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Date
5/09/20

NFHS

2%

M - 2.5%

H - 1.7%

→ Muslim Women (Protection of Rights on Marriage) Act 2019

→ Punishment - 3 Year + fine

→ The offence is cognizable.

→ Compoundable.

→ Bail is given with the permission of wife.

Issue of Muslim Women Act 2019

3 Year

→ Accidental death - 2 Year

→ Promoting animosity between two groups - 2 Year

→ Bringing in fake currency instrument - 3 Year

→ Destroying religious property - 2 Year

Shah Bano Case 1985

Muslim Women (Protection of Rights on Divorce) Act 1986

→ Iddat - 90 days

→ fair & reasonable amount.

→ If the person is able to offer or pay maintenance then her relative take care of her.

→ Waqf Board pay to her.

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CrPC-125 (Sufficient means)

If any person refuses to maintain his wife, child, illegitimate child, father or mother, who are unable to maintain themselves a magistrate may order for monthly maintenance.

Danial latifi case - 2001

- fair and reasonable amount for her rest of life pay within 90 days.
- Maintenance for her rest of her life.

In Goa - UCC

1867, 1870

1880 - Gentile Hindu → Bigamy is allowed

25 Years No child 30 Years No son

Goa Civil code is largely based on Portuguese civil code of 1867 which was introduced to Goa in 1870. In 1880 provisions were made for Gentile Hindu for Bigamy.

(3)

Social Issues

Date
05/09/20

Topic

Women Issues - Special laws to Empower women,
Crime Against Women, Women Reservation.

Secma Vs Ashwini Kumar - 2006

Compulsory registration for marriage.

Special Marriage Act - 1954

- Protecting original identity.
- there is 30 day notice period.

Law Commission
recommended for the
removal of this 30 days
Notice Period

Positive of UCC

- It would provide equal status to all.
- It would promote Gender Parity.
- It would help in National Integration
- It will accommodate the aspiration of the young people.
- To fasten the pace of social Reform.
- It may help reduce in vote bank politics.

Concerns

- It is seen as an encroachment of religious freedom.
- It might neglect tradition of some community

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- No commonly accepted code.
- Opposition by the religious institution or groups.
- lack of Political will.
- Misconceptions
- Practical difficulty due to diversity in India.
- Time may not be suitable.

+ 21st Law Commission Recommendation for UCC

- Difference does not always imply discrimination.
- A Unified nation does not necessarily need to have Uniformity.
- UCC is neither necessary nor desirable at this stage. It recommended for the codification of personal law.

Question (200 word)

- ① Discuss the possible factor that inhibit India from enacting for its citizens a UCC as provided for in DPSP.
- ② Would UCC infringe an individual right to freedom of religion? Discuss.
- ③ What measures should be taken to sensitize the society towards a common code or codification of personal law?

WOMEN

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Immoral Traffic (Prevention) Act 1956

This act provides in pursuance of

of the international convention signed in 1950. for the prevention of immoral traffic and sexual exploitation for commercial gains.

- It does not ~~criminalise~~ ^{criminalise} prostitution or prostitute per-se but mostly punishes acts by third parties facilitating prostitution. (Agents, brothel owners).
- It would help in regulating the prostitution and would also help in rehabilitating them.
- It would reduce the exploitation of the minors.
- It would help in reducing the spread of STDs. Sexually Transmitted Disease (Health Service).

Negative

- It would promote trafficking (It has been seen in Brazil and Amsterdam that after legalisation trafficking has increased).
- It may promote prostitution than curbing it.
- Prostitution as a profession is against a dignified life. and it against Indian Culture.

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→ Legalisation of prostitution goes against the International Labour Organisation definition of decent work.

Protect their rights but not legalised. Recognition and Regulation does not mean promoting it.

UJJWALA Scheme

Swadhar Greh Scheme

Dowry Prohibition Act (1961)

IPC Section 304B

where a death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within 7 years of her marriage, and it is shown that soon before her marriage she was subjected to cruelty or harassment by her husband or his relative, in connection with Dowry. Such a death shall be called as dowry death.

(Dowry has become an integral part of Indian marriage system.)

(M.S. Srinivasan called Dowry death as Modern Sati.)

Medical Termination of Pregnancy Act 1971

The rising incidence of sex crime and the urgent need to empower women with sexual rights in their own interest and for the sake of reducing the fertility rate as a whole have made it imperative that the law be changed. Also since lack of legal approval does not prevent abortions from being carried out then women are put under risk since the abortions are then carried out in shady, ~~unhygienic~~^{hygienic} condition by untrained personnel.

The PreConception and Pre Natal diagnostic technique (Prohibition of sex selection) Act 2003

The law bans advertisement related to determination of sex of an unborn, even use of sex selection technology are not allowed. Ultrasound machine can be used to find or detect abnormalities with the fetus.

It is mandatory for all the ultrasound facilities to be registered as well as to maintain all the record.

(It punishes even for clerical error)

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Issue

Supreme court had directed to ~~prosecute~~ ^{prosecute} cases filed under this act within 6 month but it ranges from 1 to 12 year.

In Maharashtra officials failed to complete 55 % of inspection of sonography centres.

Mukhbir scheme runs in UP at the same time.

Protection of Women from domestic Violence Act-2005

This act includes not only physical but also forms of violence such as emotional and economic. The law is primarily meant to provide protection to wife or female living partner from her husband or her partner. It also extends its protection to women living in household such as sister, mother etc.

Issue

- No awareness about protection officer.
- No recruitment of protection officers.
- Almost 80% of the protection officers are the male.

→ frequent misuse

IPC - 498A - Domestic Violence.

Criminal Law (Amendment) Act 2013

If a public servant fails to record any information given to him related to 326A, 354, 376 etc. shall be punished upto 2 Year.

Section 326A and Sec 326B has been added with specifically deal with Acid violence.

Supreme Court had said corrective surgery should also be done at free of cost.

Hospitals have been directed to issue certificate to such people endorsing them as acid attack victims.

The certificate would be issued by the first hospital and may be used in claiming future benefits.

The right of person with disabilities Act has added Acid attack survivor under disability.

(The Acid ^{Crime} prevention Act 2002, Acid ^{Control} Act 2002).