



Government of India
Ministry of Minority Affairs



Legal Rights of Women



National Institute of Public Cooperation
and Child Development



This booklet contains information on the following topics:

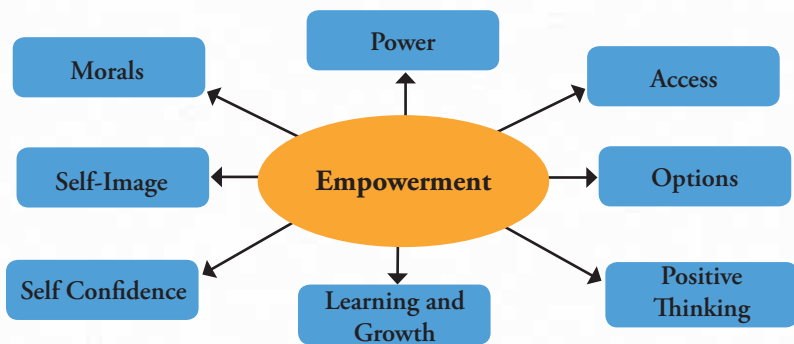
- Empowerment of Women
- Women and Gender
- Rights of Women
- Violence Against Women and Related Legislations
- Other Legislations (Marriage and Adoption Acts)
- Other Initiatives

Empowerment of Women

- Empowerment implies to people taking control over their lives by setting their own agendas, gaining skills, increasing their self-confidence, solving problems and developing self-reliance.
- It is both a process and an outcome.
- Women empowerment implies to an expansion in women's ability to make strategic life choices in a context where this ability was previously denied to them.

Components of Women Empowerment

- Sense of self-worth.
- Right to have and to determine choices.
- Right to have access to opportunities and resources.
- Right to have the power to control their own lives, both within and outside the home.
- Ability to influence the direction of social change to create a more just social and economic order, nationally and internationally.



Women and Gender

- The principle of gender equality is enshrined in the Indian Constitution. The Constitution grants equality to women.
- However, there still exist a wide gap between the vision of equality and the status of women in India.

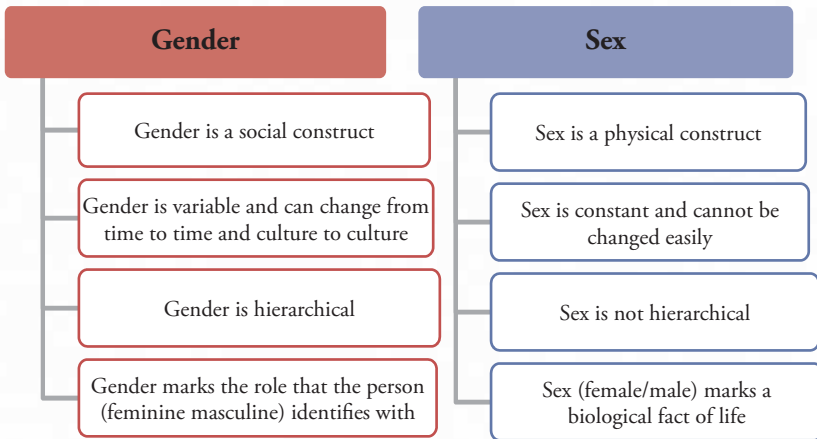


- The underlying causes of gender inequality are related to social and economic structure which is based on norms and practices.

Understanding Gender

- Gender refers to the social differences between men and women that are learned, changeable over time and have wide variations within and between cultures.
- These attributes, opportunities and relationships are socially constructed and are learned through socialisation processes.
- Gender determines what is expected, allowed and valued in a woman or a man in a given context.

Difference between Gender and Sex



Gender Sensitization

Gender sensitization refers to the modification of behaviour by raising awareness of issues related to gender equality. It helps in understanding the view a person holds about self and the other gender and lets people examine their personal attitudes and beliefs.

Gender Roles

Gender roles are learned behaviours associated to activities, tasks and responsibilities correlated with being male or female. Gender roles vary considerably across settings and also change over time. The following factors can shape and change gender roles:

| Factors Affecting Gender Roles | |
|--------------------------------|--------------------------|
| Age | Class |
| Race | Ethnicity |
| Religion and Ideologies | Geographical Environment |
| Economic Environment | Political Environment |

Types of Gender Roles

| Reproductive Role | Productive Role | Community Managing Role | Community Politics Role |
|---|---|--|---|
| <ul style="list-style-type: none"> Maintenance of the household and care of family members. Includes child bearing and rearing responsibilities and domestic tasks. Most often exclusively carried out by girls and women. | <ul style="list-style-type: none"> Involves the production of goods and services with an exchange value. Work done both by men and women. Women's productive work is often less valued than men's. | <ul style="list-style-type: none"> Voluntary unpaid work, undertaken in free time. Activities essentially performed by women, as extension of their reproductive roles, to maintain stable community relations Ensure the provision and maintenance of resources used by the whole community such as water, healthcare and education. | <ul style="list-style-type: none"> Usually 'paid' work, either in cash or indirectly, through status or power. Activities essentially performed by men. |

Issues Related to Gender

➤ **Discriminatory Attitudes**

Gender inequalities are not only economic, but are also reflected in ideas, behaviour and attitudes which are grounded in gender stereotypes and vary for women and men.

➤ **Inequalities within Households**

Inequalities in negotiating, decision-making and access to resources is prevalent within households.



➤ **Inequalities in the Domestic/Unpaid Sector**

Women shoulder most of the responsibilities related to care and nurturing of the family. These tasks add to women's workload and inhibit their expansion in economic activities.

➤ **Gender Division of Labour within the Economy**

Women and men are distributed differently between occupations. Women are in low-paid and "non-standard" jobs and have less access than men to productive assets such as education, skills, property and credit.

➤ **Violence Against Women**

Gender inequality is also manifested in gender-based violence, either by a woman's intimate partner (domestic violence) or in sexual exploitation through trafficking of women and girls, rapes, molestation and sexual harassment at work.



➤ **Inequalities in Political Power (Access to Decision-Making, Representation, etc.)**

Women are under represented in political processes and gender differences prevail within formal decision-making structures (such as government, community councils and policy-making institutions).

➤ **Differences in Legal Status and Entitlements**

Equal rights to personal status, security, land, inheritance and employment opportunities are denied to women by practice.

Gender Mainstreaming

- Mainstreaming gender means gender equality as a fundamental value which is reflected in development choices and practices.
- Mainstreaming gender means that women and men equally participate as decision-makers.



Keys to Gender Mainstreaming

- The initial identification of issues and problems across all areas to recognise gender differences and disparities.

- Political will and allocation of adequate resources for mainstreaming.
- Efforts to broaden women's equitable participation at all levels of decision-making.
- Mainstreaming does not replace the need for targeted, women-specific policies and programmes instead it advocates such developmental practices that promotes gender equality.



Rights

- Rights are legal, social or moral freedom to do something.
- Indian Constitution provides six fundamental rights to the people of India.
- These rights are essential for personal good and society at large.

Fundamental Rights

| | | |
|------------------------------|---------------------------------|----------------------------------|
| Right to Equality | Right to Freedom | Right against Exploitation |
| Right to Freedom of Religion | Cultural and Educational Rights | Right to Constitutional Remedies |

Right to Equality

- The Right to Equality is the fundamental right provided in the Constitution of India.
- It guarantees equality before the law or equal protection laws and ensures that no one should be discriminated on the grounds of religion, race, caste, sex or place of birth or any of them.



Right to Life

- Right to life means the right to lead meaningful, complete and dignified life.
- Right to life ensures that every individual should be provided with an environment conducive for human existence.
- It also extends to right of foetus especially females to be born.



Right to Personal Liberty

- The Right to Liberty is a part of the Right to Life, specifically referring to one's freedom of action.
- It means freedom from physical restraint of an individual by personal confinement or otherwise.



Freedoms under Right to Freedom



Right to Social Security

- Right to social security has been guaranteed under Universal Declaration of Human Right as :

“Everyone, as a member of society, has the right to social security and is entitled to realization, through National effort and International co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.”

- Right to Social Security also includes measures for the realisation of basic rights including nutrition, healthcare, housing, education, water and sanitation.



Right to Education

Right to education is introduced as a fundamental right under **Article 21 A** of Indian Constitution and it is understood to:

- Establish the right to free, compulsory primary education for all children of the age 6-14 years.
 - Develop secondary education, accessible to all.
 - Provide basic education for individuals who have not completed primary education.
- In addition to this, the Right to Education encompasses the obligation to eliminate discrimination at all levels of the educational system, to set minimum standards and to improve quality.



Right to Work

- The Right to Work states that everyone should be given the opportunity to work for a basic wage.
- Right to Work/employment is a basic human right and it aims to provide everyone:



- Free choice of employment.
 - Just and favourable conditions of work.
 - Protection against unemployment.
- It specifies that all working people should get just and favourable remuneration required for leading a dignified life and should be supplemented, if necessary, by other means of social protection.

Reproductive Rights

- The Reproductive Rights of women are advanced in the context of the Right to Freedom from discrimination and the social and economic status of women.
- The World Health Organization (WHO) defines reproductive rights as follows:
- Reproductive rights involve the right of couples and individuals to:
 - Decide freely and responsibly the number, spacing and timing of their children.
 - Have the information, knowledge, education and means to make these decisions.
 - Attain the highest standard of sexual and reproductive health.
 - Make decisions about reproduction free of discrimination, compulsion and violence.



Right against Rape and Sexual Violence

- Violence against women in any form is considered as a violation of human rights.
- Rape is a form of sexual violence, it is defined as having sexual intercourse with another person especially woman against her will or without her consent.

According to the World Health Organisation, Sexual Violence Encompasses:



- Rape within marriage, in dating relationships and by strangers.
- Systematic rape during armed conflict.
- Unwanted sexual advances or sexual harassment, including demanding sex in return for favours.
- Forced marriage or co-habitation, including the marriage of children.
- Denial of the right to use contraception or to adopt other measures to protect against sexually transmitted diseases.
- Forced abortion.
- Violent acts against the sexual integrity of women, including female genital mutilation and obligatory inspections for virginity.
- Forced prostitution and trafficking of people for the purpose of sexual exploitation.

Definition of Sexual Violence

Crime Victim and Witness Rights

Rape is a criminal offence and thus certain rights are guaranteed to rape victims and witnesses. These include:

- Right to protection from fear and harm
- Right to be informed concerning the criminal justice proceedings
- Right to preservation of property and employment
- Right to due process in criminal court proceedings
- Right to be treated with dignity and compassion
- Right to have a counsel

Right against Exploitation

- The Right against Exploitation provides for two provisions:
 - Prohibition of trafficking in human beings and beggar (forced labour).
 - Abolition of employment of children below the age of 14 years in dangerous jobs like factories, mines and others as mentioned under The Child Labour (Prohibition and Regulation) Act, 1986.
- Any violation of these provisions is punishable under law.
- Trafficking in humans for the purpose of slave trade or prostitution is also prohibited by law.



Right to Vote

- The Constitution of India guarantees Right to Vote according to which every citizen of India who is of age 18 years or above can cast her/his vote.
- Right to Vote ensures that women get an equal opportunity to participate in the politics of our country.



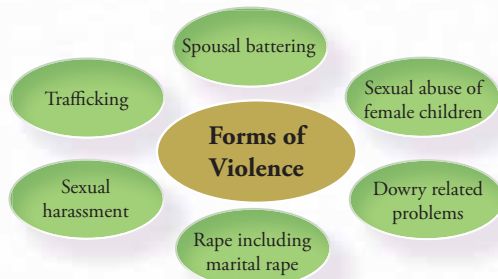
Violation of Women's Rights

- The constitution of India has granted equal rights to both men and women.
- The rising incidents of crime and exploitation against women indicate that rights of women are being violated and there is need to strengthen the law and come out with various strategies to encourage gender equality.

Violence against Women

The term "Violence against Women" refers to many types of harmful behaviour directed at women and girls because of their gender.

Forms of Violence



Gender Biased Sex Selective Elimination (GBSS)

- Any action taken in order to select the sex of the child by the use of any artificial method at the time of conception or thereafter are sex selection.
- Female foetus is selectively aborted after pre-natal sex determination to avoid birth of girl child.
- The act of deliberate killing of new born females is called Female Infanticide.



Causes of Gender Biased Sex Selective Elimination

- Preference for sons
- Inheritance and carrying forward the family lineage
- Subordinate status of women
- Evil practices like dowry

Social Causes

- Child rearing costs
- Assets v/s liabilities
- Costs related to marriage
- Devaluation of women's work

Economic Causes

- Ineffective implementation of laws
- Lack of political will
- Small Family policy
- Lack of coordination between central and state governments

Political Causes

Legislative provisions against GBSS

- The Medical Termination of Pregnancy Act, 1971 (Amended in 2002).
- The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (PCPNDT) Act (as amended in 2003).

Child Marriage

- Child marriage is defined as a marriage before 18 years of age. The legal age for marriage in India is 18 years for women and 21 years for men
- Any marriage of a person younger than this is banned in India and any person found guilty is liable to be punished under the Prohibition of Child Marriage Act, 2006.

Causes of Child Marriage

- Girls are considered as liabilities.
- Insecurity and anxiety regarding safety of girls.
- Dowry.
- Poor implementation of laws.

Vulnerable to domestic violence

Illiteracy among girls

Trafficking and sale of girls

Increase in Sexually Transmitted Diseases
& HIV/AIDS cases

Complications during childbirth

Increased Maternal Mortality Rate (MMR)

Increased Infant Mortality Rate (IMR)

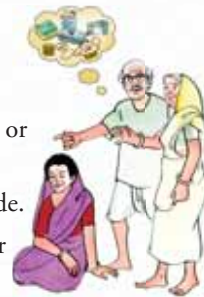
Consequences of Child Marriage

Legislative Provisions Against Child Marriage

- The Prohibition of Child Marriage Act, 2006.

Dowry

- Dowry means any property or valuable security given or agreed to be given by:
 - The bride to the groom or by the groom to the bride.
 - By the parents of either the bride or the groom or by any other person.
 - At or before or any time after marriage.



- Giving, taking, demanding or even advertising for dowry is an offence.
- Any person who takes or gives dowry at her/his son's or daughter's or relative's wedding, is liable to be punished under Dowry Prohibition Act 1961 (Amendment Act, 1986).

Legislative Provisions against Dowry

- The Dowry Prohibition Act, 1961 (Amendment Act, 1986).

Domestic Violence

Domestic Violence refers to any act, omission or conduct which:

- Can cause harm or injury or has the potential of harming or injuring the health, safety or well-being of a woman or any child in a domestic relationship (arising out of living together with or without marriage).
- Is violent or aggressive behaviour within the home, typically involving the violent abuse of a woman or a child.

Types of Domestic Violence

- Physical abuse/threat of physical abuse.
- Sexual abuse or a threat of sexual abuse.
- Verbal, emotional and/or mental abuse.
- Economic abuse.

Effect on the Victim and the Family

| Physical Effect | Psychological Effect | Effect on Children |
|--|--|---|
| <ul style="list-style-type: none"> • Bruises • Broken bones • Head injuries • Lacerations and internal bleeding. • Victims who are pregnant experience greater risk of miscarriage, pre-term labour and injury to or death of foetus. | <ul style="list-style-type: none"> • High amounts of stress • Fear and anxiety • Depression • Frequently subjected to intense criticism. | <ul style="list-style-type: none"> • Suffer in development and psychological welfare. • Increased aggressiveness. • Anxiety • Changes in how a child socializes with friends, family and authorities. • Problems with attitude and cognition in schools. |

Legislative Provisions against Domestic Violence

- Protection of women from domestic violence Act, 2005.

Protection Orders, Legal Aids and Relief to Victims under the Act

| Prohibits | Monetary Relief | Legal Aid |
|---|---|---|
| <ul style="list-style-type: none"> • Act of domestic violence. • Entering place frequented by the aggrieved. • Attempting to communicate with the aggrieved. • Causing violence to the dependents, other relatives or others who assist aggrieved from domestic violence. | <ul style="list-style-type: none"> • For expenses incurred. • For losses suffered. • Medical expenses and maintenance for aggrieved and her child. | <ul style="list-style-type: none"> • To poor, indigent, women and children who do not have sufficient means for legal action. • Poor and/or unemployed women with inadequate means and their children can get free advice and legal services of a lawyer. • Imposing criminal charges in cases where serious injuries have occurred. |

Trafficking

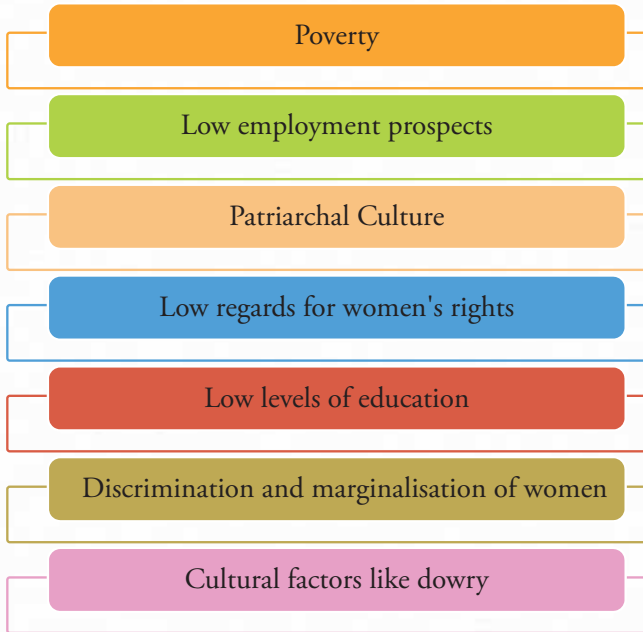
- Trafficking means all acts involving transportation, moving, selling and buying of women and children within and/or across borders through coercion and/or deception.

Purpose of Trafficking



Causes of Trafficking

The causes of trafficking may be following:



Risks for Victims of Trafficking

- Low, withheld or no wages.
- Hazardous work environment.
- Violent physical abuse.
- Drug abuse and other addictions.
- Lack of medical attention.
- Psychological trauma.
- Emotional trauma.
- Community exclusion.

Legislative Provisions Against Trafficking

- The Immoral Traffic Prevention Act, 1956, The Child Labour (Prohibition and Regulation) Act, 1986 (Amended in 2012).



Sexual Harassment

- Sexual harassment is any unwelcome, unsolicited behaviour of a sexual nature including staring, gesticulating, touching, passing comments, sexual assault.

Forms of Sexual harassment

| | | | |
|--|---|---|-----------------------------------|
| Actual or attempted rape or sexual assault | Unwanted pressure for sexual favours | Unwanted deliberate touching, leaning over, cornering or pinching | Unwanted sexual looks or gestures |
| Unwanted letters, telephone calls, or materials of sexual nature | Unwanted pressure for dates | Unwanted sexual teasing, jokes, remarks, or questions | Whistling at someone |
| Cat calls | Touching or rubbing oneself sexually around another person | Looking a person up and down (elevator eyes) | Staring at someone |
| | Facial expressions, winking, throwing kisses, or licking lips | Making sexual gestures with hands or through body movements | |

Consequences of Sexual Harasment

Post Traumatic Stress Disorder

Prolonged feelings of anxiety, stress or fear can be a sign of post-traumatic stress disorder.

Self-Harm

Some survivors of sexual assault may use self-harm to cope with difficult or painful feelings.

Sexually Transmitted Infections (STIs)

STIs can occur during any sex act, even if this contact was unwanted or forced.

Depression

Feelings of sadness and unhappiness that have a negative impact on your life could be a sign of depression.

What Can You Do

If you face harassment, you can:

- Take help from people around you (friends or strangers).
- Complaint to the college complaints committee, or any such statutory body, if the harassment takes place in college or at the university.
- Complaint immediately to the police, if it happens in a public place register a complaint with a women's organisation.



Legislative Provisions against Sexual Harassment

- The Sexual Harassment of Women at Work Place (Prevention, Protection and Prohibition) Act, 2013.
- The Indecent Representation of Women (Prohibition) Act, 1986.
- The Protection of Children from Sexual Offences Act, 2012 (POCSO).

Widowhood Problems

- A widow is a woman whose spouse has died.
- The condition of widows in Indian society is pitiable.
- They are considered as bad omens, not allowed to remarry irrespective of any age and are generally secluded from the society.

Problems of Widows

- **Medical Issues:** The reproductive and sexual health of the widows are extremely neglected and discussion about it is considered a taboo.
- **Economic/Financial issues:** Males are the main bread earner in most families in India. With little or no saving, no steady stream of income, the poor women live at the mercy of male members of the family.
- **Social & Psychological Issues:** Till date widows are accused of being 'responsible' for the death of their husband and described as the curse of the family. They are forced to obey restrictive dress code and behaviour and have bland food, fast on particular days.
- **Legal Issues:** Unaware of her rights (especially under Hindu Succession Act, 1956) and incapable of asserting herself, a woman has no recourse to judicial help.

Other Legislations

Marriage Acts

The Indian Penal Code has passed many laws through which institute of marriage is regulated. The acts related to marriage are given below:



The Hindu Marriage Act, 1955

- It is compulsory to register every Hindu marriage even if it is solemnized through proper rituals.
- A Hindu marriage may be solemnized in accordance with the customary rites and ceremonies which include the *Saptapadi*, the marriage becomes complete and binding when the seventh step is taken.

Provisions under Hindu Marriage Act

| Valid Marriage | Prohibitions | Grounds for Divorce |
|--|---|--|
| <ul style="list-style-type: none">• The bridegroom has completed twenty-one years and the bride eighteen years of age at the time of the marriage.• Neither party has a living spouse.• The parties are not within the degrees of prohibited relationship unless the custom permits of a marriage between the two.• The parties are not <i>sapindas</i> of each other, unless the custom permits of a marriage between the two. | <ul style="list-style-type: none">• Marriage between platonic relationship like mother and son, father and daughter, brother and sister is unacceptable.• Bigamy or polygamy is prohibited.• In case of a second marriage, the concerned partner has to first seek divorce from the spouse and then re-marry. | <ul style="list-style-type: none">• Desertion for two or more years.• Conversion to a religion other than Hindu.• Mental abnormality.• Venereal disease.• Leprosy.• Wife can ask for dissolution of marriage on the ground if the husband remarries or has been guilty of rape, sodomy or bestiality.• Newly married couples cannot file petition for divorce within one year of marriage. |

The Special Marriage Act, 1954

- The marriage performed under the Special Marriage Act, 1954 is a civil contract and no rites or ceremony is required.
- The parties have to file a Notice of Intended Marriage in the specified form to the Marriage Registrar 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 notice is given.
- After the expiration of thirty days from the date on which notice of an intended marriage has been published, the marriage may be solemnized, unless it has been objected to by any person.
- Marriage is not binding on the parties unless each party states "I, (A), take thee (B), to be my lawful wife (or husband)," in the presence of the Marriage Officer and three witnesses.

The Indian Christian Marriage Act, 1872

- Every marriage under this act shall be solemnized between the hours of six in the morning and seven in the evening.
- If the persons intending marriage desire it to be solemnized in a particular church, the Minister of Religion to whom such notice has been delivered shall cause the notice to be affixed in some conspicuous part of such church.
- Whenever a marriage is not solemnized within two months after the date of the certificate issued by Minister, such certificate and all proceedings (if any) shall be void and no person shall proceed to solemnize the said marriage until new notice has been given and a certificate is issued.

The Parsi Marriage and Divorce Act, 1936

- Parsi wedding has to be solemnized as per the "*Ashirvad*" tradition in the presence of a Parsi priest or *Parsi Dastur* or *Mobed*.
- The Parsi Priest/ *Dastur/Mobed* who conducts the wedding should issue a wedding certificate signed by the priest, the couple and two witnesses.
- All Parsi/Irani/Zoroastrian weddings have to be registered with the marriage registrar. Non-compliance can lead to a fine and even imprisonment.
- Only Parsi men over the age of 21 and Parsi women over the age of 18 can marry.
- Marriage is not allowed between blood relatives.
- Bigamy and Polygamy are not allowed.

The Indian Muslim Marriage Act

The Muslim Marriage Act is based on the Muslim marriage law and marriage or “*Nikah*” between an Indian Muslim groom and bride is a civil contract that both the groom and the bride agree to.

- In a Muslim marriage there is a proposal (“*Ijab*”), from one party and an acceptance (“*Qubul*”), from the other.
- A Kazi (or Qazi) is not necessary for the marriage to take place. The proposal (“*Ijab*”) and acceptance (“*Qubul*”) in the presence of two adults qualifies as a legal wedding under the act.

Prohibitions under Indian Muslim Marriage Act

Muslim marriage is not allowed

- With two sisters
- With a foster mother
- If the man already has four wives
- If the man and woman were previously married and have divorced, but the woman has not remarried.

Adoption

“Adoption” means the process through which the adopted child is permanently separated from biological parents and becomes the legitimate child of adoptive parents with all rights, privileges and responsibilities that are attached to the relationship.

The primary aim of adoption is to provide a child who can't be cared for by his biological parents with a permanent substitute family. The acts related to adoption are described below:



The Hindu Adoptions and Maintenance Act, 1956

- The Hindu Adoptions and Maintenance Act was enacted in India in 1956.
- This act applies to Hindus in any of its forms and persons who are Buddhist, Jain or Sikh by religion.



- Under the purview of the act:
 - Adoption is a legal process.
 - Maintenance of family members is mandatory.
- The act does not also apply to adoptions that took place prior to the date of enactment. However, it applies to any marriage that has taken place before or after the act had come into force.
- Moreover, if the wife is not a Hindu then the husband is not bound to provide maintenance for her under this Act under Modern Hindu Law.

The Guardians and Wards Act, 1890

The Guardians and Wards Act, 1890 is particularly outlined for Muslims, Christians, Parsis and Jews as their personal laws do not allow for adoption.

- A person can adopt a child only under 'guardianship' as per this act.
- This act considers a person below 18 years as a minor/child.
- The court or appointed authority has the ability to decide the guardian of a child by appointing on or removing a person as a guardian.
- The minor's preference may be taken into consideration.
- A minor cannot be deemed a guardian of another minor.
- A guardian of property of a ward may not mortgage or sale the property without the permission of a will or the court who must act in the interest of the ward.
- A list of the wards property, immovable and movable, must be submitted by the guardian to the court.


The Juvenile Justice (JJ) (Care and Protection of Children) Act, 2000 (Amendment, 2006), (Amendment Bill, 2014)

- The Juvenile Justice (Care and Protection of Children) Act emphasises on the rehabilitation and social reintegration of a child and considers adoption as an important alternative for the same.
- Adoption under this act is for the rehabilitation of children who are orphaned, abandoned, neglected and abused through institutional and non-institutional methods.
- Children may be given in adoption by a court after satisfying itself regarding the investigation.



Highlights of JJ Bill, 2014

- The bill seeks to replace the Juvenile Justice (Care and Protection of Children) Act 2000.
- It meets the concerns of children in conflict with law, children in need of care and protection.
- The bill permits juveniles between 16 to 18 years to be tried as adults for heinous offences.
- The bill also holds that juveniles committing lesser serious offences should be tried as adults only if apprehended after 21 years of age.
- The bill also proposes Juvenile Justice Boards and Child Welfare Committees will be constituted in each district.
- Juvenile Justice Board will conduct the starting inquiry to assess if the juvenile offender should be sent for rehabilitation or tried as an adult.
- Child Welfare Committee will determine institutional care for children in need of protection.
- Eligibility of adoptive parents and process for adopting have also been stipulated in the bill.
- Penalties for cruelty against children, offering narcotic substances to children or abduction or selling of children have also been outlined.
- Offences committed by juveniles are categorised as:
 - **Heinous offences:** Minimum jail term of 7 years under Indian Penal Code (IPC)
 - **Serious offences:** 3 to 7 years of jail
 - **Petty offences:** Below 3 years of jail
- Juvenile also cannot be given imprisonment for life without chance of release or death penalty.
- As per the bill, juvenile in conflict with law can spend as much as 3 years in special home/fit facility. But in some cases (heinous offences), they will be tried as adults.
- The Juvenile Justice Board is to assess the mental/physical capacity of the juvenile to commit the crime and understand its consequences.
- The Board may recommend :
 - Interventions such as counselling, community service.
 - Stay at observation home for short/long periods.

- 
- Refer juvenile to children's court where he/she may be tried as an adult.
 - The bill makes the following recommendations:
 - Increasing reconsideration period for surrendering children by parents or guardians.
 - Enhancing the period of inter-country adoption where children are not given for domestic adoption.
 - Assigning role of designated authority for monitoring bill implementation to National Commission for Protection of Child Rights.

Other Related Acts

The other women related acts are mentioned below:

Maternity Benefit Act, 1961

The act applies to every establishment or class of establishments, industrial, commercial, agricultural or otherwise.

- Employment of, or work by, women prohibited during the six weeks immediately following the day of her delivery or her miscarriage.
- Every woman shall be entitled to the payment of maternity benefit at the rate of the average daily wage for the period of her actual absence immediately preceding and including the day of her delivery and for the six weeks immediately following that day.
- The maximum period for which any woman shall be entitled to maternity benefit shall be twelve weeks, that is to say, six weeks upto and including the day of her delivery and six weeks immediately following that day.
- Payment of maternity benefit in case of death of a woman.
- Payment of medical bonus.
- Leave for miscarriage.
- Leave for illness arising out of pregnancy, delivery, premature birth of child or miscarriage.
- Every woman who returns to duty after delivery shall, in addition to the interval for rest allowed, be given two breaks of prescribed duration for nursing the child until the child attains the age of fifteen months.
- Where a woman absents herself from work in accordance with the provisions of this Act, it shall be unlawful for her employer to discharge or dismiss her during absence.

- If any employer contravenes the provisions of this Act, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or both.

The Protection of Human Rights Act, 1993 [Amended by the Protection of Human Rights (Amendment) Act, 2006]

The Central Government shall constitute a body to be known as the National Human Rights Commission to exercise the powers conferred upon, and to perform the functions assigned to it, under this act.

Functions of the Commission

The Commission shall perform all or any of the following functions:

- Intervene in any proceeding involving any allegation of violation of human rights pending before a court.
- Visit any jail or institution where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates and make recommendations to the Government.
- Review the safeguards provided under the Constitution or any law for the protection of human rights and recommend measures for their effective implementation.
- Study treaties and other international instruments on human rights and make recommendations for their effective implementation.
- Undertake and promote research in the field of human rights.
- Spread human rights literacy and promote awareness of the safeguards available for the protection of these rights.
- Encourage the efforts of non-governmental organisations and institutions working in the field of human rights.

Human Rights Courts: For the purpose of providing speedy trial of offences arising out of violation of human rights, the State Government may specify a 'Court of Session' for each district to be a 'Human Rights Court' to try the said offences.

Special Public Prosecutor: For every Human Rights Court, the State Government shall, appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

The National Commission for Minorities Act, 1992

National commission for minorities was set under National Commission for Minorities Act, 1992 and was amended by National Commission for Minorities (Amendment) Act 1995. Six religious communities; Muslims, Christians, Sikhs, Buddhists, Zoroastrians (Parsis) and Jains have been notified as minority communities.

Functions of the Commission

- Evaluate progress of the development of minorities.
- Make recommendations for effective implementation of safeguards for protection of interests of minorities.
- Undertake studies on cause of discrimination against minorities (if any) and recommend measures for their removal.
- Make periodic reports on matters pertaining to minorities and difficulties confronted by them.



The Criminal Law (Amendment) Act, 2013

The Criminal Law (Amendment) Act, 2013 is an Indian legislation passed which provides for amendment of Indian Penal Code, Indian Evidence Act, and Code of Criminal Procedure, 1973 on laws related to sexual offences.

Offences and Penalties

| Offence | Punishment |
|------------------------|---|
| Acid attack | Imprisonment not less than ten years but which may extend to imprisonment for life and with fine which shall be just and reasonable to meet the medical expenses and it shall be paid to the victim. |
| Attempt to acid attack | Imprisonment not less than five years but which may extend to seven years and shall also be liable to fine. |
| Sexual harassment | <ul style="list-style-type: none">➤ Rigorous imprisonment upto three years or with fine or with both in case of offence described in clauses (i), (ii) or (iii).➤ Imprisonment upto one year or with fine or with both in other cases. |

➤ **Amendment of Section 354:** imprisonment of either description for a term which may extend to two years, or with fine or with both, the words shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years and shall also be liable to fine shall be substituted.

| | |
|------------------------------------|--|
| Act with intent to disrobe a woman | Imprisonment not less than three years but which may extend to seven years and with fine. |
| Voyeurism | In case of first conviction, imprisonment not less than one year, but which may extend to three years and shall also be liable to fine and be punished on a second or subsequent conviction with imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years and shall also be liable to fine. |
| Stalking | Whoever commits for offence of stalking shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and shall also be liable to fine. |
| Trafficking | <ul style="list-style-type: none"> • Whoever commits the offence of trafficking shall be punished with rigorous imprisonment for a term which shall not be less than seven years, but which may extend to ten years and shall also be liable to fine. • Where the offence involves the trafficking or more than one person, it shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine. • Where the offence involves the trafficking of a minor, it shall be punishable with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life and shall also be liable to fine. |

- Where the offence involves the trafficking of more than one minor, it shall be punishable with rigorous imprisonment for a term which shall not be less than fourteen years, but which may extend to imprisonment for life and shall also be liable to fine.
- If a person is convicted of the offence of trafficking of minor on more than one occasion, then such person shall be punished with imprisonment for life which shall mean imprisonment for the remainder of that person's natural life and shall also be liable to fine.
- When a public servant or a police officer is involved in the trafficking of any person then, such public servant or police officer shall be punished with imprisonment for life which shall mean imprisonment for the remainder of that person's natural life and shall also be liable to fine.

Initiatives

Various initiatives have been taken up by the Government of India and independently by the States which has steadily evolved the power or opportunity to act or take charge before others do. A few of such initiatives are highlighted below:

Track Child

- Track child was created under Integrated Child Protection Scheme (ICPS) and Juvenile Justice (Care & Protection of Children) Act, 2000 to provide a mechanism for tracking 'missing' and 'found' children.
- Track child is a portal for reporting missing and found cases related to children to Police/ Authority online.

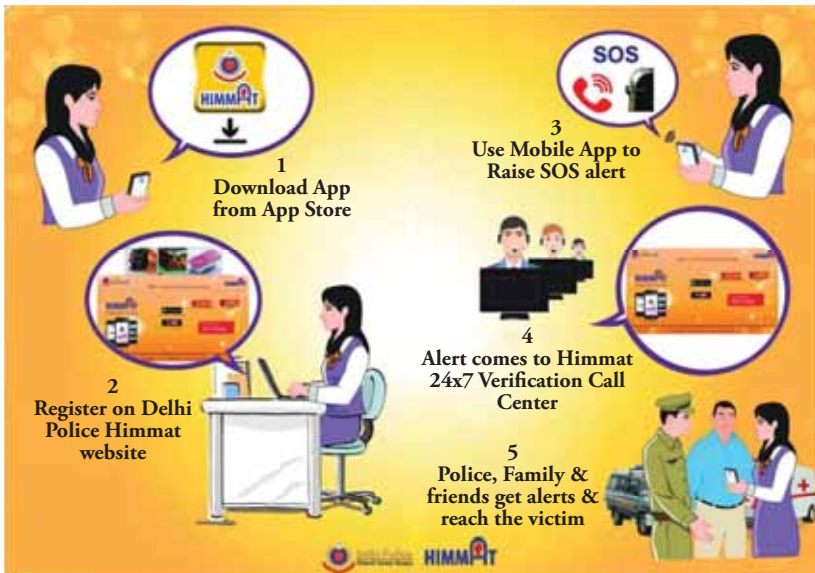


HIMMAT

- *HIMMAT* is an initiative by Delhi police for women safety.
- *HIMMAT* is an emergency service, comprised of an android emergency application which can send a distress call or emergency message to Delhi police officials and specified contact or group in an emergency situation faced by a woman.
- The police personnel will get these SOS alerts and locations on a portal and as an SMS on their mobile phones as well.
- The distressed call or message is responded by police control room and assistance is extended immediately through PCR Van and nearest police station.
- *HIMMAT* is functional only in Delhi and NCR. (National Capital Region). *HIMMAT* application user initiating call from NCR region other than Delhi is extended support through corresponding control room by hotline/wireless communication. It will not be possible to respond in case of roaming out of NCR region.



How to use HIMMAT





One Stop Centre (OSC)

- One Stop Centres are intended to support women affected by violence, in private and public spaces, within the family, community and at the workplace.
- Women facing physical, sexual, emotional, psychological and economic abuse, irrespective of age, class, caste, education status, marital status, race and culture will be facilitated with medical, legal and psychosocial support.
- It targets all women including girls below 18 years of age affected by violence, irrespective of caste, class, religion, region, sexual orientation or marital status.

The trainer may refer to Day 1, Session 3 and Day 3, Session 1, 2, 3 for details of the topics covered, related activities and annexures in the training module.



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