against women and redressing the problems of women in distress.

The statistics of crimes against women during the years 2000 and 2001 are furnished head-wise in the table 1:

TAMIL NADU

Sl. No	Heads	2000	2001
1	Rape	526	408
2	Attempt to rape	23	54
3	Kidnapping and Abduction	864	664
4	Dowry deaths	181	179
5	Eve - teasing	2738	1012
6	Molestation	1931	1771
7	Dowry Harassment	898	851
8	Infanticide	14	20
	TOTAL	7175	4959

Table 1

The statistics of crimes against women during the years 2002 and 2003 and % of variation in 2003 over 2002 furnished head-wise in the table 2:

SI. No	Heads	2002	2003	% variation in 2003 over 2002
1	Rape (including attempt)	512	547	6.84
2	Kidnapping and Abduction	720	641	(-) 10.97
3	Dowry deaths	247	222	(-) 10.12
4	Cruelty by husband and his relatives	966	1494	54.66
5	Molestation	1866	2048	9.75
6	Sexual Harassment	1766	924	(-) 47.67
	TOTAL	6077	5876	(-) 3.30

Table 2

The statistics of crimes against women during the years 2003 and 2004 and % of variation in 2004 over 2003 furnished head-wise in the table3:

SI. No.	Heads	2003	2004	% variation in 2004 over 2003
1.	Rape (including attempt)	547	618	13
2.	Kidnapping and Abduction	641	692	8
3.	Dowry deaths	222	225	1
4.	Cruelty by husband and his relatives	1494	1437	(-4)
5.	Molestation	2048	1861	(-10)
	TOTAL	4952	4833	(-) 2.40

Table 3

Chapter 3

Need for the Study

This chapter deals with the meaning, scope and need of the study on “ Status of Women’s Act in Empowering Women in Thanjavur District”.

Empowerment of women is a pressing need of the day. Unfortunately, it is least understood. It is therefore very essential to define empowerment for the benefit of all partners:

Empowerment

The simple dictionary meaning of the word empowerment is giving somebody power or authority to act. Yet it has got its own significance. It has beyond this simple meaning that prompted the present study.

1. Empowerment is about people - both women and men - taking control over their lives: becoming conscious of their own situation and position, setting their own agenda, creating space for themselves, gaining skills, building self-confidence, solving problems, and developing self-reliance. It is not only a social and political process, but an individual one as well - and it is not only a process but an outcome too.
2. Outsiders cannot empower women: only women can empower themselves, to make choices or to speak out on their own behalf. However, institutions, NGOs and Government agencies, can support processes that increase women's self-confidence, develop their self-reliance, and help them set their own agenda.

Such empowerment of the poor and disadvantaged women would lead to benefit at two levels - one, direct benefits to the individual women and women’s groups; and two, ripple-effected development benefits for other poor families, the community and the village as a whole.

❖ The social empowerment for:

- Equal status, participation and powers of decision-making of women in household
- Equal status, participation and powers of decision-making in community and village
- Breaking social, cultural and religious barriers to equalize development of women/girls
- Increased status, participation and powers of decision-making in democratic institutions

❖ Economic empowerment aimed at:

- Greater access to financial resources outside household
- Reduced vulnerability of the poor women to crisis - famine, flood, riots, etc.
- Significant increase in the women's own income
- Equal access and control over resources at the household level
- Financial self reliance of women
- Capacity Building (is a strategy and an end in itself) through better awareness on health, education, environment, etc.
- Improved Functional literacy, numeracy
- Better communication skills and leadership qualities
- Self-help and mutual help

❖ Political Empowerment:

- Tend to take up basic issues like water, health facilities and education
- Care for or look after women's problem predominantly
- Fight for their rights and among women's laws and acts to suits their own benefits.
- Voice their grievances effectively for redressal.

The view of DR. DEVAKI Jain - “ *Somewhere the status of women is declining in spite of our struggle*” is clearly exhibited from the above table. The dowry death is on the rise, the molestation is increasing, eve – teasing deaths are reported very often. The domestic violences, which take many forms and variations, happen once in a while or all at the same time, has not reduced in spite of the full-fledged efforts taken by the Government and other organizations. The Domestic violence can be Psychological Abuse, Social Abuse, Financial Abuse, Physical Assault or Sexual Assault. Violence can be criminal and that includes physical assault or injury (hitting, beating, shoving, etc.), sexual abuse (forced sexual activity), or stalking.

The common forms of violence against Indian women include: Female feticide (selective abortion based on the fetus gender or sex selection of child), Domestic violence, dowry death or harassment, mental and physical torture, sexual trafficking, and public humiliation.

According to a recently released Amnesty International report, women in India reported to be targeted for violence and discrimination not just because of their gender, but also on the basis of their caste, community, religious affiliation and other factors. The report, entitled “Battle Against Fear and Discrimination,” was released in conjunction with Amnesty International’s worldwide Campaign to “Stop Torture”.

The report highlights patterns of violence-including beating, stripping and rape of women in some the states of India. It focuses particularly on dalit.

("untouchables") and adivasi (tribal) women; on their lack of access to justice, and the failure of their state to protect them at the local level.

It is evident that the status of women is not as satisfactory as we have expected and hence there is a compelling necessity to study as how the existing laws are helpful in empowering them and their progress in the present socio-political set up compared to the early stages.

Objective of the study

The study aims at the following:

- To study the status of women and enforcement of Women's Act for their empowerment in Thanjavur district.
- To observe how far the women of the district are familiar with the acts available for the protection of the women
- To look at the awareness of legal protection and other activities for and among women
- To evaluate the capacity of the development sectors such as social welfare department, district administration, non - governmental organizations to carry out the women development programme.
- To evaluate how far the other programmes like FCC, legal aid centre, economy programme support to exercise women's rights.

CHAPTER 4

Methodology : Perspective and Technique

Media news reports observe that women are getting the due share in the society. On the contrary, cases of injustice including violence are found to be on the increase. There is no end to sermonizing from different platforms and at different forum about the need to promote gender equality to ensure the social advancement. No amount of legal Acts or official smokescreen can hide the fact that women are treated as inferior to men.

The structure of the society itself keeps the women perennially under privileged. Any wrong act by men goes unnoticed. Even if the woman tries to bring them to the notice of others she is unable to succeed because of the social setup.

Because of poor literacy and lack of contact with the outside world many of them are not even aware of the legal provisions available in the country, which could pave the way to find source for remedial measures. Even when educated women have some knowledge of available legal provision, they are too shy to resort to litigation.

Sexual harassment at work spot has become a nuisance and even reputed organizations are yet having these evil practice. At the same time, outside the work spot, men harass women by eve teasing. Even it takes place in daytime and nobody comes for rescue of affected the people. To establish the evidence in the court of law by producing the evidence becomes a hectic effort and in the process, the woman is discouraged by the police as well as by the lawyer.

Widow remarriage is allowed in a very few communities only. The total neglect of widows is virtually a matter of shame to the civilized society.

Divorce has in most cases made the women vulnerable. The cause for resorting to divorce has often been on unjustifiable reasons. The common injustice inflicted

upon women, in divorce cases, is found to be associated with demand of dowry accompanied by harassment in all forms.

This being a very sensitive issue, many women avoid in going to the court of law even at the point of giving up their legitimate rights. Even if we grant that judgment in a divorce case has been in favour of women, the legal requirement of separation and the ensuring divorce are the worst experiences that normally men do not experience.

With regard to property rights women are not yet given due rights. Most of the families are still practising patriarchal practices. The women are not only victimized of such patriarchal practices but also invitingly encourage the practice themselves when it comes to receiving a daughter-in-law.

Infanticide is a criminal practice. This was found to be practised in a few pockets / communities/ villages especially out of fear to pay dowry at a later date. With the advancement of science, this is extended to foeticide destroying the girl child in the beginning itself.

This is the situation prevailing all over the country. In order to eradicate these evils, there are Acts also. The question now is how many Acts are in practice, whether all the Acts are known to women, if not, how the Acts can reach them and whether they are utilized it properly by women.

These questions are discussed in the remaining part of this chapter.

Study Area

Thanjavur District, the Rice Bowl of Tamil Nadu, was once the cultural capital of the country in 1790. The district, Thanjavur, is situated between 9 deg 50 minutes and 11 degree 25 minutes of the northern latitude and 78 degree 45 minutes and 70 degree 25 minutes of the Eastern longitude. The District is

bounded on the north by the Coleroon, which separates it from Perambalur and Tiruchirapalli districts, and on the East by the Tiruvarur and Nagapattinam districts, and on the South by the Palk Strait and Pudukottai district and on the West by Pudukottai and Tiruchirapalli districts. The District lies as the East Coast of Tamil Nadu.

The district can be divided into two distinct divisions, viz., the deltaic region, the upland area or on-deltaic region. The deltaic region covers the whole northern and eastern portions of the district where the Cauvery with its wide network of branches irrigate more than half of the district. It comprises the whole of Kumbakonam taluk and parts of Thanjavur, Papanasam taluks. The rest of the southern and western areas of the district are non-deltaic or upland region. A good portion of upland regions which was dry has now been brought under irrigation with the help of Grand Anicut canal, fed by the Cauvery-Mettur Project and by extension of the Vadavar river. Non-deltaic region is also devoid of hills and slopes gradually seawards.

The district represents 10 Assembly constituencies of which one are reserved for Scheduled Caste. There is, however no reserved constituency for scheduled tribes. Thanjavur is a Parliamentary Constituency consisting of 6 Assembly segments. Valangaiman assembly constituency is reserved for Scheduled Castes.



Fig – 1

Thanjavur District Map

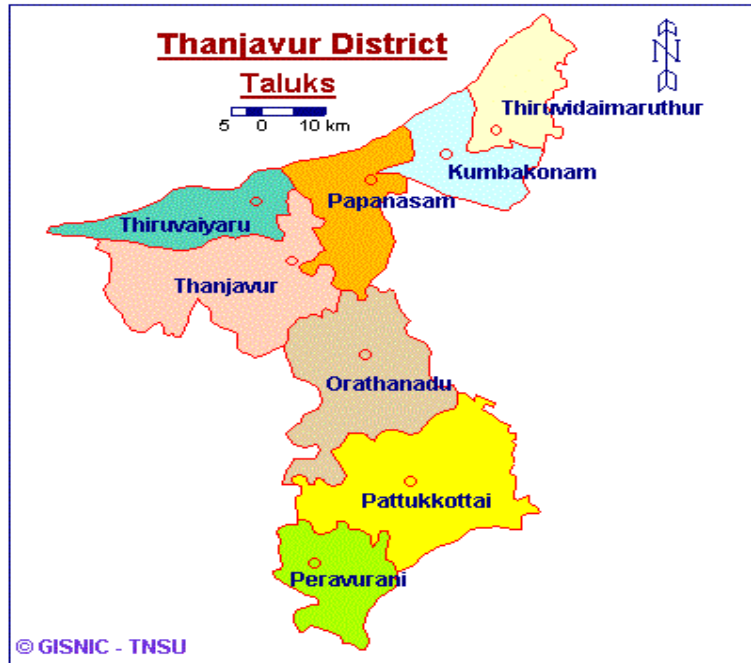


Fig - 2

District Map with Taluk boundaries

Population as per Census 2001:

	Urban	Rural	Total
Men	3,69,880	7,21,677	10,91,557
Women	3,78,291	7,35,527	11,13,818
Total	7,48,171	14,57,204	22,05,375
Out of this, Scheduled Caste			3,01,000
Scheduled Tribe			4,000

Table 4

Thanjavur district is having 8 taluks, 14 blocks, 22 town panchayats and 3 municipalities.

Thanjavur district was having 11 taluks in 1951, which subsequently increased to 12, then to 13 and 16 during 1961, 1971, and 1981 Censuses respectively. At present this district is divided into 3 divisions containing 8 Taluks.

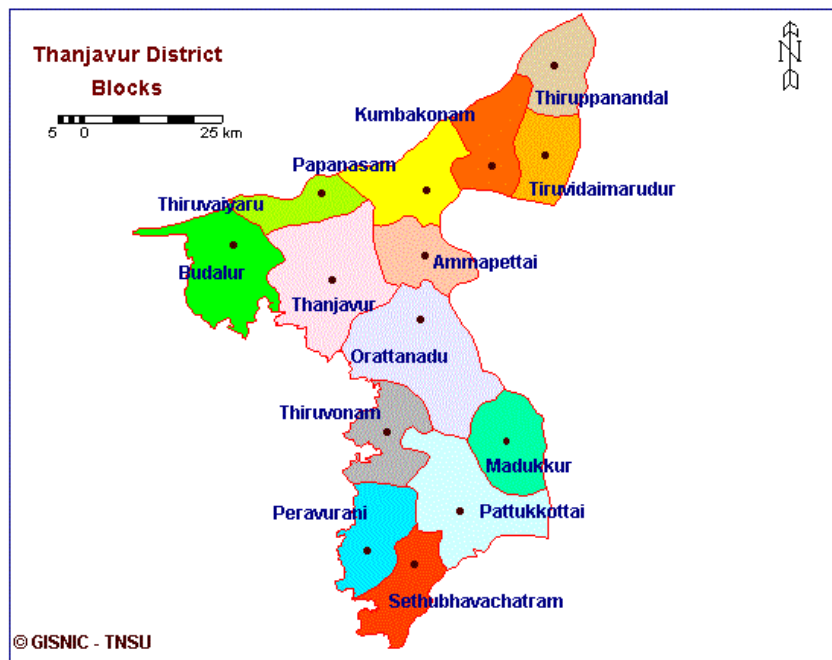


Fig – 3

Thanjavur district blocks

Since empowering of women in all aspects is the focus of the present study, both quantitative as well as qualitative techniques, focus group discussions, structured and unstructured interviewing, observation and case study are used for collecting the data.

Focus group discussions are conducted with members of SHG, Sectoral, NGO representatives, Government functionaries, village level leaders (Sample photographs enclosed in Annexure 2).

The primary data are collected (using questionnaire in Annexure 1) in Thanjavur Districts (14 blocks) from the members of the neighbourhood groups, sectoral workers, NGO representatives and Government functionaries. The secondary data will be collected from the documents, and various reports related to this study and through discussion with the department.

For collecting the primary data, stratified random samplings are used. 70 groups are identified in each block – 35 of them from economically deprived areas in the block. From each group 5 members are randomly selected. Thus, 350 women constitute the sample from each block. The urban area will also be stratified using economic criterion. The same number will be sampled from the urban area if the number of groups operating in the municipality is comparatively equal to those in the block. If they are less than the number sampled data will be restricted to 250.

There are plenty of articles regarding women empowerment issues. There are extracts from the seminars and conferences for the uplift of women empowerment.

Sample covered from

Area	Block	No.of neighborhood groups selected	No.of members from each group	Total No.
Thanjavur district	Orathanadu	70	5	350
	Ammamet	70	5	350
	Pattukkottai	70	5	350
	Madukkur	70	5	350
	Peravurani	70	5	350
	Sethubavachatiram	70	5	350
	Papanasam	70	5	350
	Thanjavur	70	5	350
	Budalur	70	5	350
	Thiruvaiyaru	70	5	350
	Thiruvonam	70	5	350
	Kumbakonam	70	5	350
	Thiruvaidaimarudhur	70	5	350
	Thirupanandal	70	5	350

Table 5

Chapter 5 - Literature Survey

There are plenty of books regarding women, women's issues, laws for setting right their issues. All these books presented the women characteristics namely the potentialities of women, their aspirations, sufferings, achievements tolerance etc. and their issues such as rapes, dowry, dowry–death, dowry murders, issues related to their marriage and married life, position of the widow, the female infanticide and feticide etc. Some of the books related to this study are mentioned here.

Similarly, all the Acts amended and the bill proposed has been referred fully in order to study the legal provisions for women and issues related to them. The dailies like The Hindu, The Indian Express, Viduthalai (the Tamil daily), magazines like Yojana, the journals like Crimes and the information from the web have been referred. The essence of the acts has been given in Annexure - 3.

Primary source: Book

18. Crimes Against Women And Protective Laws is a book written by Shoba Saxena. It deals with a critical analysis of the existing laws on crimes against women, important legal developments, criminal justice system, judicial delay, suggestions for drastic changes in the administration on criminal justice system.

19. The Position Of Women In Hindu Civilization is a book authored by A.S. Altekar. It presents the survey and the position of Hindu women during the last four thousand years. The book also indicates the present day problems confronting them.

This book presents the

- i Problems relating to the childhood and education of women
- ii Numerous complex problems connected with marriage and married life
- iii The position of the widow
- iv General attitude of society towards women

20. Dowry And Protection To Married Women is a book written by Paras Diwan and Peeyushi Diwan, (Deep & Deep publications, New Delhi). This book compares dowry and related problems over decades. Also it examines the law mainly on dowry and protection of married women against cruelty and violence by the husband and in-laws.
21. Socio–Legal Status Of Women In India is written by Rama Mehta (Mittal publications, Delhi). This book presents women’s position in a socio – legal context.
22. Women In Contemporary India And South Asia is a book edited by Alfred De Souza. This book offers a fresh perspective on women and social change in India and south Asia. It also focuses on the methodological issues that are of crucial importance in understanding the status of women also in the sex segregated societies of south Asia. It also mentions the factors affecting the self-understanding of women. It also concerns for the theoretical and policy implications of empirical data on women those who are in the agricultural and the urban informal sectors.
23. Indian Women (Socio – Cultural Survey) is a book written by Prithvi Nath Tikoo (B.R. Publishing Corporation, Delhi). It is an interesting sociological and psychological observation of Buwa’s and Lify’s biography. It is aimed at all who are concerned with the position and uplift of woman. The growth of feminism is recorded and updated.
24. Woman In Hindu Literature, R.P. Sharma, (Gyan publishing house, New Delhi), presents a comprehensive and polemical study of the Hindu view of woman. By adapting himself to what is now known as cross gender reading, the author is able to demonstrate the Hindu texts, the loud mouthed masculinity propaganda about the so called glorification of femininity.

25. Struggles Of Women At Work edited by Sujata Gothoskar, (Vikas publishing house Pvt. Ltd), focuses that women cannot address any issues they face individually. The book exposes

- ❖ Challenging discrimination against women because of hours of work and association with male officers,
- ❖ The requirement for husband's consent for a woman's employment,
- ❖ Discrimination in pay for doing work of similar nature,
- ❖ Sexual harassment and,
- ❖ Struggle for equal rights.

It also makes visible women's work and struggles in

- i Garment export industry
- ii Jute industry, factory life, pharmaceutical industry, Air-hostesses, teachers, trade unions.

26. Women Of The World: Illusion And Reality, edited by Urnil A Phadnis, Indira Malani, (Vikas publishing house pvt. Ltd) covers countries from 4 continents. A complex and fascinating Africa, America, Europe, Asia pattern of evolution energies does not necessarily correspond to the official position of women maintained to salaries, wage benefits and retirement how much are women's rights still abused.

27. Women And Equality, William H Chafe, (Oxford University press) presents women's history, problem of definition and approach, Sex and race the analogy, Social control and Social change.

28. The Position Of Women In Indian Life, Her Highness The Maharani Of Baroda S.M. Mitra, (Neeraj publishing house). The essence of this book is:

- Written for Indian women by a women
- Discovers the inferior status of women in India in all walks of life, and
- How Women exercise their freedom.

It emphasizes that women must assimilate western ways. They must revolt against men-folk to gain their freedom.

29. Gandhi And Status Of Women, S.R. Bakshi, (Criterion publications). It describes woman as companion of users. There is no justification for men to deprive women or deny to them equal rights on the ground of their illiteracy. Education is essential for women to uphold natural rights, to improve them, to spread them.
30. Empowering women for sustainable development, Leelamma Devasia and V.V. Devasia, (Ashish publishing house) deals with the examples of success stories, narratives in which law case, illiterate, powerless slum women and their struggle.
31. Women And Indian Nationalism, Edited By Leela Kasturi And Vina Mazumdar, (Vikas publications House Pvt Ltd., New Delhi) contains research papers on the sub-theme 'Women and Indian Nationalism', presented at the third National Conference on Women's right at Chandigarh in 1986. The introduction itself raises several questions pertaining to women's rights. Various issues relating to women in the context of British rule, social reform and the development of the Indian nationalist movement are discussed in each of the well – researched papers written by historians, sociologists and others. This collection should generate greater interest in reexamining the nature and implications of women's participation in the momentous struggle.
32. Indian Women, Neera Desai And Vibhuti Patek, (Popular Prakasham pvt. Ltd., Bombay). Indian women - Change and Challenge in the Internal Women's Decade 1975 - 85. This monograph tries to examine the impact of International Women' Decade on the lives, status and struggles of women in India. In this analysis, aspects of Indian women are highlighted in the context of changing socio-economic and political reality of the Indian subcontinent. Attempt has been made to answer some of vital questions affecting women.
- This book also attempts to urge the activists and academicians, researchers and scholars, planners and policy-makers, politicians and people at large to take women's problem seriously and start a genuine,

sincere and consciousness-raising campaign to enhance the status of women in India.

33. African Women, Edited By Christine Obbo, (Vikas publishing house pvt. Ltd, New Delhi). This book is a study of the African women and their struggle for economic independence. It is an appealing account of the private pains inflicted upon them by society and their concern to lessen the institutional pain by dismantling the structures of male dominance. This book is a picture of how East African Women—Ordinary people in the urban and rural areas of Uganda and Western Kenya have been struggling day by day to lessen that ' Pain'.

34. Women, Law And Social Change, edited by Dr. Shamsuddin Shams. (Fore-worded by Justice M. Fathima Beevi, Ashish Pub. House, New Delhi). It is a Comprehensive study of women who have been subjected to deprivation, brutality and extortion. They constitute nearly half the population and still suffer from many social, legal, cultural and economic disadvantages in our male dominated society. It offers new socio-legal and Socio-economic dimensions that make Indian women more brave against insecurity, exploitation, and degradation. Their social, cultural, economic, and legal status is still shrinking by a variety of institutional complexes, connections and myths.

This book also offers the message that women must fight for their legitimate place in their own society. They will have to come forward to educate themselves with the various laws that affect their lives.

1. Women Who Dared, edited by Ritu Menon, (National Book Trust, India) Illustrates how women were on the higher position.

2. Women Of India, edited by Tara Ali Baig, presents the two views of women: one is typical old Indian viewpoint of the (ministry of information and Broadcasting, Government of India) Indian woman being the symbol

of purity, faithful and submissive, devotion to her husband. The other view is that the Indian woman is backward, suppressed and treated almost as a chattel. The book abounds with examples of success stories, narratives in which “low” caste, “illiterate”, “Powerless” slum women. Empowerment of women, and their struggle to achieve economic independence and freedom through meeting their needs without compromising the ability of others to meet their needs are the key issues of discussion. The endeavor enunciates, the potentialities of women, their aspirations, sufferings and achievements. It also vividly narrates the struggle of women against societal structures, systems, corruption, formidable inequities and their own degradations. In the words of Dr. Baxi: “this slender volume should inspire meditation on many a critical theme of theory, method and social praxis. But it is equally important that it also inspires us, each in our own location to pursue active projects for empowering women.”

3. Problems of Women's Liberation, Evelyn Reed, (Pathfinder, New York, NY 10014 (0873481674 \$12.95 www.amazon.com) is a book on Marxist approach to women's problem. It looks at why women have been oppressed throughout recorded history, and why opponents to women's rights are so implacably entrenched and determined. From examining the myth of female inferiority; to the ways women as a whole can regain control of their destiny and how cosmetics and fashions exploit women are the various issues dealt with elaborately. It also analyses problems of Women's Liberation as a sharp-eyed and stringently worded wake-up call to the problems of the past and how they have shaped present gender discriminations. A very strongly recommended reading lists in addition to Women's Studies and Women's History collections, problems of Women's Liberation also offer concrete hope for a more egalitarian future.

21. Rural Sociology In India, A.R. Desai (5TH DEC), (Popular Prakashan, Bombay), provides a total picture of the emerging rural society in India. Its scope is studying the Indian rural society from a scientific angle.
22. Revolution And The Status Of Women In India: - DR. Sushila Mehta, (Metropolitan).
This book presents that the attitude of men on women must change in order to enable women to gain their right and their right place in society. This book examines critically handicaps and hardships, which women suffer from. Suggests remedies and solutions.
23. Status and Employment of Women in India, U. Lalitha devi, (B.R. Publishing Corporation, New Delhi), brief the belief that employment has raised the status of women both in family and in society.
24. Indian Law Of Marriage And Divorce (4th Edition), Kumud Desai
The Guardians And Wards Act 1890(8 Of 1890),
Consolidate and amend the law relating to guardians and ward.
25. Indian Women (Images And Reflection's), Indira Kulshreshtha, 'Noopur ', presents the various facts of a woman's life in Indian society starting from the status of women in historical perspective in India, the need for educational intervention for removing gender-bias and the disadvantages they suffer in health nutrition and education.
26. Changes In Marriage Practices, Mohan Singh, (Inter India Publications, New Delhi), deals with the changes in marriage practices to identify mechanisms, processes, causes therefore and to examine their social and demographic implications in rural; HP state.
1. Social Movements and Social Change, Sathish Kumar Sharma, (B.R.Publishing, New Delhi), presents the social structural conditions in-terms of religion, castes and classes, economic and political conditions of untouchables in Punjab the class structure of its leadership, ideology and strategies vis-a Vis untouchables. There is no end to writing and publishing books after books to promote gender equaling to ensure the

social advancement of both men and women. One might ask why those books have failed to— atrocious acts against women.

Legal provisions:

India has elaborate laws to protect the rights of women, including the Prevention of Immoral Traffic, the Sati (widow burning) Act, and the Dowry Prevention Act. Women and children have figured prominently in the government's agenda of social reforms and initiatives.

1. CRIMINAL PROCEDURE CODE, 1973 (of 1974)

This Act describes the order for maintenance of wives, children and parents. It covers that any person having sufficient means neglects or refuses to maintain his wife, or his legitimate or illegitimate minor child, or 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 himself, or his father or mother, unable to maintain himself or herself.

It also covers that If a husband has contracted marriage with another woman or keeps a mistress, it shall be considered to be just ground for his wife's refusal to live with him.

No wife shall be entitled to receive an allowance from her husband under this section if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.

2. INDIAN PENAL CODE, 1860

The following sections of this Act provide the rules related to the crimes against women.

i) Section 209, IPC - Obscene acts and songs - Whoever, to the annoyance of others:

- a) Does any obscene act in any public place or
- b) Sings, recites or utters any obscene song, ballad or words in or near any public place shall be punished with imprisonment of either description for a term which may extend to three months or with fine or both. (Cognisable, bailable and triable offense)

ii) Section 354, IPC - Assault or criminal force to a woman with the intent to outrage her modesty - whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punishable with imprisonment of either description for a term which may extend to two years, or with fine or both.

iii) Section 509, IPC - Word, gesture or act intended to insult the modesty of a woman - whoever intending to insult the modesty of any woman utters any word, makes any sound or gesture, or exhibits any object intending that such word or sound shall be heard, or that such gesture or object shall be seen by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or both. (Cognisable and bailable offense)

3.THE DIVORCE ACT, 1869 (4 of 1869)

Marriages are based on the faith that they establish the everlasting bondage between spouses. Despite this noble ideal, there are occasions when a few marriages end up in divorce.

Whatever unpleasant experiences either spouse would have experienced during the course of married life, the decision to part is more painful. Living in separation and parting forever are even more difficult experiences. Added complication is having to depend on others, having to face a trial in a court of law etc.

Inevitably, both spouses have to depend on others such as witnesses, law practitioners and so on. This is a situation and experience, which is very strange

and unpleasant for women who have all along played the docile and submissive role of a housewife or a subordinate of the rest of the members in the family. Under such disheartening circumstances, they often prefer to stay out of such unpleasant transactions even at the expense of losing their legitimate rights.

In this backdrop, it is possible that resorting to the provisions of the Divorce Act could be the great relief on a long-term basis in the form of acquiring whatever is legitimately due.

Some of the important provisions of the Divorce Act, 1869 (4 of 1869) are presented below:

- ❖ One of the primary considerations behind the Act amended during 2001 has been mentioned as “Curbing the tendency to obtain adjournments on frivolous grounds in the cases pending in the courts”.
- ❖ Grounds for dissolution of marriage are clearly brought out in the Act. Some typical reasons are that the marriage could be dissolved since the solemnization of the marriage, the respondent -
 - i Has committed adultery,
 - ii Has ceased to be Christian by conversion to another religion; or
 - iii Has been incurably of unsound mind for a continuous period of not less than two years immediately preceding the presentation of the petition; or
 - iv Has, for a period of not less than two years immediately preceding the presentation of the petition, been suffering from a virulent and incurable form of leprosy; or
 - v Has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of the respondent if the respondent had been alive; or
 - vi Has deserted the petitioner for at least two years immediately preceding the presentation of the petition; or
 - Vii Has treated the petitioner with such cruelty as to cause a reasonable apprehension in the mind of the petitioner that it would be harmful or injurious for the petitioner to live with the respondent.

The Act also covers certain additional provisions as follows:

- ❖ Dissolution of marriage by mutual consent
- ❖ Court to be satisfied of absence of collusion
- ❖ Condonation
- ❖ Divorce on mutual consent
- ❖ Relief in case of opposition on certain grounds
- ❖ Petition for decree of nullity
- ❖ Grounds of decree

In a proceeding for divorce or nullity of marriage, what is to be decided is the husband's incapacity to sexual intercourse with his wife and not his capacity to have intercourse with other women:

Refusal to give reasons for non-consummation of the marriage can lead to an inference regarding impotency:

- ❖ Rights of Children of annulled marriage
- ❖ Application for separation made by petition
- ❖ Separated wife deemed spinster with respect to after-acquired property
- ❖ Separated wife deemed spinster for purposes of contract and suing
- ❖ Deserted wife may apply to Court for protection
- ❖ Court may grant protection order
- ❖ Discharge or variation of orders
- ❖ Liability of husband seizing wife's property after notice of order
- ❖ Alimony pendente lite In any suit under this Act, whether it be instituted by a husband or a wife, and whether or not she has obtained
- ❖ Power to order permanent alimony, monthly or weekly payments
- ❖ Court may direct payment of alimony to wife or to her trustee
- ❖ Inquiry into existence of ante-nuptial or Post-nuptial settlements
- ❖ Custody of Children
- ❖ Power to make orders as to custody of children in suit for separation
- ❖ Power to make such orders after decree

- ❖ Power to make orders as to custody of children in suits for dissolution or nullity
- ❖ Power to make such orders after decree or confirmation
- ❖ Suits on behalf of lunatics
- ❖ Suits by minors
- ❖ Competence of husband and wife to give evidence as to cruelty or desertion
- ❖ Decree for separation or protection order valid as to persons dealing with wife before reversal
- ❖ Indemnity of persons making payment to wife without notice of reversal or decree or protection order.
- ❖ Bar of suit for criminal conversation
- ❖ Void Marriages and Voidable Marriages
- ❖ Divorce
- ❖ Divorced persons when may marry again
- ❖ Legitimacy of children of void and voidable marriages
- ❖ Permanent alimony and maintenance
- ❖ Alternate relief in divorce proceedings
- ❖ Divorce by mutual consent
- ❖ Restriction on petitions for divorce during first one year after marriage
- ❖ Penalty on married person marrying again under this Act
- ❖ Punishment of Bigamy

4. DOWRY PROHIBITION ACT, 1961

Dowry is a social evil that has been deep-rooted in the society. Almost every day there is a case of torture, harassment, dowry death of newly married girl. For the simple reasons the dowry deaths are continuing.

For a rich family, dowry is treated as a voluntary gift to show affection towards daughters at their marriage. But for an average and below average family it is a burden.

The various provisions of this Act are as follows:

The evil of dowry system has been a matter of serious concern to every one in view of its ever-increasing and disturbing proportions. The legislation on the subject enacted by Parliament, i.e., the Dowry prohibition Act, 1961 and the far-reaching amendments which have been made to the Act by a number of States during the seventies have not succeeded in containing the evil. As pointed out by the committee on the Status of Women in India, the educated youth is grossly insensitive to the evil of dowry and unashamedly contributes to its perpetuation.

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

- ❖ Penalty for giving or taking dowry: Imprisonment for a term be less than 8 years, fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more.
- ❖ Penalty for demanding dowry
- ❖ Ban on advertisement:
- ❖ Agreement for giving or taking dowry to be void:
- ❖ Dowry to be for the benefit of the wife or her heirs:
- ❖ Cognizance of offences:
- ❖ Offences to be cognizable for certain purposes and to be non-bailable and non-compoundable;

Every Dowry Prohibition Officers shall exercise and perform the powers and functions, namely:-

- (a) To see that the provisions of this Act are complied with;
- (b) To prevent, as far as possible the taking or abetting the taking of, or the demanding of , dowry;
- (c) To collect such evidence as may be necessary for the prosecution of persons committing offences under this Act; and
- (d) To perform such additional functions as may be assigned to him by the State Government, or as may be specified in the rules made under this Act.

The State Government may, for the purpose of advising and assisting Dowry Prohibition Officers in the efficient performance of their functions under this Act, appoint an Advisory Board consisting of social welfare workers (out of whom at least two shall be women) from the area in respect of which such dowry Prohibition Officer exercises jurisdiction.

5. COMMISSION OF SATI (PREVENTION) ACT, 1987 (No. 3 of 1988) (No. 3 of 1988)

Historically, sati is not unique to India. This is a sign of respect. Obedience to and dependence upon men characterizes women's traditional roles in the family. Pativrata, or total devotion to the husband, set out by Hindu scriptures is the wifely ideal (Lebra, et al. 1984: 26 – 27). The ideal wife is one whose sole joy in life is to satisfy her husband. Such a woman is attached to her husband even after he has died. Thus sati is being practised. Although the practice of sati has been virtually non-existent elsewhere in India after the British banned it in 1829, about forty cases have taken place since India's independence in 1947. Twenty-eight of these cases have occurred in Rajasthan, mainly around the Sikar district (Oldenburg 1994). More important, the symbolic significance of sati is intricately intertwined in the Hindu belief system and reveals something about the status of women.

One would voluntarily commit sati in the twentieth century is very difficult to comprehend for Westerners and many Indians. This is especially evident in the reactions that occurred in 1987 when Roop Kanwar, a well-educated eighteen-year-old girl from the Rajput caste, decided to be burned alive on her husband's funeral pyre, though they were only married for eight months. Varying accounts exist of the incident suggesting that Roop Kanwar may have been forced into self-immolation and she was possibly dragged. In any case, the incident aroused considerable upheaval throughout India and forced the country to re-evaluate the status of women.

Commission of Sati (prevention) Act, 1987 (No. 3 of 1988) is an Act to provide for the more effective prevention of the commission of sati and its glorification and for matters connected there with or incidental thereto.

The Objects and reasons of the Act stated that Sati or the burning or burying alive of widows or women is revolting to the feeling of human nature and is nowhere enjoined by any of the religions of Indians as an imperative.

Any person guilty of the abetment of the commission of Sati shall be liable to punishment to death or imprisonment for the glorification of Sati.

"Sati" means the burning or burying alive of –

- (i) Any widow along with the body of her deceased husband or any other relative or with any article, object or thing associated with the husband or such relative; or
- (ii) Any woman along with the body of any of her relatives, irrespective of whether such burning or burying is claimed to be voluntary on the part of the widow or the women or other-wise.

It is necessary to take more effective measure to prevent the commission of sati and its glorification;

- (i) The observance of any ceremony or the taking out of a procession in connection with the commission of *sati*; or
- (ii) The supporting, justifying or propagating the practice of *sati* in any manner; or
- (iii) The arranging of any function to eulogize the person who has committed sati; or
- (iv) The creation of a trust, or the collection of funds, or the construction of temple or other structure or the carrying on of any form of worship or the performance of any ceremony thereat, with a view to perpetuate the honour of, or to preserve the memory of, a person who has committed sati;

Some other provisions of the Act are as follows:

- ❖ Punishment for offences relating to *sati*
- ❖ Attempt to commit *sati*
- ❖ Abetment *sati*
- ❖ Punishment for glorification of *sati*

COMMISSION OF SATI (PREVENTION) RULES, 1988

G.S.R. 360(E), dated 21st March, 1988.- In exercise of the powers conferred by Sec. 21 of the Commission of Sati (Prevention) Act, 1987 (3 of 1988), the Central Government hereby makes rules.

6. THE HINDU MARRIAGE ACT, 1955 (25 OF 1955) (18th May, 1955)

A number of incidents have been reported where the marriage perform is null and void for various reasons.

This Act states the conditions applicable in the form of void marriages and voidable marriages.

This Act also provides for the divorce. Most of the conditions stated under this section are in line with the provisions of divorce act 1869. However, the following provisions of this Act are worth a note:

1. Legitimacy of children of void and voidable marriages
2. Punishment of bigamy
3. Permanent Alimony and maintenance

Special Hindu marriage Act 1954

This Act also covers a number of cause finding place in the marriage act 1955, for example, viod marriages, voidable marriages, divorce, legitimacy of the children on void and voidable marriages. There is also a provision in this act on

the disposal of property including that presented at on about the time of marriage that may belong jointly to both husband and the wife.

The various provisions given in The Hindu Marriage Act, 1955 (25 of 1955) (18th May, 1955) are as follows:

- ❖ Conditions for a Hindu Marriage
- ❖ Ceremonies for a Hindu Marriage
- ❖ Registration of Hindu marriages
- ❖ Restitution of conjugal rights
- ❖ Judicial separation
- ❖ Nullity of Marriage and Divorce (Void marriages, Voidable Marriages, Divorce)
- ❖ No petition for divorce to be presented within one year of marriage
- ❖ Divorced persons when may marry again
- ❖ Legitimacy of Children of void and voidable marriages.
- ❖ Punishment of bigamy.
 - ❖ Punishment for contravention of certain other conditions for Hindu marriage.
 - ❖ Court to which petition shall be presented.
 - ❖ Contents and verification of petitions.
 - ❖ Special provision relating to trial and disposal of petitions under the Act.
 - ❖ Enforcement of decrees and orders

7. The Parsi Marriage and Divorce Act, 1936

This Act describes the marriage between Parsis, requisites to validity of Parsi marriages, punishment of bigamy, penalty for solemnizing marriage, matrimonial suits, Suits for nullity, Suits for dissolution, grounds for divorce, non-resumption of cohabitation or restitution of conjugal rights within one year in pursuance of a decree to be ground for divorce, divorce by mutual consent, joining of co-defendant, payment of alimony to wife or to her trustee and disposal of joint property.

8. THE ARYA MARRIAGE VALIDATION ACT, 1937 (XIX of 1937) [14th April 1937]

This is an Act to recognize and remove doubts as to the validity of inter-marriages current among Arya Samajists.

9. CHILD MARRIAGE RESTRAINT ACT, 1929 (XIX OF 1929)

Child marriages are another disturbing reality with which the society is infected with. This evil has almost been eradicated. Even then there are cases now and then came across in the news items. This Child marriage restraint Act is to restraint the solemnization of child marriages. Various provision of the Act are as follows:

PUNJAB AMENDMENT IN SECTION 2, (Punjab Ordinance, 23 of 1971):

- ❖ Punishment for male adult above eighteen years of age marrying a child
- ❖ Punishment for solemnizing a child marriage
- ❖ Punishment for parent or guardian concerned in a child marriage
- ❖ Imprisonment not to be awarded for offence under section 3
- ❖ Mode of taking cognizance of offence

PUNJAB AMENDMENT: *In section 9:*

The words and commas “except on a complaint made by the Union Council, or if there is no Union Council in the area, by such authority as the Provincial Government may in this behalf prescribe, and such cognizance shall in no case be taken” occurring after the words “under this Act” and before the words “after the expiry” shall be omitted. Punjab Ordinance, 23 of 1971, S. 3. Preliminary inquiries into offences under this Act. Omitted by Muslim Family Laws Ordinance, 1961.

10. THE INDIAN MAJORITY ACT, 1875

This is an Act to amend the law respecting the age of majority. Age of Majority of persons domiciled in India, attainment of majority.

11. FAMILY COURTS ACT, 1984 (Act No. 66 of 1984) [14th September 1984]

This is an Act to provide for the establishment of Family Courts with a view to promote conciliation in, and secure speedy settlement of disputes relating to marriage and family affairs and for matters connected therewith.

Explanation:- The suits and proceedings referred to in this sub-section are suits and proceedings of the following nature, namely:

- (a) a suit or proceeding between the parties to a marriage for a decree of nullity of marriage (declaring the marriage to be null and void or, as the case may be, annulling the marriage) or restitution of conjugal rights or judicial separation or dissolution of marriage;
- (b) a suit or proceeding for a declaration as to the validity of a marriage or as to the matrimonial status of any person;
- (c) a suit or proceeding between the parties to a marriage with respect to the property of the parties or of either of them;
- (d) a suit or proceeding for an order or injunction in circumstances arising out of a marital relationship;
- (e) a suit or proceeding for a declaration as to the legitimacy of any person;
- (f) a suit or proceeding for maintenance;
- (g) a suit or proceeding in relation to the guardianship of the person or the custody or; or access to, any minor.

Duty of Family Court to make efforts for settlement (It is the bounden duty of the Family Court for making an attempt for conciliation before proceeding with trial of the case).

12. GUARDIANS AND WARDS ACT, 1890

This is an Act to consolidate and amend the law relating to guardians and wards. This Act declares that the natural guardian of a child is the father and after him the mother. The other provisions of the Act are

- Appointment and Declaration of Guardians
- Duties, Rights and Liabilities of Guardians

13. INDECENT REPRESENTATION OF WOMEN (PROHIBITION) ACT, 1986

Although it is not known to have used in cases of sexual harassment, the provisions of this act have the potential to be used in two ways.

First, if an individual harasses another with books, photographs, paintings, films, pamphlets, packages, etc. containing 'indecent representation of women'; they are liable for a minimum sentence of two years.

Second, a 'hostile working environment' type of argument can be made under this act. Section 7 (Offences by Companies) - holds companies where there has been 'indecent representation of women' (such as the display of pornography) on the premises guilty of offenses under this act. (Cognisable, bailable offense; with a minimum sentence of two years)

14. IMMORAL TRAFFIC (PREVENTION) ACT, 1956, *Bill No. 58 of 1954*

With a view to implementing International Convention signed at New York on the 9th May, 1950, " THE SUPPRESSION OF IMMORAL TRAFFIC IN WOMAN AND GIRLS BILL, 1950" was introduced in the Lok Sabha on the 20th December, 1954, by the then Minister K.N. Katju.

STATEMENT OF OBJECTS AND REASONS:

" (1) In 1950 the Government of India ratified an International Convention for the Suppression of Immoral Traffic in Persons and the Exploitation of the Prostitution of others. Under Article 23 of the Convention, traffic in human beings is prohibited and any contravention of the prohibition is an offence punishable by law. Under Article 35 such a law has to be passed by Parliament as soon as may be after the commencement of the Constitution.

(2) Legislation on the subject of suppression of immoral traffic does exist in a few States but the laws are neither uniform nor do they go far enough. In the remaining States there is no bar on the subject at all.

(3) In the circumstances it is necessary and desirable that a Central law should be passed which will not only secure uniformity but also would be sufficiently deterrent for the purpose. But a special feature of the Bill is that it provides that no person or authority other than the State Government shall establish or maintain any protective home except under a license issued by the State Government. This will check the establishment of homes which are really dens for prostitution."

15. MEDICAL TERMINATION OF PREGNANCY ACT, 1971

This is an Act to provide for the termination of certain pregnancies by registered Medical Practitioners and for matters connected therewith or incidental thereto.

Different provisions are:

- ❖ When pregnancies may be terminated by registered medical practitioners
- ❖ Place where pregnancy may be terminated
- ❖ type of pregnancies

16. MUSLIM WOMEN'S (PROTECTION OF RIGHTS ON DIVORCE), ACT 1986

This is an Act to protect the rights of Muslim women who have been divorced by, or have obtained divorce from their husbands and to provide for matters connected therewith or incidental thereto.

The Bill accordingly provides the following among other things, namely

1. Mahr or other properties of Muslim Woman to be given to her at the time of divorce.
2. Order for payment of maintenance.
3. Order for payment of maintenance.

Rules: The muslim women (protection of Rights on divorce), 1986 are the rules for in exercise of the powers conferred by section 6 of the muslim women (Protection of Rights on Divorce) Act 1986 (25 of 1986), the Central Government had made rules for carrying out the purposes of the above act.

17. THE MUSLIM PERSONAL LAW (SHARIAT) APPLICATION ACT, 1937

This is an Act to make provision for the application of the Muslim Personal Law (Shariat) to Muslims.

Application of Personal Law to Muslims (Notwithstanding any customs or usage to the contrary, in all questions (save question relating to agricultural land) regarding intestate succession, special property of females, including personal property inherited or obtained under contract or gift or any other provision of Personal Law, marriage, dissolution of marriage, including talaq, ila, zihar, lian, khula and mubaraat, maintenance, dower, guardianship, gifts, trusts and trust properties, and wakfs)

18. THE DISSOLUTION OF MUSLIM MARRIAGES ACT, 1939

This is an Act to consolidate and clarify the provisions of Muslim law relating to suits for dissolution of marriage by women married under Muslim law and to

remove doubts as to the effect of the renunciation of Islam by a married Muslim woman on her marriage tie.

This Act provides grounds for decree for dissolution of marriage under Muslim law namely,

2001. The whereabouts of the husband have not been known for a period of four years

2002. That the husband has been sentenced to imprisonment for a period of seven years or upwards;

2003. That the husband has failed to perform, without reasonable cause, his marital obligations for a period of three years;

2004. That the husband was impotent at the time of the marriage and continues to be so;

2005. That the husband has been insane for a period of two years or is suffering from leprosy or a virulent venereal disease;

2006. That she, having been given in marriage by her father or other guardian before she attained the age of fifteen years, repudiated the marriage before attaining the age of eighteen years:

Provided that the marriage has not been consummated;

2007. That the husband treats her with cruelty, that is to say,-

(a) Habitually assaults her or makes her life miserable by cruelty of conduct even if such conduct does not amount to physical ill-treatment, or

(b) Associates with women of evil repute or leads an infamous life, or

(c) Attempts to force her to lead an immoral life, or

(d) Disposes of her property or prevents her exercising her legal rights over it, or

(e) Obstructs her in the observance of her religious profession or practice, or

(f) If he has more wives than one, does not treat her equitably in accordance with the injunctions of the Qoran.

19. THE TAMILNADU TOWNS NUISANCES ACT, 1889 (III of 1889) [23rd

December 1889]

This Act describes

- ❖ Various types of nuisance Committed in public
- ❖ Durunken or riotous, disorderly or indecent behaviour- Whoever is found drunk and incapable of taking care of himself, or is guilty of any riotous, disorderly or indecent behaviour and
- ❖ Penalty for certain offences in public places.

20. TAMILNADU PROHIBITION OF RAGGING ACT, 1997 (Act No. 7 of 1997)

The following Act of the Tamilnadu Legislative Assembly received the assent of the Governor on the 14th February 1997 and is hereby published for general information.

This is an Act to prohibit ragging in educational institutions in the State of Tamil Nadu. It describes that ragging inside or outside of any educational institution is prohibited. It mentions

- ❖ Prohibition of ragging
- ❖ Penalty for ragging (Whoever directly or indirectly commits, participates in, abets or propogates “ ragging” within or without any educational institution, shall be punished with imprisonment for a term which may extend to two years and shall also be liable to a fine which may extend to ten thousand rupees).
- ❖ Dismissal of student (Any student convicted of an offence under section 4 shall also be dismissed from the educational institution and such student shall not be admitted in any other educational institution).
- ❖ Suspension of a Student

(1) Without prejudice to the foregoing provisions, whenever any student complaints of ragging to the head of an educational institution, or to any other person responsible for the management of the educational institution

shall inquire into the same immediately and if found true shall suspend the student, who has committed the offence from the educational institution.

- (2) The decision of the head of the educational institution or the person responsible for the management of the educational institution that any student has indulged in ragging under-section (1) shall be final.

T.N PROHIBITION OF RAGGING RULES – 1999

Ragging is a great nuisance to the junior students in the educational institution. There are many cases committed suicide. In order to eradicate this nuisance this Act is enacted. The main provisions of the Act are as follows:

Student affected by ragging may give a complaint in writing to the management within three days from the date of occurrence of ragging. Management or head of the institution or any senior staff has to enquire the complaint within 72 hours. It reports with full history of the inquiry has to be sent to the police officer within 24 hours and to the university board up state. A case has to be registered in the police station according to the complaint.

If the student who was placed under suspension based on the complaint of ragging is ultimately not convicted, the mgt shall revoke the suspension and the period of suspension of such student shall be treated as if the student had attended.

21. T.N. PROHIBITION OF HARASSMENT OF WOMAN ACT

This is an Act to prohibit harassment of woman at any place

Its provisions are

- ❖ Prohibition of harassment of woman:
(Harassment of woman at any place is prohibited)
- ❖ Penalty for harassment of woman (Whoever commits or participates in or abets eve-teasing in or within the precincts of any educational institution, temple or other place of worship, bus stop, road, railway station, cinema theatre, park, beach, place of festival, public service vehicle or any other place shall be punished with imprisonment for a term which may extend to

three years or shall be liable to fine which may extend to ten thousand rupees or both).

It deals with harassment death, Harassment suicide, presumption as to harassment death and abatement of harassment suicide.

22. THE HINDU ADOPTIONS AND MAINTENANCE ACT, 1956

This is an Act to amend and codify the law relating to adoption and maintenance among Hindus. If a Hindu had no natural born son, he could make an adoption.

- (1) This Act applies to any person, who is a Hindu by religion in any of its forms or developments, including a Virashaiva, a Lingayat or a follower of the Brahmo, Prathana or Arya Samaj, to any person who is Buddhist, Jain or Sikh by religion, and to any other person who is not a Muslim, Christian, Parsi or Jew by religion, unless it is proved that any such person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Act had not been passed.
- (2) This act specifies requisites of a valid adoption, capacity of a male Hindu to take in adoption, Capacity of female Hindu to take in adoption, persons capable of giving in adoption, persons who may be adopted.

23. INDIAN EVIDENCE ACT, 1872.

The amendment to the rape laws brought about in 1983 was expected to bring about a change in the attitude of the judiciary. The legal presumption in cases of custodial rape was expected to bring down the growing incidents of this heinous crime by the custodians of law.

24. THE HINDU SUCCESSION ACT, 1956 (30 of 1956) (17th June, 1956)

The constitution of India has pro equality before law as a Fundamental Rights.

The traditional social structure, cultural norms continue to place Indian women in a situation of disadvantage in terms of role relationship, decision-making and sharing of responsibility.

They are well-defined principles of international Law that regulate succession to the movable and immovable property of Hindus domiciled outside.

This is an Act to amend and codify the law relating to intestate succession among Hindus.

The various provision of this Act are as follows

- ❖ Property rights of women
- ❖ Devolution of interest of coparcenaries property.
- ❖ General rules of succession in the case of males.
- ❖ Order of succession among agnates and cognates.
- ❖ Order of succession and manner of distribution among heirs of a female Hindu

General provisions relating to succession are mode of succession of two or more heirs, rights of child in womb, presumption in case of simultaneous deaths, preferential right to acquire property in certain cases.

Special provision respecting dwelling houses, certain widows re-marrying may not inherit as widows, murdered disqualified, convert's descendants disqualified succession when heir disqualified, disease, defect, etc. not to disqualify failure of heirs.

Legal amendments proposed

Based on the experience, the National Commission for Women, India has proposed the following amendments.

Criminal Procedure Code, 1973 - amendment of sections 198 and 320

- To remove restriction on lodging complaint in respect of offences under sections 494 and 495 of the Indian Penal Code.

- Amendment of section 320 so as to make the offences under section 498 of the Indian Penal Code as Compoundable.

Indian Penal Code, 1860.

- Strengthening the laws to curb the incidence of sale of minor girls.

Dowry Prohibition Act, 1961.

- To transfer the substantive provisions under the Indian Penal Code.
- Dowry givers should be excluded from punishment.
- Appointment of Dowry Prohibition Officers.
- The Marriage expenses should be limited to 20% of the annual income of the girl's parents/guardian.

Commission of Sati (Prevention) Act, 1987.

- To transfer the substantive provisions under the Indian Penal Code.
- The offence may be called as "Sati murder".

Hindu Marriage Act, 1955.

- Amendment of section 5 so as to omit epilepsy as a ground for divorce.

Child Marriage Restraint Act, 1929.

- Amendment should be made to change the definition of kidnapping under section 359 of the IPC.
- The marriage of a minor should be made void.

- The offence should be made cognizable and non-bailable.

Indecent Representation of Women (Prohibition) Act, 1986.

- The Commission recommended for the amendment of Section 1 of the Act to make the definition of derogatory representation of women wider. Further provided for the increasing of punishment to the violators.

Immoral Traffic (Prevention) Act, 1956

(for elimination of child prostitution and devising a comprehensive package for rehabilitation).

- The Commission recommended that the age of majority of the child under the Act may be raised to 18 years.
- Further the Government should take up correctional measures and also to rehabilitate the women and children in prostitution.

Medical Termination of Pregnancy Act, 1971

- The women's consent must be obtained in every case.
- To provide stringent punishment to the violators.

Family Courts Act, 1984

- There shall be one or more family courts in every district.
- Appeal under these matters will lie only to the High Courts.

Foreign Marriage Act, 1969

- The Commission has recommended for the stipulation of conditions for the performance of Marriages under this Act.
- The Family Courts should deal the matters connected with this Act.

Guardians and Wards Act, 1890

- The Commission recommended that Section 15 and 16 of the Act should be amended so as to remove the compulsory linking of the wife's Domicile with that of the husband.
- Further a testamentary guardian may be appointed only with the consent of the parent if alive and capable of acting.

Infant Milk Substitutes, Feeding Bottles and Infant Food (Regulation of Production, Supply and Distribution) Act, 1992.

The commission recommended amendment of section 2(g), 3(g), 6,12, 13 - 17,19(2),21 and 23 of the said Act, for strengthening the provision for better implementation.

CHAPTER 6

Analysis of Data

This chapter presents the analysis of the data collected from various processes and schemes, programmes, and amendments made through Department of women and children, MHRD in Thanjavur district, police officials, advocates, educated people in the government departments and Non Governmental Organization (NGO)s, Self Help Groups (SHG), and legal centres. A questionnaire consisting of queries related to women's Acts, their enforcement, effectiveness, awareness of it among women etc, were prepared and administered. Initially collecting particulars from the people in the village was very difficult. The analysis could not be carried out through these collections alone. Then, this has been slowly carried out by interacting with the people, asking questions in a friendly manner, after making proper explanation among some people.

The data collected through these questionnaires reveal the status of women's education, their attitudes and activities, their awareness of Acts related to the women and their economical status.

An interaction was conducted by calling the woman panchayat presidents to study the present status of women. Interactions were made with the lawyers, police officials.

At the out set, it has been decided to administer the questionnaire among the selected women of the district so that this will be helpful to get the effectiveness of the questionnaire as well as to meet out the study requirements.

To collect secondary report, it has been decided to administer the questionnaire among the woman presidents of village panchayats as they form 31% of total number of village presidents.

The sample study conducted among educated women reveals the following facts:

11% of the interviewees say that women are enjoying full freedom. The 44% of the participants say that women are at liberty only to some extent. About 20% of them say that women do not have any freedom at all.

Another 24% of them have felt that still women need many more rights. Further, 81% of them say that only educated women have opportunity to enjoy the benefits of women's act and it is not so with illiterate women folk.

Similarly the responses for the rest of the questions, the analysis and the suggestions are further furnished in the subsequent paragraphs.

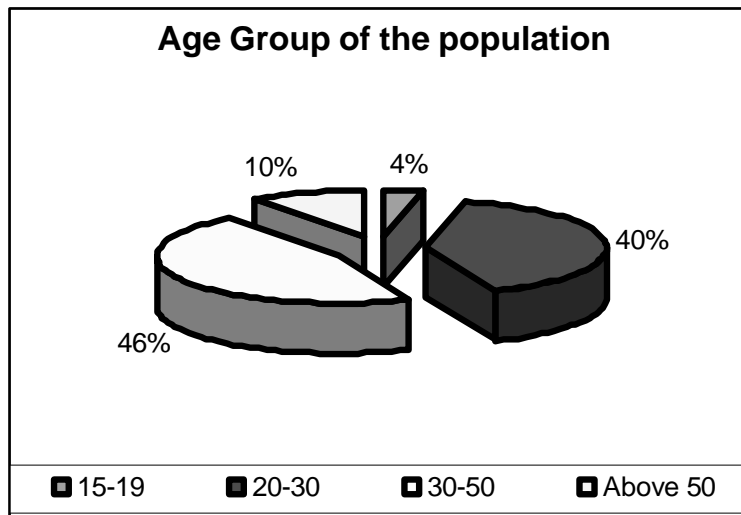
When we have made the study on the effectiveness of the women's acts mainly in implementation, it is the fact that

- i) How far there is an awareness about women's acts among the women.
- ii) How far women are utilizing the existing acts.
- iii) How far women come forward to lodge their complaints, grievances, etc against their own husband, brothers and any other relatives or who ever trouble them in society.
- iv) How far they are bold enough to reveal/complaint the injustice or the crimes caused against them.

- v) The capacity of the development sectors such as Social welfare department, district administration, Non- Government organizations (NGOs) to carry out the women development programmes
- vi) How far the other programme, FCC, legal Aid Centre and economy programme support to exercise women’s rights.

Age Group

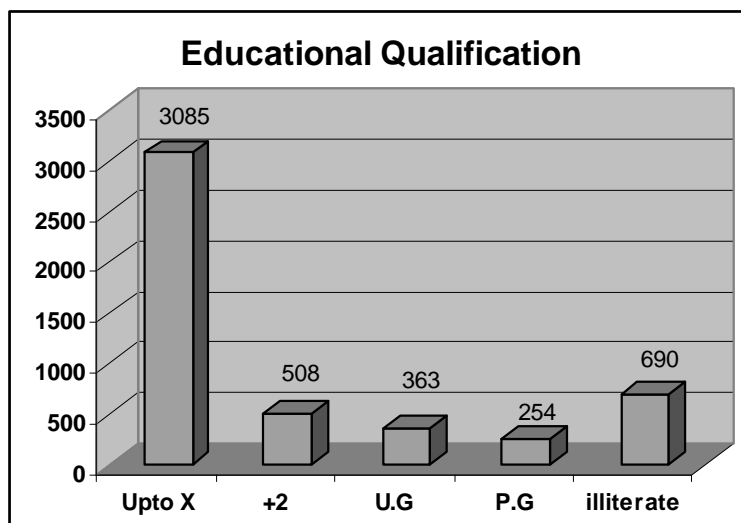
The evaluation questionnaire has been instrumented on 4900 persons. The questionnaire has been instrumented among women covering all the age groups. Four grouping, the first between 15 to 19, covering the younger generation, the second between 20 to 30 – covering college students, employed, to be married and newly married, the third between 30 to 50 – the middle and upper middle aged population and the fourth above 50 - the senior population, who are likely to have grown up son / daughter or son-in-law / daughter –in-law, having been in the life path for a longer period have been made.



46% of the interviewed women fall in the age group of 30 to 50. 86% of the population falls in the age group of 20 to 50, a group that could understand the reality and practicality of the world in a better manner. Among the remaining 14% of the population, 4% constitutes the age group of 15 to 19 and the balance 10% constitutes the age group of more than 58.

Educational Qualification

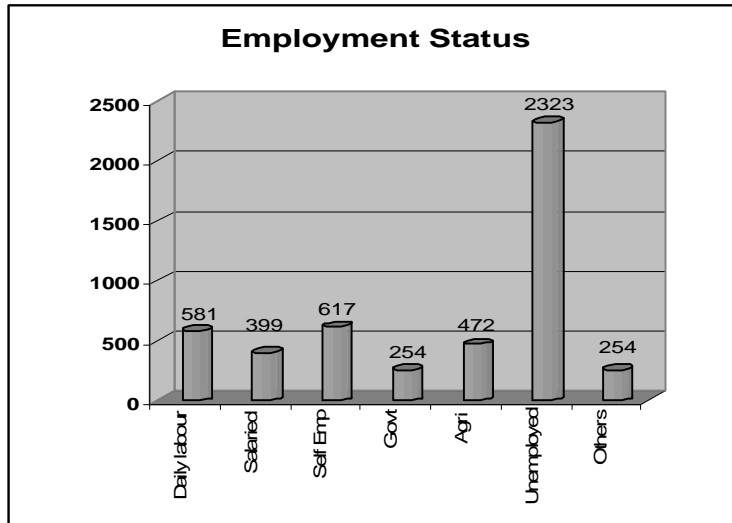
The literate population of the interviewers is in the order of 14% only. This aspect, in turn, is being used to check whether literacy has any influence or effect on the awareness of the existing laws available to protect women. Nearly 63% of the population has basic education. 13% of the women are either graduates or post graduates.



The evaluation reveals an interesting aspect on literacy. Of the sample interviewed, the percentage of illiterates in the age group above 50 is 40%. This has decreased to 27% in the age group 30 to 50 and further decreased to 3% in the age group of 20 to 30. This indicates the tendency of the interviewed women towards literacy.

Employment status

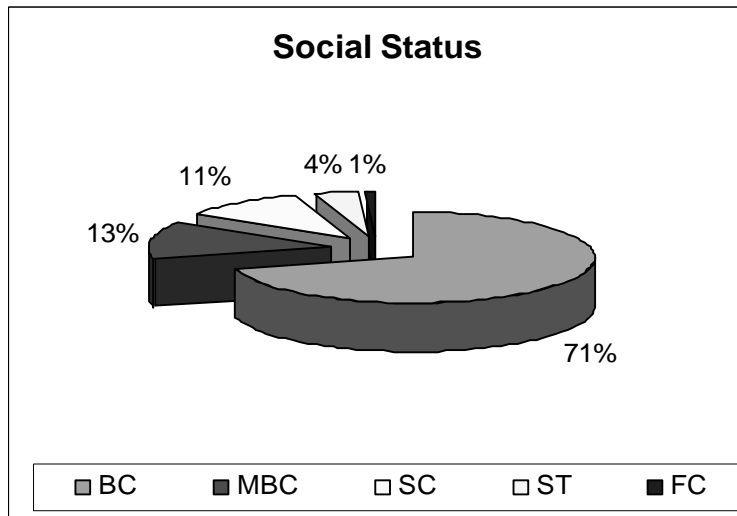
It is already mentioned that the literacy level of the women interviewed is good and 63% of the population is having the basic education. But, the unemployed makes 50% claim in this “employment status” category. Only 13% of the population has regular monthly income, either as a monthly salaried or as government employed. Almost, equal participation comes from self-employment sector and 22% of the women rely on agricultural related works.



The women claim that the self-employment is a reality due to the formation of Self Help Groups. This has given them confidence and support to find ways and means to start a business of their choice. This concept is likely to decrease the percentage of un-employment in the age sector of 30 to 50 and also among the illiterate sector.

Social Status

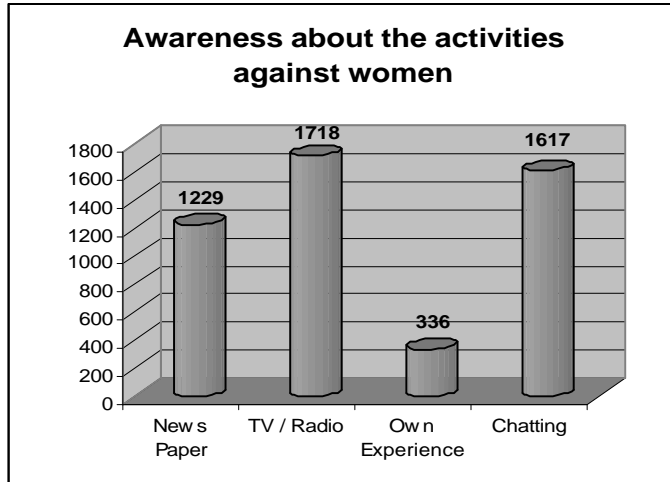
Care has been taken to include all the communities in the interviewing process. The major portion of the population interviewed is Backward Community. 71% of the population is from Backward Community. The remaining 29% of the representations comes from the Most Backward community, Forward community, Scheduled Caste and Scheduled Tribes.



The criteria on age group, educational qualification, employment and social status are the deciding factors of the quality of the study. Considering the importance and quality of the study, the questionnaire has been instrumented with utmost care, and the outcome is analyzed as below.

The women were questioned thus: **“Are you aware of the incidents that is taking place against women or against the interests of the women?”**

71% of the population gave a positive reply to the above mentioned question. The awareness has come to them through News Papers, TV / Radio, personal experiences, chatting with others and other modes like drama etc.



The TV / Radio is the main thrust area in bringing in this awareness on the activities against women among the women with basic education. The news spread through chatting among the daily labourers / farm or agriculturalists. The newspaper has a marginal claim in the educated sector. In some of the blocks, the awareness has come from activities like dramas.

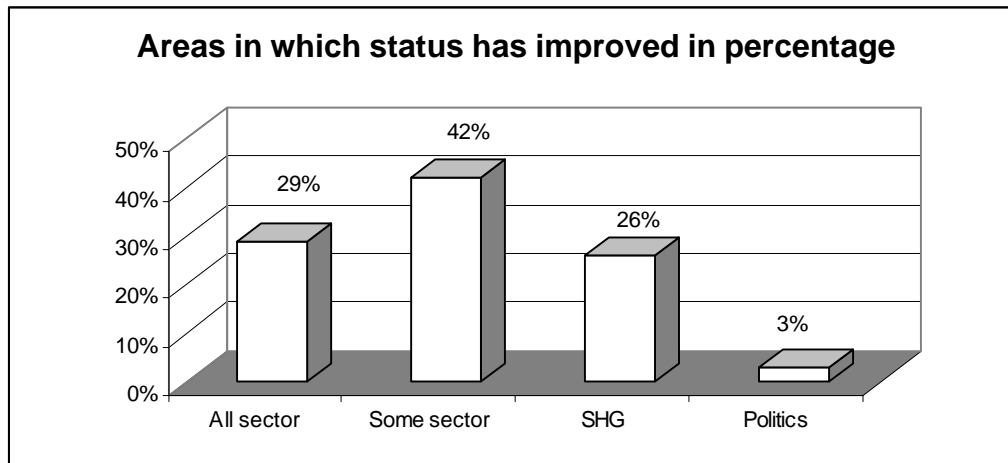
The study confirms that the women are aware of the activities that are going against women and they get the knowledge through many sources / modes like, TV / Radio, News Paper, Chatting and Personal experience.

The remaining 29% of the population, who are not aware of the activities against women are from the remote areas and mostly illiterates.

The next question posed is “ **Comparing the status of women in the past, do you think that there is improvement in the status of women at present – If Yes, in what sector?**”

The women population strongly believes that there is substantial development in the status of women in almost all the sectors. They agree that even in politics, the participation of women has improved.

77% of the population agrees that compared with the status of women in the past, there is a considerable improvement at present in the status of women. They feel that there is a contribution and participation in science, engineering, law and order, teaching and banking.



Some women have claimed that there is improvement in the business sector also. They feel that formation of women groups has improved the status of rural women in the society. The interviewed women have asked with the following question: **“Are you aware of the laws and acts that are in force to safeguard / protect the interests of women. If yes – What are all the laws known to you and how did you come to know about it?”**

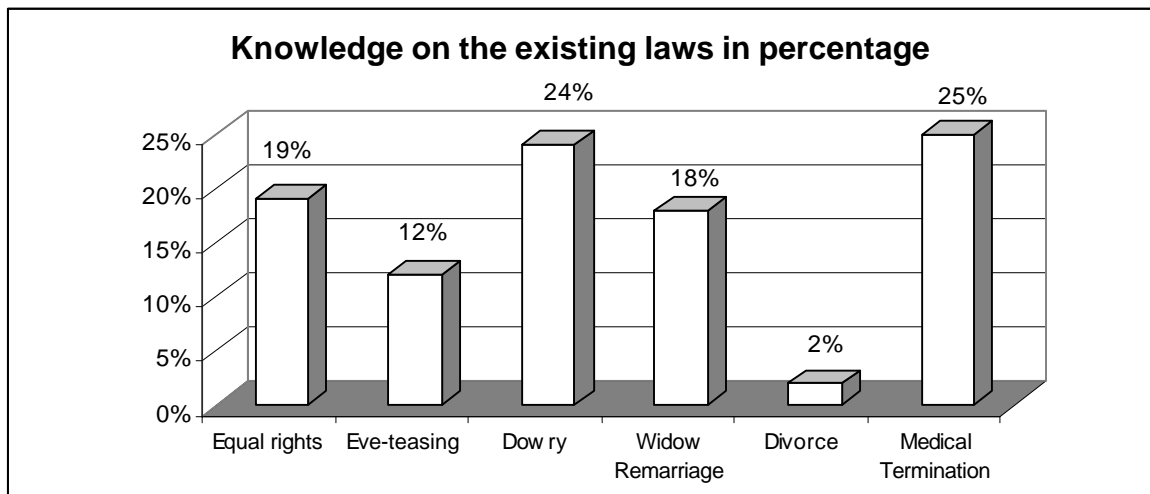
The TV and News Papers bring out the incidents of atrocities against women all over India. But, even then, only 50% of the population is aware that laws and acts are there to protect them. Even among the educated group, the awareness about the laws that exist at present to safeguard the interests of women has not reached to a desired level.

They are aware that there are laws on

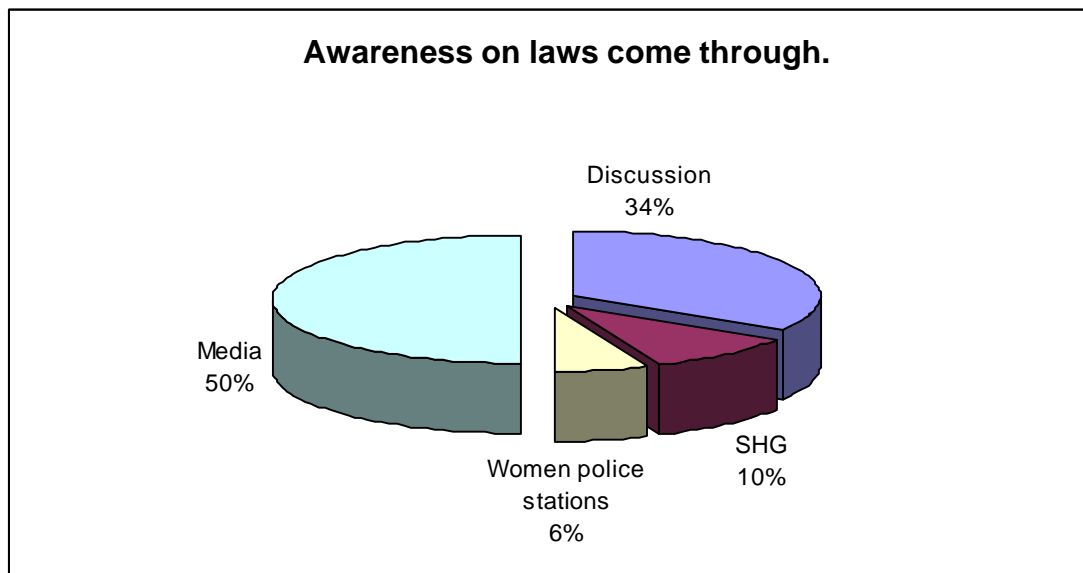
- Equal rights for women,
- Eve teasing,
- Dowry,
- Widow remarriage,

- Property rights,
- Divorce,
- Family courts.

The awareness is purely based on superficial paper reading or through the TV and they are not interested to know about the laws in a detailed manner. The major issue of allotting 33% in employment and educational opportunities for women are not well known among the population interviewed. Only 4% of the women know about this issue. Eve teasing and dowry deaths are largely known and that too because of the fact that the deaths are brought to their notice through the media in a wide range.

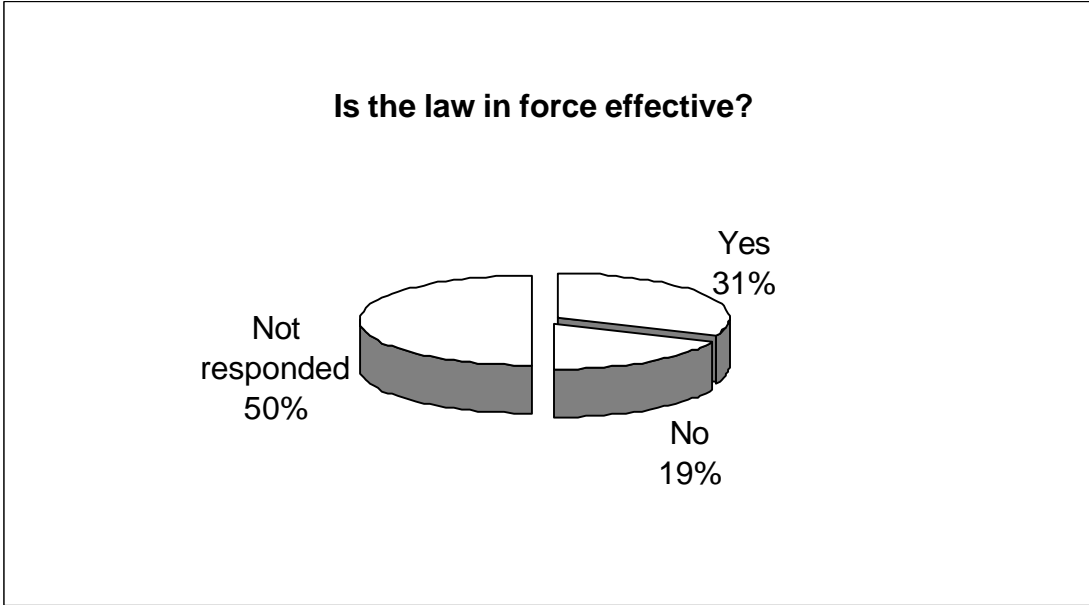


They have acquired this knowledge through newspaper, TV, radio, women police station, discussion with neighbours and Self Help Groups.

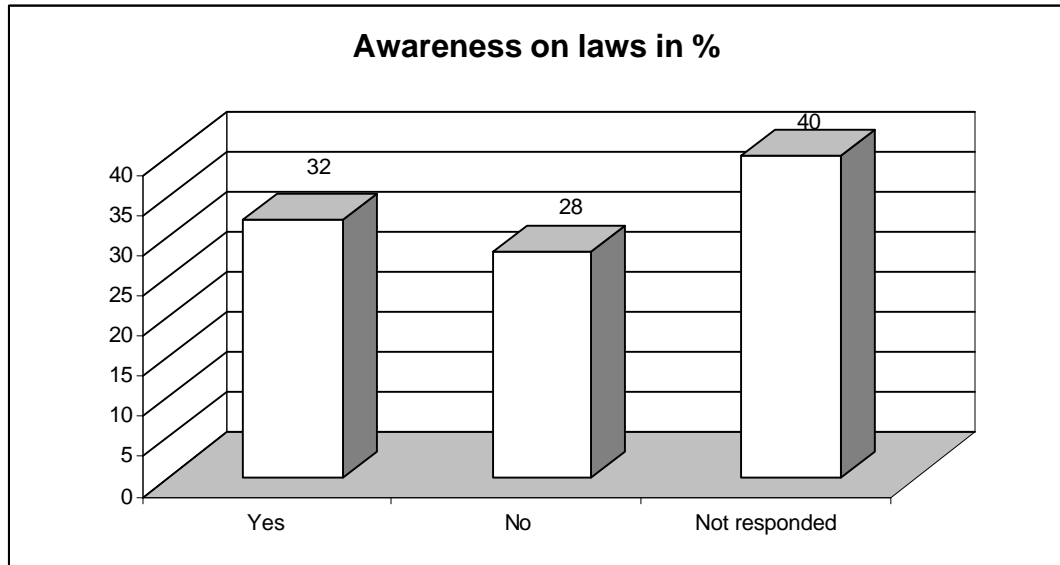


The respondents know that there are laws for women but they are not aware of the essence or the content of these laws/ acts.

To the question “**Whether these laws are enough to safeguard the interests of women?**” 19% of the women responded with a “No” and 50% of the population are not willing to respond to this question. Nearly one third of the women gave an affirmative answer to the above question and even these women have very little knowledge about the laws that exist to safeguard the interests of women. They can point out one or two laws and they are also not conversant with its content.

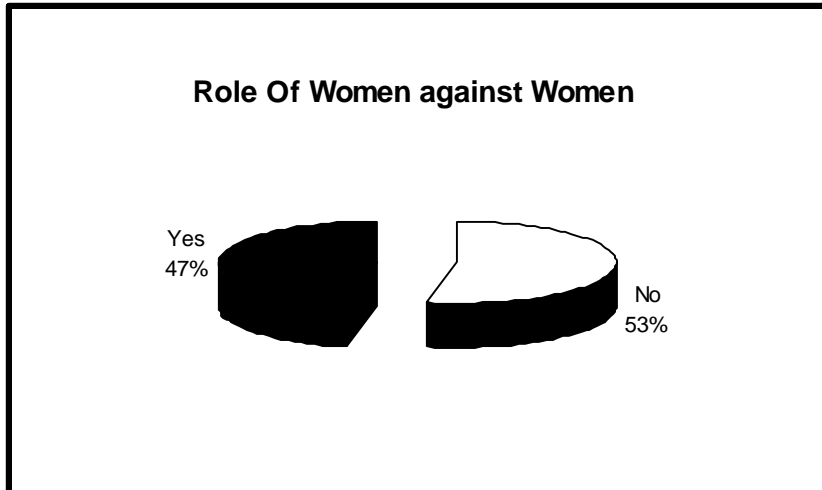


In general, they are of the opinion that the awareness has not reached the public and there is a missing link that needs the attention of the lawmakers and decision makers. They feel that the existing laws need to be strengthened further and the laws should be taken to the illiterate and the rural population. There is a general feeling that the law makers (Police) are many times the lawbreakers. 32% of the respondents have agreed that the awareness of laws for women has reached them. 40% of the population has not responded to the question **“Whether people have awareness that there are laws to safeguard the interests of women?”**.



The respondents strongly believe that the awareness can be taken to the public / women through Self Help Groups, women police stations and TV, radio and News Papers. The Women Police Stations have a high regard among the women and this aspect could be best utilized for creating awareness about the existing laws. By educating the panchayat leaders, they feel that the message will be taken through the villagers. They also voice for free legal centres in villages, so that the needy could get the necessary help. One of the solutions they vote for, is by education the awareness will improve.

Many of the respondents are of the opinion that the role of women is dominant in the atrocious activities against women. 47% of the women feel that the problem of women starts from women. Dowry and harassment are the two main areas, wherein; the role of women is predominant.



Ego, inferiority complex, social customs and lack of education are some of the reasons pointed out by the respondents for the above problems. The educated respondents feel that the Women police can play a major role in sorting out some of the issues like sexual harassment and dowry. Family counselling centres can make a difference in the minds of the villagers, since, very small matters are later growing into a “big picture” and that too for the sake of their society or others.

When a woman passes through several stages (childhood, girl, teenage, housewife, motherhood, old age) in her lifetime, she experiences various feelings, encounters many incidents and faces too many obstacles.

The Government of Tamil Nadu is implementing multi-various welfare schemes through Social Welfare Department with the sole aim of driving out the sorrowful darkness prevalent among all the stages of the women and giving them rays of hope and satisfaction in their lives.

Tamil Nadu Government is the pioneer one in setting up of an example for other states involving itself in Misery Eradication Programme relating to poor abandoned ladies, destitute widows etc.,

The Government of Tamil Nadu is granting financial assistance through various marriage Assistance Schemes with a view of girls having minimum required educational qualification and reducing the financial burden of parents to some extent in connection with their daughters' marriage. Likewise, the Government itself commits completely in the attempt of creating casteless and religionless society and grants financial assistance to those who have inter-caste marriages.

Saving linked micro credit scheme for women implemented by Cooperative Department, Mahalir Thittam and Marriage Assistance to orphan girls and widows' daughter implemented by Social Welfare and Nutritious Meal Programme Department and widow re-marriage scheme and inter-caste marriage scheme implemented by Social Reforms will be coordinated, monitored and implemented under the direct supervision of Chief Minister's Secretariat.

PROGRAMME FOR ECONOMIC DEVELOPMENT OF WOMEN

The Government of Tamil Nadu has taken several initiatives to empower the women economically. In order to make them self reliant, build self-confidence among them, to strengthen them financially and to deal effectively with adverse situation without difficulty various schemes have been implemented.

The Government has organized many industrial Women Co – operative Societies to provide gainful employment to women.

Marriage Assistance Schemes:

The Government of Tamil Nadu has been implementing various marriage assistance schemes. The details are given below.

Name of the Scheme	Quantum of Assistance	Eligibility Criteria
<p>1. Moovalur Ramamirtham Ammaiyar Ninaivu Thirumana Nidhi Uthavi Thittam (M. R. Ammaiyar was a famous woman Social Reformer in Tamil Nadu in the middle of the 20th Century. An active member of the Dravida Kazhagam and other rationalist affiliates.)</p>	<p>Rs. 10,000 By cheque Or Demand Draft</p>	<p>The bride must have appeared for 10th std. Examination. In case of Scheduled Tribe, the bride should have studied up to 5th Standard. Annual income should not exceed Rs. 12,000. Age: Bride should have completed 18 years of age. Only one daughter in a family is eligible to get this subsidy.</p>
<p>2. E.V.R. Maniammaiyar Poor widows' daughters' Marriage Assistance Scheme (The second wife of Thanthai Periyar EVR. She endowed her properties towards charitable trust)</p>	<p>Rs. 7000 By Cheque or Demand Draft</p>	<p>Widows whose income is below Rs.12, 000 per annum. Age 18 to 30 years. Only one daughter of the poor widow is eligible</p>
<p>3. Annai Teresa Orphan Girls Marriage Assistance Scheme</p>	<p>Rs. 7000/- by cheque or Demond Draft</p>	<p>Annual income should not exceed Rs. 12000 per annum. Bride's Age limit should be 20 to 30 years.</p>
<p>4. Dr. Dharmambal Ammainyar Ninaivu remarriage Scheme (widow re-marriage) A madras based Social Activist in the fifties of the last century)</p>	<p>Rs. 10,000 (Rs.7000 as NSC and Rs. 3000 as cheque)</p>	<p>No income ceiling. Bride's age limit should be 20 to 30 years</p>
<p>5. Anjugam Ammaiyar Ninaivu Kalappu Thirumana Nidhi Udhavi Thittam (Anjugam Ammaiyar was the mother of veteran leader of the DMK party in Tamil Nadu)</p>	<p>a. Rs.20000 (Rs.10000 as NSC and Rs. 10000 as cheque) b. Rs.10.000 (Rs.7000 as NSC and Rs. 3000 as cheque)</p>	<p>A, FC/BC/MBC with ST/SC Bride's age limit 20 to 30 years. B, FC with BC/MBC income ceiling exempted for both the cases. C, Application should be submitted within 2 years from the date of marriage of all cases.</p>

SI.No. 4 & 5 are under the control of the Social Reforms Department.

NATIONAL MATERNITY BENEFIT SCHEME

(Dr. Muthulakshmi Reddy Ninaivu Mahapperu Nithi Udhavi Thittam)

During the period of pregnancy, women need nutritious food, rest and protection from over work. Such precaution is needed not only for the child, they bear, but also essential for their own health and safe delivery. However, the customs of our society are such that women receive least importance in a family set-up.. Moreover, most of the poor rural women are forced to work during pregnancy to earn their daily wages. Government has therefore realized the importance of providing rest and good nutritious food to women. In order to achieve this, the Government of Tamil Nadu has been providing monetary assistance to women to compensate her for the loss of wages during the last 8 to 12 weeks of delivery. This timely assistance helps her to get essential nutrients in her diet under this scheme.

Institutional Care:

Service Homes

Widows, destitutes, orphans who are helpless and have no place to go need institutional care. Government has established Service Home in order to provide protection to such destitute women and to help them re-build their life once again. The Department of Social Welfare runs 6 Service Homes one each at Tambaram, Cuddalore, Salem. Thanjavur, Tirunelveli and Karaidudi. The Service Homes provide accommodation, food, education and vocational training to the inmates. The women are allowed to stay with their children for whom necessary educational facilities are also provided by the Service Homes.

Working Women's Hostel

Due to urbanization and educational and economic facilities extended towards the advancement of women; more and more women are seeking employment opportunities in modern days. This demand forces them to be a way from their home and families. As the opportunities for women to take up employment are increasing, the demand for accommodation is also on the increase. Most of these

women need good accommodation at reasonable rent and a safe environment to stay comfortably. In order to take care of such working women who do not have proper accommodation facilities in urban areas, government of Tamil Nadu has provided Working Women Hostels.

Partnership with Non-Governmental Organizations for the Development of Women.

Non- Governmental Organizations have direct access to the people as they work at the grass root level. In order to make use of the services of the NGOs, the Government is supporting them in providing Service Home for women and sanctioning grants for construction of working women's hostel.

OTHER SCHEMES FOR WOMEN:

Guidance Bureau

The main objective of the Guidance Bureau is to provide awareness and guidance to women about various schemes being implemented for their welfare and development. They help in processing the applications for bank loans besides guiding the people as to how they can avail the benefits extended by the government. The Guidance Bureau Officers also help the District Social Welfare Officers in dealing with the cases/ complaints relating to dowry harassment etc. Above all these officers act as a guide between the people and the Government.

Mahalir Mandrams (Women's welfare clubs)

Mahalir Mandrams (Women's welfare clubs) are the earliest groups of women at village level started in the year 1961. To start with these groups were instrumental in propagating various schemes meant for women and children. Slowly it has expanded its activities to other areas covering village level issues where the involvement of people is a must. Their self-confidence and awareness multiply when they come together in groups.

Free supply of Sewing Machine

With a view to increasing the employment potential and to lead a decent life, sewing machines are supplied free of cost to widows, deserted wives and destitute who are below the poverty line and to physically handicapped men and women.

Free supply of text books and note books for the children of poor widow.

The scheme of supply of free text books and notebooks is to benefit the children of poor widows whose family income is less than Rs.12,000/- per annum.

TAMIL NADU SOCIAL WELFARE BOARD

The Tamil Nadu Social Welfare Board, which was constituted in 1954, has been working for the upliftment of people living below poverty line through voluntary institutions in the state with the following objectives.

1. To promote setting up of Non-governmental Social Welfare Organizations.
2. To render technical and financial assistance to the voluntary institutions for better quality and standard of services and
3. To assess the programme aided by Government.

Tamil Nadu Commission for Women

To protect the rights and interests of women, Tamil Nadu Commission for women was constituted. It is headed by a Chairperson and 9 members. The commission's main responsibility is to work as an Advisory Body to Government to review the existing laws, policies and programmes for women and ensure that the interests of women are protected.

Though there are plenty of laws available for protecting the rights of women, there is hardly any awareness among women about these laws; the State Commission for Women acknowledges this fact. Until women are aware of the legal rights entitled for them, the benefits of various enactments cannot reach

them. The important Government functionaries, especially police, have been fully empowered to protect the rights of women. They are the authorities dealing with the issues of crime and violence against women. Our society still looks down upon the women who prefer to go to the police station to lodge a complaint and this attitude needs to be changed. The attitude of police force towards women needs an orientation keeping in view of the changing social fabric of our society.

The Government of Tamil Nadu has been implementing various welfare schemes not only for the upliftment of women but also for the poor children, in order to eliminate malnutrition as well as to improve their nutritional and health status.

The major objectives of Puratchi Thalaivar MGR Nutritious Meal Programme, integrated Child Development Services Scheme, World Bank Assisted ICDS – III are the periodical growth monitoring, health check-up, immunization and referral services, supplementary nutrition and pre-school education which are intended to improve the status of the deprived children.

THE TAMIL NADU CORPORATION FOR DEVELOPMENT OF WOMEN LIMITED

The Government has been implementing various Laws for the uplift of women. In this connection several schemes have been implemented by Tamil Nadu Corporation for Development of Women Ltd.

The Corporation is implementing four schemes viz.,

- *Mahalir Thittam* (Women's welfare scheme),
- Vocational Training Programme(VTP),
- Entrepreneurship Development Programme (EDP) and
- Women Recreation Centers (WRC) for Socio-economic empowerment of poor rural women in Tamil Nadu.

Annai Bangaru Ammaiyar Ninaivu Mahalir Thittam (Annai Bangaru Ammaiyar Memorial women's Welfare scheme)

A major project for the development and empowerment of poor rural women was put in place in may 1989 with assistance from the International Fund for Agricultural Development (IFAD). This is a unique partnership between the government, non-governmental organizations (NGOs) and commercial banks, with overall co-ordination responsibility with the Tamil Nadu corporation for Development of Women on behalf of the Government. The project is implemented through a network of women's self-help groups (SHGs) which have been established and nurtured with NGO support at the village level.

The core of the Tamil Nadu Women's Development Project is the formation of cohesive women's Self – Help Groups through voluntary membership, followed by orienting and training the women to strengthen their position in the social and economic arena. In the groups, rural women are encouraged to pool their savings on monthly basis, through a bank account and the fund sanctioned are granted as loan to the members. This common fund grows not only through individual contribution, but also by rotation of the money among group members in the form of internal loans. This activity also teaches the members calculation of principal and interest and the importance of repayment, thus contributing to financial discipline and functional literacy.

Vocational Training Programme(VTP):

The Government organizes employment oriented skill development training programme to the poor women.

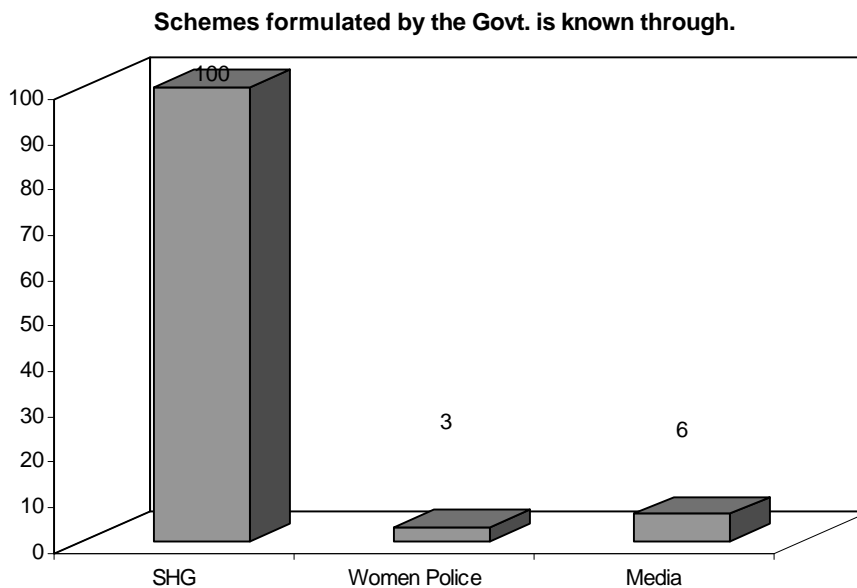
Entrepreneurship Development Programme:

The Government organizes trainings to train potential women entrepreneurs.

Women Recreation Centres:

Apart from the needs of nutrition, health, education, etc., the need of recreation for working poor women is very important. Accordingly, government approved the establishment of WRCs.

In addition to the above, the Government of India has also implemented many schemes for the welfare and upliftment of women. **Whether the beneficiaries are aware of the welfare schemes envisaged for them or are they in darkness** was the next question. 57% of the sampled population confirmed that they are aware of the schemes that are available for the uplift and development of women. To the majority of the women, around 90% the knowledge has come from the Self Help Groups. Even, they have the knowledge that schemes are available but they are unaware of the details of the schemes, whom to contact, what to do etc.,



There is a general apprehension that the schemes are not properly taken to the needy. The beneficiaries expect widespread propaganda of each scheme through TV, radio and newspapers.

CHAPTER - 7

CONCLUSION

The real status of women found from the survey, the status of Acts, the worthwhile suggestions to make them be aware of the Acts and to improve their status are dealt elaborately in this concluding chapter.

Observations / Findings

The concept “ status of women” eludes precise definition. Status can be perceived in different ways: the extent of a woman’s access to social and material resources within the family, community and society, or her authority or power within the family/ community and the prestige commanded from those other members or her position in the social system distinguishable from, yet related to other positions (Committee on the Status of Women in India, 1974), or the extent to which women have access to knowledge, economic resources and political power as well as the degree of autonomy they have in decision-making and making personal choices at crucial points in their life-cycle.

Women continue to be the victims of many and desirable practices. The present trend does not indicate that they would be able to achieve their legitimate rights. They have to work for change by creating the awareness that they are eligible for an enlightened life that men enjoy. Hence the greatest need of the hour is to raise social status of women. The ultimate goal of the equalization of men and women would materialize only when her complimentary rule is recognized.

To bring about such a change, they have to be informed of what legal and administrative provisions are available in the country. Being the deprived minority, they may not be able to bring out such a change on their own. Therefore intelligentia including men who have in respect for justice have to organize a drive. The efforts should include arousing the spirit of the government missionary.

With the above definition in mind, the evaluation has been taken and the observations and findings of the study are listed below.

1. 71% of the population is aware of the activities, incidents, actions that are

- taking place against the interests of women. The awareness has come to them through News Papers, TV/ Radio, personal experience, chatting with others and other modes like drama etc.
2. The study confirms that the women are aware of the activities, incidents and actions that are prevailing against them and they are receiving the knowledge through many sources / modes like, TV/ Radio, News Paper, Chatting and personal experiences.
 3. 77% of the population agrees that compared with the status of women in the past, there is considerable improvement at present.
 4. They feel that there are contributions and participation of women in their field such as Science, Engineering, Law and Order, teaching and banking and the status of women in these sectors have increased considerably.
 5. 50% of the population is aware that there are laws to protect the interests of women and this awareness has come to them through News Paper, TV, Self Help Groups and women police station.
 6. Women are aware that there are different laws to safeguard their different interests like Dowry menace, Hindu marriage, widow remarriage, eve teasing, divorce etc. Even though, they are aware that there are laws, they do not have sufficient knowledge on its content.
 7. Nearly 69% of the population is silent on the effectiveness of the existing laws. In general, they are of the opinion that the awareness has not reached the public. There is a feeling among the respondents that the existing laws are to be strengthened further and the laws should be taken to the illiterate and the rural population.
 8. The respondents are of the view that the awareness can be created among the public / women through Self Help Groups, Women Police stations and mass media and they feel that there is a missing link that needs the attention of the policy makers.
 9. The Women Police Stations seem to have a high place among the women in the rural sector and this channel could be best utilized for spreading widely the awareness regarding the implementation of such laws.

10. By educating the panchayat leaders, they feel that the messages will be taken to the villagers during the periodical meetings that are being conducted in the villages.
11. The respondents are aware that there are welfare schemes, to develop and to uplift the status of women, but the details are not known to them.
12. The “ Self Help Group” concept seems to play a major role in creating awareness among the rural women.

It can be clearly observed from this study that the efforts made by the Government for over four decades to bring women into the mainstream of society are slowly paying off.

Recommendations

The study recommends the following:

- Mass Media should have continuous programme in the form of advertisements during the prime time, explaining the salient features of the existing laws, its benefits, what to do, persons to contact etc.
- News papers must have a separate column on women’s acts, discussing the pros and cons, inviting discussions, examples with case studies, punishment, fine etc. This will not only expose the crimes against women but also will reinforce their minds that laws are there to protect them.
- The respondents confirm that educating women will automatically create the awareness. Education and training will surely open up avenues of self employment and awareness of their rights.
- The Self – Help Groups can be utilized to spread awareness among women. The schemes announced by the Government should reach the women through SHG.
- Counselling centres are to be established in villages, where the crimes against women are more. Free counselling on laws to change the minds of the persons involved and family counselling centres to create awareness will be another alternative.
- Periodical seminars/ workshops on different laws and acts should be

- organized in villages at regular intervals. The panchayat leaders or the members of SHG or NGO's can be trained first to take the messages to the women.
- Outsourcing is another alternative to training or taking the messages to the women.
- The respondents recommend distribution of small pamphlets on the existing laws in local languages.
- Women empowerment can be included as a subject or a part in social studies in schools.
- There exists a wide missing link between the administration and the beneficiaries in spreading the messages across women. This has to be set right.

Women must fight for their legitimate place in the society. They will have to come forward to educate themselves with the various laws that safeguard their lives. Proper training and legal awareness to women may play a significant role to assert their rights for peace, social progress and to achieve the desired objectives of socio-economic legislations meant for their own over-all development.

The recent statistics states that a woman is harassed every seven minutes in our country. The degree of harassment ranges from eve teasing to rape. Every human has to decide consciously to awake and to renounce in domestic, familial, social and economic hierarchies. There is a need for women to break the stranglehold of societal norms and give voice to their own concerns.

Even then there are constitutional provisions for equality, social justice and protection of women, we have come across a number of incidents regarding offenses against women especially rape, molestation, kidnapping, family violence, dowry, wife-beating, eve – teasing etc.

The deep-rooted social evil requires to be controlled not only by effective implementation of the Acts, but also by the Society. The Society has to find out ways and means of controlling and combating these menaces.

The Government, NGO's, women organization, the women development centers, Self Help Groups, leaders of panchayat villages, legal centers, every body shall take resolution to

- i) Strive for equality between men and women
- ii) Promote them to a higher position in economic, political, social and cultural life.
- iii) Promote their active participation for their own development and ultimately for their peace.
- iv) Educate the women be aware of all those Acts available to protect them and to promote their status and also utilize them properly without fear.

When we seriously intend to bring change in the existing pattern of education, awareness on laws and Acts will reach the students. This in turn will reach the entire women folk.

If these measures are adopted the status of women will definitely be raised. Once their status is raised, the nation will progress ultimately.

Date :

Signature of the Head of the Institution
Dr.N.Ramachandran
Principal

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**PERIYAR MANIAMMAI COLLEGE OF TECHNOLOGY FOR WOMEN
PERIYAR NAGAR, VALLAM - 613 403, THANJAVUR**

The objectives for responding to this questionnaire:-

- *To study whether the women are aware of their Acts.*
- *To know the adequacy of women's Legal Rights*
- *To study whether women have been empowered with these Acts.*
- *To know the way in which the women welfare organizations enable them to lead a legally protected life.*

1.	Name	
2.	Age	
3.	Village Name of the panchayat union (Orathanadu\Ammappettai\Mathukoor\ Pattukottai\Peravurani\Budalur\ Sethubhavachathiram\Pabanasam\ Thanjavur\Thiruvaiyaru\Thirvonam\ Kumbakonam\Thiruvidaimaruthur\ Thirupanandal)	
4.	Educational Qualification	
5.	Occupation	
6.	Classification of Community	FC/BC/MBC/SC/Others
7.	a. Total Women members in the family	
	b. If employed, number of women employees working with you	
8.	a. Do you know anything about injustice committed against women?	
	b. If yes, how (eg.-Newspaper & Group discussion)	
9.	Is the status of women improved today, compared to earlier days? Do you notice any visible change?	
	If yes, how	
	In which field?	
10.	a. Are you aware of any women's Act Being implemented now?	Yes/No

	b. If yes, state a few women's Acts that you know.	
	c. How do you know about these Acts?	
	d. Do you know anything about -injustice the article mentioned in the Act?	
11.	a. Do the existing women's Acts adequately protect the women's rights?	
	b. If not what kind of amendments must be made?.	
12.	a. Do you think that women are aware of their Acts?	
	b. If yes, can you suggest effective ways and means to create awareness, on these Acts among them	
	c. If not, suggest ways and means to create awareness among women about their Acts?	
13.	a. Do you think that women can also play a role in the injustice caused against women?	Yes/No
	b. If yes, what are the suggestions that you would like to give to alert the injustice?	
14.	a. Are you aware of government Acts implemented for women?	
	b. If yes, how did you know the Acts with which they are familiar?	
	c. If not ,how does the government take these points to the beneficiaries ?	
15.	Any other information would you like to furnish with respect to this field.	



Awareness Programme on Women Empowerment



Interview and data collection



Socio-Economic survey with village people



Interview with villagers



Socio-Economic data collection from the villagers



Awareness Programme on legal rights and Women issues for the staff



Awareness lecture about the Women's Acts
and their application for the villagers at
various villages



Awareness programme on legal rights and Women issues for self help group members



Interaction by the social welfare officer with villagers



Street play during the workshop on women empowerment



Awareness lecture about the women acts and its application to the women panchayat presidents



Interaction by the advocate with the Women panchayat presidents

LEGAL PROTECTION ACTS - Essence of all the acts

CRIMINAL PROCEDURE CODE, 1973

Section 125 - Order for maintenance of wives, children and parents (1)

If any person having sufficient means neglects or refuses to maintain-

1. His wife, unable to maintain herself, or
2. His legitimate or illegitimate minor child, whether married or not, unable to maintain itself, or
3. 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
4. His father or mother, unable to maintain himself or herself,

a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, father or mother, at such monthly rate not exceeding five hundred rupees in the whole, as such Magistrate thinks fit, and to pay the same to such person as the Magistrate may inform time to time direct:

Provided that the Magistrate may order the father of a minor female child referred to in clause (b) to make such allowance, until she attains her majority, if the Magistrate is satisfied that the husband of such minor female child if married is not possessed of sufficient means.

Explanation - For the purposes of this Chapter,

1. "Minor" means a person who, under the provisions of the Indian Majority Act, 1875 (9 of 1875) is deemed not to have attained his majority;
2. "Wife" includes a woman who has been divorced by, or has obtained a divorce from, her husband and has not remarried.

Such allowances shall be payable from the date of the order, or, if so ordered, from the date of the application for maintenance.

If any person so ordered fails without sufficient cause to comply with the order, any such Magistrate may, for breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines, and may sentence such person, for the whole or any part of each month's allowance remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment if sooner made:

Provided that no warrant shall be issued for the recovery of any amount due under this section unless application be made to the Court to levy such amount within a period of one year from the date on which it became due:

Provided further that if such person offers to maintain his wife on condition of her living with him, and she refuses to live with him, such Magistrate may consider any grounds of refusal stated by her, and may make an order under this section notwithstanding such offer, if he is satisfied that there is just ground for so doing.

Explanation - If a husband has contracted marriage with another woman or keeps a mistress, it shall be considered to be just ground for his wife's refusal to live with him.

No wife shall be entitled to receive an allowance from her husband under this section if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.

On proof that any wife in whose favour an order has been made under this section is living in adultery, or that without sufficient reason she refuses to live with her husband, or that they are living separately by mutual consent, the Magistrate shall cancel the order.

INDIAN PENAL CODE, 1860

Section 209, IPC - Obscene acts and songs - Whoever, to the annoyance of others:

- a) Does any obscene act in any public place or
- b) Sings, recites or utters any obscene song, ballad or words in or near any public place shall be punished with imprisonment of either description for a term which may extend to three months or with fine or both. (Cognisable, bailable and triable offense)

Section 354, IPC - Assault or criminal force to a woman with the intent to outrage her modesty - whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punishable with imprisonment of either description for a term which may extend to two years, or with fine or both.

Section 509, IPC - Word, gesture or act intended to insult the modesty of a woman - whoever intending to insult the modesty of any woman utters any word, makes any sound or gesture, or exhibits any object intending that such word or sound shall be heard, or that such gesture or object shall be seen by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or both. (Cognizable and bailable offence)

DOWRY PROHIBITION ACT, 1961

Section 4 - Penalty for demanding dowry:- If any person, after the commencement of this Act, demands, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both :

Provided that no Court shall take cognizance of any offence under this section except with the previous sanction of the State Government or of such officer as the State Government may, by general or special order, specify in this behalf.

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

Section 6 - Dowry to be for the benefit of the wife or her 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 -
 - a. If the dowry was received before marriage, within one year after the date of marriage ; or
 - b. If the dowry was received at the time of or after the marriage, within one year after the date of receipt ; or
 - c. If the dowry was received when the woman was a minor within one year 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) and within the time limit therefore, she shall be punishable with imprisonment, which may extend to six months or with fine which may extend to five thousand rupees, or with both; but such punishment shall not absolve the person from his obligation to claim it from the property as required by sub-section (1).
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.
4. Nothing contained in this section shall affect the provisions of section 3 or 4.

COMMISSION OF SATI (PREVENTION) ACT, 1987

(No. 3 of 1988)

An Act to provide for more effective prevention of the commission of sati and its glorification and for matters connected therewith or incidental thereto.

Whereas *sati* or the burning or burying alive of widows or women is revolting to the feelings of human nature and nowhere enjoined by any of the religions of India as an imperative duty;

And whereas it is necessary to take more effective measure to prevent the commission of sati and its glorification;

Be it enacted by Parliament in the Thirty-eighth Year of Republic of India as follows:

Preliminary

1. Short title, extent and commencement.- (1) This Act may be called the Commission of Sati (Prevention) Act, 1987.

It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force in a State on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States.

2. Definitions.- (1) In this Act, unless the context otherwise requires.-

(a) "Code" means the Code of Criminal Procedure, 1973 (2 of 1974);

(b) "Glorification" in relation to *sati*, whether such *sati*, was committed before or after the commencement of this Act, includes, among other things.-

- (i) The observance of any ceremony or the taking out of a procession in connection with the commission of *sati*; or
 - (ii) The supporting, justifying or propagating the practice of *sati* in any manner; or
 - (iii) The arranging of any function to eulogies the person who has committed *sati*; or
 - (iv) The creation of a trust, or the collection of funds, or the construction of temple or other structure or the carrying on of any form of worship or the performance of any ceremony thereat, with a view to perpetuate the honour of, or to preserve the memory of, a person who has committed *sati*;
- (c) "*Sati*" means the burning or burying alive of –
- (i) Any widow along with the body of her deceased husband or any other relative or with any article, object or thing associated with the husband or such relative; or
 - (ii) Any woman along with the body of any of her relatives, irrespective of whether such burning or burying is claimed to be voluntary on the part of the widow or the women or other-wise;
- "Special Court" means a Special Court constituted under Sec.9;
- (e) "Temple" includes any building or other structure, whether roofed or not, constructed or made to preserve the memory or a person in respect of whom *sati* has been committed or used or intended to be used for the carrying on of any form of worship or for the observance of any ceremony in connection with such commission.
- (2) Words and expressions used but not defined in this Act and defined in the Indian Penal Code (45 of 1860) or in the Code shall have the same meanings as are respectively assigned to them in the Indian Penal Code or the Code.

Punishment for offences relating to *Sati*

3. Attempt to commit *sati*.- Notwithstanding anything contained in the Indian Penal Code (45 of 1860), whoever attempts to commit *sati* and does any act towards such commission shall be punishable with imprisonment for a term which may extend to one year or with fine or with both:

Provided that the Special Court trying an offence under this section shall, before convicting any person, take into consideration the circumstances leading to the commission of the offence, the act committed, the state of mind of the person charge of the offence at the time of the commission of the act and all other relevant factors.

4. Abetment of *sati*.-

- (1) Notwithstanding anything contained in the Indian Penal Code (45 of 1860) if any person commits *sati*, whoever abets the commission of such *sati*, either directly or indirectly, shall be punishable with death or imprisonment for life and shall also be liable to fine.
- (2) If any person attempts to commit *sati*, whoever abets such attempt, either directly or indirectly, shall be punishable with imprisonment for life and shall also be liable to fine.

Explanation.- For the purposes of this section, any of the following acts or the like shall also be deemed to be an abetment, namely:

- (a) Any inducement to a widow or woman to get her burnt or buried alive along with the body of her deceased husband or with any other relative or with any article, object or thing associated with the husband or such relative, irrespective of whether she is in a fit state of mind or is labouring under a state of intoxication or stupefaction or other cause impeding the exercise of her free will;

- (b) Making a widow or woman believe that the commission of *sati* would result in some spiritual benefit to her or her deceased husband or relative or the general well being of the family;
- (c) Encouraging a widow or woman to remain fixed in her resolve to commit *sati* and thus instigating her to commit *sati*;
- (d) Participating in any procession in connection with the commission of *sati* or aiding the widow or woman in her decision to commit *sati* by taking her along with the body of her deceased husband or relative to the cremation or burial ground;
- (e) Being present at the place where *sati* is committed as an active participant to such commission or to any ceremony connected with it;
- (f) Preventing or obstructing the widow or woman from saving herself from being burnt or buried alive;
- (g) Obstructing, or interfering with, the police in the discharge of its duties of taking any steps to prevent the commission of *sati*.

5. Punishment for glorification of sati.- Whoever does any act for the glorification of *sati* shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than five thousand rupees but which may extend to thirty thousand rupees.

Powers of Collector or District Magistrate to prevent offences relating to Sati

6. Power to prohibit certain acts.-

- (1) Where the Collector or the District Magistrate is of the opinion that *sati* or any abetment thereof is being, or is about to be committed, he may, by order, prohibit the doing of any act towards the commission of *sati* by any person in any area or areas specified in the order.
- (2) The Collector or the District Magistrate may also, by order, prohibit the glorification in any manner of *sati* by any person in any area or areas specified in the order.
- (3) Whoever contravenes any order made under sub-section (1) or sub-section (2) shall, if such contravention is not punishable under any other provision of this Act, be punishable with imprisonment for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than five thousand rupees but which may extend to thirty thousand rupees.

7. Power to remove certain temples or other structures.-

- (1) The State Government may, if it is satisfied that any temple or other structure which has been in existence for not less than twenty years, any form of worship or the performance of any ceremony is carried on with a view to perpetuate the honour of or to preserve the memory of, any person in respect of whom *sati* has been committed, by order, direct the removal of such temple or other structure.
- (2) The Collector or the District magistrate may, if he is satisfied that in any temple or other structure, other than that referred to in sub-section (1) , any form of worship or the performance of any ceremony is carried on with a view to perpetuate the honour of, or to preserve the memory of, any person in respect of whom *sati* has been committed, by order, direct the removal of such temple or other structure.

- (3) Where any order under sub-section (1) or sub-section (2) is not complied with, the State Government or the Collector or the District Magistrate, as the case may be, shall cause the temple or other structure to be removed through a police officer not below the rank of a Sub-Inspector at the cost of the defaulter.

8. Power to seize certain properties.-

- (1) Where the Collector or the District Magistrate has reason to believe that any funds or property have been collected or acquired for the purpose of glorification of the commission of any *sati* or which may be found under circumstances which create suspicion of the commission of any offence under this Act, he may seize such funds or property.
- (2) Every Collector or District Magistrate acting under sub-section (1) shall report the seizure to the Special Court, if any, constituted to try any offence in relation to which such funds or property were collected or acquired and shall await the orders of such Special Court as to the disposal of the same.

Special Courts

9. Trial of offences under this Act.-

- (1) Notwithstanding anything contained in the Code, all offences under this Act shall be triable only by a Special Court constituted under this section.
- (2) The State Government shall, by notification in the official Gazette, constitute one or more Special Courts for the trial of offences under this Act and every Special Court shall exercise jurisdiction in respect of the whole or such part of the State as may be specified in the notification.

- (3) A Special Court shall be presided over by a judge to be appointed by the State Government with the concurrence of the Chief Justice of the High Court.
- (4) A person shall not be qualified for appointment as a judge of a Special Court unless he is, immediately before such appointment, a Sessions Judge or an Additional Sessions Judge in any State.

10. Special Public Prosecutor.-

- (1) For every Special Court, the State Government shall appoint a person to be a Special Public Prosecutor.
- (2) A person shall be eligible to be appointed as a Special Public Prosecutor under this section only if he had been in practice as an advocate for not less than seven years or has held any post for a period of not less than seven years under the State requiring special knowledge of law.
- (3) Every person appointed as a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of Cl. (u) of Sec. 2 of the Code and the Provisions of the Code shall have effect accordingly.

11. Procedure and powers of Special Courts.-

- (1) A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence, or upon a police report of such facts.
- (2) Subject to the other provisions of this Act, a Special Court shall for the purpose of the trial of any offence, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session, so far as may be, in accordance with the procedure prescribed in the Code for trial before a Court of Session.

12. Power of Special Court with respect to other offences.-

- (1) When trying any offence under this Act, a Special Court may also try any other offence with which the accused may, under the Code, be charged at the same trial if the offence is connected with such other offence.
- (2) If, in the course of any trial of any offence under this Act it is found that the accused person has committed any other offence under this Act or any other law, a Special Court may convict such person also of such other offence and pass any sentence authorised by this Act or such other law for the punishment thereof.
- (3) In every inquiry or trial, the proceedings shall be held as expeditiously as possible and, in particular, where the examination of witnesses has begun, the same shall be continued from day to day until all the witnesses in attendance have been examined, and if any Special Court finds the adjournment of the same beyond the following date to be necessary, it shall record its reasons for doing so.

13. Forfeiture of funds or property – Where a person has been convicted of an offence under this Act, the Special Court trying such offence may, if it is considered necessary so to do, declare that any funds or property seized under Sec. 8 shall stand forfeited to the State.

14. Appeal.- Notwithstanding anything contained in the Code, an appeal shall lie as a matter of right from any judgement, sentence or order, not being an interlocutory order, of a Special Court to the High Court both of facts and on law.

- (2) Every appeal under this section shall be preferred within a period of thirty days from the date of judgment , sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days.

Miscellaneous

15. Protection of action taken under this Act.- No suit, prosecution or other legal proceeding shall lie against the State Government or any officer or authority of the State Government for anything which is in good faith done or intended to be done in pursuance of this Act or any rules or orders made under this Act.

16. Burden of proof.- Where any person is prosecuted of an offence under Sec. 4, the burden of proving that he had not committed the offence under the said section shall be on him.

17. Obligation of certain persons to report about the commission of offence under this Act.- (1) All officers of Government are hereby required and empowered to assist the police in the execution of the provisions of this Act or any rule or order made there under.

(2) All village officers and such other officers as may be specified by the Collector or the District Magistrate in relation to any area and the inhabitants of such area shall, if they have reason to believe or have the knowledge that *sati* is about to be, or has been, committed in the area shall forthwith report such fact to the nearest police station.

(3) Whoever contravenes the provision of sub-section (1) or sub-section (2) shall be punishable with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

18. Person convicted of an offence under Sec. 4 to be disqualified from inheriting certain properties.- A person convicted of an offence under sub-section (1) of Sec. 4 in relation to the commission of *sati* shall be disqualified

from inheriting the property of the person in respect of whom such *sati* has been committed or the property of any other person which he would have been entitled to inherit on the death of person in respect of whom such *sati* has been committed.

Amendment of Act 43 of 1951.- In the Representation of the People Act, 1951.-

(a) In Sec. 8, in sub-section (2) after the proviso, the following proviso shall be inserted, namely;

"Provided further that a person convicted by a Special Court for the contravention of any of the provisions of the Commission of Sati (Prevention) Act, 1987 shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of five years since his release";

(b) In Sec. 123 after Cl.(3-A), the following clause shall be inserted, namely:

"(3-B) The propagation of the practice or the commission of sati or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

Explanation.- For the purpose of this clause, "*sati*" and "glorification" in relation to *sati* shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987."

20. Act to have overriding effect.- The provision of this Act or any rule or order made there under shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

21. Power to make rules.-

- (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.
- (2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal of existing laws.-

- (1) All laws in force in any State immediately before the commencement of this Act in that State which provide for the prevention or the glorification of *sati* shall, on such commencement, stand repealed.
- (2) Notwithstanding, such repeal, anything done or any action taken under any law repealed under sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of this Act, and, in particular, any case taken cognizance of by a Special Court under the provisions of any law so repealed and pending before it immediately before the commencement of this Act in that State shall continue to be dealt with by that Special Court after such commencement as if such Special Court had been constituted under Sec. 9 of this Act.

COMMISSION OF SATI (PREVENTION) RULES, 1988

G.S.R. 360 (E), dated 21st March, 1988.- In exercise of the powers conferred by Sec. 21 of the Commission of Sati (Prevention) Act, 1987 (3 of 1988), the Central Government hereby makes the following rules, namely:

1.Short title and commencement.-

- (1) These rules may be called the Commission of Sati (Prevention) Rules, 1988.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.- (1) In these rules, unless the context otherwise requires,-

"Act" means the Commission of Sati (Prevention) Act, 1987 (3 of 1988);

"Prohibitory order" means an order issued under Sec. 6;

"Section" means section of the Act.

(2) Words and expressions used but not defined in these rules and defined in the Act shall have the same meanings as are respectively assigned to them in the Act.

3. Delegation of power to prohibit certain acts.- (1) The State Government may, by order and subject to such conditions as it may deem fit to impose, direct that the powers of the Collector or the District Magistrate under Sec. 6 may also be exercised by such other officers not below the rank of the village officers.

4. Prohibitory orders under Sec. 6, how made.- (1) Every prohibitory order under Sec. 6 shall be made by beat of drum or other customary mode, in the concerned village, or in case of town or city, in the locality in which the act prohibited is likely to occur or has taken place.

(2) The prohibitory order shall be displayed at some conspicuous place in the area or areas to which such acts relates and a copy thereof shall also be displayed in the office of the officer issuing the prohibitory order and such display shall be taken as a sufficient notice to all persons concerned in the area of areas to which such order relates.

5. Manner of making order for removal of temples or structures under sub-section (1) of Sec. 7-

(1) Before making any order under sub-section (1) of Sec. 7 for removal of any temple or structure, the State Government or any other officer authorized by the State Government in this behalf, shall give at least ninety days' notice to the person or persons involved in the acts complained of, and also to the owners and occupiers of the temple or structure proposed to be removed.

(2) The notice under sub-rule (1) shall specify-

(1) The temple/structure proposed to be removed, its location and other particulars,

(2) The owners/occupiers of the temple/structure, and

(3) The specific instance or instances or worship or ceremony contravening the provisions of Sec.7.

(3) The Government or the officer authorized by the State Government in this behalf shall, after giving reasonable opportunity of being heard to the persons specified in the notice, order the removal of the temple or structure through a police not below the rank of the Sub-Inspector.

6. Manner of making order for removal of temples or structures under sub-section (2) of Sec. 7.-(1) After issue of a prohibitory order under Sec. 6, the

Collector or the District Magistrate, or such other officer as directed by the State Government by order under rule 3 shall, before making any order for removal of any temple or structure under sub-section (2) of Sec. 7 give at least ninety days' notice to the owners and occupiers of the temple or structure proposed to be removed.

(2) The Collector of the District Magistrate, or such other officer as directed by the State Government by order under rule 3, shall follow the provisions of sub-rules (2) and (3) of rule 4 in the case of orders made under this rule.

7. Inventory and forfeiture of the property of temple or structure.- As soon as the order of removal of the temple or structure is executed, the State Government or the Collector or the District Magistrate, or as the case may be, the officer as directed by the State Government by order under rule 3, shall prepare an inventory of all the material and other property obtained after removal of such temple or structure specifying in it the place where it is lodged or kept, and shall forward the intimation thereof to the Special court for declaration of forfeiture of the said material or property to the State under Sec. 13 , if the Special Court considers it necessary so to do, and shall also give a copy of the inventory to the owners/occupiers of the temple/structure removed.

HINDU MARRIAGE ACT 1955

Section 11 - Void marriages:- Any marriage solemnized after the commencement of this Act shall be null and void and may, on a petition presented by either party thereto against the other party, be so declared by a decree of nullity if it contravenes any one of the conditions specified in clauses (i), (iv) and (v) of section 5.

Section 12 - Voidable marriages :- Any marriage solemnized, whether before or after the commencement of this Act, shall be voidable and may be annulled by a decree of nullity on any of the following grounds, namely:-

- a. That the marriage has not been consummated owing to the impotence of the respondent; or
- b. That the marriage is in contravention of the condition specified in clause (ii) of section 5; or
- c. That the consent of the petitioner, or where the consent of the guardian in marriage of the petitioner was required under section 5 as it stood immediately before the commencement of the Child Marriage Restraint (Amendment) Act, 1978 (2 of 1978), the consent of such guardian was obtained by force or by fraud as to the nature of the ceremony or as to any material fact or circumstance concerning the respondent; or
- d. That the respondent was at the time of the marriage pregnant by some person other than the petitioner.

Notwithstanding any contained in sub-section (1), no petition for annulling a marriage:-

- a. On the ground specified in clause (c) of sub-section (1) shall be entertained if:-
 - i. The petition is presented more than one year after the force had ceased to operate or, as the case may be, the fraud had been discovered; or
 - ii. The petitioner has, with his or her full consent, lived with the other party to the marriage as husband or wife after the force had ceased to operate or, as the case may be, the fraud had been discovered;
- b. On the ground specified in clause (d) of sub-section (1) shall be entertained unless the court is satisfied:-
 - i. That the petitioner was at the time of the marriage ignorant of the facts alleged;

- ii. That proceedings have been instituted in the case of a marriage solemnized before the commencement of this Act within one year of such commencement and in the case of marriages solemnized after such commencement within one year from the date of the marriage; and
- iii. That marital intercourse with the consent of the petitioner has not taken place since the discovery by the petitioner of the existence of the said ground.

Section 13 - Divorce :-

1. Any marriage solemnized, whether before or after the commencement of this Act, may, on a petition presented by either the husband or the wife, be dissolved by a decree of divorce on the ground that the other party
 - i. Has, after the solemnization of the marriage, had voluntary sexual intercourse with any person other than his or her spouse; or
 - ii. Has, after the solemnization of the marriage, treated the petitioner with cruelty; or
 - iii. Has deserted the petitioner for a continuous period of not less than two years immediately preceding the presentation of the petition; or the passing of a decree for restitution of conjugal rights in a proceeding to which they were parties.
2. A wife may also present a petition for the dissolution of her marriage by a decree of divorce on the ground;
 - i. In the case of any marriage solemnized before the commencement of this Act, that the husband had married again before such commencement or that any other wife of the husband married before such commencement was alive at the time of the solemnization of the marriage of the petitioner;

Provided that in either case the other wife is alive at the time of the presentation of the petition; or

- ii. That the husband has, since the solemnization of the marriage, been guilty of rape, sodomy or bestiality; or
- iii. That in a suit under section 18 of the Hindu Adoption and Maintenance Act, 1956(78 of 1956), or in a proceeding under section 125 of the Code of Criminal Procedure , 1973 (2 of 1974) (or under the corresponding section 488 of the Code of Criminal Procedure, 1898 (5 of 1898), a decree or order, as the case may be, has been passed against the husband awarding maintenance to the wife notwithstanding that she was living apart and that since the passing of such decree or order, cohabitation between the parties has not been resumed for one year or upwards;
- iv. That her marriage (whether consummated or not) was solemnized before she attained the age of fifteen years and she has repudiated the marriage after attaining the age of eighteen years.

Explanation :- This clause applies whether the marriage was solemnized before or after the commencement of the Marriage Laws (Amendment) act, 1976 (68 of 1976).

Section 13B - Divorce by mutual consent:-

1. Subject to the provisions of this Act a petition for dissolution of marriage by decree of divorce may be presented to the district court by both the parties to a marriage together, whether such marriage was solemnized before or after the commencement of the marriage Laws (Amendment) Act 1976 (68 of 1976), on the ground that they have been living separately for a period of one year or more, that they have not been able to live together and that they have mutually agreed that the marriage should be dissolved.
2. On the motion of both the parties made not earlier than six months after the date of the presentation of the petition referred to in sub-section (1) and not later than eighteen months after the said date, if the petition is not

withdrawn in the meantime, the court shall, on being satisfied, after hearing the parties and after making such inquiry as it thinks fit, that a marriage has been solemnized and that the averments in the petition are true, pass a decree of divorce declaring the marriage to be dissolved with effect from the date of the decree.

Section 16 - Legitimacy of children of void and voidable marriages :-

1. Notwithstanding that marriage is null and void under Section 11, any child of such marriage who would have been legitimate if the marriage had been valid, shall be legitimate, whether such child is born before or after the commencement of the Marriage Laws (Amendment) Act, 1976 (68 of 1976), and whether or nor a decree of nullity is granted in respect of that marriage under this Act and whether or nor the marriage is held to be void otherwise than on petition under this Act.
2. Where a decree of nullity is granted in respect of a voidable marriage under section 12, any child begotten or conceived before the decree is made, who would have been the legitimate child of the parties to the marriage if at the date of the decree it had been dissolved instead of being annulled, shall be deemed to be their legitimate child notwithstanding the decree of nullity,
3. Nothing contained in sub-section (1) or sub-section (2) shall be construed as conferring upon any child of a marriage which is null and void or which is annulled by a decree of nullity under section 12, any rights in or to the property of any person, other than the parents, in any case where, but for the passing of this Act, such child would have been incapable of possessing or acquiring any such rights by reason of his not being the legitimate child of his parents.

Section 26 - Custody of child :- In any proceeding under this Act, the court may, from time to time, pass such interim orders and made such provisions in the decree as it may deem just and proper with respect to the custody, maintenance

and education of minor children, consistently with their wishes, wherever possible, and may, after the decree, upon application by petition for the purpose, make from time to time, all such orders and provisions with respect to the custody, maintenance and education of such children as might have been made by such decree or interim orders in case the proceeding for obtaining such decree were still pending, and the court may also from time to time revoke, suspend or vary any such orders and provisions previously made.

HINDU MINORITY ACT GUARDIANSHIP ACT, 1956

Section 6 - Natural guardians of a Hindu minor :- The natural guardian of a Hindu minor, in respect of the minor's person as well as in respect of the minor's property (excluding his or her undivided interest in joint family property), are –

- a. In the case of a boy or an unmarried girl-the father, and after him, the mother; provided that the custody of a minor who has not completed the age of five years shall ordinarily be with the mother;
- b. In case of an illegitimate boy or an illegitimate unmarried girl-the mother, and after her, the father;
- c. In the case of a married girl-the husband:

Provided that no person shall be entitled to act as the natural guardian of a minor under the provisions of this section-

- a. If he has ceased to be a Hindu, or
- b. If he has completely and finally renounced the world by becoming a hermit (vanaprastha) or an ascetic (yati or sanyasi).

Explanation :- In this section the expression “father” and “mother” do not include a step-father and a step-mother.

Section 13 - Welfare of minor to be paramount consideration :-

1. In the appointment or declaration of any person as guardian of a Hindu minor by a Court, the welfare of the minor shall be the paramount consideration.
2. No person shall be entitled to the guardianship by virtue of the provisions of this Act or of any law relating to guardianship in marriage among Hindus, if the Court is of opinion that his or her guardianship will not be for the welfare of the minor.

Child Marriage Restraint Act, 1929

(XIX OF 1929)

An Act to restraint the solemnization of child marriages.

Whereas it is expedient to restrain the solemnization of child marriages:

It is hereby enacted as follows:

1. Short titled, extent and commencement.

- (1) This Act may be called the Child Marriage Restraint Act (1929).
- (2) It extends to the whole of Pakistan and applies to all citizens of Pakistan wherever they may be.
- (3) It shall come into force on the 1st day of April, 1939.

2. Definitions.

In this Act, unless there is anything repugnant in the subject or context,

- (a) "Child" means a person who, if a male, is under eighteen years of age, and if a female, is under sixteen years of age;

- (b) "Child marriage" means a marriage to which either of the contracting parties is a child;
- (c) "Contracting party" to a marriage means either of the parties whose marriage is or is about to be thereby solemnized;
- (d) "Minor" means person of either sex who is under eighteen years of age,
- (e) "Union Council" means the Union Council or the Town Committee constituted under the Law relating to Local Government for the time being in force.

PUNJAB AMENDMENT IN SECTION 2:

- (i) At the end of clause ©, the word "and" shall be added;
- (ii) The comma appearing at the end of clause (d) shall be replaced by a full stop; and
- (iii) Clause e shall be omitted.

Punjab Ordinance, 23 of 1971

3. Omitted by Muslim Family Laws Ordinance, 1961 (VIII of 1961 S. 12 (w.e.f. 15.07.1961).

4. Punishment for male adult above eighteen years of age marrying a child.

Whoever, being a male above eighteen years of age, contracts child marriage shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

5. Punishment for solemnizing a child marriage.

Whoever performs, conducts or directs any child marriage shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both, unless he proves that he had reason to believe that the marriage was not a child marriage.

6. Punishment for parent or guardian concerned in a child marriage.

(1) Where a minor contracts a child marriage any person having charge of the minor, whether as parent or guardian or in any other capacity, lawful or unlawful, who does any act to promote the marriage or permits it to be solemnized, or negligently fails to prevent it from being solemnized, shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both:

Provided that no woman shall be punishable with imprisonment.

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

7. Imprisonment not to be awarded for offence under section 3.

Notwithstanding anything contained in section 25 of the General Clauses Act, 1897, or section 64 of the Pakistan Penal Code, Court sentencing an offender under section 3 shall not be competent to direct that, in default of payment of the fine imposed, he shall undergo only term of imprisonment.

8. Jurisdiction under this Act.

Notwithstanding anything contained in section 90 of the Code of Criminal Procedure, 1898, no Court other than that of a Magistrate of the First Class shall take cognizance of or try any offence under this Act.

9. Mode of taking cognizance of offence.

No Court shall take cognizance of any offence under this Act except on a complaint made by the Union Council, or if there is no Union Council in the area, by such authority as the Provincial Government may in this behalf prescribe, and

such cognizance shall in no case be taken after the expiry of one year from the date on which the offence is alleged to have been committed.

PUNJAB AMENDMENT

In section 9:

The words and commas “except on a complaint made by the Union Council, or if there is no Union Council in the area, by such authority as the Provincial Government may in this behalf prescribe, and such cognizance shall in no case be taken” occurring after the words “under this Act” and before the words “after the expiry” shall be omitted.

Punjab Ordinance, 23 of 1971, S. 3.

10. Preliminary inquiries into offences under this Act.

The Court taking cognizance of an offence under this Act shall, unless it dismisses the complaint under section 203 of the Code of Criminal Procedure, 1898, either itself make an inquiry under section 202 of that Code or direct a Magistrate of the First Class subordinate to it to make such inquiry.

11. Omitted by Muslim Family Laws Ordinance, 1961.

12. Power to issue injunction prohibiting marriage in contravention of this Act.

- (f) Notwithstanding anything to the contrary contained in this Act, the Court may, if satisfied from information laid before it through a complaint or otherwise that a child marriage in contravention of this Act has been arranged or is about to be solemnized, issue an injunction against any of the persons mentioned in sections 3, 4, 5 and 9 of this Act prohibiting such marriage.

- (g) No injunction under sub-section (1) shall be issued against any person unless the Court has previously given notice to such person, and has afforded him an opportunity to show-cause against the issue of the injunction.
- (h) The Court may either on its own motion or on the application of any person aggrieved, rescind or alter any order made under sub-section (1).
- (i) Where such an application is received, the Court shall afford the applicant an early opportunity of appearing before it either in person or by pleader, and if the Court rejects the application wholly or in part, it shall record in writing its reasons for so doing.
- (j) Whoever, knowing that an injunction has been issued against him under sub-section (1) of this section disobeys such injunction shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both:

Provided that no woman shall be punishable with imprisonment.

INDECENT REPRESENTATION OF WOMEN (PROHIBITION) ACT, 1986

Although it is not known to have been used in cases of sexual harassment, the provisions of this act have the potential to be used in two ways.

First, if an individual harasses another with books, photographs, paintings, films, pamphlets, packages, etc. containing 'indecent representation of women'; they are liable for a minimum sentence of two years.

Second, a 'hostile working environment' type of argument can be made under this act. Section 7 (Offences by Companies) - holds companies where there has been 'indecent representation of women' (such as the display of pornography) on the premises guilty of offenses under this act. (Cognisable, bailable offense; with a minimum sentence of two years)

IMMORAL TRAFFIC (PREVENTION) ACT, 1956

Bill No. 58 of 1954

With a view to implementing International Convention signed at New York on the 9th May, 1950, " THE SUPPRESSION OF IMMORAL TRAFFIC IN WOMAN AND GIRLS BILL, 1950" was introduced in the Lok Sabha on the 20th December, 1954, by the then Minister K.N. Katju.

STATEMENT OF OBJECTS AND REASONS²:

" (1) In 1950 the Government of India ratified an International Convention for the Suppression of Immoral Traffic in Persons and the Exploitation of the Prostitution of others. Under Article 23 of the Convention, traffic in human beings is prohibited and any contravention of the prohibition is an offence punishable by law. Under Article 35 such a law has to be passed by Parliament as soon as may be after the commencement of the Constitution.

(2) Legislation on the subject of suppression of immoral traffic does exist in a few States but the laws are neither uniform nor do they go far enough. In the remaining States there is no bar on the subject at all.

(3) In the circumstances it is necessary and desirable that a Central law should be passed which will not only secure uniformity but also would be sufficiently deterrent for the purpose. But a special feature of the Bill is that it provides that no person or authority other than the State Government shall establish or maintain any protective home except under a license issued by the State Government. This will check the establishment of homes which are really dens for prostitution."

REPORT OF SELECT COMMITTEE:

The Select Committee submitted "THE SUPPRESSION OF IMMORAL TRAFFIC IN WOMEN AND GIRLS BILL, 1956 (58A of 1956) along with its Report dated 20/11/1956 to the Lok Sabha on the 21st November, 1956.

PRINCIPAL ACT

The Suppression of Immoral Traffic in Women and Girls Bill, 1954 as amended by the Select Committee *vide* its Bill No.58 of 1956 and as passed by Parliament received the assent of the President and soon thereafter became an Act of Parliament under the Short title and Number "THE SUPPRESSION OF IMMORAL TRAFFIC IN WOMEN AND GIRLS ACT, 1956 (104 of 1956)" on the 31st December, 1956.

Sections 2 to 25 of the Act came into force in the whole of India on the 1st May, 1958, *vide* the Central Government's Notification No.GSR 269 dated 14/4/1958.

The Act was extended,-

1. to the Union Territory of Dadra and Nagar Haveli by Section 2/Sch. I of the Dadra Nagar Haveli (Laws) Regulation, 1963 (6 of 1963);
2. to the Union Territory of Goa, Daman and Diu by Section 2/Sch.of the Goa, Daman and Diu (Laws) No.2 Ordinance, 1963 (11 of 1963); and
3. to the Union Territory of Pondicherry by the Pondicherry (Extension of Laws) Act, 1968 (28 of 1968).

LIST OF AMENDING ACTS:

1. The Suppression of Immoral Traffic in Women and Girls (Amending) Act, 1978 (46 of 1978) w.e.f. 2/10/1979.
2. The Suppression of Immoral Traffic in Women and Girls (Amendment) Act, 1986 (44 of 1986) w.e.f. 26/1/1987.

PRESENT SHORT TITLE:

As a result of substitution of the words "Immoral Traffic (Prevention) Act" for the words "Suppression of Immoral Traffic in Women and Girls Act" made by Section 3 of the Amending Act No. 44 of 1986, the Principal Act was short titled as THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956 (104 OF 1956).

MEDICAL TERMINATION OF PREGNANCY ACT, 1971

An Act to provide for the termination of certain pregnancies by registered Medical Practitioners and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Twenty-second Year of the Republic of India as follows :-

1. Short title, extent and commencement –

- (1) This Act may be called the Medical Termination of Pregnancy Act, 1971.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions - In this Act, unless the context otherwise requires, -

“Guardian” means a person having the care of the person of a minor or a lunatic;

1. “Lunatic” has the meaning assigned to it in section 3 of the Indian Lunatic Act, 1912 (4 of 1912);
2. “Minor” means a person who, under the provisions of the Indian Majority Act, 1875 (9 of 1875), is to be deemed not to have attained his majority;

3. "Registered medical practitioner" means a medical practitioner who possesses any recognized medical qualification as defined in clause (h) of section 2 of the Indian Medical Council Act, 1956, (102 of 1956), whose name has been entered in a State Medical Register and who has such experience or training in gynaecology and obstetrics as may be prescribed by rules made under this Act.

3. When pregnancies may be terminated by registered medical practitioners - (1) Notwithstanding anything contained in the Indian Penal Code (45 of 1860), a registered medical practitioner shall not be guilty of any offence under that Code or under any other law for the time being in force, if any pregnancy is terminated by him in accordance with the provisions of this Act.

(2) Subject to the provisions of sub-section (4), a pregnancy may be terminated by a registered medical practitioner, -

(a) Where the length of the pregnancy does not exceed twelve weeks if such medical practitioner is, or

(b) Where the length of the pregnancy exceeds twelve weeks but does not exceed twenty weeks, if not less than two registered medical practitioner are,

of opinion, formed in good faith, that -

(i) the continuance of the pregnancy would involve a risk to the life of the pregnant woman or of grave injury to her physical or mental health; or

(ii) there is a substantial risk that if the child were born, it would suffer from such physical or mental abnormalities to be seriously handicapped.

Explanation 1 - Where any pregnancy is alleged by the pregnant woman to have been caused by rape, the anguish caused by such pregnancy shall be presumed to constitute a grave injury to the mental health of the pregnant woman.

Explanation 2 - Where any pregnancy occurs as a result of failure of any device or method used by any married woman or her husband for the purpose of limiting the number of children, the anguish caused by such unwanted pregnancy may be resorted to constitute a grave injury to the mental health of the pregnant woman.

(3) In determining whether the continuance of a pregnancy would involve such risk of injury to the health as is mentioned in sub-section (2), account may be taken of the pregnant women's actual or reasonable foreseeable environment.

(4) (a) No pregnancy of a woman, who has not attained the age of eighteen years, or, who, having attained the age of eighteen years, is a lunatic, shall be terminated except with the consent in writing of her guardian.

(b) Save as otherwise provided in clause (a), no pregnancy shall be terminated except with the consent of the pregnant woman.

4. Place where pregnancy may be terminated - No termination of pregnancy shall be made in accordance with this Act at any place other than -

(a) A hospital established or maintained by Government, or

(b) A place for the time being approved for the purpose of this Act by Government.

5. Sections 3 and 4 when not to apply -

(1) The provisions of section 4, and so much of the provisions of sub-section (2) of section 3 as relate to the length of the pregnancy and the opinion of not less than two registered medical practitioners, shall not apply to the termination of a pregnancy by a registered medical practitioner in a case where he is of opinion, formed in good faith, that he termination of such

pregnancy is immediately necessary to save the life of the pregnant woman.

- (2) Notwithstanding anything contained in the Indian Penal Code (45 of 1860), the termination of a pregnancy by a person who is not a registered medical practitioner shall be an offence punishable under that Code, and that Code shall, to this extent, stand modified.

Explanation - For the purposes of this section, so much of the provisions of clause (d) of section (2) as relate to the possession, by a registered medical practitioner, of experience or training in gynaecology and obstetrics shall not apply.

6. Power to make rules -

- (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely -
 - (a) The experience or training, or both, which is registered medical practitioner shall have if he intends to terminate any pregnancy under this Act; and
 - (b) Such other matters as are required to be or may be, provided by rules made under this Act.
- (3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both

Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

7. Power to make regulations -

(1) The State Government may, by regulations -

- (a) Require any such opinion as is referred to in sub-section (2) of section 3 to be certified by a registered medical practitioner or practitioners concerned, in such form and at such time as may be specified in such regulations, and the preservation or disposal of such certificates ;
- (b) Require any registered medical practitioner, who terminates a pregnancy, to give intimation of such termination and such other information relating to the termination as may be specified in such regulations ;
- (c) Prohibit the disclosure, except to such purposes as may be specified in such regulations, of intimations given or information furnished in pursuance of such regulations.

(2) The intimation given and the information furnished in pursuance of regulations made by virtue of clause (b) of sub-section (1) shall be given or furnished, as the case may be, to the Chief Medical Officer of the State.

(3) Any person who willfully contravenes or willfully fails to comply with the requirements of any regulation made under sub-section (1) shall be liable to be punished with fine, which may extend to one thousand rupees.

8. Protection of action taken in good faith -

No suit or legal proceedings shall lie against any registered medical practitioner for any damage caused or likely to be caused by anything, which is in good faith done or intended to be done under this Act.

FAMILY COURTS ACT, 1984

The purpose and aim of establishing the Family Courts is to protect and preserve the institution of marriage and to promote the welfare of children and provide for settlement of disputes by conciliation. The Family Courts Act extends to the whole of India except Jammu and Kashmir.

Every State Government after consultation with the High Court establishes in every area in the state, a Family Court. One or more judges head it and preference is given to women judges.

Suits or proceedings filed in family court

The Family Courts are empowered to deal with the following matters:

- a. A suit or proceeding between the parties to a marriage for nullity of marriage or restitution of conjugal rights or dissolution of marriage.
- b. A suit or declaration as to the validity of a marriage or as to the matrimonial status of any person
- c. A suit or proceeding between the parties to a marriage with respect to the property of the parties or of either of them.
- d. A suit or proceeding for an order or injunction in circumstances arising out of a marital relationship.
- e. A suit or proceeding for a declaration as to the legitimacy of any person
- f. A suit or proceeding for maintenance.
- g. A suit or proceeding in relation to the guardianship of the person or the custody of, or access to, any minor.

Family Courts also have jurisdiction exercisable by a Magistrate of the 1st class relating to an order for maintenance of wife, children and parents under the Code of Criminal Procedure.

Duties of family court

The family Court shall make an endeavor to assist and persuade the parties in arriving at a settlement.

If the Court feels that there is a reasonable possibility of a settlement the Court may adjourn the proceedings for such period as it thinks fit to enable attempts to be made to arrive at a settlement.

Family court - a civil court

Family Court shall be deemed to be a civil Court (except for proceedings relating to Maintenance of wives, children and parents relating to the Code of Criminal Procedure).

Personal appearance mandatory

No party shall be entitled as a right to be represented in a Family Court by a legal practitioner. The parties to the proceedings have to appear themselves and put forward their case.

Record of oral evidence and by affidavit

The Court shall record what the witness deposes and the memorandum shall be signed and form a part of a record. The Court may on the application of any of the parties summon and examine any such person as to the facts contained in the affidavit.

Appeal

An appeal lies to the High Court from every judgement or order passed by the Family Court. However no appeal lies against a decree or order passed by the Family Court with the consent of the parties under proceedings relating to maintenance of wives, children and parents under the Code of Criminal Procedure.

Limitation

An appeal to the High Court from every judgement or order not being an interlocutory order passed by the Family Court has to be filed within 30 days.

GUARDIANS AND WARDS ACT, 1890

Powers of natural guardian.-

- (1) The natural guardian of a Hindu minor has power, subject to the provisions of this section, to do all acts which are necessary or reasonable and proper for the benefit of the minor or for the realization, protection or benefit of the minor's estate; but the guardian can in no case bind the minor by a personal covenant.
- (2) The natural guardian shall not, without the previous permission of the court.
 - (a) Mortgage or charge, or transfer by sale, gift, exchange or otherwise any part of the immovable property of the minor or
 - (b) Lease any part of such property for a term exceeding five years or for a term extending more than one year beyond the date on which the minor will attain majority.

- (3) Any disposal of immovable property by a natural guardian, in contravention of sub-section (1) or sub-section (2), is voidable at the instance of the minor or any person claiming under him.
- (4) No court shall grant permission to the natural guardian to do any of the acts mentioned in sub-section (2) except in case of necessity or for an evident advantage to the minor.
- (5) The Guardians and Wards Act, 1890 (8 of 1890), shall apply to and in respect of an application for obtaining the permission of the court under sub-section (2) in all respects as if it were an application for obtaining the permission of the court under section 29 of that Act, and in particular—
 - (a) Proceedings in connection with the application shall be deemed to be proceedings under that Act within the meaning of section 4A thereof.
 - (b) The court shall observe the procedure and have the powers specified in sub-sections (2), (3) and (4) of section 31 of that Act; and
 - (c) An appeal lie from an order of the court refusing permission to the natural guardian to do any of the acts mentioned in sub-section (2) of this section to the court to which appeals ordinarily lie from the decisions of that court.
- (6) In this section, "Court" means the city civil court or a district court or a court empowered under section 4A of the Guardians and Wards Act, 1890 (8 of 1890), within the local limits of whose jurisdiction the immovable property in respect of which the application is made or is situated, and where the immovable property is situated within the jurisdiction of more than one such court, means the court within the local limits of whose jurisdiction any portion of the property is situated.

MUSLIM WOMEN'S ACT 1986 (PROTECTION OF RIGHTS ON DIVORCE)

1. Short title and extent.-

(1) This Act may be called the Muslim Women (Protection of Rights on Divorce) Act, 1986.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. Definitions.-In this Act, unless the context otherwise requires,-

(a) "Divorced woman" means a Muslim woman who was married according to Muslim law, and has been divorced by, or has obtained divorce from, her husband in accordance with Muslim law;

(b) "iddat period" means, in the case of a divorced woman,-

(i) Three menstrual courses after the date of divorce, if she is subject to menstruation; and

(ii) Three lunar months after her divorce, if she is not subject to menstruation; and

(iii) If she is enceinte at the time of her divorce, the period between the divorce and the delivery of her child or the termination of her pregnancy, whichever is earlier;

(c) "Magistrate" means a Magistrate of the First class exercising jurisdiction under the Code of Criminal Procedure, 1973 (2 of 1974) in the area where the divorced woman resides;

(d) "Prescribed" means prescribed by rules made under this Act.

3. Mahr or other properties of Muslim woman to be given to her at the time of divorce.-

- (1) Notwithstanding anything contained in any other law for the time being in force, a divorced woman shall be entitled to-
- (a) A reasonable and fair provision and maintenance to be made and paid to her within the iddat period by her former husband;
 - (b) Where she herself maintains the children born to her before or after her divorce, a reasonable and fair provision and maintenance to be made and paid by her former husband for a period of two years from the respective dates of birth of such children;
 - (c) An amount equal to the sum of mahr or dower agreed to be paid to her at the time of her marriage or at any time thereafter according to Muslim law; and
 - (d) All the properties given to her before or at the time of or after her marriage by her relatives or friends or the husband or any relatives of the husband or his friends. marriage
- (2) Where a reasonable and fair provision and maintenance or the amount of mahr or dower due has not been made or paid or the properties referred to in clause (d) of sub-section (1) have not been delivered to a divorced woman on her divorce, she or any one duly authorized by her may, on her behalf, make an application to a Magistrate for an order for payment of such provision and maintenance, mahr or dower or the delivery of properties; as the case may be.
- (3) Where an application has been made under sub-section (2) by a divorced woman, the Magistrate may, if he is satisfied that-
- (a) Her husband having sufficient means, has failed or neglected to make or pay her within the iddat period a reasonable and fair provision and maintenance for her and the children; or

(b) The amount equal to the sum of mahr or dower has not been paid or that the properties referred to in clause (d) of sub-section (1) have not been delivered to her,

Make an order, within one month of the date of the filing of the application, directing her former husband to pay such reasonable and fair provision and maintenance to the divorced woman as he may determine as it and proper having regard to the needs of the divorced woman, the standard of life enjoyed by her during her marriage and the means of her former husband or, as the case may be, for the payment of such mahr or dower or the delivery of such properties referred to in clause (d) of sub-section (1) to the divorced woman:

Provided that if the Magistrate finds it impracticable to dispose of the application within the said period, he may, for reasons to be recorded by him, dispose of the application after the said period.

(4) If any person against whom an order has been made under sub-section (3) fails without sufficient cause to comply with the order, the Magistrate may issue a warrant for levying the amount of maintenance or mahr or dower due in the manner provided for levying fines under the Code of Criminal Procedure, 1973 (2 of 1974), and may sentence such person, for the whole or part of any amount remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one year or until payment if sooner made, subject to such person being heard in defence and the said sentence being imposed according to the provisions of the said Code.

4. Order for payment of maintenance.-(1) Notwithstanding anything contained in the foregoing provisions of this Act or in any other law for the time being in force, where a Magistrate is satisfied that a divorced woman has not re-married and is not able to maintain herself after the iddat period, he may make an order directing such of her relatives as would be entitled to inherit her property on her death according to Muslim law to pay such reasonable and fair maintenance

to her as he may determine fit and proper, having regard to the needs of the divorced woman, the standard of life enjoyed by her during her marriage and the means of such relatives and such maintenance shall be payable by such relatives in the proportions in which they would inherit her property and at such periods as he may specify in his order:

Provided that where such divorced woman has children, the Magistrate shall order only such children to pay maintenance to her, and in the event of any such children being unable to pay such maintenance, the Magistrate shall order the parents of such divorced woman to pay maintenance to her:

Provided further that if any of the parents is unable to pay his or her share of the maintenance ordered by the Magistrate on the ground of his or her not having the means to pay the same, the Magistrate may, on proof of such inability being furnished to him, order that the share of such relatives in the maintenance ordered by him be paid by such of the other relatives as may appear to the Magistrate to have the means of paying the same in such proportions as the Magistrate may think fit to order.

(2) Where a divorced woman is unable to maintain herself and she has no relatives as mentioned in sub-section (1) or such relatives or any one of them have not enough means to pay the maintenance ordered by the Magistrate or the other relatives have not the means to pay the shares of those relatives whose shares have been ordered by the Magistrate to be paid by such other relatives under the second provision to sub-section (1), the Magistrate may, by order, direct the State Wakf Board established under section 9 of the Wakf Act, 1954 (29 of 1954), or under any other law for the time being in force in a State, functioning in the area in which the woman resides, to pay such maintenance as determined by him under sub-section (1) or, as the case may be, to pay the shares of such of the relatives who are unable to pay, at such periods as he may specify in his order.

5. Option to be governed by the provisions of sections 125 to 128 of Act 2 of 1974.-If on the date of the first hearing of the application under sub-section (2) of section 3, a divorced woman and her former husband declare, by affidavit or any other declaration in writing in such form as may be prescribed, either jointly or separately, that they would prefer to be governed by the provisions of sections 125 to 128 of the Code of Criminal Procedure, 1973 (2 of 1974), and file such affidavit or declaration in the court hearing the application, the Magistrate shall dispose of such application accordingly.

Explanation.-For the purposes of this section, "date of the first hearing of the application" means the date fixed in the summons for the attendance of the respondent to the application.

6. Power to make rules.-(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the foregoing power, such rules may provide for-

(a) The form of the affidavit or other declaration in writing to be filed under section 5;

(b) The procedure to be followed by the Magistrate in disposing of applications under this Act, including the serving of notices to the parties to such applications, dates of hearing of such applications and other matters;

(c) Any other matter which is required to be or may be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately

following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

7. Transitional provisions:- Every application by a divorced woman under section 125 or under section 127 of the Code of Criminal Procedure, 1973 (2 of 1974) pending before a Magistrate on the commencement of this Act, shall, notwithstanding anything contained in that Code and subject to the provisions of section 5 of this Act, be disposed of by such Magistrate in accordance with the provisions of this Act.

FOREIGN MARRIAGE ACT, 1969 (Act NO. 33 of 1969) (31st August 1969)

An Act to make provision relating to marriages of citizens of India outside India.

1. Short title.- This Act may be called the Foreign Marriage Act, 1969.

2. Definitions.- In this Act, unless the context otherwise requires, -

“degree of prohibited relationship” shall have the same meaning as in the special Marriage Act, 1954 (43 of 1954);

“district” in relation to a Marriage Officer, means the area within which the duties of his office are to be discharged;

“foreign country” means a country or place outside India, and includes a ship which is for the time being in the territorial waters of such a country or place:

SOLEMNIZATION OF FOREIGN MARRIAGES

Conditions relating to solemnization of foreign marriages.- A marriage between parties one of whom at least is a citizen of India may be solemnized under this Act by or before a Marriage Officer in a foreign country, if, at the time of the marriage, the following conditions are fulfilled, namely:

- a) Neither party has a spouse living,
- b) Neither party is an idiot or a lunatic,
- c) The bridegroom has completed the age of twenty-one years and the bride the age of eighteen years at the time of the marriage, and
- d) The parties are not within the degrees of prohibited relationship:

Provided that where the personal law or a custom governing at least one of the parties permits of a marriage between them, such marriage may be solemnized, notwithstanding that they are within the degrees of prohibited relationship.

Notice of intended marriage.- When a marriage is intended to be solemnized under this Act, the parties to the marriage shall give notice thereof in writing in the form specified in the First Schedule to the Marriage Officer of the district in which at least one of the parties to the marriage has resided for a period of not less than thirty days immediately preceding the date on which such notice is given, and the notice shall state that the party has so resided.

Registration of foreign marriages solemnized under other laws

Registration of foreign marriages.- (1) Where-

- (a) a Marriage Officer is satisfied that a marriage has been duly solemnized in a foreign country in accordance with the law of that country between parties of whom one at least was a citizen of India; and
 - (b) a party to the marriage informs the marriage Officer in writing that he or she desires the marriage to be registered under this section,
- the marriage Officer may, upon payment of the prescribed fee, register the marriage.

(2) No marriage shall be registered under this section unless at the time of registration it satisfies the conditions mentioned in section 4.

(3) The Marriage Officer may, for reasons to be recorded in writing, refuse to register a marriage under this section on the ground that in his opinion the marriage is inconsistent with international law or the comity of nations.

(4) Where a Marriage Officer refuses to be recorded in writing, refuse to register a marriage under this section the party applying for registration may appeal to the Central Government in the prescribed manner within a period of thirty days from the date of such refusal; and the Marriage Officer shall act in conformity with decision of the Central government on such appeal.

(5) Registration of a marriage under this section shall be effected by the Marriage Officer entering a certificate of the marriage in the prescribed form and in the prescribed manner in the Marriage Certificate Book, and such certificate shall be signed by the parties to the marriage and by three witnesses.

(6) A marriage registered under this section shall, as from the date of registration, be deemed to have been solemnized under this Act.

PENALTIES

Punishment for bigamy.- (1) Any person whose marriage is solemnized or deemed to have been solemnized under this Act and who, during the subsistence of his marriage, contracts any other marriage in India shall be subject to the penalties provided in Section 494 and Section 495 of the Indian Penal Code (45 of 1860), and the marriage so contracted shall be void.

(2) The provisions of sub-section (1) apply also to any such offence committed by any citizen of India without and beyond India.

Punishment for contravention of certain other conditions for marriage.- Any citizen of India who procures a marriage of himself or herself to be solemnized under this Act in contravention of the condition specified in clause (c) or clause (d) of Section 4 shall be punishable-

(a) In the case of a contravention of the condition specified in clause (c) of Section 4, with simple imprisonment which may extend to fifteen days or with fine which may extend to one thousand rupees, or with both; and

(b) In the case of a contravention of the condition specified in clause (d) of Section 4, with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

Punishment for false declaration.- If any citizen of India for the purpose of procuring a marriage, intentionally-

Recognition of marriages solemnized under law of other countries.- If the central government is satisfied that the law in force in any foreign country for the solemnization of marriages contains provisions similar to those contained in this Act, it may, by notification in the Official Gazette, declare that marriages solemnized under the law in force in such foreign country shall be recognized by courts in India as valid.

Certification of documents of marriages solemnized in accordance with local law in a foreign country.- (1) where

(a) a marriage is solemnized in any foreign country specified in this behalf by the Central government, by

THE HINDU SUCCESSION ACT, 1956 (30 of 1956) (17th June, 1956)

An Act to amend and codify the law relating to intestate succession among Hindus.

1. Short title and extent:- (1) This Act may be called The Hindu Succession Act, 1956. (2) It extends to the whole of India except the State of Jammu and Kashmir.

Objects and Reasons – Sub-section (2).- There are well-defined principles of international Law which regulate succession to the immovable and movable property of Hindus domiciled outside and, consequently that portion of this clause which provides for the extra-territorial application of this law has been removed as both unnecessary and appropriate.

2. Application of Act.- (1) This Act applies-

- (a) To any person, who is a Hindu by religion in any of its forms or developments, including a Virashaiva, a Lingayat or a follower of the Brahmo, Prarthana or Arya Samaj,
- (b) To any person who is a Buddhist, Jaina or Sikh by religion, and
- (c) To any other person who is not a Muslim, Christian, Parsi or Jew by religion, unless it is proved that any such person would not have been governed by the Hindu Law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Act had not been passed.

Explanation.- The following persons are Hindus, Buddhists, Jainas or Sikhs by religion, as the case may be:-

- (a) Any child, legitimate or illegitimate, both of whose parents are Hindus, Buddhists, Jainas or Sikhs by religion;
 - (b) Any child, legitimate or illegitimate, one of whose parents is a Hindu Buddhist, Jaina or Sikh by religion and who is brought up as a member of the tribe, community, group of family to which such parent belongs or belonged.
 - (c) Any person who is a convert or re-convert to the Hindu, Buddhist, Jaina or Sikh religion.
- (2) Notwithstanding anything contained in sub-section (1), nothing contained in this Act shall apply to the members of any Scheduled Tribe with the meaning of clause(25) of article 366 of the Constitution unless the Central Government, by notification in the Official Gazette, otherwise directs.

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

A marriage between a Hindu male and a Christian female is valid; the offsprings of such a marriage being Hindus may be treated as members of a coparcenary:
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14. Property of a female Hindu to be her absolute property.- (1) Any property possessed by a female Hindu, whether acquired before or after the commencement of this Act, shall be held by her as full owner thereof and not as a limited owner.

16. Order of succession and manner of distribution among heirs of female Hindu.- The order of succession among the heirs referred to in section 15 shall be, and the distribution of the intestate's property among those her shall take place, according to the following rules, namely:-

Rule1. – Among the heirs specified in sub-section (1) of section 15, those in the entry shall be preferred to those in any succeeding entry, and those included in the same entry shall take simultaneously.

Rule2. – If any son or daughter of the intestate had pre-deceased the intestate leaving his or her own children alive at the time of the intestate's death, the children of such son or daughter shall take between them the share which such son or daughter would have taken if living at the intestate's death.

Rule3 - The devolution of the property of the intestate on the heirs referred in clauses (b), (d) and (e) of sub-section (1) and in sub-section (2) of section 15 shall be in the same order and according to the same rules as would have applied if the property had been the father's or the mother's or the husband's as

the case may be, and such person had died intestate in respect thereof immediately after the intestate's death.

24. Certain widows remarrying may not inherit as widows.- Any heir who is related to an intestate as the widow of a pre-deceased son, the widow of pre-deceased son of a pre-deceased son or the widow of a brother shall not be entitled to succeed to the property of the intestate as such widow, if on the date the succession opens, she has remarried.

29- A Equal rights to daughter in coparcenary property.