

Report of
National Consultative Seminar on
“Efficacy of Laws Pertaining to Property and Marital Rights
in Different Religions in India”

Organised by



Bharatiya Stree Shakti

In Collaboration With



National Commission for Women

With Academic partner



Prin. L. N. Welingkar Institute of Management, Development and Research
Nappu Road, Matunga (E), Mumbai - 400 019

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INDEX

1.	Foreword	1
2.	Introduction.....	3
3.	Concept Note.....	5
4.	Session Details.....	6
5.	Welcome Note..... <i>Smt. Kumudini Bhargav, Gen Secretary, BSS</i>	7
6.	Inaugural Function.....	10
7.	Key Note Address..... <i>Hon. Smt. Meeratai Khadakkar Former Principal Judge, Family Court, Nagpur</i>	11
8.	Hindu Law..... <i>Hon. Smt Sunanda Joshi, Former Principal Judge,.....</i> <i>Family Court, Mumbai</i> <i>Adv. Girish Godbole, Senior Advocate, Bombay High Court.....</i>	16 16 18
9.	Muslim Law..... <i>Prof. Shamsuddin Tamboli, President, Muslim</i> <i>Satyashodhak Mandal</i> <i>Dr. Viney Kapoor, Commissioner RTI, State of Punjab,</i> <i>Former HoD, Department of Law, Punjab University</i>	20 20 21
10.	Christian Law & Parsee Law..... <i>Adv. Kevic Setalwad, Senior Counsel, Bombay High Court</i>	23
11.	Highlights.....	25
12.	Summary of sessions and deliberations.....	27
13.	Observations.....	29
14.	Suggestions.....	32
15.	Recommendations.....	34
16.	Conclusion.....	37
17.	Annexures:	38
	1. <i>List of Advisory Committee members.....</i>	38
	2. <i>List of Resource persons.....</i>	39
	3. <i>List of Dignitaries.....</i>	40
	4. <i>List of Participants.....</i>	41
	5. <i>Photographs.....</i>	47
	6. <i>CD of seminar.....</i>	47

1. FOREWORD

Bharatiya Stree Shakti (BSS) is a voluntary, autonomous, apolitical organization established in 1988, working for empowerment of women by promoting **Gender Equality, Economic Independence** and **Education** for women. BSS believes in the principles of equality and cooperation amongst men and women focusing on harmony in familial ties and their interactions with the society.

Women are one of the most vital contributors in nation building, also in interweaving family and society. Conscious and concerted efforts towards capacity building will unearth their potential and will facilitate them to play a significant role in sustainable growth and development of the Society. They will get opportunities to enjoy benefits of government policies.

Since last 28 years our volunteers have worked voluntarily and selflessly, as a result of which BSS has expanded to 33 branches across seven states of India. We have conducted campaigns against atrocities on women, awareness programmes, workshops, run projects and activities at local and national level. With our thrust on research and firsthand experience in social field, we have given quality inputs in government's policies regarding women's issues. We have reached out to thousands of women in their homes and workplaces and have brought them together to participate in 'Nation Building'.

VISION

BSS believes that eradication of all sorts of discriminations based on gender, customs, caste economic conditions etc. can shape the future of both women and men – and thereby of the society.

Even though nature has created men and women with unique and different qualities, their roles need to be complementary to each other to bring harmony in family, society, national and eventually in the universe. This accommodativeness, acceptance and peace will lead to our faith in 'Vasudhaiva Kutumbakam'.

Bharatiya Stree Shakti believes that men and women are equal partners in family and society. While recognizing woman's important role as a homemaker, she herself and society should also value her innate qualities, capacities and strength to dwell in every field and the inevitability of her participation.

MISSION

We are committed to shape the future of women, family and nation with a focus on education, health, economic independence, gender equality and self-esteem. Our goal is to reinstate her dignity, freedom, ensure her participation at all levels of decision making and emancipation from all exploitative compulsions.

National Seminar on “ Efficacy of Laws Pertaining to Property and Marital Rights of Women in Different Religions”:

In spite of the Indian Constitutional Mandate and the Declaration of the General Assembly of United Nations, we still have separate laws for marriage, divorce and inheritance for each religious community and most women continue to be discriminated against.

As national level women’s organisation, Bharatiya Stree Shakti (BSS) is working towards promoting the principles of equality contained UN Declaration and Indian Constitutional Mandate.

On 18 March 2017, along with NCW, BSS organised National Seminar on “Efficacy of Laws Pertaining to Property and Marital Rights of Women in Different religions in India”

BSS extensively approached at national level all the major universities and Colleges of Law, Bar Associations and NGOs working on women’s issues to involve them in the National Seminar and also conducted national level essay and poster competition for college students.

We are thankful to National Commission for Women (NCW) Chairperson Smt. Lalitha Kumarmangalam and her colleagues for extending support for this seminar. BSS is also thankful to Maharashtra State Commission for Women (MSCW) and Women and Child Development (WCD) department of State of Maharashtra and principal, Welingkar Institute of Management and supportive team for their role in making the seminar a great success.

The contribution of the eminent experts, speakers, volunteers of the NGOs, law practitioners, academicians and students across India did help to maintain the high standard of deliberations.

We are happy to submit this report along with the recommendations to the NCW.

**Kumudini Bhargav,
General Secretary,
Bharatiya Stree Shakti**

2. INTRODUCTION

The General Assembly of the United Nations, in 1948, adopted the Universal Declaration of Human Rights which proclaimed that 'All human beings are born free and equal in dignity and rights'.

Two decades later, in another Declaration, known as the Declaration on Elimination of Discrimination Against Women adopted by the UN General Assembly in 1967, it was declared that discrimination against women, denying or limiting their equality of rights with men is fundamentally unjust and constitutes an offence against human dignity.

The Declaration in particular urges all the governments to take appropriate measures 'to abolish existing laws, customs, regulations and practices which are discriminatory against women, and to establish adequate legal protection for equal rights of men and women'.

The resolution also urges that all appropriate measures should be taken to educate public opinion and to direct national aspirations towards the eradication of prejudices and the abolition of customary and all other practices which are based on the idea of inferiority of women. It stresses on the principle of equality of status of the husband and wife and in particular, proclaims that:

- a) Women shall have the same right as men to free choice of a spouse and to enter into marriage only with their free and full consent; and
- b) Women shall have equal rights with men during marriage and at its dissolution.

The constitution of India, following closely the above Declaration, guarantees to all its citizens equality of status and of opportunity without discrimination based on the ground only of sex.

Article 44 of the Indian Constitution specifically mentions that 'State shall endeavour to secure a Uniform Civil Code for the citizens throughout the territory of India'.

In spite of the above Constitutional Mandate and the Declaration of the UN General Assembly, we still have separate laws for marriage, divorce and inheritance for each religious community and most women continue to be discriminated against.

National Commission for Women (NCW) is the apex national level organization of India with the mandate of protecting and promoting interests of women. NCW works to improve the status of women and their economic empowerment. With the common interest of women empowerment and cultivating gender equality, BSS in collaboration with NCW organized national level consultative seminar on "Efficacy of Laws Pertaining to Marital and Property Rights of Women in Different Religions" in Mumbai on 18th March 2017. Indian Constitution guarantees equal rights to all citizens of India i.e. men and Women all. But since Personal Laws, Tribal Laws, and Customary Laws also govern a large section of the society, we find that women belonging to different religions do not enjoy this right. Hence the seminar was the need of the hour.

Prin. L.N. Welingkar Institute of Management, Development and Research was our academic partner for this seminar.

As pre-consultative activities, BSS organised a national level essay competition and poster competition in which many Law and Political Science students participated.

BSS invited Law Colleges, and Law Universities all over India to participate in the seminar. BSS also approached NGOs, practicing advocates, professors of Law and social workers.

All the proceedings of the seminar are compiled in this report. The discussions on the topics, deliberations, overall observations and recommendations of the seminar are incorporated. The welcome address by Smt. Kumudini Bhargav (General Secretary, BSS), inaugural speech by Hon. Smt. Vijaya Rahatkar (Chairperson, MSCW), key-note address by Hon. Smt. Meeratai Khadakkar (Former Principal Judge, Family Court, Nagpur) highlighted various aspects of the topics of the seminar.

The report includes observations, conclusions, recommendations and action plan, along with the efforts needed to take the issues further. We will also convey the gist of the deliberations to the Law Commission.



3. CONCEPT NOTE

Personal Law System in India

India maintains a system of legal pluralism, in the area of family laws, usually referred to as Personal Law system. The personal laws are based on the scriptures and customs of each religious community in the country.

Article 14 of the Indian Constitution grants “equal protection of law” to all its citizens. But when it comes to personal issues like marriage, divorce, inheritance, custody of children etc, Hindus, Muslims, Christians, Parsis etc. are governed by the Laws according to their own religions in India. The exception to the rule is, the state of Goa, where all religions have a common law regarding marriages, divorces, and adoption.

Social Reality of Women in India

The most evident diversity is visible in the application of property and marital laws to different religions co-existing in India. In various landmark judgments the Honourable Supreme Court has directed that efforts should be made to establish a Uniform Civil Code so that all women will get equal rights irrespective of their religion.

Objective of the Seminar:

This seminar was an effort to study efficacy of these laws in comparison to different religions and to draw up a conclusive report. This seminar studied judicial approach to remove any arbitrariness in law during its interpretation especially when applying to personal laws. There was also an effort to study the strengths and weaknesses and to extract the best from each law and to suggest policy changes so as to ensure that they meet its desired objective of equality and dignity for all.

4. SESSION DETAILS

Consultative National Seminar on “Efficacy of Laws Pertaining to Marital and Property Rights of Women in Different Religions in India” On 18th March 2017 Mumbai.

Registration: 9.00 a.m. to 10. 00 a.m.

Session No.	Time	Details
1. Inaugural	9.30 a.m. - 11.00 a.m.	Welcome address: Smt. Kumudini Bhargav Inauguration&Address : Hon. Smt. Vijayatai Rahatkar Special Guest : Dr.Uday Salunkhe Key-Note Address : Hon.Smt. Meeratai Khadakkar
2. Hindu Law	11.00 a.m. - 12.15 p.m.	Marital Rights of Hindu Women : Hon.Sunanda Joshi Property Rights of Hindu Women : Adv. Girish Godbole
	12.15 p.m. – 1 .00 p.m.	Lunch Break
3. Mohammedan Law	1.00 p.m. – 2.30 p.m.	Marital and Property Rights of Muslim Women : Prof. Shamasuddin Tamboli Dr.Viney Kapoor
	2.30 p. m. -3.00 p.m.	Tea Break
4. Christian and Parasi Law	3.00 p.m. – 4.00 p.m.	Marital and Property Rights of Christian and Parasi Women : Adv. Kevic Setalvad
5. Deliberations	4.00 p.m. – 5.00p.m.	Hon.Meeratai Khadakkar , Dr.Viney Kapoor, Adv. Kevic Setalvad, Adv.Bageshree Parikh, Adv.R.S.Apte, Prin. N.M. Rajadhyaksha
6. Prize-Distribution	5.00 p. m. – 5.30 p.m.	Prize-Distribution for Essay & Poster Competitions and Vote of Thanks

5. WELCOME NOTE



Kumudini Bhargav
(General Secretary, Bharatiya Stree Shakti)

भारतीय स्त्री शक्ति यह एक राष्ट्रीय स्तर पर काम करनेवाला संगठन है! गत २८ सालसे रही इस संगठना का विस्तार महाराष्ट्र, गोवा, मध्यप्रदेश, गुजराथ, केरल, दिल्ली, छत्तीसगढ इन प्रांतो में हुआ! साथही पंजाब, चंडीगढ, उत्तरप्रदेश, आंध्रप्रदेश तथा राजस्थान में संपर्क क्षेत्र बने हुए है, इन प्रांतो मे भी विस्तार होगा यह विश्वास है! महिलाओंके लिये शिक्षा, आत्मसन्मान, आर्थिक स्वावलंबन, आरोग्य तथा स्त्री-पुरुष समानता इस पंचसूत्री को लेकर अपने कार्य की दिशा में आगे बढ रहीइस संगठना का २८ सालका लेखाजोखा १० मिनिट में देना यह तो गागर में सागर भरनेवाली बात होगी! लेकिन आज यहां उपस्थित आप जैसे प्रगल्भ मान्यवरोंके सामने भारतीय स्त्री शक्ति का संक्षिप्त परिचय देने मे सचमुच गर्व महसूस हो रहा है!

महिलाओं के प्रश्न सिर्फ महिलाओं के नहीं है वे समाज के भी है – इसपर हम विश्वास रखते है! महिलाओं की क्षमता का विकास हो, उसे न्याय मिले- उसमें बसी ऊर्जा का उपयोग स्वयम् के लिये परिवार के लिये तथा समाजके लिये हो- उसी में राष्ट्र की उन्नती है! इस सकारात्मक साँच के साथ राष्ट्र विकास में अपना गिलहरी का हिस्सा संगठन देता आया है! कभी संगठनात्मक, कभी रचनात्मक तो कभी समय आनेपर संघर्ष का रास्ताभी चुना है! अनेकानेक उपक्रमो में किशोरी विकास प्रकल्प, स्वयम् सहायता गुटो का निर्माण, साहित्य आस्वाद मंच, महिला सुरक्षा ऑडीट अभियान, say no to violence अभियान, घरेलू हिंसा प्रतिबंध अभियान, कार्यकर्ता प्रशिक्षण शिबिर, gender sensitization, परिवार परामर्श केंद्र, विविध सामाजिक प्रश्नोपर आधारित चर्चासत्र, live-in relationship पर चर्चासत्र ऐसे अनेक विषयो का विचार होता है!

नवपार्षद प्रशिक्षण शिबिर, stress management, education exhibition, देश के विविध स्थानोंपर वहां के स्थानिक परिस्थितिओं के महिलाओंपर हो रहे प्रभाव के अनेक अध्ययन, सर्वेक्षण, उनपर आधारित पुस्तिका ओका निर्माण, सार्वजनिक स्वच्छतागृहो में कॅमेरोको रोक, disposal of sanitary napkins के बारे में ठोस कदम, emergency contraceptive pills के विरोध में अभियान, बेतुके विज्ञापनोंका निषेध! ऐसी अनेक गतिविधियां हर शाखा में चलती रहती है! हर ३ साल प्रांतिक अधिवेशन, तथा समय समय पर राष्ट्रीय अधिवेशन आयोजित होते है! जिसके शिखर विषय अपने आप में अनुठे होते

हैं- जैसे अभी नवंबर २०१६ में पुणे में महाराष्ट्र प्रांत अधिवेशन में महिला तथा तंत्रज्ञान पर आधारित विषय में 'आंगन से अंतराल तक' हुई नारीशक्ति की तरक्की का लेखा जोखा लिया गया!

Sexual harassment at work place इस विषय पर करीब हर शाखा में कार्यशाला का आयोजन हुआ! इस विषय पर जागृती की भरकस कोशिश की गयी! सभी आस्थापनों में इस विषय को न्याय देनेवाली कमिटी स्थापित हो यह आग्रह संगठना ने रखा जिसे प्रतिसाद भी खूब मिला और भारतीय स्त्री शक्ति के अनेक सदस्य NGO सदस्य के नाते इन कमिटीयों में अपना सक्रिय किरदार निभा रहे हैं! Digital Literacy Programme के आयोजन अधिक से अधिक गांवों में लेनेका नियोजन संगठना कर रही है! जो आजके समय की मांग है!

शासन द्वारा आयोजित smart city अभियान में भारतीय स्त्री शक्ति ने दिल्ली में NCW के साथ इस विषय पर २ दिवसीय सेमिनार का आयोजन किया था! जिस में gender smart city बनाने हेतु उसके सभी बिंदुओं पर गौर किया गया! चर्चा विचार विमर्श करते हुए इकठ्ठा हुए सभी मसूदोंके आधार पर एक report बनाया गया! गर्व की बात यह है की पूरे देश में सबसे पहले gender smart city का इस प्रकार report बनाने का तथा शासन के सामने प्रस्तुत करने का सम्मान भारतीय स्त्री शक्ति को मिल रहा है! इस smartcity report का विमोचन इस प्रस्तावना के पश्चात मान्यवरोंके हाथों हम यहां करेंगे!

हमें पूरा विश्वास है, यह report शासन को अपनी smart city project में gender smart city बनाने में सहायता देगा! जो फिर एक बार आज के समय की मांग है जिसमें पुरुष और महिला दोनों सम्मिलित है!

केंद्रीय महिला तथा बाल कल्याण मंत्रालय कि ओर से लिये जा रहे महिला सुरक्षा प्रकल्प में भी भारतीय स्त्री शक्ति अपनी अहम भूमिका निभा रही है! निर्भया कांड के पश्चात पारित हुए कानून, उनके तत्व, अपराध दर्ज करनेवालों की संख्या, विविध अनुदान योजनाओंकी उपयुक्तता आदि मुद्दों पर महाराष्ट्र, केरल, दिल्ली तथा उत्तरप्रदेश इन चार राज्योंमें सर्वेक्षण का काम अपनी अंतिम कड़ी पर है! बलात्कार, छेड़छाड़, acid attack, विनयभंग इन चार अपराधोंके केसेस का यह अध्ययन है! crime to justice इस दरमियान संबंधित व्यक्ति, पीडित स्त्री, उसका परिवार, पुलिस, न्याय यंत्रणा, वैद्यकीय अधिकारी, शासकीय अधिकारी, कौन्सिलर्स, प्रकाशित खबरे तथा इस मामले में हुयी जनजागृति इन सारी बातों को मद्देनजर रखते हुए कितने पीडित हुए और योजनाके अंतर्गत कितने लोगों को भुगतान मिला, कितने वंचित रहे यह स्थिति स्पष्ट हो जायेगी! protection of children from sexual offence के केसेस की भी जानकारी इकठ्ठा की गयी है! ऐसे निरीक्षण, अध्ययन पे भारतीय स्त्री शक्ति के सदस्य समाज के और करीब जा रहे हैं! और अनुभव संपन्न होकर अधिक आत्मविश्वास के साथ कार्य कर रही है, यह संघटना के हित में है!

इसी शृंखला में २५ फरवरी २०१७ के दिन दिल्ली में राष्ट्रीय महिला आयोग के साथ भारतीय स्त्री शक्ति संलग्नित चेतनाद्वारा "Efficacy of Laws pertaining to marital and property rights in different religions" इस विषय पर राज्यस्तरीय सेमिनार संपन्न हुआ और आज मुंबई में राष्ट्रीय स्तर पर इस विषय को लेकर कार्य करते हुए हम सभी उपस्थित हैं! We believe that all women

should get equal justice irrespective of their religion इसीलिये आज के सेमिनार का आयोजन है!

आज कानून क्षेत्र से जुड़े अनुभवी, विचारसंपन्न मान्यवर इस सेमिनार के सत्रों में हमें संबोधित करेंगे! मुझे आशा ही नहीं विश्वास है पूरे दिन चलनेवाले इस सेमिनार में हमें ठोस जानकारी मिलेगी! हमारा दृष्टिकोण अधिक व्यापक होगा! मैं आप सभी का अभिनंदन करती हूँ और धन्यवाद भी देती हूँ की इस सेमिनार में आप पधारे! आप सभी से नम्र विनंती है कि आप सेमिनार के अंतिम सत्र तक रुके ताकि अंतिम सत्र में हम चर्चा करेंगे! आप सभी को उसका हिस्सा बनना है! अपने सुझाव देने हैं, ताकि इस सेमिनार का फल अधिक प्रभावशाली हो! आप सभी को एक feedback form दिया है! please उसे भी पूरा भरे!

इस सेमिनार के ही माध्यम से भारतीय स्त्री शक्ति एक फोरम शुरू कर रही है - भारतीय स्त्री शक्ति लॉ फोरम- BSS law forum! आज की सभा में करीब ६० प्रतिशत सदस्य कानून क्षेत्र से जुड़े हैं! भारतीय स्त्री शक्ति आपको हार्दिक आमंत्रण देती है! आईये कृपया इस फोरम में शामिल हो जाईये! आप और हम सभी मिलकर समाज में एक नया वातावरण तैयार करेंगे! जिसकी आज जरूरत है!

केवल कानून बनानेसे या बदलनेसे समाज नहीं बदलता, समाजकी मानसिकता बदलनेकी जरूरत है! आपका कानूनी क्षेत्र और सामाजिक संगठना ये दोनों क्षेत्र अगर इस मामले में जुड़ जायेंगे तो हम अपने लक्ष्य को प्राप्त कर सकते हैं! यह काम कठिन है असंभव नहीं! मैं आशा करती हूँ, आप सभी इस फोरममें शामिल होंगे! इस लॉ फोरम में आपका हार्दिक स्वागत है!

एक बात अवश्य बताना चाहूंगी NCW चेअरपर्सन माननीय ललिताजी कुमार मंगलम यहाँ उपस्थित नहीं हैं लेकिन उनके अनमोल सहयोग के बिना यह सेमिनार असंभव था! उनके ऋण में ही हम रहना चाहेंगे पसंत करेंगे!

6. INAUGURAL FUNCTION

Hon. Smt Vijayatai Rahatkar, Chairperson, MSCW, Hon. Smt. Meeratai Khadakkar, Former Principal Judge, Family Court, Nagpur, Dr. Uday Salunkhe, Director, Prin. L. N. Welingkar Institute of Management, Development and Research, Smt. Kumudini Bhargav, General Secretary, BSS, Dr. Prachi Moghe, Convenor of the National Seminar were called on the stage to grace inaugural function. The invited dignitaries were felicitated by presenting Gudhis made by our self-help group members and cloth-flowers made by special children from Zep institute. Smt. Kumudini Bhargav welcomed the dignitaries and the participants. In her welcome-address, she thanked Smt. Lalitha Kumarmangalam, Chairperson, NCW and the officers of NCW for guidance and support. She also briefly enumerated activities of Bharatiya Stree Shakti and the importance of this National Seminar.

After the welcome-address, Hon. Smt. Vijayatai Rahatkar declared the Seminar inaugurated and addressed the audience. In her inaugural address she gave the gist of various activities and projects undertaken by MSCW including the latest initiative of the Commission in the area of rehabilitation of the Acid Attack Survivors. She pointed out that it is difficult to actually get the property in hands for women even though it has been bequeathed to them.

BSS along with NCW had organized a National Consultative Seminar on Smart Cities with Focus on Inclusive Gender Empowerment on 17th and 18th November 2016 in New Delhi. The report of the Seminar was submitted to Hon. Shri. Venkaiyah Naidu, Minister, Urban Development, Government of India. Special guest Dr. Uday Salunkhe along with other dignitaries published the report. While addressing the gathering Dr. Salunkhe congratulated BSS for giving a very important perspective to smart cities as **Gender Smart Cities**. He also appreciated BSS's efforts for organizing the National Seminar which may contribute to a positive discourse on Common Civil Code.

Hon. Smt. Meeratai Khadakkar, in her key-note address, said that awareness amongst women has increased. She emphasized that it is necessary to consolidate the grounds from all the Acts which will be applicable to all women from all religions.

After the inaugural function sessions of the seminar proceeded.

7. KEY NOTE ADDRESS



Meeratai Khadakkor:
(Former Principal Judge, Family Court, Nagpur)

संपूर्ण विश्वमें आज महिलाओंका समाज में दर्जा, उनके अधिकार इस बारेमें विचार हो रहा है! सर्वत्र महिलाओंकी समस्या समान है! खासकर हमारे देशमें महिलाओंकी मानसिकता, उनका परिवार के प्रति लगाव, समाज की, परिवार की और पुरुषों की महिलाओं के लिये मानसिकता समान है! भला वो भिन्न धर्म की हो, भिन्न भौगोलिक प्रदेश में रहती हो, भिन्न आर्थिक स्तर की हो या भिन्न सामाजिक पार्श्वभूमि की हो! आज यह निश्चित रूप से स्पष्ट है कि सभी समस्याएं कम ज्यादा प्रमाण में समान ही हैं!

उपरोक्त परिस्थिति में भिन्न धर्मों में महिलाओंके विवाह और संपत्तिविषयक कानून जो भिन्न हैं, उनकी परिणामकारकता का हमें अध्ययन करना होगा- क्या यह सब कानून परिणामकारक हैं? यह एक बड़ा प्रश्न चिन्ह हमारे सामने है!

इस प्रश्न का हमें जब समाधान देखते हैं तो हमें गत कुछ सालों में हुयी घटनाओंका विचार करना होगा, उनका अध्ययन करनेसे यह स्पष्ट होता है की भारतीय संविधान ने हमें पुरुष और महिलाओंको आर्टिकल १४, १६ और २१ से नागरीकोंको समानता का अधिकार दिया है! Equality before Law and equal protection of Lawके आस्थासन के बावजूद भवरीदेवी की घटना १९९२ में राजस्थान में होती है! मथुरा की केस होती है! अनेक निर्भया के कांड लगातार हो रहे हैं! महिलाओंको दहेज के लिये प्रताड़ित किया जाता है! शारीरिक और मानसिक प्रताड़ना, क्रूरतापूर्ण व्यवहार के कारण उस महिलाओंको परिवार में रहना कठिन हो जाता है! सारांश यह है कि अभी भी महिलाओंको सुरक्षा और सम्मान नहीं मिला है!

यह सर्वज्ञात है कि समाज के प्रगति का विकास का मापदंड उस समाज की महिलाओंका संपूर्ण चित्र होता है! जिस समाज में महिला सम्मान से रहती हो, सुरक्षित हो वही समाज प्रगत और सुसंस्कृत समाज कहलायेगा!

इस अध्ययन का उद्देश्य महिलाओंको सुरक्षा और सम्मान मिल रहा है क्या? क्या यह उसके स्वतंत्र विकसनशील व्यक्तिमत्त्व के लिये परिपूर्ण है? यह देखना है! हमें यह जानते हैं की सुरक्षा

और सम्मान मिलने का प्रभावशाली माध्यम कानून है! इस दृष्टि से यह देखना उचित होगा कि क्या वर्तमान कानून इस उद्देश्य प्राप्ति के लिये सक्षम है?

सम्मान और सुरक्षा का विचार करते हुये, गत वर्षों में जो अनेक अप्रिय, दुःखद घटनाएँ हुयीं उनका अध्ययन और विश्लेषण करने से यह महसूस हुआ कि महिलाओंका आत्मसम्मान सुरक्षित रखने के लिये उसके आर्थिक और वैवाहिक अधिकार सुरक्षित एवं मजबूत रहना अनिवार्य है!

महिलाओंके आर्थिक अधिकारोंके बारे में या आर्थिक स्वातंत्र्य के बारे में विचार करते हैं तो यह विचार हमारे सामने आता है कि उसे अपने या अपने बच्चोंके भरणपोषण के लिये किसी के ऊपर निर्भर रहने की जरूरत न पड़े! महिलाओंके लिये उनका परिवार उनके लिये सर्वोच्च होता है! इस परिवार में उसका स्थान सुरक्षित कैसा हो? उसके लिये पारिवारिक सुख ही सब कुछ है! इसी दृष्टि से यह अध्ययन करने की आवश्यकता है!

२६ जनवरी १९५० को हमने भारतीय संविधान का स्वीकार किया है! यह स्वीकारते समय हमने धर्म निरपेक्षता का भी स्वीकार किया है! धर्म निरपेक्षता का अर्थ हर एक नागरिक को अपना धर्म अनुसरण करने का स्वातंत्र्य! कानून का अध्ययन यह बात नजर के सामने रखकर हमें करना होगा!

इस बातकी सब लोगोंको जानकारी है की हमारे देश में विवाह और संपत्ती के अधिकार उस व्यक्ति के धर्म के अनुसार अर्थात् व्यक्तिगत कानून से नियोजित होते हैं!

वैवाहिक कानूनों के बारे में हम सोचते हैं तो यह स्पष्ट है कि हर एक धर्म में विवाह के विधी या तरीके अलग हैं! हिंदू धर्म में विवाह एक संस्कार माना गया है तो मुस्लीम, ख्रिश्चन, पारसी इन धर्मों में वह करार है! विवाह की विधी भिन्न हो सकती है पर परिणामतः उस विवाहका एकही कानून में पंजीकरण होना आवश्यक है! कानून के दृष्टि से पंजीकृत विवाह उपरांत पत्नी-पत्नी को कानून नी अधिकार प्राप्त होते हैं! भले ही विवाह भिन्न प्रक्रिया से संपन्न हो उसका एक ही कानून के अनुसार पंजीकरण अनिवार्य होना चाहिये! आज भी पंजीकरण कानून है ; परंतु उसका अमल कठोरता से होते नहीं दिखता !

आजकल भिन्न धर्म के व्यक्ति आपस में विवाह करते हैं! अपना धर्म न बदलते हुये अपना वैवाहिक जीवन चलाते हैं! ऐसे दंपतीओं को कौनसा कानून लागू होगा! यह स्पष्ट नहीं है! जब हम कानून का विचार करते हैं तो हम हमारी संस्कृती और परंपरा भूल नहीं सकते! जीवन में Legally wedded wife और औरस संतती के अधिकार सुरक्षित रहना चाहिये! आज लोग विवाह बंधन में न बंधते हुये साथ में रहते हैं! ऐसी दंपती और उनकी संतती को अधिकार देते समय (Legally wedded wife) धर्म पत्नी और औरस संतती के अधिकारोंमें क्षती न आये यह हमें सोचना होगा!

Restitution of conjugal rights सभी कानूनोमें प्रावधान है, परंतु दुर्देववश यह आदेश केवल कागजपर रह जाता है! उसका Execution करके उस दंपती का वैवाहिक जीवन पुनः शुरू होना कठीण होता है! इस आदेश को विरोध या बाधा करनेवाले व्यक्ति के खिलाफ कड़ी सजा का प्रावधान होना जरूरी है!

दुर्देववश अगर पती-पत्नी साथ रहना कठीण है तो उन्हें अलग होना बेहतर होगा! इसलिये कानून में तलाक का प्रावधान किया है! सभी धर्म के कानून में तलाक लेने के लिये परिस्थितियां (ground) कम ज्यादा रूपसे समान है! फर्क इतनाही है की तलाक लेने का भिन्न है! मुस्लिम कानून से अगर पति बुरे चरित्र के महिला के साथ संबंध रखता है, या पति लापता हो गया है तो पत्नी तलाक मांग सकती है! वैसे देखा जाय तो भारतीय संस्कृति के विचार से तलाक यह वैवाहिक समस्या का अंतिम उपाय है ; इसी लिये इसके बारे में हमें दूरतक सोचनेकी आवश्यकता है! तलाक के पश्चात महिला का दर्जा, आर्थिक सामाजिक और पारिवारिक स्थितिपर गहरा और गंभीर परिणाम होता है! ऐसी परिस्थिति में वह महिला और उसके बच्चोंको सम्मान से जीने के लिये आवश्यक कानून करना चाहिये!

Nullity of Marriage विवाह रद्दबातल होना-

कभी कभी शादी के विधी या होता है; पति-पत्नी साथ में रहना शुरू करते है! परंतु कुछ ऐसे तथ्य सामने आते है, या ऐसी परिस्थितियां उत्पन्न होती है,की उनका विवाह पूर्ण नहीं होता! ऐसी परिस्थिति में, मानो विवाह हुआ हि नहीं है यह आदेश देना अनिवार्य हो जाता है! सभी धर्मों में ऐसे आदेश के लिये समान प्रावधान है! अगर शादी के बाद पती-पत्नी में वैवाहिक संबंध स्थापित नहीं हो पाता, या नहीं होता तो विवाह null and void हो सकता है!

आज के व्यस्त व्यावसायिक जीवन के कारण विशेषतः आय.टी. क्षेत्र में काम करने वाले दंपतीमें यह समस्या बहुतांश पायी जाती है! शारीरिक वैवाहिक संबंध वैवाहिक जीवन में महत्वपूर्ण होते है! वह भावना नैसर्गिक भी है! अभी यह महसूस हो रहा है की इस विषय में एक ऐसा कानून हो जो सब परिस्थिति में लागू हो!

बच्चों की परवरीश करने का दायित्व तो माता पिता दोनोंका होता है परंतु दोनोंमें अगर विवाद उत्पन्न हुए और दोनों अलग अलग रहना चाहते है तो बच्चे किसके साथ रहे? उनका भरणपोषण कौन करेगा, यह निश्चित करनेवाले कानून है परंतु सभी धर्म में वे भिन्न है! मां कौन से भी धर्म कि हो वो तो मां ही होती है! वह बालक की पहली गुरु होती है! उसके पासही बच्चा और उस का भवितव्य सुरक्षित होता है! बच्चे किसके पास रहे यह तय करने के लिये कानून बच्चोंके अधिकारोंका विचार करते हुये तय करता है! बच्चोंके अधिकार तो (Child Rights as per charter) सारे विश्वके लिये एक है तो फिर हमारे देशमें ही वो अलग क्यू?

दत्तक विधान का प्रावधान सभी धर्मों में नहीं है! परंतु हर एक व्यक्ति को बच्चे से प्यार करने की इच्छा हो! अपना एक बच्चा हो, अपना भी घर बच्चोंसे भरा हो यह इच्छा स्वाभाविक है! अभी बाल कल्याण कानून के तहत दत्तक विधान यह प्रक्रिया सरल की गई है!

महिलाओंको अपनी परवरीश करने के नियमित आय रहना जरूरी है! अगर उसके पास उस के खाने-पीने के लिये, दवाईयोंके लिये आदि खर्च करने के लिये नियमित आय नहीं है, तो उसे वह रकम अपने पितासे, पतिसे या बेटेसे लेने का अधिकार है! भारतीय दंड प्रक्रिया कलम १२५ अनुसार सभी धर्म के व्यक्ति इस प्रावधान के नीचे अपना खर्चा मांग सकते हैं! यह प्रावधान फौजदारी स्वरूपका है! परंतु दिवानी या व्यक्तिगत कानून के अनुसार पतीके साथ न रहते हुये, विवाह कायम रहते हुये सिर्फ हिंदू महिला को कुछ अनिवार्य परिस्थिति में खाने का खर्चा मांगने का अधिकार है! विडंबन यही है उसी परिस्थिति में मगर दूसरे धर्म की महिला है तो उसे यह अधिकार नहीं है! इस विषयमें भी विचार होना जरूरी है!

हिंदू स्त्री अपने ससुर से पती के पश्चात खाने का खर्च मांग सकती है परंतु पती जिंदा है और वह मूर्ख () या पूर्णतः मनोरुग्ण है तो उसे कुछ भी अधिकार नहीं है! ससुराल में बहुत संपत्ती होते हुये भी उसे अधिकारोंसे वंचित रखा जाता है!

भारतीय संविधानने महिलाओंको संपत्ती कमानेका, उस का उपभोग लेने का और अपनी मर्जी के अनुसार उसका विनिमय करने का अधिकार दिया है! उसने अर्जित की हुई संपत्ती की वो पूर्णतः मालिक है! परंतु पुश्तैनी संपत्ती में उसे अधिकार मिलते हुये भी विधवा स्त्री संपत्तीका विभाजन नहीं मांग सकती!

हिंदू वारसा कानून के कलम १५ का विचार होना जरूरी है! हिंदू स्त्री के मृत्यु के पश्चात सभी वारसदारोंका विचार नहीं होता! मृत स्त्री के पहले अगर उसका पुत्र मृत रहता है तो उसके विधवाको उसकी संतती के साथ अधिकार मिलना आवश्यक है! अगर उसे बच्चे नहीं होंगे तो उस के पति के वारस को संपत्ती जाने से उसके माता-पिता को जाना जादा निसर्ग नियम अनुसार होगा!

मुस्लिम महिलाओंको संपत्ती में अधिकार है परंतु समान अधिकार नहीं है! बेटी को बेटे के तुलनामें कम अधिकार है!

महिलाओंको उसके मायके के संपत्ती में अधिकार मिलने को कुछ लोगोंका विरोध है! परंतु हमें जब महिलाओंको सशक्त और सुरक्षित बनाना है तो यह अधिकार देना पड़ेगा!

सभी व्यक्तिगत कानून भिन्न है! कुछ महिलाओं को अधिकार देते हैं कुछ कम अधिकार देते हैं! हमें महिलाओंको कानूनन अधिकार देना है, तो सभी अच्छे प्रावधानोंका संकलन करके उसे प्राथमिक मानवीय अधिकार के अनुसार जीवन जीने के लिये प्रावधान तो करनाही होगा! संपत्ती

धारण करना या खानेका खर्चा लेना यह उसका न्यूनतम मानवीय अधिकार है! वैसेही सम्मान के साथ जीवन जिना यह भी उसका मानवीय अधिकार है! इन मानवीय अधिकारोंके प्राप्ती के लिये सभी धर्मो के कानून का विचार किया गया तो एक एक स्वतंत्र कानून मे कुछ न कुछ खामियाँ जरूर है! इसे अगर पूर्णतः परिणामकारक बनाना है तो इन विषयोमे एक सर्वसमावेशक कानून करनेकी आवश्यकता है!

यह स्पष्ट है कि भारतीय दंड प्रक्रिया कलम 125 (Criminal Procedure Code) घरेलू अत्याचार प्रतिबंध कानून और भारतीय दंड संहिता 498A (Indian Penal Code)यह कानून भी सभी धर्मोके लिये है! परंतु उसके फौजदारी स्वरूप के कारण परिवार विघटन होने कीआशंका रहती है! निश्चित रूप से कुछ हद तक ये कानून परिणामकारक है! परंतु उसका परिणाम परिवार बचानेमे समर्थ नहीं है! इसी लिये एक परिपूर्ण दिवानी(Civil) कानून की आवश्यकता है!

इस उद्देश्य पूर्ती के लिये जगह जगह चर्चा हो कर सुझाव देने की जरूरत है! आज हम ऐसे ही चर्चा करके कुछ हद तक निर्णय प्रक्रिया मे सहयोग दान करे!



8. HINDU LAW



Dr. Smt. Sunanda Joshi

(Former Principal Judge, Family Court, Mumbai)

Marital rights of Hindu women

The first and the most important marital right of Hindu women is the right of maintenance. The maintenance would include maintenance *pendente lite* (i.e. interim maintenance) and expenses of the proceeding as well as permanent alimony and maintenance.

Sec. 24 of the Hindu Marriage Act deals with interim maintenance and expenses of the proceeding. As per Sec. 24, during the pendency of any proceeding under the Act if either spouse has no independent income sufficient for his or her support and the necessary expenses of the proceedings, the court can direct the other spouse to pay interim maintenance and expenses of the proceedings to such spouse. The object of this provision is to enable an indigent spouse to conduct his or her defence without being handicapped in any way by poverty. Under this Sec. both husband and wife are entitled to claim maintenance. Except Hindu marriage act, under no other law husband is entitled to claim maintenance from his wife.

The amount of maintenance depends upon income of the applicant and the non-applicant, need of the applicant and paying capacity of the non-applicant. Though the grant of interim maintenance is discretionary power of the court, the discretion is to be exercised judicially and in accordance with law and depending upon the facts of the case.

Quantum of maintenance – Reasonable sum should be awarded as maintenance. It should not be exorbitant or punitive in nature and it should not be very low so as to be meaningless. It should enable the wife to maintain same standard of living as of the husband. No mathematical formula can be laid down to determine amount of maintenance.

Under Christian Law generally 1/5th of the income of the husband is awarded as interim maintenance. There is no such provision under Hindu marriage Act. Income Tax return is not always the criteria to decide the quantum of maintenance amount, since income tax returns do not reflect the true position of the income of the party for several reasons. Residential apartment occupied, other assets, style of living would reflect the true picture to decide the quantum of maintenance.

Permanent maintenance under 5.25 of the Hindu Marriage Act. -

As per this section at the time of passing of any decrees or at any time thereafter court can pass order of maintenance. If the court is satisfied that there is a change in the circumstances after passing the order, the same can be modified or cancelled e.g. remarriage, getting job, adulterous behaviour etc.

Hindu Adoptions and Maintenance Act – No definition of maintenance is given under Hindu Marriage Act. However under Hindu Adoptions and Maintenance Act, maintenance includes provision for food, clothing, residence, education and medical expenses and in case of unmarried daughter reasonable expenses for her marriage.

There is no provision for interim maintenance under this Act. However the court has power to grant interim relief which is incidental to the main relief. While fixing the quantum of maintenance the court has to take into consideration facts and circumstances of each case, income and liabilities and standard of living of the parties. Hindu wife is entitled to be maintained by her husband during her life time. As per this Act Hindu wife is not entitled to maintenance if she is unchaste or ceases to be a Hindu by conversion to another religion.

As per section 19 of the Hindu Adoptions and Maintenance Act widowed daughter-in-law is entitled to be maintained by her father-in-law provided she is unable to maintain herself out of her own earnings or property or from the estate of her husband or her father or mother or estate of her son or daughter, if any.

Hindu Minority and Guardianship Act – The custody of a minor who has not completed the age of five years shall ordinarily be with the mother. As per this Act natural guardian of a Hindu minor is the father and after him, the mother. However, in case of Githa Hariharan v/s Reserve Bank of India 1999 SC 1149; it has been held that whenever there is a dispute of guardianship between the father and the mother, the word ‘after’ has no significance. This means mother can also be a natural guardian even during the life time of a father. In all cases of custody and guardianship nearness of relationship is not the consideration and welfare of the minor is the paramount consideration.

Important Suggestions

If the wife is granted maintenance under civil law and the husband fails to pay the same, husband may be sentenced to imprisonment. However wife has to pay Rs. 40/- per day, as subsistence allowance for such a husband to put him in a jail.

Thus wife who comes to the court praying for maintenance has to pay to put her defaulting husband behind bars. This is an irony. Hence amendment is necessary to the Civil Procedure Code to delete this provision and wife should not be asked to pay such amount.



Adv. Girish Godbole
(Senior Counsel, High court, Mumbai)

Property Rights of Hindu Women

Adv. Girish Godbole enlightened the audience with the rights of Hindu women under 'The Hindu Succession Act, 1956'. He started with a short introduction with respect to the succession rights of Hindu women prior to the Hindu Succession Act, 1956.

The law of inheritance deals with rules which govern devolution of property of its owner. In Hindu Law, the concept of the joint family system existed from the olden days. Several difficulties and complications arose owing mainly to the differences in the law of inheritance amongst the two major schools of the Hindu Law, viz., the Mitakshara and the Dayabhaga, and the matriarchal system prevailing in some southern parts of India.

The first step in the direction of codification of law relating to inheritance was taken in 1937, with the passing of the Hindu Women's Right to Property Act, which introduced important changes in the law of succession by conferring new rights of succession on certain Hindu females.

Then came the Hindu Succession Act, 1956. This Act amends and codifies the law relating to succession among the Hindus and at the same time, introduces some fundamental and radical changes in the law of succession.

A major amendment was brought in Sec. 6 of the said Act which deals with 'Devolution of Interest in Coparcenary Property by Amendment of 2005. This amendment was deleted from the original Sec. 6 of the Act and substituted a new section in this place. It brought about some radical changes, the most important of which are the following:

- Equal Rights for Daughters.
- Doctrine of Pious Obligation restricted.
- Rights of a female in a joint dwelling place.
- Change in respect of rights of Hindu widows in the matter of inheritance.
- Addition of heirs in Class I.

Thus Hindu women's rights were recognized in the coparcenary property. However it was not given a retrospective effect.

Domestic Violence Act, 2005:

The Act was primarily meant to provide protection to the wife or female live-in partner from domestic violence at the hands of the husband or male live-in partner or his relatives, but the law also extends its protection to women living in a household such as sisters, widows or mothers.

Important right of a woman under the Act –

One of the most important features of the Act is the woman's right to secure housing. The Act provides for the woman's right to reside in the matrimonial or shared household, whether or not she has any title or rights in the household. This right is secured by a residence order, which is passed by a court. These residence orders cannot be passed against anyone who is a woman.

Sec.17:

Deals with the right of the aggrieved woman to reside in a shared household.—

1. Notwithstanding anything contained in any other law for the time being in force, every woman in a domestic relationship shall have the right to reside in the shared household, whether or not she has any right, title or beneficial interest in the same.
2. The aggrieved person shall not be evicted or excluded from the shared household or any part of it by the respondent save in accordance with the procedure established by the law.

Sec 19:

Deals with the right of the aggrieved woman with respect to residence order. The magistrate being satisfied that a domestic violence has taken place, passes residence order-

1. Restraining the respondent from dispossessing or in any manner disturbing the peaceful possession of the shared household
2. Directing the respondent to remove himself from the shared household
3. Restraining the respondent or his relatives from entering any portion of the shared household where the aggrieved person lives
4. Restraining the respondent from alienating or disposing of the shared household or encumbering it
5. Restraining the respondent from renouncing his right in the shared household
6. Directing the respondent to secure same level of alternate accommodation for the aggrieved person as enjoyed by her or to pay rent for the same if the circumstances so require.

He concluded the session by saying that Goa is the only state in India which has a Uniform Civil Code which still follows the Portuguese civil Code and which is the best example of equal rights given to women.

9. MUSLIM LAW



Prof. Shamsuddin Tamboli
(President, Muslim Satyashodhak Mandal)

Property and Marital Rights of Muslim Women:

Prof. Shamsuddin Tamboli:

Prof. Shamsuddin Tamboli brought to the notice of the participants the amount of discrimination being meted out to muslim women. He started by saying that in Islam, there is a doctrine of servitude in the matter of good and evil. It is believed that, as ordinary mortals, one cannot understand what is good and what is evil, unless one is guided in the matter by a divinely inspired Prophet. One must do what is good and avoid what is evil. This is the Law of Shariat. Shariat means the canon law of Islam or the totality of Allah's Commandments. The law of Allah is not easy to understand and Shariat embraces all the facets of human actions.

He made a statement that the most disliked word of Allah is 'Talaq' then how can people still practice 'Triple Talaq'. He cited the most famous case law in 'Shahbano's case'. He explained that Sec. 125 of Cr.P.C. is applicable to all. Justice Deepak Verma and Justice Sudarshan Reddy of Supreme Court of India had underlined while giving verdict on one case that the protection under Sec. 125 of Cr.P.C. is available to any woman belonging to any religion.

Sec 125 of Cr.P.C deals with order for maintenance of wife, children and parents. He also spoke about the dissolution of Muslim Marriage Act, 1939. The dissolution of Muslim Marriage Act was passed in order to consolidate and clarify the provisions of Muslim Law relating to suits for dissolution of marriage by a woman married under Muslim Law and to remove doubts as to the effect of the renunciation of Islam by a married muslim woman on her marriage tie.



Dr. Viney Kapoor
(Commissioner, RTI, State of Punjab,
Former HOD, Dept of Law, Punjab University)

Property and Marital Rights of Muslim Women:

The next speaker for this session was Dr. Viney Kapoor. She enlightened the audience with some of the important concepts, practices as well as their meanings under the Muslim Law.

Schools of Mohamedan Law:

The first broad division of the schools of Mohamedan Law is between the Sunnis (subdivide further into four schools of Sunni law) and the Shias. This division did not spring originally out of differences of legal or religious doctrine, rather it was caused by a dispute which in its original was wholly political.

The Sunnis base their doctrine on the entirety of the traditions. They regard the concordant decisions of the successive Imams and of the general body of the jurists as supplementing the Koranic rules and as equal in authority to them.

The Shias on the other hand reject not only the decisions of the jurists, but also all traditions not handed down by Ali or his immediate descendants i.e. those who had seen the Prophet and held discourses with him.

Iddat:

Iddat is a period of chastity which a muslim woman is bound to observe after the dissolution of her marriage by the death of her husband or by divorce, before she can lawfully marry again. This is a period of continence imposed on the woman on the termination of marriage in the interest of certainty of paternity. The abstinence is imposed on her to ascertain whether she is pregnant by the husband, so as to avoid confusion of the parentage. The primary object of Iddat is to impose a restraint on the marriage of the wife for a certain time.

Muta Marriage:

The word 'Muta' or 'Mutah' literally means enjoyment or use. In its legal concept, it means a temporary marriage i.e. a marriage, the duration of which is fixed by an agreement between the parties, as for instance, a marriage for 30 days. Muta marriage is currently practiced by the Shias.

Dower:

Dower or Mahr is a sum of money or other property which the wife is entitled to receive from the husband, in consideration of marriage. According to Mohamedan law, marriage is a civil contract and Dower is a necessary result of it, being a part of the consideration of her agreement to become her husband's wife by consummating the marriage.



10. CHRISTIAN LAW AND PARSEE LAW



Adv. Kevic Setalwad
(Senior Counsel, High Court, Mumbai)

Adv. Kevic Setalwad stated that prior to 1872, the law relating to solemnization of Christian marriages was scattered over two acts of the English Parliament and three acts of the Indian Legislature. It was therefore thought expedient to consolidate and amend the law which finally took the shape of the Indian Christian Marriage Act, 1872. Thus Christian marriages were thenceforth governed by 'The Indian Christian Marriage Act, 1872'.

Then he went on to talk about 'the Indian Divorce Act, 1869' also known as 'The Divorce Act, 1869'.

Even though the divorce amongst the Christians is governed by the Divorce Act, 1869 it stood in contradistinction to statutes governing other communities in India as many of them were enacted late in 1950s. The concepts are 100 years old but still continued to find place in the Act. Attempts were made time and again to codify the Act. Ultimately it was unanimously agreed that the gender inequality contained in certain provisions of the act ought to be removed. Thus the Divorce Act was accordingly amended.

He highlighted the importance of Section 4 of the Indian Divorce Act which provides for Matrimonial Jurisdiction of High Courts. This conferred exclusive jurisdiction on the High Courts and the District Courts for all matrimonial matters falling under the divorce Act.

The most highlighted section was section 10. The amendment of 2001 has effected a drastic change in the grounds available to a Christian Couples for dissolution of their marriages. The earlier ground available was:

To the Husband : Adultery (Plain and Simple Adultery)

To the Wife: Incestuous Adultery or Adultery coupled with bigamy or with cruelty or with desertion.

He dwelt upon Sec. 10. After the amendment of 2001, either party to the marriage can file a petition for divorce on the ten grounds available under the section.

He also referred to Case Laws Cited: (2009) 10 SCC 415.

Parsee Law:

The Parsee Marriage and Divorce Act was passed in 1936 to amend the law relating to marriage and divorce amongst Parsees.

Few sections from the above act were cited which have been reproduced as follows:

Section 3 and Section 4 of the act deal with the requisites of a Parsee Marriage.

Section 39 and Section 40 deal with Alimony Pendente Lite and Permanent Alimony.

The most important discussion was the Rights of the Parsees' with respect to Parsee Intestate which is dealt under chapter 3 of the Indian Succession Act, 1925. Section 50 to Section 56 deal with the said rights and which are as follows:

Sec.50: General principles relating to Intestate Succession.

Sec.51: Division of intestate's property among widow, widower, children and parents.

Sec.53: Division of share of predeceased child of intestate leaving lineal descendants.

Sec.54: Division of property where intestate leaves no lineal descendant but leaves a widow, or widower of any lineal descendant.

Sec.55: Division of property where intestate leaves neither lineal descendants nor a widow or widower nor a widow of any lineal descendants.

Sec.56: Division of property where there is no relative entitled to succeed under the other provisions of the act.

He also commented upon Travancore and Cochin Law which was practiced in Kerala and which is now replaced by 'Indian Succession Act, 1925'.

11. HIGHLIGHTS

Bharatiya Stree Shakti organized a one day national level consultative seminar on “Efficacy of Laws Pertaining to Marital and Property Rights of Women in Different Religions” in collaboration with National Commission for Women and with academic support of Prin. L. N. Welingkar Institute of Management, Development and Research, Mumbai, on 18th March 2017.

1. Pre-Seminar activity-

- Advisory committee comprising of following dignitaries was constituted and consulted for the Seminar.
 - Senior Adv. R.S. Apte (Mumbai High Court),
 - Adv. Jai Vaidya (Mumbai High Court and Family Court),
 - Prin. N.M.Rajadhyaksha (New Law College, Mumbai),
 - Prof. Vaishali Gurav (Adv. Balasaheb Apte College of Law, Mumbai),
 - Adv. Anjali Helekar (Mumbai High Court),
 - Dr. Pratima Sharma (Professor in Law, Himachal Pradesh)
- National level essay competition and poster competition were organized in which many Law and Political Science students participated. BSS invited Law Colleges, and Law Universities all over India to participate in the seminar. BSS also approached NGOs, practicing advocates, professors of Law and social workers. The winners were awarded with cash prizes and certificate at the seminar.

2. Special Invitees –

- Adv. Bageshree Parikh (Former Judge, Family Court, Mumbai),
- Adv. Sushama Nagraj (High Court, Mumbai),
- Adv. Manjula C. (Former Member, Karnataka S.C.W),
- Adv. Bhavana Thakkar (Former Judge, Family Court, Nagpur),
- Adv. Richa Rana, Dharmshala, Himachal Pradesh.

3. Representation from various states-

- Delhi –Dr. Jyoti Chuthaiwale, Adv. Sandhya Randev
- Punjab – Dr.Viney Kapoor
- Himachal Pradesh- Adv.Richa Rana
- Orissa-Chandana Das
- Madhya Pradesh - Adv. Gitanjali Chaurasia, Adv.Jayashree Nandeshwar
- Gujarat-Smt.Shailaja Andhare, Neepa Shukla
- Karnataka- Adv.Manjula C.
- Maharashtra- Many participants were from Pune, Solapur, Kolhapur, Sangola, Latur, Nashik, Nagpur, Dhule, Thane, Dombivali, Kalyan, Virar, Vasai, Panvel etc. Many practicing lawyers, judges from various courts, professors and students from prominent Law and other colleges from Mumbai actively participated in the seminar.

4. Following aspects were covered in the seminar-

- Divorce Law
- Triple Talaq
- Maintenance Law
- Dower
- Iddat, Mutah marriage
- Custody of Children
- Adoption Law
- Coparcenary Rights
- Right of a female in a joint dwelling place
- Right of Hindu widows in matter of inheritance



12. Summary of Sessions and Deliberations

The seminar started with a brief introduction of Bharatiya Stree Shakti by Smt. Kumudini Bhargav (General Secretary). Bharatiya Stree Shakti is a 28 year old organization and has worked in various spheres of activities touching all the aspects of women's life. Prominent members of Bharatiya Stree Shakti Smt. Nirmala Apte (Founder President, BSS), Smt. Nayana Sahasrabudhe (Vice President, BSS), office bearers of various branches of BSS and activists attended the seminar.

- The seminar was organized in collaboration with National Commission Women (NCW). Hon. Smt. Vijaya Rahatkar, Chairperson of Maharashtra State Commission for Women (MSCW) inaugurated the Seminar. In her inaugural address she pointed out that it is difficult to actually get the property in hands for women even though it has been bequeathed to them. She also highlighted on the work undertaken by the MSCW, including the latest initiative of the Commission in the area of rehabilitation of the Acid Attack Survivors.
- The Key Note Address was delivered by Hon. Adv. Meeratai Khadakkar, (Former Principal Judge of Family Court, Nagpur). Smt. Khadakkar, created the backdrop for the Seminar, covering all the aspects of laws related to the Property and Marital Rights of Women in India. She also shared her experiences as the Principal Judge in the Family court, and emphasized on the common laws for all communities as well as the importance of educating people, especially women about their rights.

Hon. Smt. Meeratai Khadakkar, in her key-note address, said that awareness amongst women has increased. She emphasized that it is necessary to consolidate the grounds from all the Acts which will be applicable to all women from all religions.

- The first session had two speakers Hon. Adv. Sunanda Joshi, (Former Principal Judge, Family Court), and Adv. Girish Godbole (Senior Counsel, Mumbai High Court). Adv. Joshi focused on the Hindu Marriage Act and the Hindu Adoption and Maintenance Act. She highlighted the lacune in the law and the possible measures to improve the law. Her clear advice to a woman was that you must know where does your husband work, what is his salary, in which banks are his accounts, as in several cases, many women at the time of divorce had no clue about the above.

Hon. Smt. Sunandatai Joshi observed, after establishing Family Courts' recovery of maintenance to women has substantially increased. She also pointed out that Hindu Adoption and Maintenance Act enables one to claim maintenance.

- Adv. Girish Godbole talked about the property rights of Hindu women, the Hindu Succession Act and the amendments in the same. A number of suggestions were made to strengthen the law to protect property rights of women. The example of the Portuguese Civil Courts in Goa was welcomed by the participants. According to this law the wife after marriage becomes the 50% co-owner of husband's property. Adv. Girish Godbole insisted upon women to have the knowledge of their property rights. He emphasized that women should be aware of the financial status of their husbands and family.

- The information given by Mr. Shamsuddeen Tamboli about the property rights of Muslim women was thought provoking. He with a straight face asked a very simple question that if the most disliked thing for Allah is Talaq, then how is it that a man can divorce his wife by simply uttering Talaq thrice? In 22 muslim nations, including Pakistan and Bangladesh, laws have been changed or are modified, but no laws are changed in India pertaining civil issues. He threw light on the distortion of the provisions of Islam in a male dominant society, which result in alienating muslim women from their rights, more so, right on property. The very fact that muslim women do not have any protection from the law was a grave violation of their rights under Art. 14, Art. 15 and Art. 21 as citizens of India.
- Dr. Viney Kapoor spoke on matrimonial rights of muslim women and the different systems followed by Sunnis and Shias. She also highlighted the key issues related with marriage and property rights of muslim women, muslim widows. The difference between Nikah and Mutah and the abuse of Mutah leading to further exploitation of young girls was very well explained by her. Both the speakers reiterated the need for a Common Civil Code.
- Adv Kevic Setalvad delivered his speech on Property and Marital Rights of Christian and Parsee women. It was well delivered with the help of case studies and examples.
- The discussions during deliberation-
Along with the resource persons and members of the advisory committee, prominent legal experts like Adv Smt. Bageshree Parekh (Former Judge, Family Court, Mumbai) were on the dais and the floor was open for discussions. The most important issue was to have a Common Civil Code. Majority of participants raised the issue of triple talaq, property rights of muslim women, difficulties in implementation of maintenance etc. The participants and the panelists unanimously agreed that it was a shame that even after 70 years of independence, we as a democracy could not guarantee civil rights to women, mainly marital and property rights across the communities.

The urgent need for the Common Civil Code to ensure equal rights to women from all the communities was also highlighted in the deliberations and even during various sessions of the seminar.

Many participants asked questions related to live-in relations and the law protecting the rights of women in live-in relations. Some participants also raised an objection to giving legal approval to the live-in relationship and to the children born out of such relations.

The panellists were experts in their respective fields and had a lot of professional as well as field experience. They presented a good critic of the existing laws and provisions in personal laws of different religions and the loop holes resulting in exploitation of women.

The need for Common Civil Code and educating the women about their marital and property rights was well established through the case studies.

The participants gave very constructive feedback and suggestions. They expressed the for similar seminars and deliberations in different parts of the country will be a welcome step and it must be considered with all seriousness.

13. OBSERVATIONS

1. The Family laws applicable to women in different communities and religions are not the same and in some religions and communities they are discriminatory to their disadvantage.
2. In all Family Laws are needed for all communities.

3. Hindu Law:

- The Hindu Succession Act, 1956 leaves untouched the Hindu coparcenary in which women do not have a property interest, there is no secured right of property for women.
- Hindu women are entitled for the interim and permanent maintenance as per Hindu Marriage Act, Hindu Adoptions and Maintenance Act and Cr.P.C..Though the provisions are there in law books and the orders are granted, there are hurdles in the implementation of the orders.
- First, women have to spend much time in Court procedure along with the professional fees. Secondly, it is much difficult to provide evidence of income of husband and there are no fixed guidelines or rules deducting the maintenance amount from the salary or other revenue of husband.
- Also there is no rule for automatic increase in the maintenance awarded, according to inflation rate of every year. The same is done again only after intervention of the court. If the husband does not abide by the court's decision, then the procedural part of actually receiving maintenance amount is very extensive, involving filing of separate execution application and time consuming procedure of attaching the salary and property of the husband or even joint family property and getting the sale proceeds etc.
- The decrees are very difficult to execute when husband leaves India or even the territorial jurisdiction of the court.

In recent years the courts have changed the views of awarding maintenance to the second wife or woman who is in live-in relationship i.e. if the couple is living like husband and wife for long period of time. The lady and the children can get maintenance from a live-in partner as per the verdicts of Supreme Court. However, there is no specific provision in the law of maintenance regarding the same.

Similar issues may be faced because of the conflicts arising out of inter religion marriages, increasing number of live in relationships, demand for validating same sex relationships and/or their marriages, the attitude of No Kids Double Income Marriages, No Kids Families or no marriage and free sex relationships.

4. CHRISTIAN LAW:

Christian Law is particularly unjust towards women seeking divorce. The grounds for divorce for women are very limited-

- Cruelty coupled with adultery,

- Adultery coupled with desertion for two years or more and other more restrictive grounds.
- The limited grounds for divorce have caused great hardship to Christian women who are deserted or ill- treated by their husbands, as 'neither desertion nor cruelty by themselves' are grounds for divorce.

5. PARSEE LAW :

- The Parsee Marriage and Divorce Act was passed in 1936.
- Under Parsi Law, daughters get only one half the share of a son in inheritance. (see S. 51, ISA 1926).
- The Travancore Christian Succession Act, 1916 totally disinherits a daughter who has received Streedhan and limits her share to Rs. 5,000.
- Both the above laws are totally discriminatory against women.

6. MUSLIM LAW :

- The position of women under Muslim Law is discriminatory, compared to men –
 - a muslim male can marry four wives;
 - a muslim woman can be divorced by unilateral pronouncement of the triple talaq;
 - a muslim daughter inherits only half the share of the son; and
 - a divorced muslim wife is not entitled to maintenance.
- The father is the natural guardian of a minor child in all different systems of Personal Law and also under the secular Guardian and wards Act, 1890.
- This so- called natural right of the father of guardianship to the exclusion of the mother has had devastating consequences for women, particularly in cases where the marriage has broken down.
- It makes women constantly insecure about their right to take any meaningful decision relating to their own marriage and their children.
- In Muslim Law there is a provision that two third of the total property must go to legal heirs, while the remaining one third property may be given to non-legal heir.
- It is possible that wife or son or daughter may have conflict with head of the family. As a result, he may not give any property to such wife or child having strained relations. That may cause incomparable hardship to such legal heirs.

7. TRIBAL CUSTOMARY LAW :

The position of tribal women is very different. There is no codified family or inheritance law dealing with Tribals at all.

This leaves them governed by customary law which varies from region to region and tribe to tribe.

The Hindu Succession Act specifically excludes tribals from its operation. The British policy in this regard again seems to have been non-interventionist. Post-independence policy has also been non-interventionist.

The Constitution of India provides for protective discrimination in favour of tribals. The same protectionist policy has left the tribals untouched by State-made law.

8. SPECIAL MARRIAGE ACT:

The Special Marriage Act, 1954 is discriminatory and limited in its application. The Acts coming under the Hindu Family Law are not uniformly applied to Indians marrying under this Act and is limited to the communities covered under the Hindu marriage Act, 1955.

14. SUGGESTIONS

The following suggestions have been put forth during the various sessions in seminar. It would be helpful in setting the path for holistic reform to ensure equality for women across all communities and religions:

A. Primary suggestions-

- 1. A waiver of court fee for women claiming right on her parents' property or claiming property through her husband by virtue of her marriage need to be reinstated as it was in 1994.**
- 2. Standard practice of making a list of the wedding expenses and/or gifts given to the bride to be recorded.**
- 3. Amendment needed to be made to ensure right in property for children of parents who marry under the Special Marriage Act. (same or different religion)**
- 4. Uniformity of laws pertaining to all personal matters is an absolute necessity if women are to be saved from all types of discrimination and harassment.**
- 5. Christian women seeking legal resources must be provided access to local Family Court as High Court is expensive.**
- 6. Outdated laws on marriage and divorce for Christians need to be weeded out and new codified laws to be enacted.**
- 7. The Parsee Marriage and Divorce Act 1936 needs to be amended as it is outdated and archaic.**
- 8. The standard form of Nikahnama has to be made easily accessible in bookstores and Government website.**
- 9. Signature of the bride on Nikahnama need to be made mandatory.**
- 10. Sexual equality has to be ensured by recognizing marital rape as an offence. Need to be addressed in spirit and not only in letter.**
- 11. Monogamy has to be enforced strictly for all religions.**
- 12. Maintenance amount has to be rationalized on actual basis. It should not be meager and not simply a formality.**
- 13. Divorce must be through the Court of Law and the concept of customary divorce should be done away with. It leads to sheer disrespect to existence of a woman.**

14. A woman's share in property must be ensured by will or otherwise it must not be left to the discretion of any person or community.
15. Deed of release given by a woman surrendering her property rights should be registered after suitable legal advice.

B. Secondary Suggestions:

1. Fast track special court to be introduced to dispose off suit for partition filed by the woman.
2. Government Official Website in all languages is required to educate women about their rights in the property.
3. A special legally aided mediation services of experts to be made available to women for issues related to marital disputes.
4. A large scale awareness programs through visual aids may be launched by the Govt. agencies for educating women about their Marital and Property Rights.
5. At the Family Courts crèche for the children of aggrieved women be established.
6. To give equal justice to women of all castes, creeds and religions; uniformity in the laws of Marital and Property Rights be established.

15. RECOMMENDATIONS

All personal Laws have to be brought at parity with each other in order to provide equality to women. This has to be done irrespective of their religion or status in the society.

Following recommendations may prove helpful while amending existing Laws to ensure equality and dignity to women of our Country.

1. HINDU LAW

1. Proper codification of all Laws applicable to all religions.
2. Hindu Law has many terms such as, emotional violence, economic violence etc. These terms have to be made objective by clear definition so that ambiguity and discretion is minimized.
3. Customary practices regarding divorce must be brought within the purview of Law.
4. Maintenance should be made more comprehensive and brought within strict boundaries of objectivity. Scope for discretion leads to extension of court procedure as at one time either one of the parties will always be dissatisfied.
5. Law makers should consider use of appropriate terminology in enactments, e.g. 'maintenance' may be reframed as 'monetary entitlement'. Similarly, appropriate words for 'concubine' or 'keep' etc. should be used.
6. Gradually law must make room for nuptial agreements to be made mandatory. This concept is alien to our social setup. However it will eliminate much discord that would arise if the marriage were to breakdown. However this has to be implemented within legal parameters.
7. The Domestic Violence Act, 2005 has been enacted to give relief to women of all communities. More such enactment should be made so that we can move beyond barriers of religion and communities. Law should be accessible to all women without discrimination.
8. As regards property rights of women after marriage, Law must be amended so that a woman becomes entitled to a certain portion of husband's property irrespective of nature of property. This has to be included in the Hindu Succession Act, 1956.
9. If the wife is granted maintenance under civil law and the husband fails to pay the same, husband may be sentenced to imprisonment. However wife has to pay Rs. 40/- per day, as subsistence allowance for such a husband to put him in jail. Thus wife who comes to the court praying for maintenance has to pay to put her defaulting husband behind bars. This is an irony of the fact. Hence amendment is necessary to the civil procedure code to delete this provision and wife should not be asked to pay such amount.

2. CHRISTIAN LAW AND PARSEE LAW:

- 1. Christian Law relating to marriage and divorce has to be upgraded in line with the Hindu marriage Act, 1955. The Law governing marriage and divorce is archaic and especially those laws relating to divorce and maintenance have to be aligned with Hindu Law. Effort has to be made to ensure that Christian women are given rights to property and maintenance under new Laws which have to be enacted and amended as per present conditions.**
- 2. In all personal matters, provision of Hindu Law should not be applied selectively e.g. if Hindu divorce Law cannot be applied to all religions, then, a separate law must be created.**
- 3. Similarly the Parsee law on marriage and divorce is archaic. The percentage of Parsee population is less in society and hence their needs and requirements are sidelined and neglected. The grounds of divorce and devolution of property are ambiguous in Parsee Law. A married woman's right to property cannot be isolated to the residue of what is left or be limited to her husband's share. Sec. 6 of the Hindu Succession Act, 1956 as amended must apply to all communities and religions. Similarly grounds of divorce as given in Sec. 13 of Hindu Marriage Act 1955 must apply to all communities.**
- 4. Also award of maintenance under various provision of Hindu Law must be applied to Christians and Parsees too.**

3. MUSLIM LAW:

- 1. Of all religious communities in India the muslim community base is most prominent and pronounced. Thus its arbitrariness is also glaring. The Triple Talaq is an important example of this arbitrariness. As a first step to resolve this, muslim marriages must be registered at the Marriage Registrar's office.**
- 2. The practice of Triple Talaq must be abolished and principles of justice must be established by enacting appropriate divorce law. It should have judicial approval and should not be left to the mercy of the dominant party.**
- 3. Since four marriages are allowed under Muslim law the devolution of property can never be just or sufficient. Therefore a man's financial standing has to be taken into account before a second marriage is allowed. All responsibilities of one wife must be dealt with before a muslim man is allowed a second marriage. These provisions have to be beyond what is laid down in Muslim Personal Law or in its codified Law. Women need to be insulated from the hardships imposed by Muslim Personal Law.**
- 4. The concept of Iddat and Mehr is also archaic. Even today, Mehr is actually agreed upon as a customary rule on paper and not adhered to when finalising the divorce. Also the amount of Iddat or Mehr are not realistic and does not serve its purpose of financially protecting the woman. Therefore customary rules like Iddat and Mehr**

should be abolished and appropriate divorce law covering maintenance which enables muslim woman to live with dignity should be enacted.

- 5. Muslim Law demands nuptial agreement. The implementation of the same is the weakest as religious interests are dominant to the disadvantage of women.**
- 6. At the time of marriage of a Muslim Law must create a provision for transfer of a percentage of property or fixed deposit in her name equivalent to value of property and proof to be attached in the nuptial agreement. That would take care of maintenance of the woman and her children, if any.**

16. CONCLUSION

The analysis of the various propositions and viewpoints discussed above, drives home the ideal solution that for all Indians one indigenous Indian Law which should be applicable to all its communities which co-exist democratically is needed.

The answers to the social issues discussed above are within the system. Accommodating personal Laws of all religions under such a code is an uphill task, however the same need to the hour. Codification of a Common Civil Code may be the ultimate solution.

Times have moved ahead but the Personal Laws have not kept pace with these changing times. The Courts in India perform the herculean task in giving solutions on a case to case basis. This no doubt may provide instant relief but it suffers from the danger of being biased or arbitrary.

Law may be dealing with subjectivity but the redressal always has to be objective. Equality is not a concept; it is a way of life that has to be taught to every citizen and tutored to the coming generation.

Law with its legal provisions, have to be aligned with religious sentiments. Effort has to be made that all stake holders be made equal participants in Law making. Only then implementation will follow.

17. ANNEXURES

ANNEXURE 1

List of Advisory Committee members

- | | | |
|-------------------------------|---|--|
| Adv. Ram Apte | - | Senior Counsel, High Court, Mumbai |
| Adv. Jai Vaidya | - | Family Court and High Court |
| Prin N.M. Rajadhyaksha | - | New Law College, Mumbai |
| Prof. Vaishali Gurav | - | In-charge Principal, Adv. Balasaheb Apte College of Law |
| Adv. Anjali Helekar | - | Mumbai High Court |
| Dr. Pratima Sharma | - | Professor in Law, Himachal Pradesh |

ANNEXURE 2

List of Resource Persons

- Hon. Smt. Vijayatai Rahatkar** - Chairperson, Maharashtra State Commission for Women
- Smt. Kumudini Bhargav** - General Secretary, Bharatiya Stree Shakti
- Hon. Adv. Meeratai Khadakkar** - Former Principal Judge, Family Court, Nagpur
- Hon. Adv. Sunandatai Joshi** - Former Principal Judge, Family Court, Mumbai
- Adv. Girish Godbole** - Senior Counsel, Bombay High Court
- Prof. Shamsuddin Tamboli** - President, Muslim Satyashodhak Mandal
- Dr. Viney Kapoor** - Commissioner, R.T.I., State of Punjab
Former HoD of Law, Punjab University
- Adv. Kevic Setalvad** - Senior Counsel, Bombay High Court

ANNEXURE 3

List of Dignitaries

- | | |
|----------------------------------|---|
| Dr. Uday Salunkhe | - Director, Prin. L.N. Welingkar Institute of Management, Development and Research, Mumbai |
| Adv. Bageshree Parikh | - Former Judge, Family Court, Mumbai |
| Adv. Sushama Nagraj | - High Court, Mumbai |
| Adv. Manjula C. | - Former Member, Karnataka State Commission for Women |
| Adv. Bhavana Thakkar | - Former Judge, Family Court, Nagpur |
| Adv. Richa Rana | - Dharmshala, Himachal Pradesh |
| Smt. Nirmla Apte | - Founder President, Bharatiya Stree Shakti |
| Smt. Nayana Sahastrabudhe | - Vice President, Bharatiya Stree Shakti |

ANNEXURE 4

List of Participants

No.	Name	Address
1	Shailaja M. Andhare	Ahmadabad
2	Shalaka S. Salvi	Mumbai
3	Aparna V. Pawar	Mumbai
4	Adv. Smita Sharadchandra Parchure	Latur
5	Adv. Malini Rai	Mumbai
6	Shruti Andhare	Mumbai
7	Jayashri S. Tarkar	Mumbai
8	Abha Pende	Mumbai
9	Anjali Pendse	Mumbai
10	Monit Khanna	Jogeshavari
11	Henal Shaha	Kandivali
12	Udvardia Jaising	Borivali
13	Shazia Shaikh	Mumbai
14	Anil Mukadam	Worali
15	Swati Mukadam	Worli
16	Adv. Usha Andewar	Mumbai
17	Aleen S. Marques	Kharghar
18	Kanchan S. Chandkar	Dahisar
19	Nisha Misal	Bycella
20	Dolcy D'souza	Bycella
21	Chandana Das	New delhi
22	Sandhya Randev	Noida, U.P
23	Nipa B. Shukla	Ahmadabad
24	Chitra Mujumdar	Dadar
25	Ulka S. Kharkar	Kalwa
26	Shrishty Punjabi	Ambernath

27	Suresh Palve	Mumbai
28	Khan Albana Shahid	Mumbai
29	Rajani Kurup	Navi Mumbai
30	Shankar Pai	Mumbai
31	Mahendra Pachadkar	Malad
32	Priyanka Chavan	Ghatkopar
33	Matilda Castelino	Mumbai
34	Simran Bagge	Andheri
35	Manjula C	Banglore
36	Deepti A. Soueta	Mulund
37	Shahee Rafique	Mahalaxmi
38	Akshita Singh	Kalyan
39	Adv. Vaibhavi Gandhi	Vasai
40	Shubhada Kamtekar	Mumbai
41	Mohit Khana	Jogeshawari
42	Dr. Richa Rana	Himachapradesh
43	Poonam Bhosale	Kolhaput
44	Uma Raikar	Sion
45	Malti R. Rane	Andheri
46	Adv. Aditi Pangare	Mumbai
47	Alka Mehendale	Puna
48	Deepali Pawar	Kolhapur
49	Rajeshwari Kedare	Sangola
50	Mahindra Mane	Mumbai
51	Dr.Pratiba Nathani	Mumbai
52	Avinash Manohari	Mumbai
53	Khan Gulnaz	Mumbai
54	Vijaya Katkar	Mumbai
55	Sanchita Pimple	Mumbai
56	Panchshila Kumbharkar	Mumbai
57	Ketki Gadkari	Mumbai
58	Aaleen Narques	Mumbai

59	Dinesh R Agarwal	Mumbai
60	Jayashree Alkari	Nagpur
61	Rama Tai Fakira Ahire	Chembur
62	Saudamin Amare	Parel
63	Nirmala Apte	Mumbai
64	Adv. Rumana Bagdadi	Mumbai
65	Adv. Sharda Bagga	Mumbai
66	Adv. Shraddha Bane	Girgaon
67	vrushali Raghunath Bhalerao	Nallasopara,
68	Archana Bhor	Thane
69	Priyanka Sunil Bhosle	Wadala
70	Advocate Shobha Chandak	Mumbai
71	Padma Chandekar	Nagpur
72	Raginee Chandratre	Borivali
73	Adv. Geetanjali Aashirwad Chaurasia	Dewas, M.P
74	Manisha Chavan	Vile Parle
75	Smita Chavan	Mumbai
76	Vidhi Rajesh Chawda	Kandivli
77	Sunita Chilveri	Mumbai
78	Adv. Deepti D. Chiplunkar	Mumbai
79	Deepa Chitnis	Mumbai
80	Harsha Hemant Chowkekar	Mumbai
81	Juhilee Deepak DiptiDalal	Ambarnath
82	Shradha Dalvi	Malad
83	Datta Pipli	Mumbai
84	Mahesh Waridave	Dahisar
85	Sanad Desai	Vile Parle
86	Saurabh Desai	Dadar
87	Kirti Deshpande	Pune
88	Sandhya Deshpande	Pune
89	Seema Deshpande	Mumbai
90	Nikita Kiran Dharamshi	Wadala

91	Vidya Alok Kumar Dwivedi	Kandivali
92	Arti Pramod Gadre	Andheri
93	Adv. Manisha Gandhi	Santacruz
94	Priyal Gogri	Malad
95	Mariyah Gour- Ghorl	Bandra
96	Anjali Gupta	Mumbai
97	Anjali Hadavale	Thane
98	Mrs. Anjali Neel Helekar	Mumbai
99	Ruchika Indalkar	Mumbai
100	Ranjita S. Jain	Malad
101	Eshani Joshi	Pune
102	Ms. Jayalakshmy K.	Mumbai
103	Sunanda Baban Kambale	Pune
104	Rajana Karoor	Mumbai
105	Pavneet Kaur	Mumbai
106	Sana Khan	Mumbai
107	Adv. Shaziya Khan	Kurla
108	Ulka Kharkar	Thane
109	Deepali Arun Khatkhate	Dadar
110	Adv. Vandana Kodate	Andheri
111	Laxmi J. Kokal	Mumbai
112	Mrunmayi Kotawadekar	Andheri
113	Anuja Kotecha	Andheri
114	Grishma Lad	Matunga
115	Sai Lele	Thane
116	Meural Manvel Lopes	Vasai
117	Vidula V. Manjrekar	Vile parle
118	Manjula Nair	Kandivali
119	Dr. Mrunal Marathe	Sion
120	Arlyen Massey	Kandawali
121	Smita Narayan Mhatre	Dombivali
122	Shalaka Mithbaokar	Kandivali

123	Arati Sunil More	Mumbai
124	Geeta Mulekar	Mumbai
125	Rajashree Nagare	Santacruz
126	Adv. Sangeeta Nanavare	Ghatkopar
127	Jayshree Nandeshwar	Indor,M.P.
128	Geeta Narkar	Mumbai
129	M. Surendra Nathan	Kalyan
130	Seema A. Nikam	Mumbai
131	Mrs. Smita Sunil Padiye	Khandeshwar
132	Adv. Manoj Pandit	Malad
133	Sneha Pandit	Vile Parle
134	Adv Vidula Parab	Mumbai
135	Ankita Patil	Mumbai
136	Suresh Patil	Santacruz
137	Vandana Patil	Dombivali
138	Nisha Pattewar	Mumbai
139	Varsha PawarTawde	Mumbai
140	Patricia Pereira	Vasai
141	Seema Prabhavalkar	Mahim
142	Adv Trupti Purav	Mumbai
143	Slehsa Ramchandran	Bhayander
144	Bhairavi Ranpise	Mumbai
145	Prajakta Sahasrabuddhe	Pune
146	Greeshma Salian	Borivali
147	Khushboo Saparia	Kandiwali
148	Manali Chandrahas Sawant	Mumbai
149	Prachi Shah	Mumbai
150	Menaz Shaikh	Mumbai
151	Adv. Minal Sharma	Malad
152	Vikas Gangurde	Mumbai
153	Bhavna Salunkhe	Mumbai
154	Kadambari Salvi	Mumbai

155	Ashutosh Dubey	Mumbai
156	Shaheen Shaikh	Mumbai
157	Aditya Pednekar	Mumbai
158	Prathmesh Parkar	Mumbai
159	Malavi Katkar	Mumbai
160	Anushka Bhargava	Mumbai
161	Pratiksha Tambat	Mumbai
162	Arwa Lunawadwala	Mumbai
163	Rutaja Kedare	Mumbai
164	Siddhi Bhosale	Mumbai
165	Zelum Phadake	Mumbai
166	Ketki Pansare	Mumbai
167	Noni Bhanushali	Mumbai

ANNEXURE 5

Photographs (attached separately)

ANNEXURE 6

CD of the report (attached separately)