

## UNIT 2 SOCIAL LEGISLATIONS ON WOMEN

### Contents

- 2.0 Objectives
- 2.1 Introduction
- 2.2 The Constitutional Rights of Women
- 2.3 The Law on Rape
- 2.4 The Prevention of Immoral Traffic Act, 1956
- 2.5 The Law Relating to Dowry Offences
- 2.6 The Indecent Representation of Women (Prohibition) Act, 1986
- 2.7 Hindu Law of Marriage
- 2.8 Muslim Marriage Law
- 2.9 Christian Marriage Law
- 2.10 The Maternity Benefit Act, 1961
- 2.11 Family Courts
- 2.12 Let Us Sum Up
- 2.13 Suggested Readings

---

### 2.0 OBJECTIVES

---

After reading this unit, you should be able to:

- know the constitutional rights for women,
- understand the salient features of various legislations enacted for the protection of women,
- know various provisions under marriage laws pertaining to Hindus, Muslim and Christians and
- understand the objectives and purpose of family courts.

---

## **2.1 INTRODUCTION**

---

Women are beautiful creations of God. As human beings and citizens of this country, they have human and legal rights to live with human dignity. The framers of the Constitution of India had recognized their rights for equality, personal liberty and fundamental freedoms and incorporated several provisions to promote the same. However, these provisions are not adequately enforced even after 56 years of Independence. On the contrary, they are exploited and abused and their rights are often violated by powerful elements in the society. It is a harsh reality that women have been ill-treated in every society for ages and are considered as hand-maiden of men in our male dominated society. A woman is deprived of her independent identity and is often considered as the property of her father, husband or son. She is never seen by her husband as a life-partner, but as a commodity to be used. So, she often has to face various crimes and atrocities committed by her male counterpart. In order to protect women from such violences and exploitations and to promote their legal rights, the Government of India, in the past, had enacted several criminal, civil and labour laws. They are known as social legislations. Effective enforcement of the provisions of these social legislations can really help women to develop themselves and to realise their cherished goals and aspirations as women and as citizens of our great country. However, most of the women in our country are not fully aware of various provisions of these laws and so, they are not in a position to assert their rights. What is required is awakening of social conscience of women and men and promotion of a movement to empower women to enable them to develop themselves and to contribute much in the development of this nation in partnership with men.

As Pandit Nehru emphasized: “Legislation alone cannot by itself solve deep rooted social problems. One has to approach them in other ways too, but legislation is necessary and essential, so that it may give that push and have that educative factor as well as legal sanctions behind it, which will help public opinion to be given a certain shape.”

Some of the social legislations are explained below to educate you, so that you too can play a major role in promoting the legal rights of women and in building a just society where every woman can experience justice, liberty, equality, human dignity and fraternity guaranteed by the Constitution of India.

## **2.2 THE CONSTITUTIONAL RIGHTS OF WOMEN**

The Indian Constitution came into force in 1950. It announced the decision of the Constituent Assembly (which framed the Constitution) to provide social, political and economic justice to all. To this end, the Constitution had several provisions to protect women and improve their position.

The Constitution effects social justice in two ways. Firstly, it confers certain rights on men and women (Articles 14 to 32). These are called “fundamental” rights and can be enforced by the courts. Secondly, the Constitution directs the state to implement certain principles. These are called “Directive Principles of State Policy.” These are not enforceable as such in courts, but are declared to be fundamental in the governance of the country. So they have a moral and political value.

For practical purposes, fundamental rights are the more important of the two. A person whose fundamental right has been infringed can take proceedings to the court. Of course, fundamental rights are conferred on both men and women. But the right of equality, which is one of the fundamental rights guaranteed by the Constitution, is of special value to women.

Some important constitutional aspects relating to women are discussed below.

The Indian Constitution, in the first place, tries to ensure that men and women are treated equally. Secondly, it notes that in certain respects, women have been ill treated or regarded as inferior. To remove this injustice and to re-introduce real equality, the Constitution allows the state to make special provisions favouring women, i.e. provisions for the benefit of women. Thirdly, the Constitution expects that the State will make special efforts to improve the position of the weaker sections of the society, including women. Fourthly, the Constitution also expects the state to take steps to prevent the exploitation of women.

The first two approaches are fundamental rights. The third and the fourth are directions, which the state should bear in mind.

### **Constitutional provisions pertaining to equality**

Article 14 of the Constitution provides that the state will not deny any person equality before the law and equal protection of law within India.

Article 15(1) of the Constitution provides that the State shall not discriminate against any citizen on grounds of religion, race, caste, sex or place of birth. Article 15(3) of the Constitution specially provides that the State is permitted to make special provisions for the benefit of women. Article 16(1) and Article 16(2) prohibits discrimination in general and also discrimination on the ground of sex in employment and those employed under the State.

Article 39(a) of the Constitution provides that the State shall, in particular, direct its policy towards securing that citizens, men and women equally, have the right to an adequate means of livelihood. This is also a Directive Principle of State Policy.

Article 39(b) of the Constitution provides that the State shall direct its policy towards ensuring equal pay for equal work for men and women. This is a directive principle of State policy. To further this provision, the parliament has enacted the Equal Remuneration Act, 1976 for the payment of equal remuneration to men and women workers and for the prevention of discrimination on the ground of sex, against women and in the matter of employment or in matters connected therewith.

Article 39 (c) of the Constitution requires that the State shall secure health and strength of workers, men and women and that children are not abused and citizens are not forced by economic necessity to enter vocations unsuited to their age and strength. This again is a Directive Principle of State Policy.

Article 51A(e) of the Constitution provides that it will be the duty of every citizen of India to renounce practices derogatory to the dignity of women.

### **Safeguards for personal liberty of women**

- (i) Separate places of detention should be provided for female suspects.

- (ii) Female suspects should be interrogated only in the presence of female police officers.
- (iii) Every person who is arrested should be informed of the grounds of arrest and of the right to apply for the bail. A pamphlet listing these rights should be affixed in every police station.
- (iv) The police should intimate the arrest to the nearest legal aid committee and the committee should give immediate legal assistance to the arrested person.
- (v) Sessions Judges should make surprise visits to police lock-ups periodically.
- (vi) On arrest, the police should inform a relative or friend of the arrested person.
- (vii) The magistrate before whom an arrested person is produced must inquire whether the arrested person has any complaint of torture or maltreatment in police custody and inform him that under Section 54 of the Code of Criminal Procedure, 1973, she has the right to be medically examined.

### **Check your progress-I**

1. Which Article of the Constitution provides fundamental rights to Indian citizens?

.....

.....

.....

.....

2. How do fundamental rights differ from Directive Principles of State Policy?

.....

.....

.....

.....

3. What are the specific provisions in the Constitution that ensure equality for women?

.....

.....

.....

.....

...

4. What are the directives of the Supreme Court in *Sheela Barse Vs. State of Maharashtra* (AIR 1983 SC 378) to safeguard the personal liberty of women?

.....

.....

.....

.....

### **2.3 THE LAW ON RAPE**

Women have both been idolised and exploited and denied social justice in India. Increasing violence on women and, more specifically, rape of women, is a pointer to this.

Rape is a forcible ravishment of a woman by a man. It is one of the manifestations of her oppression and an expression of male chauvinism. Men still persist in treating women or female children as sex objects for satisfying their lust. The crime of rape not only damages the dignity of a woman as a person and darkens her entire future, but also undermines the dignity of all women.

Most women are not aware of the laws relating to rape and other sexual offences and the legal means available to them to punish the guilty. Their ignorance is also exploited by police, lawyers and their opponents.

The problem of rape is essentially social and only a strong protest movement by women's organisations, civil rights groups, social activists and the public can eradicate this type of oppression and protect the human dignity of women of our country.

### **The Crime of Rape**

Section 375 of the Indian Penal Code defines rape. According to this definition, rape is committed when a man has sexual intercourse with a woman:

1. against her will, or
2. without her consent, or
3. with her consent, when her consent has been obtained by putting her or any person in whom she is interested, in fear of death, or of hurt, or
4. with her consent, when he by deception, makes her believe that he is her lawful husband, or
5. with her consent, given on account of her unsoundness of mind, or intoxication, when she is incapable of understanding the consequence of her consent, or
6. with or without her consent, when she is under 16 years of age.

Some penetration, however slight, is sufficient to constitute the sexual intercourse necessary to the offence of rape. The degree of penetration is immaterial. It is not essential that the hymen should be ruptured, or that there should be emission of semen. Without some penetration, there can be no rape, though the act may amount to an attempt to rape.

### **Rape of one's wife**

According to Section 375 of Indian Penal Code, sexual intercourse by a man with his wife below 15 years of age is considered rape. Here, the policy of the law is to protect children of immature age against sexual intercourse.

### **Nature of the crime of rape**

According to the Supreme Court, "rape is not only a crime against the person of a woman (victim), it is a crime against the entire society. It destroys the entire psychology of a woman and pushes her into deep emotional crises. It is only by her sheer will power that she rehabilitates

herself in the society which, on coming to know of the rape, looks down upon her in derision and contempt. Rape is, therefore, the most hated crime. It is a crime against basic human rights and is also violative of the victim's most cherished of the fundamental rights, namely, the Right to Life contained in Article 21." [Ref: Shri Bodhisattwa Gautam vs. Miss Subhra Chakraborty, AIR 1996 SC 922]

### **Matters to be proved by the prosecution**

In a case of rape, the prosecution must prove that

1. the accused had sexual intercourse with the woman;
2. the man accused of rape was the one who committed the offence;
3. the act of sexual intercourse was done without her consent or the consent obtained by threat, fraud, deception, intoxication, etc.
4. the accused had sexual intercourse with a girl below 16 years of age;
5. the husband who is accused of rape, had sexual intercourse with his wife below 15 years of age;
6. there was penetration.

### **Procedure to be followed by the victim**

If you are a victim of rape--

1. Immediately rush to the nearest doctor (any registered medical practitioner) and get yourself examined. The doctor does not have to be a doctor of a government hospital.
2. File an F.I.R. in the nearest police station as early as possible. Make sure that the F.I.R. is recorded. Ask for a copy of the statement recorded. [You have a legal right to get a copy of the F.I.R. recorded free of cost. Section 154 (2) Criminal Procedure Code.]
3. If necessary, ask your lawyer to accompany you to the police station. You have a Fundamental Right to consult a lawyer of your choice.



4. Demand that the person who has raped you be medically examined immediately. This will help to find evidence on the person of the accused.
5. Do not change clothes or take a bath till the completion of the medical examination.
6. Keep the articles (clothes, slippers, spectacles etc.) obtained from the accused in the custody of the police.
7. Preserve the condition of the place where the offence has taken place till the police officer prepares the report of the spot. The report made after the inspection of the place can provide circumstantial evidence regarding the commitment of the offence.
8. Go to the police station accompanied by a male relative or friend.

#### **Effect of delay in reporting the offence**

- Delay in reporting the offence to the police would cast doubt on the story of the victim, while promptness on her part would lend credibility.
- Delay can also lead to disappearance of medical evidence.
- The complaint and the F.I.R. can be lodged by anyone who has the knowledge of the offence.

#### **First information report**

It is the statutory duty of the police under the code of the provisions of the Code of Criminal Procedure to register an FIR in a rape case (cognizable offence) and to start investigation immediately.

]

#### **Rape: cognizable offence**

It is a cognizable offence and, hence, a police officer can arrest the accused without warrant. The charge of rape is triable exclusively by a Court of Sessions.

### **Punishment for rape**

1. Normal punishment for rape is minimum 7 to 10 years imprisonment and maximum life imprisonment and fine.
2. Punishment for raping one's own wife, who is not under 12, is two years imprisonment or fine or both. The amount of fine is to be fixed according to the discretion of the judge.

The court has power to impose a sentence for less than seven years. In that case, it must explain the special reasons for giving lighter punishment in its judgement.

3. Punishment shall be rigorous imprisonment for not less than 10 years or imprisonment for life, plus fine, when—a police officer commits rape,
  - (a) within the limits of the police station to which he is appointed, or
  - (b) in the premises of any police station, or
  - (c) rapes a woman, in his custody or in the custody of his subordinate,
    - a public servant, commits rape on a woman in his or his subordinate's custody, or
    - a member of the management, or staff of a hospital, jail, remand home, women's or children's institutions commits rape on any of its inmate, or
    - a person commits rape on a pregnant woman or on a girl under 12 years of age, or
    - a gang commits rape on a woman.

Even in these special cases of rape, the court has the power to award lighter punishment, i.e., imprisonment for less than 10 years for adequate and special reasons, which are to be mentioned in its judgement.

### **Gang rape**

When a woman is raped by a group of people it is considered as gang rape. The act of crime may be committed by one or more persons in a group. But all of them are considered equally guilty if the offence is committed as a result of their common intention or plan.

### **Attempt to commit rape**

Attempt to commit rape is also an offence under Section 511 of Indian Penal Code.

### **Punishment**

Imprisonment for a term, which may extend to one-half of the imprisonment for life and fine.

### **Check your progress-II**

1. What constitutes the crime of rape?

.....  
.....  
.....  
.....

2. What is to be proved by the prosecution to punish the accused in a case of rape?

.....  
.....  
.....  
.....

3. What must be done by a victim of rape in order to provide evidence against the accused?

.....  
.....  
.....  
.....

4. What is the effect of delay in reporting the offence to the police?

.....  
.....  
.....  
.....

5. What is the punishment for rape?

.....  
.....  
.....  
.....

#### **2.4 THE PREVENTION OF IMMORAL TRAFFIC ACT, 1956**

The problem of immoral traffic in women and children has existed for a long time, but has been aggravated in modern times due to increase in economic and social stress caused by rapid industrialization, break-up of community life and changes in value-system. Research shows that persons who have been inducted into this nefarious practice have either acted under the compulsions of dire poverty or have been victims of violence—of incest, battering or rape. The victim of such a violent act loses respect for herself and for her body and is likely to give in easily to depravity. The poor and the victimized become an easy target for the unscrupulous flesh-traders. The first comprehensive legislation to tackle this problem was the Suppression of Immoral Traffic Act, 1956, which was later amended to Prevention of Immoral Traffic Act, 1986 and to Immoral Traffic (Prevention) Act in 1987.

The problem is actually rooted in human nature and social inequalities. The low status of women and rampant poverty have contributed considerably to such social aberrations among women. Without striking at the root cause of the problem, the legislation can only aim at suppression and not prevention. Though the implementation of the Act is the responsibility of the State government, the vice is of such nature that its control calls for the joint effort of the public as well as of the state machinery. What is needed is public concern, community awareness and involvement, counseling services, legal aid and genuinely constructive programmes for the rehabilitation of the victims of prostitution, so that they are also able to live with dignity.

### **Objectives of the Immoral Traffic (Prevention) Act, 1986**

The objectives of the Act are two fold. On the one hand, it wants to check sexual exploitation and abuse of women and children by prescribing heavy punishment to the offenders. On the other hand, it seeks to rescue victims of flesh-trade and those in moral danger by providing for a rescue and rehabilitative machinery.

### **Definition of “prostitutiton”**

According to the new definition, under 1986 amendment “prostitution” means “the sexual exploitation or abuse of persons for commercial purposes. Thus, prostitution is not confined to the act of a female offering her body for hire, but includes sexual exploitation or abuse of a male or a child for commercial purposes. In the new definition, the emphasis has shifted from a mere act, which goes against societal norms to a more serious criminal offence of sexual exploitation and sexual abuse.

### **Legality of prostitution**

The law does not prohibit prostitution as such. The attitude of the law-makers has been to consider it as “a necessary evil” and allow it to exist under certain circumstances and subject to certain restrictions. It is prohibited in or in the vicinity of public places, but permitted in certain licensed areas. A prostitute, so long as she is above 18 and solicits peacefully and voluntarily and keeps her activity outside the vicinity of public places and notified areas, is not punishable under the law.

### **Circumstances under which prostitution becomes unlawful**

Brothel keeping (S. 3.1), Abetment in brothel keeping (S. 3.2.), Living on the earnings of prostitution (S.4), procuring or inducing or taking a person for the sake of prostitution (s.5), detaining persons in premises where prostitution is carried on (S.6), prostitution in or in the vicinity of public places (S.7.1.), abetment of prostitution in public places (S.7.2), seducing or soliciting for purposes of prostitution (S.8), seducing of persons by those having custody over

them (S.9) are criminal Acts and punishable under the law. The punishment varies from three months to seven years and fine.

### **Machinery for enforcement**

The machinery envisaged for the enforcement of the provisions of the Act is as under: Special Police Officers, not below the rank of an Inspector of Police; Subordinate Police Personnel including women police; non-official advisory bodies consisting of not more than five social workers of the area to advise the Special Police Officers, Trafficking Police Officers; Special Courts of Judicial Magistrates or Metropolitan Magistrates; Social workers and recognized voluntary organizations; and Probation officers to assist the Magistrate for inquiry. They can be appointed by the State Governments.

On the face of it, the enforcement machinery appears adequate to handle a difficult job in a sensitive area of social degradation. However, in actual fact, the legislation has remained ineffective largely due to indifference and non-implementation by the enforcement machinery. The police authorities as well as magistrates have been reluctant to invoke provisions relating to forfeiture of property and attachment of premises of offenders, which would have proved more deterrent than mere imprisonment.

### **Offence under this act is cognizable**

Any offence punishable under this Act is a cognizable offence. This means that the special police officer or trafficking police officer can search a place or arrest a person without a warrant.

### **Check your progress –III**

1. What are the aims and objectives of this Act?

.....  
.....  
.....  
.....

2. What is understood by “prostitution”?

.....  
.....  
.....  
.....

3. What are the circumstances under which prostitution becomes unlawful?

.....  
.....  
.....  
.....

4. What is the machinery proposed to enforce the provisions of this Act?

.....  
.....  
.....  
.....

5. What is the nature of the offence committed under this law?

## **2.5 THE LAW RELATING TO DOWRY OFFENCES**

Dowry, a practice of ancient origin, has assumed abnormal proportions in present-day India. Hardly any part of this vast country is free from this cancerous evil.

The custom of dowry started with the giving of presents to the young woman entering upon marriage by her immediate family and relatives as an expression of love and affection. But, in course of time, it became a monstrous evil, which involved the questions of family prestige and social status. The end result is anxiety for many parents with marriageable daughters that their daughters would not be married off because of lack of means to provide dowry. Even where marriages take place, the young bride, uprooted from her parental home, lives in a real hell amidst the jeering, harassment and physical violence from her in-laws for bringing less dowry than acceptable to their greed. In many cases, the poor woman is driven to suicide; or else, she is burnt alive. Every year, thousands of innocent young women in India die in this way, while the lives of many more thousands are made unbearable to themselves.

In most religions, marriage is considered a sacramental union of a man and a woman. The essence of marriage is love and self-sacrifice. But the practice of dowry makes a woman an unwanted thing. And because her worth is equated with the amount of wealth she brings to her husband's family, this evil practice degrades woman and violates the principles of equality enshrined in our Constitution.

The Government has sought to control this evil through periodic legislation. The Dowry Prohibition Act was passed in 1961 to prohibit the practice of giving and taking dowry. After it was found to be ineffective in reducing the number of dowry deaths, the Criminal Procedure Code was amended in 1983, making cruelty to and harassment of a woman by her dowry seeking husband or his relatives punishable. The Dowry Prohibition Act, 1961 was amended in 1984 to make giving or receiving dowry a cognizable offence. Another amendment in 1986 defined dowry death and made it compulsory to conduct postmortem of a woman who had committed suicide or died in suspicious circumstances within seven years of her marriage.

### **Purpose of this Act**

This Act was passed in 1961 to prohibit the practice of giving or receiving dowry. It was amended in 1984 and 1986, respectively to curb the evil practice of dowry.

### **Meaning of 'dowry'**

Dowry means any property or valuable security given or agreed to be given either directly or indirectly by one party to a marriage to the other party to the marriage or by the parents of either party or by any other person of either party to the marriage. It may be given at or before or at any time after the marriage in connection with the marriage of the said parties. But it does not include 'dower' or 'mahr' in case of a person to whom the Muslim Personal Law (Shariat) applies (Section 2).

### **Application of the Act**



This Act applies to all communities irrespective of the religion. There is a misconception among some that it applies only to Hindus. But, infact, it equally applies to Muslims, Christians, Parsis, Jews or to any and every person who performs his marriage in India and is found guilty by dowry offence.

### **Penalty for giving or receiving dowry**

Giving or accepting dowry is punishable because it is a criminal offence. The person or persons guilty of giving, taking or abetting the giving or taking of dowry may be imprisoned for a minimum of five years and fined not less than Rs. 15,000 or the amount of the value of the dowry, whichever is more. In case of adequate and special reasons, the court has the power to grant lesser punishment, but the reasons must be recorded in the judgement. (Section 3)

### **Giving of presents**

Giving of presents to the bride or bridegroom at the time of marriage is not punishable if the gifts are given freely and voluntarily. Also, the giving of such presents should be a part of local custom and their value must be proportional to the financial capacity of the giver.

### **Demanding dowry is punishable**

For demanding dowry, directly or indirectly, the punishment is imprisonment for a minimum period of six months or maximum two years and a fine up to Rs. 10,000.

### **Giving an advertisement regarding dowry is an offence**

Section 4A of the Act prohibits any publicity regarding dowry offers through newspapers, periodicals, journals or through any other media. A person guilty of this offence can be imprisoned for a minimum period of six months and maximum five years or fined up to Rs. 15,000. If lesser punishment is given for adequate and special reasons, these must be recorded in the judgement.

### **Cognizance of offence**

- A Metropolitan Magistrate or a Judicial Magistrate of the first class can try any offence under this Act. (Section 7)
- Dowry is considered a cognizable offence for the purpose of investigation. It means that the police officer can investigate the case as soon as a complaint is lodged in the police station. But he has no power to arrest the accused person without a warrant or without an order of a Magistrate.
- Every offence under this Act is non-bailable. It means that the accused person has no legal right to get bail. Only a Magistrate can grant him bail on application, using his discretion. Offences under this Act are also non-compoundable. The complainant cannot withdraw the case on compromise with the opposite party.
- The burden of proving that he has not committed an offence under the Dowry Act is on the accused. (Section 8A)

### **Check your progress-IV**

1. Why is 'dowry' a social problem?

.....

.....

.....

.....

2. What is meant by 'dowry'?

.....

.....

.....

.....

3. What is the penalty for giving and receiving dowry?

.....  
.....  
.....  
.....

4. Is giving presents to the bride and bridegroom at the time of marriage an offence?

.....  
.....  
.....  
.....

5. What is the nature of the offence committed under this law?

.....  
.....  
.....  
.....

## **2.6 THE INDECENT REPRESENTATION OF WOMEN (PROHIBITION)**

### **ACT, 1986**

Every woman has a dignity of her own as a person. Hence her personality, body, talents and beauty have to be appreciated and respected by all.

In spite of her high status and dignity, there is a growing tendency among the vested interests for denigrating women by their indecent representation in publications, particularly in advertisements. The offence of indecent representation or obscenity was made punishable by the Indian Penal Code. However, the provisions of the Code were not found effective enough to deal with all sorts of indecent representations of women in the fast developing world of mass media. Such a practice of denigrating women is likely to deprave, corrupt or injure the public morality or morals. So, it was felt necessary to have a separate legislation to effectively prohibit the indecent

representation of women. So, The Indecent Representation of Women (Prohibition) Act was passed in 1986.

### **Specific objectives of the Act**

This Act aims—

- a) to define indecent representation of women;
- b) to prohibit all advertisements, publications, etc., which contain indecent representation of women in any form;
- c) to prohibit selling, distribution, circulation of any book, pamphlet, etc., containing indecent representation of women;
- d) to punish the guilty.

### **Powers to enter, search and seize**

Any Gazetted Officer authorized by the State Government is authorized to conduct a search under Section 5 of this Act. He can conduct a search within the local limits of the area for which he is authorized. At all reasonable times, he can enter and search any place, in which he has reason to believe that an offence under this Act has been or is being committed. He may take any advertisement or any book, pamphlet, paper, slide, film, writing, drawing, painting, photograph, representation or figure, which he has reasons to believe, violates any provisions of this Act. He also has the power to examine any record, register, document or any other material object found in the place of search. He can also seize them if he has reason to believe that they may furnish evidence for committing the offence punishable under this Act. When he seizes any material after the search, he must immediately inform the nearest Magistrate and take his orders regarding its custody.

### **Penalty**

For the first conviction, the punishment is imprisonment upto two years and fine upto two thousand rupees. For the second subsequent conviction, the imprisonment will be from six months to five years and the fine will be from ten thousand rupees to one lakh rupees.

### **Offences to be cognizable and bailable**

It is a cognizable offence, which means that the accused person can be arrested without warrant. It is a bailable offence, which means that the accused person has a right to get bail from a police officer in-charge of a police station.

### **Effective implementation of this act**

The strength of a law consists in its implementation. Many of our laws are without teeth. They are mere showpieces. A good number of them are made just to pacify the people when they make a hue and cry about a particular problem. Once they are enacted, no one is bothered about their implementation. People's participation is minimum in India due to illiteracy, ignorance and apathy of the common people. In a democratic system of government, laws cannot be implemented without the active participation and collaboration of the people.

Many of the laws enacted for the benefit of women are not implemented effectively due to the apathy and indifference of the law-enforcing agencies, such as police, bureaucrats, lawyers and judges. The situation can be changed only by awakening the conscience of the people, especially women, regarding their duty to become active partners in implementing the laws made for their benefits.

### **Check your progress-V**

1. What were the reasons for enacting this law?

.....

.....

.....

.....

2. What are the powers of the authorized officers under this Act?

.....

.....

.....

.....

3. What is the penalty prescribed by this Act for violating its provisions?

.....

.....

.....

.....

4. What is the nature of the offences committed under this Act?

.....

.....

.....

.....

5. What is to be done for the effective implementation of this law?

.....

.....

.....

.....

## **2.7 HINDU LAW OF MARRIAGE**

The history of the Hindu law goes back to more than three thousand years. Its origin can be traced back to the Vedas. The Aryans, who settled down in India, evolved their own rules

concerning family matters. Social and cultural transformation and social reforms in the Hindu society, down through the centuries, brought out various changes in its family laws. After independence, a spate of codifications and reforms followed in several fields of the Hindu law. The ceremonies and validity of marriage amongst Hindus are now governed by the Hindu Marriage Act, 1955.

The new law, which considers marriage as a contract also accepts the Vedic concept of marriage as a sacrament, an indissoluble union between man and woman.

### **Parities of Hindu Marriage**

The Hindu Marriage Act, 1955 is an Act of the Parliament of India. The Act came into force on 18<sup>th</sup> May 1955.

Now, no Hindu male can have more than one wife and no Hindu female can have more than one husband. A Hindu widow is allowed to remarry.

A Hindu and a non-Hindu cannot marry under the Hindu Marriage Act. But they can enter into what is popularly known as a “civil marriage.” This is performed by the Marriage Registrar appointed by the State Government under the Special Marriage Act, 1954.

Marriages between Hindus belonging to different castes or sub-castes are permitted. The Hindu Marriage Act also applies to Jains, Buddhists and Sikhs. However, the Act itself permits customs to operate regarding marriage ceremonies.

Marriages between near relations like cousins or uncles and nieces are allowed. They can marry only if their customs allow such marriages. If there is no such custom, they cannot marry because the Hindu Marriage Act imposes “prohibited degrees of marriage.” Persons who are “Sapindas” also cannot marry unless custom allows it. Sapinda relationship extends up to five degrees on the paternal side and three degrees on the maternal side.

The bridegroom should have completed 21 years and the bride 18 years at the time of marriage. However, violation of this condition does not invalidate the marriage, though the persons infringing the law become punishable in a criminal court.

## **Ceremonies**

Parties are free to perform Sastric ceremonies or to follow any customary ceremony, which prevails in the caste or community to which one of the parties belongs. If the Sastric ceremonies are followed, performance of saptapadi (taking seven steps) is essential and the marriage, becomes binding on taking the seventh step.

A Hindu marriage need not be registered except in those States where the State Government has made it compulsory. Even in such States, non-registration does not invalidate the marriage, though it may attract criminal penalties.

### **Check your progress-VI**

1. What is the source of Hindu Law of Marriage?

.....

.....

.....

.....

2. Who are entitled to marry under Hindu Marriage Act, 1955?

.....

.....

.....

.....

3. When can near relations marry under this Act?

.....

.....

.....

.....

4. What is the essential ceremony for a Hindu Marriage?



.....  
.....  
.....  
.....  
5. Is registration of a Hindu marriage compulsory?  
.....  
.....  
.....  
.....

## **2.8 MUSLIM MARRIAGE LAW**

Muslim law is administered in modern India in matters of family law arising between Muslims. Its main sources are the sacred texts of Islamic law (including commentaries and digests) supplemented by legislation, case law and custom.

There are different “Schools”, which interpret Muslim law differently. The Hanafi school (one of the four schools of the Sunni sect) covers a vast majority of Muslims all over India. Most of the Shias are governed by the Ithna Ashari school. Muslims belonging to the Shafei school are mostly found in South India. Before the Shariat Act, 1937, certain communities amongst the Muslims were governed by their customary law (in certain matters). These schools, unlike the schools of Hindu law, are not based on regional variations, but on doctrinal differences.

Muslim law, as administered in modern India is, to a very large extent, uncoded. Its rules have, therefore, to be deduced from the sacred texts. This is as much true of marriage and divorce, as of any other topic of Muslim law. The fact that a Muslim marriage is non-sacramental, shapes the kind of controversies that reach the courts. Some of the important aspects of matrimonial law applicable to Muslims are dealt with below.

### **Persons governed by Muslim Law in India**

In general, Muslim law is applied to every Muslim by the courts. A Muslim is one who believes that there is only one God and that Muhammad is his Prophet.

### **Marriage: Concept and Ceremonies**

Marriage, according to the Mahomedan law, is not a sacrament but a civil contract, which has, as its objective, the procreation of children. All the rights and obligations it creates arise immediately and, are not dependent on any condition precedent, such as payment of dower by a husband to a wife.

### **Essential ceremony of a Muslim Marriage**

The essential ceremony of a Muslim marriage is a proposal on one side and its acceptance by the other side (ijab wa Kabul, or declaration and acceptance). The proposal and acceptance must be made at one and the same meeting. No particular form is prescribed for the proposal and the acceptance. The proposal and acceptance can be made orally.

According to the Hanafi school of Muslim law, witnesses are required. They must be two males, or one male and two females. A marriage not solemnized in the presence of witnesses is “irregular”, though not invalid. The irregularity is cured by consummation. According to the other schools of Muslim law, the presence of witnesses is not essential.

No religious ceremonies are required for the legal validity of a Muslim marriage, though it is a usual practice to recite some verses from the Quran. The presence of a priest is not essential for a Muslim marriage. It is not required to be registered.

### **Marriage: parties**

The rules of Muslim law on the subject depend on the sect and sex of the party with reference to whom the question is raised. Broadly speaking, the position is as under:

- i) A Sunni Muslim male can marry a Kitabia (book-worshipper) non-Muslim female (Christian or Jew, but not a Hindu, Sikh or Zoroastrian).

- ii) A Sunni Muslim female cannot marry a non-Muslim male.
- iii) A Shia Muslim male cannot marry a non-Muslim female, except by way of marriage in the Muta form (temporary marriage).
- iv) A Shia Muslim female cannot marry a non-Muslim male, by any form of marriage, permanent or temporary.
- v) Muslims belonging to different sects of Islam can marry each other.
- vi) A marriage between a Muslim and a non-Muslim can be solemnized under the Special Marriage Act, 1954.

#### **Rules pertaining to polygamy and polyandry**

A Muslim male can have four wives. This is the legal position. However, there are religious mandates that the husband should treat all his wives equitably and if that is not possible, he should not have more than one wife.

A Muslim female cannot have more than one husband. The two wives of a Muslim should not be related by “unlawful conjunction”.

#### **Rules as to minimum age in a muslima marriage**

So far as Muslim law goes, a Muslim (male or female), who has attained puberty and is of sound mind, can marry. If a Muslim has not attained puberty, he or she can be married by his or her guardian, but he or she can repudiate the marriage on attaining puberty in certain circumstances. Under the Child Marriage Restraint Act, 1929, it is an offence to solemnize the marriage of a male below 21 years or of a female below 18 years. But violation of this prohibition does not affect the validity of the marriage.

#### **Effects of valid (Sahih) Marriage**

A valid marriage confers upon the wife the right of dower, maintenance and residence in her husband's home, and imposes on her the obligation to be faithful and obedient to him, to admit him to sexual intercourse, and to observe the iddat. It created between the parties prohibited degree of relations and reciprocal rights of inheritance.

### **Effects of void (Batil) Marriage**

A void marriage is no marriage at all. It does not create any civil rights or obligations on the parties. The offsprings of void marriage are illegitimate.

### **Effects of an irregular or (Fasid) Marriage**

An irregular marriage may be terminated by either party, either before or after consummation by words showing an intention to separate. An irregular marriage has no legal effect before consummation.

If consummation has taken place, then the wife is entitled to dower, proper or specified, she is bound to observe iddat and the issue from the marriage is legitimate. But it does not create mutual rights of inheritance between husband and wife.

### **Check your progress-VII**

1. What is the concept of marriage under Muslim law?

.....

.....

.....

.....

2. What are the essential requirements of a valid Muslim marriage?

.....

.....

.....

.....

3. Who are entitled to marry whom under the Muslim law?

.....

.....

.....

.....

4. What are the rules regarding polygamy and polyandry?

.....

.....

.....

.....

5. What are the effects of valid, void and irregular marriages?

.....

.....

.....

## **2.9 CHRISTIAN MARRIAGE LAW**

The provisions of Christian personal law in regard to marriage are to be found in the Indian Christian Marriage Act, 1872.

It was passed “to consolidate and amend the law relating to the solemnization in India of the marriages of Christians.”

The Act applies to the whole of India, except the territories, which immediately before 1<sup>st</sup> November, 1956, were comprised in the States of (a) Travancore, Cochin; (b) Manipur; (c) Jammu & Kashmir.

The Act applies to all Christian marriages solemnized in India, whatever be the nationality or domicile of the parties. The expression “Indian Christian” is defined in the Act as

including the Christian descendants of natives of India converted to Christianity as well as such converts.

Section 4 of the Act provides that every marriage between persons “one or both of whom is or are Christian or Christians” shall be solemnized in accordance with Section 5 of the Act. Otherwise, the marriage shall be void.

### **Persons authorised and Forms of Marriage**

Marriages under the Indian Christian Marriage Act, 1872, can (under Section 6) be solemnized (a) by a person who has received Episcopal ordination, (b) by a clergyman of the Church of Scotland, (c) by a licensed Minister of religion, (d) by a Marriage Registrar appointed under the Act, or (e) (for Indian Christians) by a person licensed under the Act to grant a certificate of marriage between Indian Christians.

A reading of several provisions of the Indian Christian Marriage Act will show that the Act contemplates forms of marriages, which are purely religious or purely secular as well as marriages, which are of a mixed character.

Some marriages can be solemnized only by priests; and these can be described as purely “religious”. Some marriages can be solemnized only by a person authorized by the Government and can, therefore, be regarded as purely secular. A few can be solemnized by licensed Ministers or licensed persons, but the ceremonies may, or may not, be religious. They are, thus, of a mixed character.

### **Prohibited Degrees**

The Indian Christian Marriage Act, 1872 itself does not set out the degrees of prohibited relationship applicable to various forms of marriages. But the sections of the Act relating to the procedure to be followed by licensed Ministers and Marriage Registrars require that the marriage shall not be solemnized if there is a lawful “impediment” to the marriage. As regards marriages to be performed according to the “rules, rites, ceremonies and customs” of a particular Church (as under section 5(1) and 5(2), the requirement that the rules of the particular Church shall be

followed, seems to imply that its doctrines relating to prohibited degrees of relationship will also be adhered to, and that the priest officiating at the ceremony will not solemnize the marriage if the parties are within the degrees of prohibited relationship according to the doctrines of the particular Church. It should also be noted that section 88 of the act, which bears the marginal note “Non-validation of marriages within prohibited degrees,” provides as under:

S. 88. Nothing in this Act shall be deemed to validate any marriage, which the personal law, applicable to either of the parties, forbids him or her to enter into.

The exact scope and purport of this section has been the subject of some debate. However, it seems to be clear that, at least, the Act implicitly assumes that rules of the “personal law” would be operative as regards “prohibited degrees”.

#### **A Christian cannot have more than one spouse**

The concept of marriage, according to Christian thinking, is the union of one man and one woman, to the exclusion of any other person. This proposition is not only a part of Christian religion, but also of Christian personal law. The principle is manifest from a number of judicial decisions (both in England and in India) on Section 494, Indian Penal Code. The Indian Christian Marriage Act recognizes it impliedly in those sections, which speak of “lawful impediment”. In fact, section 60 (2) of the Act (applicable to marriages between Indian Christians by certificate) expressly requires that neither party should have a spouse living.

Section 10 of the Divorce Act, 1869 also allows the wife to sue her husband for divorce, if the latter has been guilty of bigamy or adultery.

It may also be mentioned that judicial decisions under Section 494, Indian Penal Code (bigamy) have laid it down that Christian cannot have more than one husband, or more than one wife.

### Check your progress-VIII

1. What is the nature of Christian marriage?

.....

.....

.....

.....

2. Who is authorized to conduct a Christian marriage?

.....

.....

.....

.....

3. What are the essential elements required for the validity of marriage under this law?

.....

.....

.....

.....

4. Who are entitled to marry under Christian Marriage Act, 1872?

.....

.....

.....

.....

### **2.10 THE MATERNITY BENEFIT ACT 1961**

Traditionally, division of labour between the sexes has been linked to the reproductive process. As a consequence, the woman was not allowed to do certain types of jobs and at certain periods of her life. Gradually, an understanding has dawned that the function of child bearing or the social function of maternity need not deprive women from opportunities for employment. As more and more women are entering the work-field, the predicament of combining satisfactorily their role as earners with their role as mothers, has been felt keenly by the working women. Pregnancy can temporarily disable a woman from working, leaving her vulnerable to



discrimination and even dismissal from service at the hands of the employer. By and large, employers, insensitive to the specific needs of women employees, would either terminate employment in the event of pregnancy or force them to take earned leave at the time of delivery, or even to take leave without pay. To prevent unfair employment practices and exploitation of women in the labour market, and to safeguard the health and well-being of the mother and child, it was essential to provide maternity protection to working women. The Maternity benefit Act, 1961 (Amended in 1988) was passed with this objective of protecting and empowering women as workers. Further, it was amended in 1995 to protect the dignity of motherhood.

### **Objectives of the act**

The purpose of the Act is to regulate the employment of women in certain establishments for certain period before and after child birth and to provide for maternity benefit and certain other benefits.

### **Extent and application**

The Act extends to the whole of India. It applies to every establishment whether it is a factory, mine or any establishment, wherein persons are employed for the exhibition of equestrian, acrobatic and other performances, plantation and shops and establishments, which employ a minimum of ten or more workers. The State Governments may, with the approval of the Central Government, declare that all or any of the provisions of the Act shall apply to any other establishment or class of establishments--industrial, commercial, agriculture or others. Except Sections 5A and 5B of this Act, no other section of this Act shall apply to any non-seasonal factory or establishment to which the provisions of the Employees' State Insurance Act, 1948 apply. The Maternity Benefit Act overrides all other conflicting laws, awards or agreements, unless their terms are more favourable to women employees.

### **Maternity benefit period**

Every woman is entitled to the payment of maternity benefit at the rate of the average daily wage for the period of six weeks up to and including the day of her delivery and for the six weeks immediately following that day.

#### **Medical bonus**

If no pre-natal confinement and post-natal care is provided for by the employer free of charge, every woman entitled to maternity benefit under this Act is also entitled to medical bonus of Rs. 250.

#### **Leave for illness during pregnancy and miscarriage**

In case of miscarriage, on production of proof, a woman is entitled to leave with wages for a period of six weeks immediately following the day of her miscarriage.

In addition to the period of absence allowed to her, a woman suffering from illness arising out of pregnancy, delivery, premature birth of a child or miscarriage is, on production of proof, entitled to leave with wages at the rate of maternity benefit for a maximum period of one month.

#### **Nursing breaks**

Every woman who returns to duty after her delivery should, in addition to the interval of the rest allowed, be allowed, in the course of her daily work, two breaks of prescribed duration for nursing the child until it attains the age of 15 months.

#### **Restrictions on work before and after her delivery or miscarriage**

An employer is forbidden to employ a woman in any establishment during the six weeks immediately following the day of her delivery or her miscarriage. Employed women are required to take a paid six-weeks leave after her delivery or miscarriage. When a pregnant woman makes a request to her employer, he must exempt her from any work, which is of an arduous nature or,

which involves long hours of standing or which, in any way, is likely to interfere with her pregnancy or the normal development of the foetus or is likely to cause her miscarriage or otherwise to adversely affect her health. The duration of this exemption is one month immediately preceding the period of six weeks before the date of her expected delivery or any period during the six weeks for which she is entitled to leave, but does not avail of her leave.

### **Eligibility**

A woman is not entitled to maternity benefit unless she has actually worked in an establishment for a period of not less than 80 days in the 12 months immediately preceding the date of her expected delivery.

### **Death during pregnancy and maternity benefit**

If a woman dies during this period, she is entitled to maternity benefit up to and including the day of her death.

If the woman dies during her delivery, but after delivering the child or during the period of six weeks immediately following the date of her delivery and the child is alive, the employer is liable to pay maternity benefit for the entire period of six weeks. However, if the child also dies, then the employer has to pay maternity benefit only for the days up to and including the day of the death of the child.

### **Claim and payment of maternity benefit**

Any woman employed in an establishment and entitled to maternity benefit under the provisions of this Act should give a notice in writing to her employer stating that she will be absent from work for six weeks from the date of her expected delivery and that her maternity benefit and any other amount due to her be paid to her or her nominee. If a woman fails to give the notice when she was pregnant, she should give such notice as soon as possible after her delivery.

The amount of maternity benefit for the period preceding the date of delivery should be paid in advance by the employer on production of proof that the woman is pregnant. The amount due for the subsequent period should be paid within 48 hours or on production of proof that the woman has delivered a child.

If a woman is entitled to maternity benefit, the employer cannot refuse it. If the employer refuses to pay, she can apply to the Inspector, who would, then, order the payment of such benefit or amount within such period as he may prescribe in the order.

If a woman entitled to maternity benefit or any other amount under this Act dies before receiving such benefit, the employer should pay such benefit or amount to the person nominated by her in the notice and if there is no nominee, then to her legal representative.

#### **Duty of the employer to maintain registers**

If any employer contravenes the provisions of this Act or the rules, he shall be punishable with imprisonment from three months up to one year or/and with fine from Rs. 2,000 to Rs. 5,000 or with both.

When any violation of the Act occurs, an aggrieved woman, an officer of her trade union, a voluntary organization or an inspector, can file a complaint in court and institute prosecution. The court must be at or above the level of a Magistrate of the First Class. Complaints must be made within one year of the commission of the offence.

If there has been an illegal discharge or denial of payment, a complaint can be made to the Inspector for appropriate action.

#### **Penalty**

If any employer fails to pay any amount of maternity benefit to a woman, who is entitled under this Act or the employer discharges or dismisses such woman during or on account of her absence from work, then in accordance with the provisions of this Act, he shall be punished with imprisonment for a period of not less than three months, but which may extend to one year and also be liable to fine not less than two hundred rupees and upto five thousand rupees. The proviso

attached to this section says that the court may impose a sentence of imprisonment for a lesser term or fine only in lieu of imprisonment.

The court can take the cognizances upon the complaint filed by any aggrieved woman, an office-bearer of a registered trade union of which such woman is a member or a registered voluntary organization or an Inspector. No such complaint shall be filed after the expiry of one year from the date on which the offence is alleged to have committed.

### **Check your progress-IX**

1. What are the objectives of enacting this law?

.....

.....

.....

.....

2. Who are eligible to get maternity benefits?

.....

.....

.....

.....

3. What are the duties of an employer under this Act?

.....

.....

.....

.....

4. What is the penalty for violating the provisions of this Act?

.....

.....

.....

.....

5. Who is entitled to file a complaint for not giving maternity benefits to a woman employee?

.....  
.....  
.....  
.....

The family has, by common consent, been regarded as the most important and basic element of society. The need to preserve stability and continuity within the family, and to maintain the spirit of faith and confidence amongst its members is almost universally recognized. When stability, faith and confidence are threatened by a dispute between family members, the law is invoked. The dilemma is, however, how to ensure that the machinery of justice, which primarily operates in an atmosphere of conflict, does not further impair the values mentioned above.

An adjudication in matters concerning the family affects not only the immediate parties to the proceeding, but also other members of the family. Besides, in such litigation, the decision of the court might have a long standing impact on other families.

All these aspects emphasise that the ordinary judicial machinery is ill-suited to deal with disputes concerning the family. This realization led to a movement for the creation of family courts outside and inside India. Yet, one cannot rush to the conclusion that family courts will solve all family problems. But these courts are a beginning.

## **11.2 FAMILY COURTS**

Family courts are specialized type of courts entrusted with the disposal of cases concerning disputes relating to the family. In brief, these courts deal with litigation concerning marriage and divorce, maintenance, guardianship and the property of spouses. They are established under the Family Courts Act, 1984 (Act No. 83).

### **Objectives of family courts**

The objectives of family courts (as stated by the legislature) is to promote conciliation in, and secure speedy settlement of disputes relating to marriage and family affairs. Besides this, the

idea underlying the movement for family courts is that ordinary courts with their conservative atmosphere, setting and procedure, cannot appropriately deal with family disputes in the proper spirit. There is also the feeling that all matters concerning a family should be settled speedily in one court.

### **Establishment of family courts**

Once the Central Government notifies that the Family Courts Act shall come into force in a particular State, the State Government (after consulting the High Court) can establish such courts within the State.

### **Qualifications for appointment as a judge of a Family Court**

A person to be appointed must (a), for at least seven years, have held a judicial office in India or worked as a Member of a Tribunal or held a post under the Government, requiring special knowledge of law, or (b) for at least seven years, have been an advocate of a High Court. Besides this, a person possessing such other qualifications as the Central Government may, with the concurrence of the Chief Justice of India prescribe, is also eligible. A person cannot be appointed after the age of 62 years.

The Act suggests that in selecting persons for this appointment, every endeavour will be made to ensure that persons committed to the need to preserve the institution of marriage and to promote the welfare of children, and persons qualified to promote conciliation and counseling are selected. It is specifically laid down that preference shall be given to women. Social welfare agencies can be associated with the Family Court. It can also utilize the services of counsellors. Some machinery is needed to make available the services of a counsellor at the early stage. It is necessary that before legal proceedings are commenced or even contemplated, a party is advised to go for counselling so that the matter can be settled peacefully.

### **Jurisdiction of Family Courts**

The kind of disputes over which the Family Court has jurisdiction comprise suits or proceedings concerning marriage, divorce, maintenance and guardianship.

Once a Family Court is established for an area, its jurisdiction (in regard to the specified matters) is exclusive. Neither the district court nor a subordinate civil court or Magistrate can have jurisdiction on these matters. Even pending matters have to be transferred from the other courts to the Family Courts.

### **Approach of the court**

The Family Court is required to make an effort in the first instance (consistent with the nature and circumstances of the case) to “assist and persuade” the parties in arriving at a settlement in respect of the subject matter of the suit proceeding.

The Family Court, for the purpose of effecting settlement, is empowered by Section 9 (1) of the Family Courts Act “to follow such procedure as it may deem fit.” But this is subject to rules that may be made by the High Court under Section 21(1) (c) of the Act.

### **Decree passed by the family court**

A decree or order passed by a Family Court shall have the same force and effect as the decree or order of a civil court and shall be executed in the same manner.

### **Check your progress-X**

1. What was the necessity of making this law?

.....

.....

.....

.....

2. What are the objectives of establishing Family Courts?

.....

.....



.....

.....

3. What should be the qualification of a person appointed as the judge of a Family Court?

.....

.....

.....

4. What is the jurisdiction area of a family court?

.....

.....

.....

5. What is the nature of a decree passed by a Family Court?

---

## **2.12 LET US SUM UP**

---

In this unit on Social legislation on women, we have discussed certain very important aspects pertaining to the constitutional rights of women as well as some important legislations for the protection of women. Apart from describing the constitutional provisions pertaining to equality, we have also explained the safeguards for personal liberty of women. In this unit we have taken care to explain the Law on rape; the Prevention of Immoral Traffic Act, 1956, salient features of the law relating to Dowry Offences; the Indecent Representation of Women (prohibition) Act, 1986; laws pertaining to marriage of Hindus, Muslims and Christians as well as the objectives and important aspects of Family Courts.

---

## **2.13 SUGGESTED READINGS**

---

“Criminal Mannual,” Universal Law Publishing Co. Pvt. Ltd., 2000.

V.K. Dewan, (2<sup>nd</sup> Edition) “Law Relating to Offences Against Women”, Orient Law House Publication, 1999.

Paras, Diwan “Hindu Law on Marriage and Divorce.”

Tahir Mehmood, “Muslim Law India”.

Dwarka Nath, “The Position of Women in Hindu Law,” Inter India Publications, New Delhi, 1984.

Dr. Wani & Dr. M. Afzal, “The Islamic Law on Maintenance of Women, Children Parents and Other Relatives”, Upright Study Women, Kashmir, 1995.

“The Current Scene in Law and Education,” Centre for Women’s Development Studies, New Delhi, 1986.

Myeni, S.R., “Women and Law,” Asia Law House, Hyderabad, 2003.