

## APPENDIX

REPORT NUMBER	YEAR OF LCR	ISSUES	RECOMMENDATIONS	ACTION TAKEN
109	1985	<p><b>Obscene and Indecent Advertisements and Displays: Sections 292-293, Indian Penal Code</b></p> <p>-Whether there is a need to reform Section 292?            -Should penal law be extended to acts that are indecent, but not obscene?            -Does the term 'indecent' refer to matters only relating to sex?            -Whether the definition of 'obscene' should be revised?</p> <p>-Whether there should be a jury system introduced in obscenity trials?</p>	<p>-Amendment of Section 292(2)(a) by inserting, after the word "paper", the word "writing"            -Not necessary to confine matters of indecency to those relating to sex            -New provision to deal with <u>indecency</u>: <i>Section 293-A to be inserted in the Indian Penal Code</i></p> <p>(1) The provisions of Sections 292 and 293 shall apply to a person who publicly displays any indecent matter, as they apply to a person who commits any offence under those sections in relation to obscene matter falling within those sections.</p> <p>(2) For the purposes of this section, matter is indecent if it is offensive to reasonable persons from the point of view of decency.</p>	No action taken on recommendations proposed
110	1985	<p>-Definition of 'Hindu'            -Definition of 'Child'            - Comparison with United Kingdom's position of laws regarding formalities for wills            -Meaning of domicile            -Whether 'person' should</p>	<p>-The word 'Hindu' should have the same meaning as given in the Hindu Succession Act, 1956            -The word 'Child' be defined as follows: Section 2(aa) '<i>child</i>' includes-  <i>(a) an adopted child, in the case of anyone whose personal law permits adoption</i>  <i>(b) An 'illegitimate child'</i></p> <p>-Section 10 was revised to use the word '<u>person</u>' instead of '<u>man</u>':  <i>A person acquires a new domicile by taking up <b>his</b> fixed habitation in a country</i></p>	<p><b>Three amendments in 2001:</b></p> <p><b>1. Short title.</b> -This Act may be called the Indian Succession (Amendment) Act, 2002.</p> <p><b>2.</b> Amendment of section 32. -In section 32 of the Indian</p>

	<p>substitute the word 'man'?</p> <p>- Whether in the case of divorced parents, the child being allotted the father's domicile violates equality of the sexes?</p> <p>-Whether the wife's domicile should be presumed to be that of her husband's?</p> <p>-Domicile of unmarried women and widows</p> <p>-Whether the mother should also have rights over a minor's property?</p> <p>-What should happen when the husband dies with no lineal descendants and only a widow?</p> <p>-Whether property division under Indian Succession Act is discriminatory and violative of Article 14?</p> <p>-Mental capacity of one who can make a will</p> <p>-Whether the law deals with 'mentally incompetent' persons disposing of their property</p> <p>-Whether a mother should also be allowed to appoint a guardian for her child during minority?</p>	<p><i>which is not part of his domicile of origin.</i></p> <p>-New sub sections to be added to section 14-</p> <p>(2) <i>The domicile of a minor at any time after the commencement of the Indian Succession [Amendment Act...when his father and mother are alive but living apart shall be governed by sub-section (3)]</i></p> <p>(3) <i>The minor's domicile as at that time shall be that of his mother if</i>  <i>(a) he then has his home with her and has no home with his father; or</i>  <i>(b) He has at any time had her domicile by virtue of clause (a) above and has not since had a home with his father</i></p> <p>(4) <i>As at any time after the coming into force of the Indian Succession (Amendment) Act...the domicile of a minor whose mother is dead shall be that which she had last before she dies, if at her death the minor had her domicile by virtue of sub-section (3) and he has not since had a home with his father</i></p> <p>(5) <i>Nothing in sub-section (2) to (4) shall prejudice any existing rule of law as to the cases in which a minor's domicile is regarded as being, by dependence, that of his mother.</i></p> <p>-<u>Law on the domicile of the wife should be reformed</u>, sub-sections in section 16 should be substituted:</p> <p>16(1) <i>For the purposes of this Act, and subject to the provisions of sub-section (2), any rule of law whereby a woman on her marriage acquires her husband's domicile shall not be taken into account after the commencement of the Indian Succession (Amendment) Act</i></p> <p>(2) <i>Where, immediately before the commencement of the Indian Succession (Amendment) Act..., a woman has married and then had her husband's domicile by dependence, she shall be treated as retaining that domicile (as a domicile of choice, if it is not also her domicile of origin) unless and until it is changed by acquisition or revival of another domicile either on or after the commencement of the said Act.</i></p> <p><i>Exception-</i> The wife's domicile no longer follows that of her husband if they are separated by a decree of judicial separation or if the husband is undergoing a sentence <i>analogous to transportation.</i></p> <p>-<u>Recommendation to insert section 16A-</u></p> <p>16A (1) <i>A widow retains, after the death of her husband, her late husband's last domicile, until she changes it in accordance with the provisions of this Act.</i></p> <p>(2) <i>A divorced woman retains, after the divorce, her former husband's last domicile</i></p>	<p>Succession Act, 1925 (39 of 1925) (hereinafter referred to as the principal Act), the Explanation shall be omitted.</p> <p>3. Amendment of section 213. -In section 213 of the principal Act, in sub-section (2), after the word "Muhammadans", the words "or Indian Christians" shall be inserted.</p>
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	<ul style="list-style-type: none"> <li>-Revocation of will in contemplation of marriage</li> <li>-Effect of divorce on a will</li> <li>-Whether, after the birth of a son, a will remains operative with regard to ancestral property?</li> <li>-When is a 'child in the womb' considered to be included in 'children' for purposes of a will?</li> <li>-For what time period does a child have to be in the mother's womb to be deemed 'legitimate'?</li> <li>-Whether a bequest to an illegitimate child should be considered as contrary to public policy?</li> <li>-Bequest to an executor</li> <li>-Types of legacies</li> <li>-Ademption</li> <li>-Payment of liabilities</li> <li>-Election</li> <li>-Gifts in contemplation of death</li> <li>-Protection of property of the deceased</li> <li>-Probate, letters of administration and administration of assets of the deceased</li> <li>-When a widow can be disqualified from receiving</li> </ul>	<p><i>until she changes it in accordance with the provisions of this Act.</i></p> <p>-Recommended revision of Section 22(1) as-</p> <p>(1) The property of a minor may be settled in contemplation of marriage, provided the settlement is made by the minor-</p> <p>(a) With the approbation of the minor's father, or</p> <p>(b) <i>If the father is dead or absent from India or under disability, with the approbation of the minor's mother, or</i></p> <p>(c) If both the <i>father and the mother</i> are dead or absent from India or under disability, with the approbation of the High Court.</p> <p>-Section 33A (1) Where the intestate has left a widow but no lineal descendants and the net value of his property does not exceed 35,000 rupees, the whole of his property shall belong to the widow.</p> <p>(2) Where the net value of the property exceeds the sum of 35, 000 rupees thereof and shall have a charge upon the whole of such property for such sum of 35, 000 rupees, with interest thereon from the date of the death of the intestate at 9 per cent per annum till payment.</p> <p>-Revision of Section 47-</p> <p>Where the intestate has left neither lineal descendant, nor father, nor mother, <i>but has left a brother or a sister</i>, the property shall be divided equally between his brothers and sisters and the child or children of such of them as may have died before him, such children (if more than one) taking in equal shares only the shares which their respective parents would have taken if living at the intestate's death.</p> <p>-Sections 54(d) and 55 be amended so there is no disparity in shares based solely on sex (male was supposed to take double the share of each female standing in the same degree of propinquity)</p> <p>- Section 59 be amended -</p> <p>Every person of sound mind, not being a minor, may, by will, dispose of his <i>property over which he has disposing power which he can exercise by will.</i></p> <p>-First explanation to Section 59 be revised-</p> <p>A married woman, <i>if otherwise, competent to make a will</i>, may by will dispose of any property which she could alienate by her own act during her life.</p> <p>-Introduction of Section 59A-</p> <p>(1) <i>The court exercising jurisdiction under the Indian Lunacy Act, 1912 in relation</i></p>	
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	<p>benefits of the estate -Funds to legacies -Succession certificates</p>	<p><i>to the property of a lunatic shall have the power to make an order, direction or authority for the execution, for the lunatic, of a will making any provision (whether by way of disposing of property or exercising a power or otherwise) which could be made by a will executed by the lunatic if he were a person of sound mind.</i></p> <p><i>(2) An order, direction or authority for the execution of a will for a lunatic-</i></p> <p><i>(a) Shall not be exercisable at any time when the lunatic is a minor, and</i></p> <p><i>(b) Shall not be exercised unless the judge has reason to believe that the lunatic is incapable of making a valid will for himself</i></p> <p><i>(3) A will executed in accordance with such order, direction or authority shall have the same effect as a will made by the lunatic if he were a person of sound mind.</i></p> <p><i>(4) Any such order, direction or authority may be revoked or modified by the court referred to in sub-section (1), which may also issue an order for revoking or modifying a will already made by the lunatic or a will made under this section for the lunatic.</i></p> <p><u>-Revision of Section 60 (2)-</u></p> <p><i>(2) A mother, whatever her age may be, if of sound mind, and if the father is dead or incapable of acting by reason of mental incapacity, may by will appoint a guardian or guardians for her child during the minority of the child.</i></p> <p><u>-Revision of Section 69-</u></p> <p><i>Section 69 (1) Exception- A will expressed to be made in contemplation of a marriage or indicating that it was so made shall not be revoked by the solemnization of the marriage contemplated; and such an intention may be inferred from any portion of the will showing that marriage was thought of.</i></p> <p><u>-Insertion of Section 69A</u></p> <p><i>(1) Where, after making a will, the marriage of the testator is dissolved or has been annulled, the will shall, for all purposes be read as if the former spouse (that is to say, the spouse whose marriage is dissolved or annulled) had died before the testator, unless the will expressly provides otherwise.</i></p> <p><i>(2) The provisions of this section shall, unless the will expressly provides otherwise, operate-</i></p> <p><i>(a) To revoke all dispositions of beneficial interest in favour of the former spouse.</i></p> <p><i>(b) To revoke provisions conferring a general or special power of appointment on the former spouse.</i></p> <p><i>(c) To revoke provisions naming the former spouse as executor or trustee and</i></p> <p><i>(d) To invalidate the appointment of the former spouse to act as trustee for a secret</i></p>	
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			<p><i>the word 'son' the word 'daughter', or any word, which expressed relationship, is to be understood, not as denoting only a legitimate relative but also as including an illegitimate relative.</i></p> <p>-Mere remarriage of a widow need not deprive her of the preferential right under <u>Section 219</u></p> <p>Illustration (ii) to Section 219 (a) be revised as-</p> <p><i>The widow has married again since the decease of her husband. This in itself is not good cause for her exclusion.</i></p>	
132	1989	<p>-Whether the ceiling of Rs. 500 for maintenance should be revised?</p> <p>-Whether the person liable to pay maintenance should deposit this money six months in advance?</p> <p>-Whether there needs to be an explanation to section 125 to describe what 'unable to maintain' means? Looked at differing opinions of various high courts</p> <p>-Whether all the resources possessed by a person should be taken into account for determining their liability?</p> <p>-Whether it should be allowed to create a charge on the property/estate of the person liable?</p> <p>-Suffering of women as they are pushed around in the court system, spending</p>	<p>-The <u>ceiling of Rs. 500</u> as mentioned in Section 125 should be removed</p> <p>-Reference to the ceiling in the first proviso to sub-section (1) of Section 127 should be deleted</p> <p>-The date from which the order for payment of monthly allowance by way of maintenance should be made effective.</p> <p>-<u>Explanation should be added to Section 125(1)</u> that the phrase 'unable to maintain herself' concerns itself with the actual separate income, if any, of the wife and not with the possibility or the potentiality of the wife being able to earn for herself by securing employment or by exerting herself.</p> <p>-Need for spelling out the criteria for quantification of the amount of maintenance</p> <p>Needs to be clarified that the need of the awardee not only for food, clothing, shelter, medicines, educational expenses, etc. but also the need to provide for unforeseen emergencies and expenses has to be taken into account</p> <p>-Need to delete onerous and embarrassing fetters imposed on the wife in order to entitle her to receive and continue to receive maintenance as given in Section 125 (4) and 125 (5)</p> <p>-Need for ability to recover monthly allowance awarded by way of maintenance from the person held liable to pay maintenance</p> <p>-<u>There should be a deposit made 6 months in advance</u></p> <p>-The first proviso to Section 125(3) should be deleted</p> <p>-Need to confer right of appeal on the aggrieved party against the order passed by the Magistrate under Section 125</p> <p>-Protection of the awardee in matters where the liable party prefers an</p>	<p>Amendment of Cr.PC in 2001:</p> <p>(i) in sub-section (1), - (a) the words "not exceeding five hundred rupees in the whole," shall be omitted;</p> <p>(b) After the proviso and before the Explanation, the following provisos shall be inserted, namely:</p> <p>- "Provided further that the Magistrate may, during the pendency of the proceeding regarding monthly allowance for the maintenance under this sub-section, order such person to make a monthly allowance for the interim maintenance of his wife or such child, father or mother, and the expenses of such proceeding which the Magistrate considers reasonable, and to pay the same to such person as the Magistrate may from time to time direct: Provided also that an application for the monthly</p>

	<p>money and energy in the process</p> <p>-Whether the right to maintenance determine by the court should be allowed to be jeopardized by enabling the husband to make an offer giving rise to another round of litigation? (On account of wife not living with him)</p> <p>-How to shorten the time span of litigation at trial court stage</p>	<p>appeal: the appeal will be maintainable only when it is accompanied by an affidavit of the appellant to the effect that he has deposited or paid all such arrears and will deposit future maintenance regularly</p> <p>-Need to create the <u>office of the 'Maintenance Counselor'</u> to represent the cause of the wife, child or parent claiming maintenance under Section 125</p> <p>-Need to make a provision to the effect that monthly allowance <u>ordered to be payable shall be a charge on the properties of the liable person</u> and shall be recoverable from the transferee as also from the person inheriting properties by testamentary and non-testamentary succession.</p> <p>The right, title and interest of any person acquiring a property from the liable person during the interregnum between the date of the institution of the petition claiming maintenance in the court of the magistrate till the final order shall be subject to the right of the awardee to seek satisfaction of the order for maintenance against such property</p> <p>-Need to provide that the order for monthly maintenance shall not stand discharged or satisfied except by actual payment or with a settlement with the imprimatur of the court passing the order for maintenance.</p> <p>Such application must be made to the court of the magistrate that passed the criminal order signed by both parties recording any arrangement or compromise which might have been arrived at between them. Such an arrangement or compromise must be in writing and must be confirmed to have been arrived at voluntarily and for good consideration by the awardee, satisfying the magistrate by appearing personally in the court that the arrangement has been voluntarily arrived at with full understanding. The reasons are to be recorded in writing.</p> <ul style="list-style-type: none"> <li>- There should be a <u>prescribed time limit</u> for filing a written statement or statement of objections coupled with conferment of the power on the magistrate to pass an order as prayed on failure of the respondent to file the statement with the prescribed time limit</li> <li>- The <u>magistrate should be required to dispose of matters within</u></li> </ul>	<p>allowance for the interim maintenance and expenses for proceeding under the second proviso shall, as far as possible, be disposed of within sixty days from the date of the service of notice of the application to such person."</p> <p>(ii) For sub-section (2), the following sub-section shall be substituted, namely: - "(2) Any such allowance for the maintenance or interim maintenance and expenses for proceeding shall be payable from the date of the order, or, if so ordered, from the date of the application for maintenance or interim maintenance and expenses of proceeding, as the case may be."</p> <p>(iii) In sub-sections (3) and (4), for the word "allowance", wherever it occurs, the words "allowance for the maintenance or the interim maintenance and expenses of proceeding, as the case may be," shall be substituted.</p> <p>3. Amendment of Section 127.</p> <p>127. -In Section 127 of the</p>
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			<p><u>six months</u> after hearing it from day to day as far as practicable.</p> <ul style="list-style-type: none"> <li>- The summons for appearance issued by the Magistrate, with which shall be annexed a copy of the petition instituted by the applicant and the accompaniments thereof, shall require the respondent to file his statement containing grounds of objection supported by an affidavit inter alia specifying- (1) the factual grounds for resisting the prayer for monthly allowance, (2) the legal grounds for resisting the claim for monthly allowance, (3) his monthly income from all sources in the two preceding calendar years, and (4) without prejudice to his contentions as regards his liability to pay monthly allowance, what amount should be awarded in case the court reaches the conclusion that the applicant is entitled to claim the allowance.</li> <li>- The respondent shall file his statement of objections specifying the aforesaid grounds and furnishing the aforesaid particulars within 15 days of the service of the summons. The time for filling the statement may be extended by 15 days upon sufficient cause being shown by the respondent. On the failure of the respondent to file the written statement or the statement of objections in the aforesaid terms, the court may treat the averments made by the applicant in the petition as correct and proceed to pass an order in favour of the applicant as prayed.</li> </ul> <p>In case the respondent files his grounds of objections as per the aforesaid requirement, the court may require both sides to file the affidavit of witnesses in support of their respective contentions within 15 days.</p>	<p>principal Act, - (i) for sub-section (1), the following sub-section shall be substituted, namely: - "</p> <p>(1) On proof of a change in the circumstances of any person, receiving, under Section 125 a monthly allowance for the maintenance or interim maintenance, or ordered under the same section to pay a monthly allowance for the maintenance, or interim maintenance, to his wife, child, father or mother, as the case may be, the Magistrate may make such alteration, as he thinks fit, in the allowance for the maintenance or the interim maintenance, as the case may be."</p> <p>(ii) In sub-section (3), in clause (c), for the word "maintenance", the words "maintenance or interim maintenance, as the case may be," shall be substituted; (iii) in sub-section (4), - (a) for the words "monthly allowance has been ordered", the words "monthly allowance for the maintenance and interim maintenance or any of them has been ordered" shall be substituted; (b) for the words "as monthly allowance in pursuance of", the words "as monthly</p>
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				<p>allowance for the maintenance and interim maintenance or any of them, as the case may be, in pursuance of" shall be substituted.</p> <p>Amendment of Section 128. 128. -In Section 128 of the principal Act, - (i) for the word "maintenance", the words "maintenance or interim maintenance and expenses of proceeding, as the case may be," shall be substituted</p> <p>(ii) For the words "whom the allowance", the words "whom the allowance for the maintenance or the allowance for the interim maintenance and expenses of proceeding, as the case may be," shall be substituted;</p> <p>(iii) For the words "allowance due", the words "allowance, or as the case may be, expenses, due" shall be substituted.</p>
133	1989	-Whether the law that treats fathers as natural guardians is violative of Article 15(1) of the Constitution? (Law as per Section 6 of the Hindu Minority and Guardianship Act, 1956)	-Mothers should have the same and equal rights (not inferior to those of the father) in respect of custody of the minor's person as well as property <u>Section 6(a) of the Hindu Minority and Guardianship Act</u> should be revised to read: <i>The custody of a minor child who has not completed 12 years of age shall ordinarily be with the mother.</i>	No changes made in the law.

		<p>-Discussed decisions of various High Courts which elaborated upon welfare of the child while determining guardian</p>	<p>-While applying the welfare principle to determine custody, the following principles should be kept in mind:          -Ordinarily a minor not to be obliged to stay with his or her step-mother; ordinarily a minor female child shall not be made to live with her step-father; a mother is not be denied custody of the minor mainly on economic considerations; the minor's need for emotional support and the warmth of the mother should be accorded prime consideration          -Section 7 of the Hindu Guardianship and Minority Act be revised as:          Natural guardian of adopted son <i>or adopted daughter</i>- The natural guardian of an adopted son <i>or adopted daughter</i> who is a minor passes, on adoption to <i>the adoptive father and to the adoptive mother jointly and severally.</i></p>	
135	1989	<p>-Arrest of women          - Who can accompany a woman while giving her statement          - Duties of public servant          -Capital sentence on pregnant women- whether there should be commutation?          -Detention in women's institutions          -What should the duration of imprisonment for life be in the case of women prisoners?          -Whether women should be exempted from the bar imposed by Section 433A of Cr.P.C., 1973?          -Granting of bail          -Whether sentence of life imprisonment should be suspended for pregnant</p>	<p>- Similar recommendation to that made in <u>Law Commission Report on Rape and Allied Offences</u>: to add the following proviso in Section 46(1) of the Code of Criminal Procedure-  <i>Provided that where a woman is to be arrested, then, unless the circumstances indicate to the contrary, her submission to custody on an oral intimation of arrest shall be presumed, and unless the circumstances otherwise require or unless the police officer arresting is a female, the police officer shall not actually touch the person of the woman for making her arrest</i>  <u>-No arrest before sunrise or after sunset of a woman</u>  <u>-Revision of Section 54 of the Cr.P.C.-</u> <i>whenever the person of a female is to be examined under section 54, the examination shall be made only by or under the supervision of a female registered medical practitioner, and with strict regard to decency.</i>  <u>-Addition to Section 54 of the Cr.P.C.-</u>  <i>The registered medical practitioner shall forthwith furnish to the arrested person a copy of the report of such examination, free of cost.</i>          -New provision- <i>The Magistrate shall, whether or not the arrested person makes a request for examination of the body under this section, inform that person about his right to such examination, in order to bring on record any facts which may show that an offence against the body has been committed with respect to such person after he was arrested.</i>  <u>-To be incorporated in the Cr.P.C.-</u> <i>Where during investigation the statement of a male person under the age of fifteen years or of a woman is recorded by a male</i></p>	<p>-None of these amendments were made immediately after this Report nor due to it.</p> <p>Amendments in 2005 to Code of Criminal Procedure:</p> <p><b>Amendment of Section 46.</b>—In Section 46 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—</p> <p>“(4) Save in exceptional circumstances, no woman shall be arrested after sunset and before sunrise, and where such exceptional circumstances exist, the woman police officer shall, by making a written report, obtain the prior permission of the Judicial Magistrate of the</p>

	<p>women?</p> <ul style="list-style-type: none"> <li>-Treatment of female prisoners- no harassment, exploitation or other maltreatment of prisoners</li> <li>-Medical examination of female prisoners</li> <li>-Safe transit of female prisoners</li> <li>-Inspection of jails</li> <li>-Definition of female prisoners</li> <li>-Sexual abuse and Indian Penal Code (custodial rape)</li> <li>-Release of women on probation</li> <li>-Mental health in women prisoners</li> <li>-Whether penalties under Mental Health Act, 1987 are adequate?</li> <li>-International developments with regards to women in custody</li> <li>-Mobile courts and whether they are practical?</li> </ul>	<p><i>police officer, either as first information of an offence or in the course of an investigation into an offence, a relative or friend of such male person or woman, and also a person authorized by such organization interested in the welfare of women or children as is recognized in this behalf by the State Government by notification in the official gazette, shall be allowed to remain present throughout the period during which the statement is being recorded.</i></p> <p>-Substitution of <u>Section 416 of Cr.P.C.-</u></p> <p><i>Death sentence on pregnant woman- If a woman sentenced to death is found to be pregnant; the High Court shall commute the sentence to one of imprisonment for life.</i></p> <p>-New provision to be added- stating that if there are no suitable arrangements in the locality for detention of women, they should be sent to an institution established and maintained under the Women's and Children's Institutions (Licensing) Act, 1956. This should be done wherever practicable.</p> <p>-Women should be exempted from the bar imposed by <u>Section 433A</u>. It means that the power of the appropriate Government to grant remission, on the merits, under section 432 or section 433 of the Cr.P.C. would become exercisable. It does not mean that they would be automatically released at the expiry of 14 years or any other period.</p> <p>-<u>Revision of first proviso to section 437(1) of Cr.P.C., 1973-</u> <i>Provided that where the person referred to in clause (i) or clause (ii) is under the age of sixteen years or is a woman or is sick or infirm, the court shall direct that such person be released on bail, unless the court, for reasons to be recorded, considers it proper not to release such person on bail.</i></p> <p>-<u>Proposed Section 450G of Cr.P.C.-</u> At the time of passing a sentence of imprisonment for life or imprisonment for a specified term, the court should have power, if the woman sentenced is pregnant, to direct suspension of execution of sentence, having regard to certain considerations. This suspension would remain operative till the pregnancy comes to an end and such period thereafter as the court may specify.</p> <p>-High Court on the administrative side should be vested with a power to direct the Sessions Judges to satisfy themselves that female prisoners are protected and properly looked after. High Court should have the</p>	<p>first class within whose local jurisdiction the offence is committed or the arrest is to be made.”.</p> <p><b>-Insertion of new Section 53-A.</b>—After Section 53 of the principal Act, the following section shall be inserted, namely:—</p> <p style="padding-left: 40px;">“53-A. <i>Examination of person accused of rape by medical practitioner.</i> —(1) When a person is arrested on a charge of committing an offence of rape or an attempt to commit rape and there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of such offence, it shall be lawful for a registered medical practitioner employed in a hospital run by the Government or by a local authority and in the absence of such a practitioner within the radius of sixteen kilometers from the place where the offence has been committed, by any other registered medical practitioner, acting at the request of a police officer not</p>
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		<p>power to take such measures as may be desirable in order to move the State Government to take necessary action.</p> <p><u>-Proposal with regard to medical treatment-</u></p> <p><i>(i) If the officer incharge of the medical officer suspects that a female prisoner is pregnant, the female prisoner shall be sent to the District hospital for detailed examination and report.</i></p> <p><i>(ii) The Lady Medical Officer of the District Government hospital to whom the female prisoner has been referred shall certify the state of her health, pregnancy, duration of pregnancy and probable date of delivery and the special diet, if any, to be prescribed and other measures to be adopted.</i></p> <p><i>(iii) Gynecological examination of the female prisoner shall thereafter be performed in the District Government Hospital by a lady medical officer and proper pre-natal and ante-natal care shall be provided to the female prisoner, according to medical advice.</i></p> <p><i>(iv) In cases of advanced stage of pregnancy, the female prisoner shall be shifted to a female ward of the Government Hospital.</i></p> <p><i>(v) Such a pregnant female prisoner shall be kept in the woman's ward of the Government Hospital for not less than fifteen days after the birth of a child or for such longer period as may be advised by the Gynecologist.</i></p> <p><u>-Proposal for transit of female prisoners:</u></p> <p><i>(1) A female prisoner shall not be handcuffed and shall not be required to wear any fetters or cross-bars during such transit.</i></p> <p><i>(2) A female prisoner shall be escorted by the Matron or Female Warden, if required to leave the female enclosure and such matron or female warden shall remain with the prisoner till her return to the enclosure or release from the jail</i></p> <p><i>(3) A female relative of the female prisoner shall be allowed to accompany the female prisoner during transit of the nature mentioned above.</i></p> <p><u>-Inspection of jails by a judicial officer, preferably a lady officer,</u> to be nominated by the Sessions Judge, or a male Judicial Officers can do it while accompanied by a lady social worker. At places other than the Headquarters of the Court of Sessions, they will, at least once in every two months, make a surprise visit to jails for inspection.</p> <p>Copies of inspection reports should be forwarded to Commissioners of Police, Inspector-General (Prisons) and State Government by Sessions Judge.</p>	<p>below the rank of a sub-inspector, and for any person acting in good faith in his aid and under his direction, to make such an examination of the arrested person and to use such force as is reasonably necessary for that purpose.</p> <p>(2) The registered medical practitioner conducting such examination shall, without delay, examine such person and prepare a report of his examination giving the following particulars, namely:</p> <p>—</p> <p><i>(i)</i> The name and address of the accused and of the person by whom he was brought,</p> <p><i>(ii)</i> The age of the accused,</p> <p><i>(iii)</i> Marks of injury, if any, on the person of the accused,</p> <p><i>(iv)</i> The description of material taken from the person of the accused for DNA profiling, and</p> <p><i>(v)</i> Other material particulars in reasonable detail.</p> <p>(3) The report shall state precisely the reasons for each conclusion arrived at.</p>
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		<p>-‘Female prisoner’ refers to a woman detained in jail, whether during investigation, inquiry or trial or after conviction or under a law providing for preventive detention.</p> <p>-‘Jail’ includes a police lock-up, a prison and a place where persons are kept under detention under a law providing for preventive detention.</p> <p>-<u>Amendment of Section 3 of Probation of Offenders Act:</u> the latter part of Section 3 would read as-</p> <p>“...and the Court by which the person is found guilty is of opinion that, having regard to the circumstances of the case, including the nature of the offence and the character of the offender and <u>the fact that the offender is a woman,</u> it is expedient so to do, then notwithstanding anything contained in any other law for the time being in force, the Court may, instead of sentencing him to any punishment or releasing him on probation of good conduct under section 4, release him after due admonition.”</p> <p>-<u>Amendment of Section 4 of Probation of Offenders Act-</u> the main paragraph shall read as-</p> <p>(1) When any person is found guilty of having committed an offence not punishable with death or imprisonment for life and the Court by which the person is found guilty is of the opinion that, having regard to the circumstances of the case, including the nature of the offence and the character of the offender <u>and the fact that the offender is a woman,</u> it is expedient to release him on probation of good conduct...</p> <p>-<u>Amendment of Section 37, Mental Health Act, 1987:</u> Section 37(1)- The State Government or the Central Government, as the case may be, shall appoint for every psychiatric hospital and every psychiatric nursing home, not less than five visitors, of whom at least one shall be a medical officer, preferably a psychiatrist, and two social workers, <u>of whom at least one shall be a woman, wherever practicable.</u></p>	<p>(4) The exact time of commencement and completion of the examination shall also be noted in the report.</p> <p>(5) The registered medical practitioner shall, without delay, forward the report to the investigating officer, who shall forward it to the Magistrate referred to in Section 173 as part of the documents referred to in clause (a) of sub-section (5) of that section.”</p> <p><b>Insertion of new Section 164-A.</b> —After Section 164 of the principal Act, the following section shall be inserted, namely: —</p> <p><i>‘164-A. Medical examination of the victim of rape. —(1) Where, during the stage when an offence of committing rape or attempt to commit rape is under investigation, it is proposed to get the person of the woman with whom rape is alleged or attempted to have been committed or attempted, examined by a medical expert, such</i></p>
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				<p>examination shall be conducted by a registered medical practitioner employed in a hospital run by the Government or a local authority and in the absence of such a practitioner, by any other registered medical practitioner, with the consent of such woman or of a person competent to give such consent on her behalf and such woman shall be sent to such registered medical practitioner within twenty-four hours from the time of receiving the information relating to the commission of such offence.</p> <p>(2) The registered medical practitioner, to whom such woman is sent, shall, without delay, examine her person and prepare a report of his examination giving the following particulars, namely:</p> <p>—</p> <p>(i) The name and address of the woman and of the person by whom she was brought;</p> <p>(ii) The age of the woman;</p> <p>(iii) The description of material</p>
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				<p>taken from the person of the woman for DNA profiling;</p> <p>(ii) Marks of injury, if any, on the person of the woman;</p> <p>(v) General mental condition of the woman; and</p> <p>(vi) Other material particulars in reasonable detail.</p> <p>(3) The report shall state precisely the reasons for each conclusion arrived at.</p> <p>(4) The report shall specifically record that the consent of the woman or of the person competent to give such consent on her behalf to such examination had been obtained.</p> <p>(5) The exact time of commencement and completion of the examination shall also be noted in the report.</p> <p>(6) The registered medical practitioner shall, without delay forward the report to the investigating officer who shall forward it to the Magistrate referred to in Section 173 as part of the</p>
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				<p>document referred to in clause (a) of sub-section (5) of that section.</p> <p>(7) Nothing in this section shall be construed as rendering lawful any examination without the consent of the woman or of any person competent to give such consent on her behalf.</p> <p><i>Explanation.</i> —For the purposes of this section, “examination” and “registered medical practitioner” shall have the same meanings as in Section 53.’</p> <p><b>Amendment of Section 176.</b> —In Section 176 of the principal Act, —</p> <p>(i) In sub-section (1), the words “where any person dies while in the custody of the police or” shall be omitted;</p> <p>(ii) After sub-section (1), the following sub-section shall be inserted, namely: —</p> <p>“(1-A) Where, —</p> <p>(a) Any person dies or disappears, or</p> <p>(b) Rape is alleged to have been</p>
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				<p>committed on any woman,</p> <p>While such person or woman is in the custody of the police or in any other custody authorized by the Magistrate or the court, under this Code in addition to the inquiry or investigation held by the police, an inquiry shall be held by the Judicial Magistrate or the Metropolitan Magistrate, as the case may be, within whose local jurisdiction the offence has been committed.”;</p> <p>(iii) After sub-section (4), before the <i>Explanation</i>, the following sub-section shall be inserted, namely: —</p> <p>“(5) The Judicial Magistrate or the Metropolitan Magistrate or Executive Magistrate or police officer holding an inquiry or investigation, as the case may be, under sub-section (1-A) shall, within twenty-four hours of the death of a person, forward the body with a view to its being examined to the nearest Civil Surgeon or other qualified medical person appointed in this behalf by the State Government, unless it is not possible to do so for reasons to be recorded in</p>
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				<p>writing.”.</p> <p>-Amendments in 2008 to Code of Criminal Procedure</p> <p><b>Amendment of Section 26.</b>—In Section 26 of the principal Act, in clause (a), the following proviso shall be <i>inserted</i>, namely:—</p> <p>“Provided that any offence under Section 376 and Sections 376-A to 376-D of the Indian Penal Code (45 of 1860) shall be tried as far as practicable by a Court presided over by a woman.”.</p> <p><b>Amendment of Section 46.</b>—In Section 46 of the principal Act, in sub-section (1), the following proviso shall be <i>inserted</i>, namely:—</p> <p>“Provided that where a woman is to be arrested, unless the circumstances indicate to the contrary, her submission to custody on an oral intimation of arrest shall be presumed and, unless the circumstances otherwise require or unless the police officer is a female, the police officer shall not touch the</p>
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				<p>person of the woman for making her arrest.”.</p> <p><b>Substitution of new section for Section 54.</b>—For Section 54 of the principal Act, the following section shall be <i>substituted</i>, namely:—</p> <p>“54. <i>Examination of arrested person by medical officer.</i>—(1) When any person is arrested, he shall be examined by a medical officer in the service of Central or State Government, and in case the medical officer is not available, by a registered medical practitioner soon after the arrest is made:</p> <p>Provided that where the arrested person is a female, the examination of the body shall be made only by or under the supervision of a female medical officer, and in case the female medical officer is not available, by a female registered medical practitioner.</p> <p>(2) The medical officer or a registered medical practitioner so examining the arrested person shall prepare</p>
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				<p>the record of such examination, mentioning therein any injuries or marks of violence upon the person arrested, and the approximate time when such injuries or marks may have been inflicted.</p> <p>(3) Where an examination is made under sub-section (1), a copy of the report of such examination shall be furnished by the medical officer or registered medical practitioner, as the case may be, to the arrested person or the person nominated by such arrested person.”.</p> <p><b>Amendment of Section 157.</b>—In Section 157 of the principal Act, in sub-section (1), after the proviso, the following proviso shall be <i>inserted</i>, namely:—</p> <p>“Provided further that in relation to an offence of rape, the recording of statement of the victim shall be conducted at the residence of the victim or in the place of her choice and as far as practicable by a woman police officer in the presence of her parents or</p>
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				<p>guardian or near relatives or social worker of the locality.”.</p> <p><b>Amendment of Section 327.</b>—In Section 327 of the principal Act,—</p> <p>(a) in sub-section (2), after the proviso, the following proviso shall be <i>inserted</i>, namely:—</p> <p>Provided further that in camera trial shall be conducted as far as practicable by a woman Judge or Magistrate.”;</p> <p>-Criminal Law Amendment, 2013-</p> <p>376. <i>Punishment for rape.</i>—</p> <p>(1) Whoever, except in the cases provided for in sub-section (2), commits rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than seven years, but which may extend to imprisonment for life, and shall also be liable to fine.</p> <p>(2) Whoever,—</p> <p>(a) being a police officer, commits</p>
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				<p>rape—</p> <p>(i) within the limits of the police station to which such police officer is appointed; or</p> <p>(ii) in the premises of any station house; or</p> <p>(iii) on a woman in such police officer's custody or in the custody of a police officer subordinate to such police officer; or</p> <p>(b) being a public servant, commits rape on a woman in such public servant's custody or in the custody of a public servant subordinate to such public servant; or</p> <p>(c) being a member of the armed forces deployed in an area by the Central or a State Government commits rape in such area; or</p> <p>(d) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a women's or children's institution, commits rape on any inmate of such jail, remand home, place or institution; or</p> <p>(e) being on the management or</p>
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				<p>on the staff of a hospital, commits rape on a woman in that hospital; or</p> <p>(f) being a relative, guardian or teacher of, or a person in a position of trust or authority towards the woman, commits rape on such woman; or</p> <p>(g) commits rape during communal or sectarian violence; or</p> <p>(h) commits rape on a woman knowing her to be pregnant; or</p> <p>(i) commits rape on a woman when she is under sixteen years of age; or</p> <p>(j) commits rape, on a woman incapable of giving consent; or</p> <p>(k) being in a position of control or dominance over a woman, commits rape on such woman; or</p> <p>(l) commits rape on a woman suffering from mental or physical disability; or</p> <p>(m) while committing rape causes grievous bodily harm or maims or disfigures or endangers the life of a woman; or</p> <p>(n) commits rape repeatedly on</p>
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				<p>the same woman, shall be punished with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.</p> <p><i>Explanation.</i>—For the purposes of this subsection,—</p> <p>(a) “armed forces” means the naval, military and air forces and includes any member of the Armed Forces constituted under any law for the time being in force, including the paramilitary forces and any auxiliary forces that are under the control of the Central Government or the State Government;</p> <p>(b) “hospital” means the precincts of the hospital and includes the precincts of any institution for the reception and treatment of persons during convalescence or of persons requiring medical attention or rehabilitation;</p> <p>(c) “police officer” shall have the same meaning as assigned to the</p>
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				<p>expression “police” under the Police Act, 1861 (5 of 1861);</p> <p>(d) “women's or children's institution” means an institution, whether called an orphanage or a home for neglected women or children or a widow's home or an institution called by any other name, which is established and maintained for the reception and care of women or children.</p> <p><i>376-C. Sexual intercourse by a person in authority.—Whoever, being—</i></p> <p>(a) in a position of authority or in a fiduciary relationship; or</p> <p>(b) a public servant; or</p> <p>(c) superintendent or manager of a jail, remand home or other place of custody established by or under any law for the time being in force, or a women's or children's institution; or</p> <p>(d) on the management of a hospital or being on the staff of a hospital, abuses such position or fiduciary relationship to induce or seduce any woman either in his custody or under his charge or present in the premises to have</p>
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				<p>sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than five years, but which may extend to ten years, and shall also be liable to fine.</p> <p style="text-align: center;"><i>376-C. Sexual intercourse by a person in authority.—</i> Whoever, being—</p> <p>(a) in a position of authority or in a fiduciary relationship; or</p> <p>(b) a public servant; or</p> <p>(c) superintendent or manager of a jail, remand home or other place of custody established by or under any law for the time being in force, or a women's or children's institution; or</p> <p>(d) on the management of a hospital or being on the staff of a hospital, abuses such position or fiduciary relationship to induce or seduce any woman either in his custody or under his charge or present in the premises to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be</p>
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				<p>punished with rigorous imprisonment of either description for a term which shall not be less than five years, but which may extend to ten years, and shall also be liable to fine.</p> <p>-No amendments made in Probation of Offenders Act -No amendments in Mental Health Act, 1987</p>
146	1993	<p>-sale of women and children -Section 372 and 373 of the Indian Penal Code -legal position with regard to a contract -magnitude and frequency of the evil -whether the offence of sale of women and children should be linked with that of kidnapping?</p>	<p>-Recommendation to insert Section 373A in the Indian Penal Code</p> <p><i>373-A. Selling woman or minor, etc.—</i></p> <p>(1) Whoever, in a case not falling under Section 372 or Section 373—</p> <p>(a) sells, lets to hire or otherwise disposes of, for consideration, any person under the age of eighteen years, or any woman of any age, or</p> <p>(b) buys, hires or otherwise obtains for consideration the possession of any such person or any woman, shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.</p> <p>(2) The provisions of this section apply in relation to a person of unsound mind, as they apply in relation to a person under the age of eighteen years.”</p> <p><i>Explanation.—</i>Nothing in this section shall apply in relation to the hiring of the services of any person.</p> <p>-It is suggested that the newly created offence should be—</p>	<p>No action taken</p>

			<p>(a) cognizable,</p> <p>(b) non-bailable, and</p> <p>(c) triable exclusively by the Court of Session.</p> <p>-Such sections should cover persons of unsound mind as well</p>	
154	1996	<p>-Law of arrest</p> <p>-Bail, anticipatory bail, sureties</p> <p>-examination of witnesses</p> <p>-compounding and plea bargaining</p> <p>-victimology</p> <p>-procedure for maintenance of wives, children and parents</p> <p>-special provisions in respect of women</p> <p>-enquiry and trial of persons of unsound mind</p> <p>-Should the concept of 'potentiality' to earn' be included as a factor in the interpretation of the phrase 'unable to maintain herself' in Section 125(1)(a)?</p> <p>-Problems with recovery of monthly allowance</p>	<p>-Section 498A of the Indian Penal Code should be made <u>compoundable</u>.</p> <p>-Section 312 of the Indian Penal Code relating to miscarriage should be <u>made compoundable</u>.</p> <p>-Amendments to sections 328, 329 and 330 in respect of <u>pre-inquiry and pre-trial proceedings</u>:</p> <p>Section 328(1A): <i>That if the civil surgeon finds the accused is of unsound mind, the accused shall be referred to a psychiatrist or a clinical psychologist for care, treatment and for prognosis of the condition. The Magistrate shall be informed whether the accused is suffering from unsoundness of mind or mental retardation.</i></p> <p>Section 328(3): <i>If such magistrate is informed that the person referred in sub-section 1A is a person of unsound mind, the magistrate shall further determine whether the unsoundness of mind renders the accused incapable of entering defence and if the accused is found so incapable, the magistrate shall record a finding to that effect. He shall examine the record of evidence produced by the prosecution and after hearing the lawyer of the accused but without questioning the accused, he shall, instead of postponing the enquiry, discharge the accused and deal with him in a manner proposed under Section 330(3).</i></p> <p><i>Provided that if the Magistrate finds a prima facie case is made out against the accused in respect of whom a finding of unsoundness of mind is arrived at, he shall postpone the proceeding for such period, as in the opinion of the psychiatrist or clinical psychologist, is required.</i></p> <p>-New sub-section 4 to Section 328:</p> <p><i>If such magistrate is informed that the person referred to in sub section (1A) is a person with mental retardation, the magistrate shall further determine whether the mental retardation renders the accused incapable of entering defence and if the accused is found so incapable, the magistrate shall order closure of the inquiry and deal with the accused in the manner provided in Section 330(3).</i></p>	Same as above.

		<p><u>-Amendment of Section 329(1)-</u>  <i>If at the trial of any person before a Magistrate or Court of Session, it appears to the Magistrate or Court that such person is of unsound mind and consequently incapable of making defence, they Magistrate or Court shall refer such person to a psychiatrist or clinical psychologist for care, treatment and for prognosis of the condition. They have to inform the Magistrate or Court whether the accused is suffering from unsoundness of mind or mental retardation.</i></p> <p><u>-Amendment of Section 330:</u>  Section 330(1)- <i>Whenever a person is found under Section 328 or 329 to be incapable of entering defence by reason of unsoundness of mind or mental retardation, the magistrate or court shall see whether the case is one in which bail may be taken or not, and order release on bail.</i></p> <p><u>-Ceiling limit prescribed in Section 125(1) and the first proviso to section 127(1) of Cr.P.C. be deleted.</u></p> <p>-Need for criteria determining the quantum of maintenance</p> <p>-Supported recommendations of the 132<sup>nd</sup> Law Commission Report regarding rape and need for female police officers and women magistrates (as far as practicable)</p> <p>-Medical examination must be done by female medical practitioner in the case of rape</p> <p>-When the accused is a woman under 18 years of age, the detention shall be authorized to be in the custody of a remand home or recognized social institution.</p> <p>-The ban on printing or publication of rape trial proceedings should be lifted but confidentiality of names and addresses of the parties should be maintained.</p> <p>-Commutation of death sentence to life imprisonment in the case of a pregnant woman.</p>		
164	1998	<p>-Whether Section 10 of Indian Divorce Act, 1869 is discriminatory towards women?</p> <p>-Is there discrimination against Christian spouses</p>	<p><u>-Section 10 of the Indian Divorce Act needs to amended to remove discrimination between the sexes.</u></p> <p><u>-Section 17 and 20 are unreasonable and arbitrary in nature</u></p> <p>-Paragraphs 1 to 5 of Section 17 and Section 20 to be deleted</p> <p>-Last remaining paragraph of Section 17 to become the new Section 17</p>	<p>-Divorce Amendment Act, 2001:  <b>Substitution of new Section for Section 10.</b>—For Section 10 of the principal Act, the following section shall be substituted, namely:—</p>

		<p>on the ground of their religion under Article 15 of the Constitution?</p> <p>-What various High Courts (Kerala) have said about Section 10</p> <p>-Whether Section 17 and 20 of Indian Divorce Act need to be amended?</p> <p>-What High Courts have to say? (Calcutta, Madras, Kerala, Bombay)</p>		<p>“10. <i>Grounds for dissolution of marriage.</i>—(1) Any marriage solemnized, whether before or after the commencement of the Indian Divorce (Amendment) Act, 2001, may, on a petition presented to the District Court either by the husband or the wife, be dissolved on the ground that since the solemnization of the marriage, the respondent—</p> <p>(i) has committed adultery; or</p> <p>(ii) has ceased to be Christian by conversion to another religion; or</p> <p>(iii) has been incurably of unsound mind for a continuous period of not less than two years immediately preceding the presentation of the petition; or</p> <p>(iv) has, for a period of not less than two years immediately preceding the presentation of the petition, been suffering from a virulent and incurable form of leprosy; or</p> <p>(v) has, for a period of not less than two years immediately preceding the presentation of the petition, been suffering from venereal disease in a</p>
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				<p>communicable form; or</p> <p>(vi) has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of the respondent if the respondent had been alive; or</p> <p>(vii) has willfully refused to consummate the marriage and the marriage has not therefore been consummated; or</p> <p>(viii) has failed to comply with a decree for restitution of conjugal rights for a period of two years or upwards after the passing of the decree against the respondent; or</p> <p>(ix) has deserted the petitioner for at least two years immediately preceding the presentation of the petition; or</p> <p>(x) has treated the petitioner with such cruelty as to cause a reasonable apprehension in the mind of the petitioner that it would be harmful or injurious for the petitioner to live with the respondent.</p> <p>(2) A wife may also present a petition for the dissolution of her marriage on the ground that the husband has, since the</p>
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				<p>solemnization of the marriage, been guilty of rape, sodomy or bestiality.”.</p> <p><b>Insertion of new Section 10-A.</b>—After Section 10 of the principal Act, the following section shall be inserted, namely:—</p> <p>“10-A. <i>Dissolution of marriage by mutual consent.</i>—(1) Subject to the provisions of this Act and the rules made thereunder, a petition for dissolution of marriage may be presented to the District Court by both the parties to a marriage together, whether such marriage was solemnized before or after the commencement of the Indian Divorce (Amendment) Act, 2001, on the ground that they have been living separately for a period of two years or more, that they have not been able to live together and they have mutually agreed that the marriage should be dissolved.</p> <p>(2) On the motion of both the parties made not earlier than six months after the date of presentation of the petition referred to in subsection (1) and not later than</p>
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				<p>eighteen months after the said date, if the petition is not withdrawn by both the parties in the meantime, the court shall, on being satisfied, after hearing the parties and making such inquiry, as it think fit, that a marriage has been solemnized and that the averments in the petition are true, pass a decree declaring the marriage to be dissolved with effect from the date of decree.”.</p> <p><b>Substitution of new section for Section 17.</b>—For Section 17 of the principal Act, the following section shall be substituted, namely:—</p> <p><i>“17. Power of High Court to remove certain suits.</i>—During the progress of the suit in the Court of the District Judge, any person suspecting that any parties to the suit are or have been acting in collusion for the purpose of obtaining a divorce, shall be at liberty, in such manner as the High Court by general or special order from time to time directs, to apply to the High Court to remove the suit</p>
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				<p>under Section 8, and the court shall thereupon, if it thinks fit, remove such suit and try and determine the same as a court of original jurisdiction, and the provisions contained in Section 16 shall apply to every suit so removed; or it may direct the District Judge to take such steps in respect of the alleged collusion as may be necessary, to enable him to make a decree in accordance with the justice of the case.”.</p> <p><b>Omission of Section 20.</b>—Section 20 of the principal Act shall be omitted.</p>
172	2000	<p>-Discussion about the Sakshi case and their suggestions</p> <p>-sexual abuse of children (Sections 354, 356, 357, 377 of the Indian Penal Code)</p> <p>-age of the person assaulted</p> <p>-investigation by female police</p> <p>-interrogation of child victims of rape</p> <p>-examination of witnessed</p> <p>-medical examination of the victim of rape</p> <p>-evidence of previous sexual intercourse experience</p>	<p><b>- Indian Penal Code, 1860:</b></p> <p>Substitution of definition of `rape' by definition of `sexual assault'</p> <p>-gender neutral rape laws</p> <p>- include under this new definition (sexual assault) not only penile penetration but also penetration by any other part of the body (like finger or toe) or by any other object.</p> <p>- raised the age of the `wife' from fifteen to sixteen in Explanation to Section 375</p> <p>- recommend that the existing Section 375 be substituted by the following:</p> <p>"<u>375. Sexual Assault:</u> Sexual assault means (a) penetrating the vagina (which term shall include the labia majora), the anus or urethra of any person with -</p> <p>i) any part of the body of another person or</p> <p>ii) an object manipulated by another person except where such</p>	<p>Amendments in 2005 to Code of Criminal Procedure:</p> <p><b>-Insertion of new Section 53-A.</b>—After Section 53 of the principal Act, the following section shall be inserted, namely:—</p> <p>“53-A. <i>Examination of person accused of rape by medical practitioner.</i>—(1) When a person is arrested on a charge of committing an offence of rape or an attempt to commit rape and there are reasonable</p>

		<p>penetration is carried out for proper hygienic or medical purposes;</p> <p>(b) manipulating any part of the body of another person so as to cause penetration of the vagina (which term shall include the labia majora), the anus or the urethra of the offender by any part of the other person's body;</p> <p>(c) introducing any part of the penis of a person into the mouth of another person;</p> <p>(d) engaging in cunnilingus or fellatio; or</p> <p>(e) continuing sexual assault as defined in clauses (a) to (d) above in circumstances falling under any of the six following descriptions:</p> <p>First- Against the other person's will.</p> <p>Secondly- Without the other person's consent.</p> <p>Thirdly- With the other person's consent when such consent has been obtained by putting such other person or any person in whom such other person is interested, in fear of death or hurt.</p> <p>Fourthly- Where the other person is a female, with her consent, when the man knows that he is not the husband of such other person and that her consent is given because she believes that the offender is another man to whom she is or believes herself to be lawfully married.</p> <p>Fifthly- With the consent of the other person, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by the offender personally or through another of any stupefying or unwholesome substance, the other person is unable to understand the nature and consequences of that to which such other person gives consent.</p> <p>Sixthly - With or without the other person's consent, when such other person is under sixteen years of age.</p> <p>Explanation: Penetration to any extent is penetration for the purposes of this section.</p> <p>Exception: Sexual intercourse by a man with his own wife, the wife not being under sixteen years of age, is not sexual assault."</p>	<p>grounds for believing that an examination of his person will afford evidence as to the commission of such offence, it shall be lawful for a registered medical practitioner employed in a hospital run by the Government or by a local authority and in the absence of such a practitioner within the radius of sixteen kilometers from the place where the offence has been committed, by any other registered medical practitioner, acting at the request of a police officer not below the rank of a sub-inspector, and for any person acting in good faith in his aid and under his direction, to make such an examination of the arrested person and to use such force as is reasonably necessary for that purpose.</p> <p>(2) The registered medical practitioner conducting such examination shall, without delay, examine such person and prepare a report of his examination giving the following particulars, namely:—</p>
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		<p>- proposed addition of a proviso to sub-section (1) of Section 376 (while treating the existing proviso as the second proviso) providing that where the sexual assault is committed by the father, grandfather or brother, the punishment should be severe.</p> <p>- also add the words "or any other person being in a position of trust or authority towards the other person" after the words "father, grandfather or brother"</p> <p>- in the matter of the age of wife referred to in proposed sub-section (1) as also of the person assaulted in clause (f) of sub-section (2). The age "fifteen" is raised to "sixteen".</p> <p>- recommended that Section 376 shall be re-cast as follows: -</p> <p><u>"376. Punishment for sexual assault - (1) Whoever, except in the cases provided for by sub-section (2), commits sexual assault shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine unless the person subjected to sexual assault is his own wife and is not under sixteen years of age, in which case, he shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.</u></p> <p>If the sexual assault is committed by a person in a position of trust or authority towards the person assaulted or by a near relative of the person assaulted, he/she shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to life imprisonment and shall also be liable to fine.</p> <p>Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than minimum punishment prescribed in this sub-section.</p>	<p>(i) the name and address of the accused and of the person by whom he was brought,</p> <p>(ii) the age of the accused,</p> <p>(iii) marks of injury, if any, on the person of the accused,</p> <p>(iv) the description of material taken from the person of the accused for DNA profiling, and</p> <p>(v) other material particulars in reasonable detail.</p> <p>(3) The report shall state precisely the reasons for each conclusion arrived at.</p> <p>(4) The exact time of commencement and completion of the examination shall also be noted in the report.</p> <p>(5) The registered medical practitioner shall, without delay, forward the report to the investigating officer, who shall forward it to the Magistrate referred to in Section 173 as part of the documents referred to in clause (a) of sub-section (5) of that section."</p> <p><b>Insertion of new Section</b></p>
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		<p>(2) Whoever,-</p> <p>(a) being a police officer commits sexual assault-</p> <p>(i) within the limits of the police station to which he is appointed; or</p> <p>(ii) in the premises of any station house whether or not situated in the police station to which he is appointed; or</p> <p>(iii) on a person in his custody or in the custody of a police officer subordinate to him; or</p> <p>(b) being a public servant, takes advantage of his official position and commits sexual assault on a person in his custody as such public servant or in the custody of a public servant subordinate to him; or</p> <p>(c) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a women's or children's institution takes advantage of his official position and commits sexual assault on any inmate of such jail, remand home, place or institution; or</p> <p>(d) being on the management or on the staff of a hospital, takes advantage of his official position and commits sexual assault on a person in that hospital; or</p> <p>(e) commits sexual assault on a woman knowing her to be pregnant; or</p> <p>(f) commits sexual assault on a person when such person is under sixteen years of age; or</p> <p>(g) commits gang sexual assault, shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may be for life and shall also be liable to fine :</p> <p>Provided that the court may, for adequate an special reasons to be mentioned in the judgment, impose a sentence of imprisonment of either description for a term of less than ten years.</p>	<p><b>164-A.</b>—After Section 164 of the principal Act, the following section shall be inserted, namely:—</p> <p><i>‘164-A. Medical examination of the victim of rape.—(1) Where, during the stage when an offence of committing rape or attempt to commit rape is under investigation, it is proposed to get the person of the woman with whom rape is alleged or attempted to have been committed or attempted, examined by a medical expert, such examination shall be conducted by a registered medical practitioner employed in a hospital run by the Government or a local authority and in the absence of such a practitioner, by any other registered medical practitioner, with the consent of such woman or of a person competent to give such consent on her behalf and such woman shall be sent to such registered medical practitioner within twenty-four hours from the time of receiving the information relating to the commission of</i></p>
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		<p>Explanation 1.- Where a person is subjected to sexual assault by one or more in a group of persons acting in furtherance of their common intention, each of the persons shall be deemed to have committed gang sexual assault within the meaning of this sub-section.</p> <p>Explanation 2.- "Women's or children's institution" means an institution, whether called an orphanage or a home for neglected women or children or a widows' home or an institution called by any other name, which is established and maintained for the reception and care of women or children.</p> <p>Explanation 3. "Hospital" means the precincts of the hospital and includes the precincts of any institution for the reception and treatment of persons during convalescence or of persons requiring medical attention or rehabilitation."</p> <p><u>-Modification of Section 376A-</u>  "376A. Sexual assault by the husband upon his wife during separation.- Whoever commits sexual assault upon his wife, who is living separately from him under a decree of separation or under any custom or usage, without her consent, shall be punished with imprisonment of either description for a term which shall not be less than two years and which may extend to seven years and shall also be liable to fine."</p> <p><u>- Modifications in Sections 376B, 376C and 376D of the IPC recommended.-</u> Accordingly, Section 376B with necessary adaptations and changes, shall read as follows:</p> <p>"376B. Sexual intercourse by public servant with person in his custody.- Whoever, being a public servant, takes advantage of his/her official position and induces or</p>	<p>such offence.</p> <p>(2) The registered medical practitioner, to whom such woman is sent, shall, without delay, examine her person and prepare a report of his examination giving the following particulars, namely:—</p> <p>(i) the name and address of the woman and of the person by whom she was brought;</p> <p>(ii) the age of the woman;</p> <p>(iii) the description of material taken from the person of the woman for DNA profiling;</p> <p>(iv) marks of injury, if any, on the person of the woman;</p> <p>(v) general mental condition of the woman; and</p> <p>(vi) other material particulars in reasonable detail.</p> <p>(3) The report shall state precisely the reasons for each conclusion arrived at.</p> <p>(4) The report shall specifically record that the consent of the woman or of the person competent to give</p>
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		<p>seduces any person, who is in his/her custody as such public servant or in the custody of a public servant subordinate to him, to have sexual intercourse with him/her, such sexual intercourse not amounting to the offence of sexual assault, shall be punished with imprisonment of either description for a term which shall not be less than five years and which may extend to ten years and shall also be liable to fine.</p> <p>Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than five years.</p> <p>Explanation: "Sexual intercourse" in this section and Sections 376C and 376D shall mean any of the acts mentioned in clauses (a) to (e) of Section 375. Explanation to Section 375 shall also be applicable."</p> <p>"376C. Sexual intercourse by superintendent of jail, remand home, etc.- Whoever, being the superintendent or manager of a jail, remand home or other place of custody established by or under any law for the time being in force or of a women's or children's institution takes advantage of his/her official position and induces or seduces any inmate of such jail, remand home, place or institution to have sexual intercourse with him/her, such sexual intercourse not amounting to the offence of sexual assault, shall be punished with imprisonment of either description for a term which shall not be less than five years and which may extend to ten years and shall also be liable to fine.</p> <p>Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than five years.</p> <p>Explanation 1.- "Superintendent" in relation to a jail, remand home</p>	<p>such consent on her behalf to such examination had been obtained.</p> <p>(5) The exact time of commencement and completion of the examination shall also be noted in the report.</p> <p>(6) The registered medical practitioner shall, without delay forward the report to the investigating officer who shall forward it to the Magistrate referred to in Section 173 as part of the document referred to in clause (a) of sub-section (5) of that section.</p> <p>(7) Nothing in this section shall be construed as rendering lawful any examination without the consent of the woman or of any person competent to give such consent on her behalf.</p> <p><i>Explanation.</i>—For the purposes of this section, "examination" and "registered medical practitioner" shall have the same meanings as in Section 53.?</p>
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		<p>or other place of custody or a women's or children's institution includes a person holding any other office in such jail, remand home, place or institution by virtue of which he/she can exercise any authority or control over its inmates.</p> <p>Explanation 2.- The expression "women's or children's institution" shall have the same meaning as in Explanation 2 to sub-section (2) of Section 376.</p> <p>376D. Sexual intercourse by any member of the management or staff of a hospital with any woman in that hospital. Whoever, being on the management of a hospital or being on the staff of a hospital takes advantage of his/her position and has sexual intercourse with any person in that hospital, such sexual intercourse not amounting to the offence of sexual assault, shall be punished with imprisonment of either description for a term which shall not be less than five years and which may extend to ten years and shall also be liable to fine.</p> <p>Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than five years.</p> <p>Explanation.- The expression "hospital" shall have the same meaning as in Explanation 3 to sub-section (2) of Section 376."</p> <p>- <u>Insertion of new Section 376E recommended.</u>- We therefore recommend that a new section, namely, section be inserted in the IPC in the following terms:</p> <p>"376E. Unlawful sexual contact (1) Whoever, with sexual intent, touches, directly or indirectly, with a part of the body or with an object, any part of the body of another person,</p>	<p><b>Substitution of new section for Section 54.</b>—For Section 54 of the principal Act, the following section shall be <i>substituted</i>, namely:—</p> <p>“54. <i>Examination of arrested person by medical officer.</i>—(1) When any person is arrested, he shall be examined by a medical officer in the service of Central or State Government, and in case the medical officer is not available, by a registered medical practitioner soon after the arrest is made:</p> <p>Provided that where the arrested person is a female, the examination of the body shall be made only by or under the supervision of a female medical officer, and in case the female medical officer is not available, by a female registered medical practitioner.</p> <p>(2) The medical officer or a registered medical practitioner so examining the arrested person shall prepare the record of such examination, mentioning</p>
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		<p>not being the spouse of such person, without the consent of such other person, shall be punished with simple imprisonment for a term which may extend to two years or with fine or with both.</p> <p>(2) Whoever, with sexual intent, invites, counsels or incites a young person to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites, or touches, with sexual intent, directly or indirectly, with a part of the body or with an object any part of the body of a young person, shall be punished with imprisonment of either description which may extend to three years and shall also be liable to fine.</p> <p>(3) Whoever being in a position of trust or authority towards a young person or is a person with whom the young person is in a relationship of dependency, touches, directly or indirectly, with sexual intent, with a part of the body or with an object, any part of the body of such young person, shall be punished with imprisonment of either description which may extend to seven years and shall also be liable to fine.</p> <p>Explanation: "Young person" in this sub-section and sub-section (2) means a person below the age of sixteen years."</p> <p>-Recommended deletion of Section 377          -Enhance punishment under Section 509          -no need for a definition of consent</p> <p><b>-Code of Criminal Procedure:</b>          -<u>Amendment of Section 160</u> recommended by insertion of sub-sections (3) to (7) "(3) Where, under this chapter, the statement of a girl under the age of twelve years is to be recorded, either as first</p>	<p>therein any injuries or marks of violence upon the person arrested, and the approximate time when such injuries or marks may have been inflicted.</p> <p>(3) Where an examination is made under sub-section (1), a copy of the report of such examination shall be furnished by the medical officer or registered medical practitioner, as the case may be, to the arrested person or the person nominated by such arrested person."</p> <p><b>Amendment of Section 157.</b>—In Section 157 of the principal Act, in sub-section (1), after the proviso, the following proviso shall be <i>inserted</i>, namely:—</p> <p>“Provided further that in relation to an offence of rape, the recording of statement of the victim shall be conducted at the residence of the victim or in the place of her choice and as far as practicable by a woman police officer in the presence of her parents or guardian or near relatives or social worker of the locality.”.</p>
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		<p>information of an offence or in the course of an investigation into an offence, and the girl is a person against whom an offence under Section 354, 354A or 375 of the Indian Penal Code is alleged to have been committed or attempted, the statement shall be recorded either by a female police officer or by a person authorized by such organization interested in the welfare of women or children as is recognized in this behalf by the State Government by notification in the official gazette.</p> <p>(4) Where the case is one to which the provisions of sub-section (3) apply, and a female police officer is not available, the officer in charge of the police station shall, in order to facilitate the recording of the statement, forward to the person referred to in that sub-section a written request setting out the points on which information is required to be elicited from the girl.</p> <p>(5) The person to whom such a written request is forwarded shall, after recording the statement of the girl, transmit the record to the officer in charge of the police station.</p> <p>(6) where the statement recorded by such person as forwarded under sub-section (5) appears in any respect to require clarification or amplification, the officer in charge of the police station shall return the papers to the person by whom it was forwarded, with a request for clarification or amplification on specified matters; and such person shall thereupon record the further statement of the girl in conformity with the request and return the papers to the officer in charge of the police station.</p> <p>(7) The statement of the girl recorded and forwarded under sub-</p>	<p style="text-align: center;">Criminal Law Amendment, 2013-</p> <p style="text-align: center;"><i>376. Punishment for rape.—</i></p> <p>(1) Whoever, except in the cases provided for in sub-section (2), commits rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than seven years, but which may extend to imprisonment for life, and shall also be liable to fine.</p> <p>(2) Whoever,—</p> <p>(a) being a police officer, commits rape—</p> <p>(i) within the limits of the police station to which such police officer is appointed; or</p> <p>(ii) in the premises of any station house; or</p> <p>(iii) on a woman in such police officer's custody or in the custody of a police officer subordinate to such police officer; or</p> <p>(b) being a public servant, commits rape on a woman in such public servant's custody or in the custody of a public servant</p>
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			<p>sections (3) to (6) shall, for the purpose of the law relating to the admissibility in evidence of statements made by any person, be deemed to be a statement recorded by a police officer.""</p> <p>Further, the age of "twelve years" be raised to "eighteen years" in conformity with the Convention on the Rights of the Child."</p> <p>- <u>Insertion of sub-sections (3) &amp; (4) in Section 160 of the Code of Criminal Procedure</u></p> <p>"(3) Where under this chapter, the statement of a female is to be recorded either as first information of an offence or in the course of an investigation into an offence and she is a person against whom an offence under Sections 354, 375, 376, 376A, 376B, 376C, 376D, 376E or 509 of the Indian Penal Code is alleged to have been committed or attempted, the statement shall be recorded by a female police officer and in case a female police officer is not available, by a female government servant available in the vicinity and in case a female government servant is also not available, by a female authorized by an organization interested in the welfare of women or children.</p> <p>(4) Where in any case none of the alternatives mentioned in sub-section (3) can be followed for the reason that no female police officer or female government servant or a female authorized by an organization interested in the welfare of women and children is available, the officer in charge of the police station shall, after recording the reasons in writing, proceed with the recording of the statement of such female victim in the presence of a relative of the victim."</p> <p>- <u>recommend that the proviso to sub-section (1) of Section 160 be substituted to read as below:</u></p>	<p>subordinate to such public servant; or</p> <p>(c) being a member of the armed forces deployed in an area by the Central or a State Government commits rape in such area; or</p> <p>(d) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a women's or children's institution, commits rape on any inmate of such jail, remand home, place or institution; or</p> <p>(e) being on the management or on the staff of a hospital, commits rape on a woman in that hospital; or</p> <p>(f) being a relative, guardian or teacher of, or a person in a position of trust or authority towards the woman, commits rape on such woman; or</p> <p>(g) commits rape during communal or sectarian violence; or</p> <p>(h) commits rape on a woman knowing her to be pregnant; or</p> <p>(i) commits rape on a woman</p>
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		<p>"Provided that no male person under the age of 16 years or woman shall be required to attend at any place other than the place in which such male person or woman resides. While recording the statement, a relative or a friend or a social worker of the choice of the person whose statement is being recorded shall be allowed to remain present. The relative, friend or social worker so allowed to be present shall not interfere with the recording of statement in any manner whatsoever."</p> <p>- <u>Insertion of a new section, namely Section 164A in the Code of Criminal Procedure</u></p> <p>"164A. (1) Where, during the stage when an offence of rape or attempt to commit rape is under investigation, it is proposed to get the person of the woman with whom rape is alleged to have been committed or attempted, examined by a medical expert, such examination shall be conducted by a registered medical practitioner, with the consent of the woman or of some person competent to give such consent on her behalf and the woman shall be forwarded to the registered medical practitioner without delay.</p> <p>(2) The registered medical practitioner to whom such woman is forwarded shall without delay examine her person and prepare a report specifically recording the result of his examination and giving the following details:</p> <p>(i) the name and address of the woman and of the person by whom she was brought,</p> <p>(ii) the age of the woman,</p> <p>(iii) whether the victim was previously used to sexual intercourse,</p> <p>(iv) marks of injuries, if any, on the person of the woman,</p>	<p>when she is under sixteen years of age; or</p> <p>(j) commits rape, on a woman incapable of giving consent; or</p> <p>(k) being in a position of control or dominance over a woman, commits rape on such woman; or</p> <p>(l) commits rape on a woman suffering from mental or physical disability; or</p> <p>(m) while committing rape causes grievous bodily harm or maims or disfigures or endangers the life of a woman; or</p> <p>(n) commits rape repeatedly on the same woman, shall be punished with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.</p> <p><i>Explanation.</i>—For the purposes of this subsection,—</p> <p>(a) “armed forces” means the naval, military and air forces and</p>
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		<p>(v) general mental condition of the woman, and  (vi) other material particulars, in reasonable detail.</p> <p>(3) The report shall state precisely the reasons for each conclusion arrived at.</p> <p>(4) The report shall specifically record that the consent of the woman or of some person competent to give such consent on her behalf to such examination had been obtained.</p> <p>(5) The exact time of commencement and completion of the examination shall also be noted in the report, and the registered medical practitioner shall without delay, forward the report to the investigating officer, who shall forward it to the Magistrate referred to in Section 173 as part of the documents referred to in clause (a) of sub-section (5) of that section.</p> <p>(6) Nothing in this section shall be construed as rendering lawful any examination without the consent of the victim or of any person competent to give such consent on her behalf."</p> <p>- <u>New Section 53A in the Code of Criminal Procedure, 1973 recommended.</u>- Thus the proposed Section 53A shall read as follows:</p> <p>"53A. (1) When a person accused of any of the offences under Sections 376, 376A, 376B, 376C, 376D or 376E or of an attempt to commit any of the said offences, is arrested and an examination of his/her person is to be made under this section, he/she shall be sent without delay to the registered medical practitioner by whom he/she is to be examined.</p> <p>(2) The registered medical practitioner conducting such</p>	<p>includes any member of the Armed Forces constituted under any law for the time being in force, including the paramilitary forces and any auxiliary forces that are under the control of the Central Government or the State Government;</p> <p>(b) "hospital" means the precincts of the hospital and includes the precincts of any institution for the reception and treatment of persons during convalescence or of persons requiring medical attention or rehabilitation;</p> <p>(c) "police officer" shall have the same meaning as assigned to the expression "police" under the Police Act, 1861 (5 of 1861);</p> <p>(d) "women's or children's institution" means an institution, whether called an orphanage or a home for neglected women or children or a widow's home or an institution called by any other name, which is established and maintained for the reception and care of women or children.</p> <p><i>376-C. Sexual intercourse by a person in authority.—Whoever,</i></p>
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		<p>examination shall without delay examine such person and prepare a report specifically recording the result of his examination and giving the following particulars:</p> <p>(i) the name and address of the accused and the person by whom he was brought,</p> <p>(ii) the age of the accused,</p> <p>(iii) marks of injury, if any, on the person of the accused, and</p> <p>(iv) other material particulars in reasonable detail.</p> <p>(3) The report shall state precisely the reasons for each conclusion arrived at.</p> <p>(4) The exact time of commencement and completion of the examination shall also be noted in the report, and the registered medical practitioner shall, without delay, forward the report to the investigating officer, who shall forward it to the Magistrate referred to in Section 173 as part of the documents referred to in clause (a) of sub-section (5) of that section."</p> <p><b><u>-Indian Evidence Act, 1872:</u></b></p> <p><u>- Modification of Section 114A of the Evidence Act recommended.-</u> Accordingly, we recommended that Section 114A be modified to read as follows:</p> <p>"114A. Presumption as to absence of consent in certain prosecutions for sexual assault.- In a prosecution for sexual assault under (a) or clause (b) or clause (c) or</p>	<p>being—</p> <p>(a) in a position of authority or in a fiduciary relationship; or</p> <p>(b) a public servant; or</p> <p>(c) superintendent or manager of a jail, remand home or other place of custody established by or under any law for the time being in force, or a women's or children's institution; or</p> <p>(d) on the management of a hospital or being on the staff of a hospital, abuses such position or fiduciary relationship to induce or seduce any woman either in his custody or under his charge or present in the premises to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than five years, but which may extend to ten years, and shall also be liable to fine.</p> <p>376-C. <i>Sexual intercourse by a person in authority.</i>— Whoever, being—</p> <p>(a) in a position of authority or in</p>
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		<p>clause (d) or clause (e) or clause (g) of sub-section (2) of Section 376 of the Indian Penal Code (45 of 1860) where sexual intercourse by the accused is proved and the question is whether it was without the consent of the other person alleged to have been sexually assaulted and such other person states in his/her evidence before the court that he/she did not consent, the court shall presume that he/she did not consent.</p> <p>Explanation: "Sexual intercourse" in this section and Sections 376C and 376D shall mean any of the acts mentioned in clauses (a) to (e) of Section 375. Explanation to Section 375 shall also be applicable."</p> <p>- <u>After Section 53, the following section be inserted:</u></p> <p>"53A. In a prosecution for an offence under Section 376, 376A, 376B, 376C, 376D or 376E or for attempt to commit any such offence, where the question of consent is in issue, evidence of the character of the victim or of his/her previous sexual experience with any person shall not be relevant on the issue of such consent or the quality of consent."</p> <p>- <u>In Section 146 of the Evidence Act, the following clause shall be added after clause (3):</u></p> <p>"(4) In a prosecution for an offence under Section 376, 376A, 376B, 376C, 376D or 376E or for attempt to commit any such offence, where the question of consent is in issue, it shall not be permissible to adduce evidence or to put questions in the cross-examination of the victim as to his/her general immoral character, or as to his/her previous sexual experience with any person for proving such consent or the quality of consent."</p>	<p>a fiduciary relationship; or</p> <p>(b) a public servant; or</p> <p>(c) superintendent or manager of a jail, remand home or other place of custody established by or under any law for the time being in force, or a women's or children's institution; or</p> <p>(d) on the management of a hospital or being on the staff of a hospital, abuses such position or fiduciary relationship to induce or seduce any woman either in his custody or under his charge or present in the premises to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than five years, but which may extend to ten years, and shall also be liable to fine.</p>
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174	2000	<p>-reforms in property matters under Hindu law (Hindu Succession (Amendment) Bill, 2000)</p> <p>-succession under Mitakshara law and Dayabhaga school of thought</p> <p>-discrimination in Mitakshara coparcenary under Section 6 of the Hindu Succession Act</p> <p>-discussion of cases regarding Explanation I of Section 6</p> <p>- whether the law has patrilineal assumptions of dominant male ideology?</p> <p>-Whether the Act gives women an equal right to property or does it only profess to do so?</p> <p>-Whether Section 23 of the Act discriminates against a married daughter?</p> <p>-If you see devolution of interest under Section 8, you will understand the gender bias in the proviso to Section 6?</p> <p>-new coparcenary model under different State Acts (Andhra Pradesh, Kerala, Tamil Nadu, Maharashtra</p>	<p>-deletion of section 23 of Hindu Succession Act</p> <p>-<u>need for special protection of a widow's right to reside in the dwelling house</u></p> <p>-<u>recommend combination of Kerala and Andhra models</u></p> <p>-all their recommendations are in the <u>Hindu Succession (Amendment) Bill, 2000</u>. I have culled out the main recommendations.</p> <p>-New Section 6 :</p> <p>“6. Daughter's right to be coparcener by birth and devolution of interest in coparcenary property.- (1) On and from the commencement of the Hindu Succession (Amendment) Act, 2000, in a Joint Hindu family governed by the Mitakshara law, the daughter of a coparcener shall,-</p> <p>(a) by birth become a coparcener;</p> <p>(b) have the same rights in the coparcenary property as she would have had if she had been a son;</p> <p>(c) be subject to the same liabilities and disabilities in respect of the said coparcenary property as that of a son, and any reference to a Hindu Mitakshara coparcener shall be deemed to include a reference to a daughter:</p> <p>Provided that nothing contained in this sub-section shall apply to a daughter married before the commencement of the Hindu Succession (Amendment) Act, 2000.</p> <p>(2) Any property to which a female Hindu becomes entitled by virtue of sub-section (1) shall be held by her with the incidents of coparcenary ownership and shall be regarded, notwithstanding anything contained in this Act, or any other law for the time being in force, as property capable of being disposed of by her by will or other testamentary disposition.</p> <p>(3) When a male Hindu dies after the commencement of the Hindu Succession (Amendment) Act, 2000, his interest, in the property of a Joint Hindu family governed by the Mitakshara law, shall devolve by</p>	<p>-Hindu Succession (Amendment) Act, 2005</p> <p><b>-Substitution of new section for Section 6.</b>—For Section 6 of the principal Act, the following section shall be <i>substituted</i>, namely:—</p> <p><i>‘6. Devolution of interest in coparcenary property.</i>—(1) On and from the commencement of the Hindu Succession (Amendment) Act, 2005, in a Joint Hindu family governed by the Mitakshara law, the daughter of a coparcener shall,—</p> <p>(a) by birth become a coparcener in her own right in the same manner as the son;</p> <p>(b) have the same rights in the coparcenary property as she would have had if she had been a son;</p> <p>(c) be subject to the same liabilities in respect of the said coparcenary property as that of a son,</p> <p>and any reference to a Hindu Mitakshara coparcener shall be deemed to include a reference to a daughter of a coparcener :</p> <p>Provided that nothing contained</p>
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		<p>and Karnataka have taken cognizance of the fact that woman needs to be treated equally) -drawbacks of Andhra and Kerala model</p>	<p>testamentary or intestate succession, as the case may be, under this Act and not by survivorship, and the coparcenary property shall be deemed to have been divided as if a partition had taken place and, -</p> <p>(a) the daughter is allotted the same share as is allotted to a son;</p> <p>(b) the share of the pre-deceased son or a pre-deceased daughter, as they would have got had they been alive at the time of partition, shall be allotted to the surviving child of such pre-deceased son or of such pre-deceased daughter; and</p> <p>(c) the share of the pre-deceased child of a pre-deceased son or of a pre-deceased daughter, as such child would have got had he or she been alive at the time of the partition, shall be allotted to the child of such pre-deceased child of the pre-deceased son or a pre-deceased daughter, as the case may be.</p> <p>Explanation. – For the purpose of this sub-section, the interest of a Hindu Mitakshara coparcener shall be deemed to be the share in the property that would have been allotted to him if a partition of the property had taken place immediately before his death, irrespective of whether he was entitled to claim partition or not.</p> <p>(4) After the commencement of the Hindu Succession (Amendment) Act, no court shall recognize any right to proceed against a son, grandson or great-grandson for the recovery of any debt due from his father, grandfather or great-grandfather on the ground of the pious obligation under the Hindu law, of such son, grandson or great-grandson to discharge any such debt:</p> <p>Provided that in the case of any debt contracted before the commencement of the Hindu Succession (Amendment) Act, 2000, nothing contained in this sub-section shall affect –</p>	<p>in this sub-section shall affect or invalidate any disposition or alienation including any partition or testamentary disposition of property which had taken place before the 20th day of December, 2004.</p> <p>(2) Any property to which a female Hindu becomes entitled by virtue of sub-section (1) shall be held by her with the incidents of coparcenary ownership and shall be regarded, notwithstanding anything contained in this Act, or any other law for the time being in force, as property capable of being disposed by her by testamentary disposition.</p> <p>(3) Where a Hindu dies after the commencement of the Hindu Succession (Amendment) Act, 2005, his interest in the property of a Joint Hindu family governed by the Mitakshara law, shall devolve by testamentary or intestate succession, as the case may be, under this Act and not by survivorship, and the coparcenary property shall be deemed to have been divided as if a partition had taken place and,—</p> <p>(a) the daughter is allotted the</p>
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		<p>(a) the right of any creditor to proceed against the son, grandson or great-grandson, as the case may be; or</p> <p>(b) any alienation made in respect of or in satisfaction of, any such debt, and any such right or alienation shall be enforceable under the rule of pious obligation in the same manner and to the same extent as it would have been enforceable as if the Hindu Succession (Amendment) Act, 2000 had not been enacted.</p> <p>Explanation.- For the purposes of clause (a), the expression “son”, “grandson” or “great-grandson” shall be deemed to refer to the son, grandson or great-grandson, as the case may be, who was born or adopted prior to the commencement of the Hindu Succession (Amendment) Act 2000.</p> <p>(5) Nothing contained in this section shall apply to a partition, which has been effected before the date of the commencement of the Hindu Succession (Amendment) Act, 2000”.</p>	<p>same share as is allotted to a son;</p> <p>(b) the share of the pre-deceased son or a pre-deceased daughter, as they would have got had they been alive at the time of partition, shall be allotted to the surviving child of such pre-deceased son or of such pre-deceased daughter; and</p> <p>(c) the share of the pre-deceased child of a pre-deceased son or of a pre-deceased daughter, as such child would have got had he or she been alive at the time of the partition, shall be allotted to the child of such pre-deceased child of the pre-deceased son or a pre-deceased daughter, as the case may be.</p> <p><i>Explanation.</i>—For the purposes of this sub-section, the interest of a Hindu Mitakshara coparcener shall be deemed to be the share in the property that would have been allotted to him if a partition of the property had taken place immediately before his death, irrespective of whether he was entitled to claim partition or not.</p> <p>(4) After the commencement of the Hindu Succession (Amendment) Act, 2005, no court</p>
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				<p>shall recognize any right to proceed against a son, grandson or great-grandson for the recovery of any debt due from his father, grandfather or great-grandfather solely on the ground of the pious obligation under the Hindu law, of such son, grandson or great-grandson to discharge any such debt :</p> <p>Provided that in the case of any debt contracted before the commencement of the Hindu Succession (Amendment) Act, 2005, nothing contained in this sub-section shall affect—</p> <p>(a) the right of any creditor to proceed against the son, grandson or great-grandson, as the case may be; or</p> <p>(b) any alienation made in respect of or in satisfaction of, any such debt, and any such right or alienation shall be enforceable under the rule of pious obligation in the same manner and to the same extent as it would have been enforceable as if the Hindu Succession (Amendment) Act, 2005 had not been enacted.</p> <p><i>Explanation.</i>—For the purposes of clause (a), the expression “son”,</p>
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				<p>“grandson” or “great-grandson” shall be deemed to refer to the son, grandson or great-grandson, as the case may be, who was born or adopted prior to the commencement of the Hindu Succession (Amendment) Act, 2005.</p> <p>(5) Nothing contained in this section shall apply to a partition, which has been effected before the 20th day of December, 2004.</p> <p><i>Explanation.</i>—For the purposes of this section “partition” means any partition made by execution of a deed of partition duly registered under the Registration Act, 1908 (16 of 1908) or partition effected by a decree of a court.’</p> <p>-Section 4, 23 and 24 omitted</p> <p><b>-Amendment of Section 30.</b>—In Section 30 of the principal Act, for the words “disposed of by him”, the words “disposed of by him or by her” shall be <i>substituted</i>.</p> <p><b>-Amendment of Schedule.</b>—In the Schedule to the principal Act, under the sub-heading “Class 1”, after the words “widow of a pre-deceased son of a pre-deceased son”, the words “son of a pre-</p>
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				deceased daughter of a pre-deceased daughter; daughter of a pre-deceased daughter of a pre-deceased daughter; daughter of a pre-deceased son of a pre-deceased daughter; daughter of a pre-deceased daughter of a pre-deceased son” shall be added.
177	2001	<p>-Interpretation of courts regarding: arrest under Cr.P.C., detention in police custody</p> <p>-Discussing arrest in light of Article 21 of the Constitution</p> <p>-Discussed recommendations made in report 135 and 172</p> <p>-discussed provisions of Code of Criminal Procedure (Amendment) Bill, 1994 introduced by Rajya Sabha</p>	<p>-Section 41(2) is unnecessary.</p> <p><u>-Section 498A is being used to harass relatives of the husband and should be made compoundable.</u></p>	
178	2001	<p>-Section 19 of Hindu Marriage Act, 1955</p> <p>- concern with a situation where the wife who has been driven out or deserted, seeks a remedy under the Act. As the Act stands now, she cannot file a suit where she resides</p> <p>-Issues with Section 125 of</p>	<p><u>section 19 should be amended by amending and inserting a new clause, clause (iiia) in section 19 to the following effect:</u></p> <p>“(iiia) in case the wife is the petitioner, where she is residing on the date of presentation of the petition.”</p> <p><u>-in section 125, sub-section (1), in the Explanation, in sub-clause (i) of clause (b), after the words “and has not remarried” the following shall be inserted, namely:-</u></p> <p>“or whose marriage is void under section 11 read with sub-section (1) of</p>	<p>-no corresponding amendment in Marriage Laws (Amendment) Act, 2001</p> <p>-no corresponding amendment in Personal Laws (Amendment) Act, 2010</p>

	<p>the Cr.P.C.-a woman is entitled to maintenance only if she is or has been legally married to the respondent.</p> <p>-Section 18 of Hindu Adoptions and Maintenance Act</p> <p>-Two questions arise in this behalf, namely, (i) whether a wife (first wife) can claim maintenance on the ground that the husband has contracted a second marriage after the commencement of the Hindu Marriage Act? In such a case, should she be deprived of the right given by Section 18(2)(d) on the ground that since such a second marriage is void under Section 11 of the Hindu Marriage Act, she cannot invoke clause (d) of sub-section (2) of Section 18 of the Maintenance Act, and</p> <p>(ii) whether the second wife whose marriage has taken place after the</p>	<p>section 5 of the Hindu Marriage Act, 1955 or under clause (a) of section 4 read with section 24 of the Special Marriage Act, 1954 or under section 4 of the Parsi Marriage Act, 1936, or under any other provision contained in any enactment corresponding to the aforesaid provisions as may be notified by the Central Government in this behalf, and has not remarried.”</p> <p>-In the Hindu Adoptions and Maintenance Act 1956, in section 18, in sub-section (2),</p> <p>(i) for clause (d) the following clause shall be substituted , namely:-</p> <p>“(d) if he has any other wife living, whether the marriage of the other wife had been solemnized before or after the commencement of the Hindu Marriage Act, 1955.”</p> <p>(ii) after clause (g) the following Explanations shall be inserted, namely:</p> <p>“Explanation.-1 A woman who marries a person without knowing that he is already married and that his wife is living shall, without prejudice to claim maintenance on the ground mentioned in clause (d) , be entitled to live separately from her husband.</p> <p>Explanation.-2 A woman who marries a person knowing that he is already married and that his wife is living, shall be entitled to live separately from her husband without forfeiting her claim to maintenance on any of the grounds mentioned in clauses (a), (b), (c), (e), (f) and (g).”</p>	
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		<p>commencement of Hindu Marriage Act, at a time when the first wife was alive, is entitled to claim maintenance under Section 18 of the Maintenance Act? The argument on behalf of the husband can be the same viz., her marriage being void under Section 11 of the Marriage Act, she is not a “wife” within the meaning of Section 18(2) of the Maintenance Act.</p>		
185	2003	<p>-Indian Evidence (Amendment) bill, 2003</p> <p>-character of women as evidence in rape trials</p> <p>-successive marriages</p> <p>-section 113: ‘Presumption as to abetment of suicide by a married woman’</p> <p>-section 113-B: ‘Presumption as to dowry death’</p> <p>-section 114-A: ‘presumption as to absence of consent in certain prosecutions for rape’</p> <p>-Custodial rape and torture</p> <p>-section 146: ‘Questions</p>	<p><u>-We recommend Section 53A to be inserted as follows:</u></p> <p>Character of victim not relevant in certain cases</p> <p>“53A.. In a prosecution for an offence under Sections 376, 376A, 376B, 376C or 376D or for attempt to commit any such offence, where the question of consent is in issue, evidence of the character of the victim or of her previous sexual experience with any person shall not be relevant on the issue of such consent or the quality of consent.”</p> <p>-We do not therefore think that any specific provision be made in the matter of a pregnant woman marrying another person and the birth of a child thereafter</p> <p><u>-We do not think that Section 113-B should use the words ‘may presume’ or ‘having regard to all the circumstances of the case’.</u> Having regard to the fact that in spite of all the new provisions introduced in 1986, dowry deaths are still a regular feature, the existing provision of ‘shall presume’ must, in our view, be retained. As stated earlier, even so, the presumption is rebuttable.</p>	<p>Criminal Law (Amendment) Ordinance, 2913:</p> <p><b>-Insertion of new Section 53-A.</b>—After Section 53 of the Indian Evidence Act, 1872 (1 of 1872) (hereafter in this Chapter referred to as the Evidence Act), the following section shall be <i>inserted</i>, namely—</p> <p>“53-A. <i>Evidence of character or previous sexual experience not relevant in certain cases</i>—In a prosecution for an offence under Section 354, Section 354-A, Section 354-B, Section 354-C, sub-section (1) or sub-section (2) of Section 376, Section 376-A, Section 376-B, Section 376-C, Section 376-D or Section 376-E of the Indian Penal</p>

	<p>lawful in cross-examination’</p> <p>-section 148: ‘Court to decide when question shall be asked and</p> <p>when witness compelled to answer’</p>	<p>-The text of Section 114B as recommended in the 113<sup>th</sup> Report was as follows:</p> <p>“114-B. (1) In a prosecution (of a police officer) for an offence constituted by an act alleged to have caused bodily injury to a person, if there is evidence that the injury was caused during a period when that person was in the custody of the police, the court may presume that the injury was caused by the police officer having custody of that person during that period.</p> <p>(2) The court, in deciding whether or not it should draw a presumption under sub-section (1), shall have regard to all the relevant circumstances including, in particular,</p> <p>(a) the period of custody,</p> <p>(b) any statement made by the victim as to how the injuries were received, being a statement admissible in evidence,</p> <p>(c) the evidence of any medical practitioner who might have examined the victim, and</p> <p>(d) evidence of any magistrate who might have recorded the victim’s statement or attempted to record it.”</p> <p>We reiterate the recommendation, subject to adding a third sub-section as stated below. We also feel that the words ‘or attempted to record’ must be deleted at the end of Section 114B(2)(d) and must be brought after the word ‘recorded’ in the same sub clause and before the words ‘the victim’s statement’.</p> <p>-We recommend that</p> <p>. (a) in clause (1) of Section 146, after the word ‘veracity’, the words</p>	<p>Code or for attempt to commit any such offence, where the question of consent is in issue, evidence of the character of the victim or of such person's previous sexual experience with any person shall not be relevant on the issue of such consent or the quality of consent.”</p> <p><b>-Substitution of new section for Section 114-A.</b>—For Section 114-A of the Evidence Act, the following section shall be <i>substituted</i>, namely—</p> <p><i>‘114-A. Presumption as to absence of consent in certain prosecution for sexual assault.</i>—In a prosecution for sexual assault under clause (a), clause (b), clause (c), clause (d), clause (e), clause (f), clause (g), clause (h), clause (i), clause (j), clause (k), clause (l) or clause (m) of sub-section (2) of Section 376 of the Indian Penal Code (45 of 1860), where sexual intercourse by the accused is proved and the question is whether it was without the consent of the other person alleged to have been sexually assaulted and such other person states in that person's evidence before the court that such person did not consent, the court shall</p>
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		<p style="text-align: center;">‘accuracy and credibility’ be inserted;</p> <ul style="list-style-type: none"> <li>. (b) the proviso after clause (3) shall be deleted;</li> <li>. (c) after clause (3), the following clause and Explanation shall be inserted, namely,</li> </ul> <p>“(4) In a prosecution for an offence under Sections 376, 376A, 376B, 376C or 376D or for attempt to commit any such offence, where the question of consent is in issue, it shall not be permissible to adduce evidence or to put questions in the cross- examination of the victim as to her general immoral character, or as to her previous sexual experience with any person for proving such consent or the quality of consent.</p> <p>Explanation: ‘character’ includes ‘reputation and disposition’.”</p> <p>-It is therefore our view, that the opening part the Section 148 should be amended as follows:</p> <p>For the words “If any such question relates to a matter not relevant to the suit or proceeding except”, the words “If any such question is not material to the issues in the suit or proceeding but is admissible” shall be substituted.</p> <p><u>-recommend insertion of new Section 148A:</u></p> <p>Accused person not to be asked certain questions</p> <p>“148A. An accused person who offers himself as a witness in pursuance of Section 315 of the Code of Criminal Procedure, 1973, shall not be asked and if asked, shall not be compelled to answer, any question tending to show that he has committed or has been convicted of or been charged with any offence other than that with which he is then</p>	<p>presume that such person did not consent.</p> <p><i>Explanation.</i>—In this section “sexual intercourse” shall mean any of the acts mentioned in clauses (a) to (c) of Section 375 of the Indian Penal Code (45 of 1860).’.</p> <p style="text-align: center;"><b>-Amendment of Section 146.</b>—In Section 146 of the Evidence Act, for the proviso, the following proviso shall be <i>substituted</i>, namely—</p> <p>“Provided that in a prosecution for an offence under sub-section (1) or sub-section (2) of Section 376, Section 376-A, Section 376-B, Section 376-C, Section 376-D or Section 376-E of the Indian Penal Code (45 of 1860) or for attempt to commit any such offence, where the question of consent is an issue, it shall not be permissible to adduce evidence or to put questions in the cross-examination of the victim as to the general immoral character, or previous sexual experience, of such victim with any person for proving such consent or the quality of consent.”.</p>
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			<p>charged, or that he is of bad character unless –</p> <ul style="list-style-type: none"> <li>. (i) the proof that he has committed or been convicted of such other offence is relevant to a matter in issue; or</li> <li>. (ii) he has personally or by his advocate asked questions of the witness for the prosecution with a view to establishing his own good character, or has given evidence of his good character, or</li> <li>. (iii) the nature or conduct of the defence is such as to involve imputations on the character of the witnesses for the prosecution,(other than the character of the prosecutrix) without obtaining the leave of the Court for asking the particular question; or</li> <li>. (iv) he has given evidence against any other person charged with the same offence;</li> </ul> <p>and unless the court is satisfied that such evidence of which the witness is compelled as aforesaid, has or would have sufficient probative value which outweighs the prejudice that may be caused.”</p>	
201	2006	<p>-Medical Treatment after Accidents and During Emergency Medical Condition and Women in Labour</p> <p>-Current state of emergency medical care and laws in India</p> <p>-Technical challenges</p> <p>-sections of Motor Vehicles</p>	<p>-proposed a <u>Model Law on Medical Treatment after accidents and during emergency medical conditions and Women in labour, Bill</u></p> <p>-propose to add an Explanation as to what is emergency medical condition of a pregnant woman such as where there is no adequate time to effect a safe transfer of the person to another hospital before delivery, or the transfer may pose a threat to the health or safety of the woman or her unborn child.”</p> <p>-propose to <u>define ‘emergency medical treatment’</u> as follows:</p> <p>“‘Emergency medical treatment’ means the action that is required to be taken, after screening of a person injured in an accident or who is in an emergency medical condition, as to the stabilization of the person and</p>	No law enacted on the same

		<p>Act with regard to accidents</p> <p>-comparison to USA in terms of emergency and ambulance services</p>	<p>the rendering of such further treatment as may, in the opinion of the hospital or medical practitioner be necessary for the purpose of preventing aggravation of the medical condition of the person or his death and in the case of a pregnant woman, for the purpose of safe delivery and safeguarding the life of the woman and the child.”</p> <p>-“Stabilization with respect to an emergency condition means</p> <p>(i) to provide such medical treatment of the condition as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the individual from a facility, or</p> <p>(ii) to provide, with respect to a pregnant woman who is having contractions, for the safe delivery of the child (including the placenta),</p> <p>and the word ‘stabilized’ shall be understood accordingly.”</p>	
202	2007	<p>-dowry as a social evil</p> <p>-Inadequacies in previous laws dealing with dowry deaths</p> <p>-whether the Government has succeeded in curbing the menace of ‘dowry death’?</p> <p>-Should death penalty be provided for the offence of dowry death?</p> <p>-case law and theory behind the death penalty</p>	<p>-proposal to <u>amend Section 304-B, Indian Penal Code, 1860 dealing with the offences of dowry death</u></p> <p>-there is no justification for amending Section 304B to provide for death penalty</p>	No corresponding action

		<p>jurisprudence</p> <p>-Differences between section 302 and 304B of the Indian Penal Code</p> <p>-Would there be occasion for a failure of justice by adopting such a course as to convict an accused of the offence under Section 304-B IPC</p> <p>- when all the ingredients necessary for the said offence have come out in evidence, although he was not charged with the said offence?</p>		
204	2008	<p>-Proposal to Amend the Hindu Succession Act, 1956 as amended by Act 39 of 2005</p> <p>-whether section 6 of the Hindu Succession Act is gender biased?</p> <p>-women excluded under Section 8</p> <p>-father: need for relocation among classes</p> <p>-shares of father's widow</p>	<p>-It is proposed to <u>remove the discrimination as contained in Section 6 of the Hindu Succession Act, 1956 by giving equal rights to daughters in the Hindu Mitakshara coparcenary property as the sons have.</u></p> <p>- It is also <u>proposed to omit Section 23 so as to remove the disability on female heirs contained in that section</u></p> <p>-suggested that son's daughter's son as well as daughter's son's son may be added in Class-I, deleting them from Class-II, based on the same logic used for remaining insertions in Class I under the 2005 amended provisions.</p> <p>- have to consider that the desirability of elevating the father as a Class I heir with the mother was that he may not be the lesser heir than a daughter's daughter in the list</p>	No corresponding action taken

			<p>-the following Rule shall be inserted in Section 10.</p> <p>Rule 2. The mother and father, if both survive at the intestate's death, shall take between them together, one share.</p> <p>-Mother shall be deleted from existing Rule 2.</p> <p>-The existing Rules 2 and 3, 4 shall be renumbered as Rules 3, 4 and 5 respectively. The words "and so on in succession" shall be added at the end of renumbered Rule 4.</p> <p>-The Class I heirs in the Schedule may be revised as under.</p> <p>Class-I</p> <ul style="list-style-type: none"> <li>. Son, daughter, widow, mother and father.</li> <li>. Where any son or daughter pre-deceased the intestate, then children of such pre-deceased son or daughter, as the case may be, and widow of a pre-deceased son, if any.</li> <li>. And so on in succession among the heirs of the descending branch of successors pre-deceasing the intestate.</li> </ul> <p>-The following entries should be deleted from class II (as these have been elevated to class I) in the Schedule.</p> <p>Entry (II) (2) son's daughter's daughter</p> <p>Entry (III) (2) daughter's son's daughter</p> <p>Entry (III) (3) daughter's daughter's son</p>	
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			<p>Entry (III) (4) daughter's daughter's daughter</p> <p>- The following entries should be deleted from class II and be added to class I heirs in the Schedule.</p> <p>Entry (II) (1) son's daughter's son Entry (III) (2) daughter's son's son.</p> <p>- 'Father' should be deleted from Entry I under class II and be inserted in class I after 'mother'.</p> <p>- Father's widow be deleted from Entry VI and included in Entry II after 'sister' as father's widow other than real mother.</p> <p>- (1) The following Rule shall be inserted in Section 10, after Rule 1, Rule 2 – The surviving parents at the intestate's death shall together take between them one share.</p> <p>(2) The following Rules 2, 3 and 4 shall be renumbered as Rules 3, 4 and 5 respectively.</p> <p>(3) Mother shall be deleted from existing Rule 2 and renumbered Rule 3.</p> <p>(4) The words "so on in succession" shall be added at the end of renumbered Rule 4.</p>	
205	2008	<p>-Proposal to amend the Prohibition of Child Marriage Act, 2006 and other allied laws</p> <p>-Main features of Prohibition of Child Marriage Act, 2006</p>	<p>. - <u>That child marriage below a certain age, i.e. 16 years of age be made void.</u> However, all the Sections relating to maintenance in Section 4 of the PCMA 2006 regarding maintenance to the female party to the marriage till her remarriage and the provisions relating to child custody and legitimacy of the children in Section 5 and 6 of the PCMA 2006 be made applicable to cases of void marriages also.</p> <p>. - All marriages between 16 and 18 should be made voidable at the</p>	No corresponding action

		<ul style="list-style-type: none"> <li>. - The law however, does not make a marriage invalid whether it is performed when the child is an infant or later at puberty or adolescence</li> <li>- contradiction between the PCMA and Section 375 IPC</li> <li>- -scope, causes and consequences of child marriage</li> <li>. domestic violence and causes</li> <li>. criticisms of the new Act</li> </ul>	<p>option of either party. The sections relating to maintenance, child custody, and legitimacy in Sections 4, 5 and 6 should be applicable to voidable marriages as they are at present.</p> <p><u>Consequently Sections 3(1) and 3(3) of the PCMA 2006 should be amended to incorporate the changes outlined in paras (i) and (ii) above and will read as under:-</u></p> <p>“3(1) (i) Any marriage of a child below 16 years of age solemnized after the commencement of this Act will be null and void and may, on a petition be presented by either party thereto against the other party be so declared by a decree of nullity.</p> <p>(ii) Every marriage of a child between the ages of 16 and 18, whether solemnized before or after the commencement of this Act, shall be voidable at the option of the contracting party who was a child at the time of the marriage.”</p> <p>Section 3(3) should be amended to read as under:-</p> <p>“(3) The petition under Section 3(1)(ii) may be filed at any time till the person contracting a child marriage attains 20 years of age.”</p> <ul style="list-style-type: none"> <li>. - That the exception to the rape Section 375 of the Indian Penal Code be deleted. This would ensure that the age of consent for sexual intercourse for all girls, whether married or not, is 16.</li> <li>. - Registration of marriages within a stipulated period, of all the communities, viz. Hindu, Muslim, Christians, etc. should be made mandatory by the Government.</li> <li>. - <u>The age of marriage for both boys and girls should be 18 years as there is no scientific reason why this should be different.</u> Consequently the present Section 2(a) of the PCMA should be deleted and replaced by the following Section 2(a):- “(a) ‘child’</li> </ul>	
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			means a person who has not completed 18 years of age.”	
			- Other acts like the Hindu Marriage Act should also be amended to ensure that the provisions in the said acts are the same as and do not contradict the Prohibition of Child Marriage Act, 2006.	
207	2008	<p>- Proposal to amend Section 15 of the Hindu Succession Act, 1956 in case a female dies intestate leaving her self acquired property with no heirs</p> <p>- The basis of inheritance of a female Hindu's property who dies intestate would thus be the SOURCE from which such female Hindu came into possession of the property and the manner of inheritance which would decide the manner of devolution</p> <p>-self-acquired property (grey area)</p>	<p><u>-Section 15 should be amended so that in case a female Hindu dies intestate leaving her self-acquired property with no heirs, as mentioned in clause 'a' of Section 15, the property should devolve on her husband's heirs and also on the heirs of her paternal side.</u></p> <p>-In Section 15 of Hindu Succession Act, 1956, 15 (2) (c) be added.</p> <p><i>“(c) if a female Hindu leaves any self acquired property, in the absence of husband and any son or daughter of the deceased (including the children of any pre-deceased son or daughter), the said property would devolve not upon heirs as mentioned in sub section (1) in the chronology, but the heirs in category (b)+(c) would inherit simultaneously. If she has no heirs in category (c), then heirs in category (b) + (d) would inherit simultaneously.”</i></p>	No corresponding action
211	2008	<p>- Consolidation and Reform of Laws on Registration of Marriage and Divorce</p> <p>- Registration of Hindu, Buddhist,</p>	<p>- <u>Parliamentary legislation on compulsory registration of marriages is therefore not only possible but also highly desirable.</u> This will bring country-wide uniformity in the substantive law relating to marriage registration and will be helpful in effectively achieving the desired goal.</p> <p>-A <u>“Marriage and Divorce Registration Act”</u> [hereinafter referred to as the <u>“proposed law”</u>] should be enacted by Parliament, to be made applicable in the whole of India and to all citizens irrespective of their</p>	No corresponding action



		<p>Jain and Sikh marriages</p> <p>- Registration of Muslim marriages</p> <p>- Registration of Christian, Parsi, Jewish and Bahai marriages</p> <p>- Registrations of divorces</p>	<p>religion and personal law and without any exceptions or exemptions.</p> <p>-The proposed law should deal only with registration of marriages and divorces and must not touch any substantive aspect now governed by various matrimonial laws – general and community- specific.</p> <p>-A proper and common machinery for registration of marriages and divorces, including registration offices at the district/sub-district levels should be provided for under the proposed law. The State Governments may set up such offices, appoint Marriage and Divorce Registration Officers by name or <i>ex officio</i> at various levels, and prescribe rules to regulate their working.</p> <p>-Since in all communities marriages are solemnized with a religious ceremony, the religious officials solemnizing the marriages can play a major role in respect of registration of marriage. <u>The proposed law should make it mandatory for the “officiating priest” of every marriage to prepare and maintain proper records of all marriages in a prescribed form.</u> The term “officiating priest” should for this purpose include the following:</p> <p>a) <i>pundits, purohits</i> and other Hindu religious officials by whatever name called who officiate at a marriage;</p> <p>b) <i>kazis</i> and all other Muslim religious officials by whatever name called who solemnize a <i>nikah</i>;</p> <p>c) Christian pastors and other Church officials who solemnize a Christian marriage;</p> <p>-The proposed law should amend the following Acts to insert in them the requirements stated above at paras (v) and (vi) above:</p> <p>a) Indian Christian Marriage Act 1872;</p>	
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		<p>b) Kazis Act 1880;</p> <p>c) Parsi Marriage and Divorce Act 1936;and</p> <p>d) Hindu Marriage Act 1955.</p> <p>- <u>The Kazis Act 1880 should be further amended to make it applicable both to private kazis and to every person who performs the <i>nikah</i> ceremony at any Muslim marriage.</u></p> <p>- The Kazis Act 1880 should be further amended to provide that every divorce among the Muslims, in whatever form it takes place, must be communicated in writing to the kazi of the area within a prescribed time. The kazis should be required to maintain proper records of all such divorces and periodically transmit their records of divorces to the Marriage and Divorce Registration Officer of the area along with marriage records.</p> <p>- <u>Section 29 of the Hindu Marriage Act 1955 should be amended to provide that all customary divorces among the Hindus, Buddhists, Jains and Sikhs should be duly registered with the Marriage and Divorce Registration Officers working under the proposed law.</u></p> <p>- The proposed law should also provide that no judicial relief will be granted in a disputed matter if the concerned marriage or divorce is not duly registered under its provisions.</p> <p>- The following laws should be repealed with necessary saving provisions:</p> <p>a) Births, Deaths and Marriages Registration Act 1886;</p> <p>b) All State laws dealing with registration of marriages in general;</p> <p>c) Muslim Marriage and Divorce Registration Acts (by whatever name</p>	
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			<p>called) in force in West Bengal, Bihar, Jharkhand, Orissa, Assam and Meghalaya; and</p> <p>d) Any provision relating to registration of marriages in any pre-existing law, which comes in conflict with the provisions of the proposed law (to the extent of such conflict).</p>	
212	2008	<p>-Laws of Civil Marriages in India – A Proposal to Resolve Certain Conflicts</p> <p>-Whether Special Marriage Act 1954 and the Foreign Marriage Act 1969 contain some provisions, which greatly inhibit members of certain communities to avail their provisions?</p> <p>-prohibition of degrees in marriage</p>	<p>- <u>The word “Special” be dropped from the title of the Special Marriage Act 1954 and it be simply called “The Marriage Act 1954” or “The Marriage and Divorce Act 1954.”</u> The suggested change will create a desirable feeling that this is the general law of India on marriage and divorce and that there is nothing “special” about a marriage solemnized under its provisions. It is in fact marriages solemnized under the community-specific laws, which should be regarded as “special.”</p> <p>- <u>A provision be added to the application clause in the Special Marriage Act 1954 that all inter-religious marriages except those within the Hindu, Buddhist, Sikh and Jain communities, whether solemnized or registered under this Act or not shall be governed by this Act.</u></p> <p>- The definition of “degrees of prohibited relationship” given in Section 2 (b) in the Special Marriage Act 1954 and the First Schedule detailing such degrees appended to the Act be omitted. Instead, it should be provided in Section 4 of the Act that prohibited degrees in marriage in any case of an intended civil marriage shall be regulated by the marriage law (or laws) otherwise applicable to the parties.</p> <p>- The requirement of a gazette notification for recognition of custom relating to prohibited degrees in marriage found in the Explanation to Section 4 of the Special Marriage Act 1954 be deleted.</p> <p>- All references to succession and joint family be removed from the Special Marriage Act 1954 and Sections 19, 20, 21 and 21-A of the Special Marriage Act 1954, dealing with succession and</p>	-no corresponding action

			<p>membership of joint family, be repealed.</p> <ul style="list-style-type: none"> <li>- A provision be inserted into the Indian Succession Act 1925 that any person whichever community he or she belongs to may, by a declaration on affidavit or by a written and duly attested will, opt for the application of this Act instead of the law of succession otherwise applicable to him or her.</li> </ul> <p>- expressed that it will be a mighty step towards translating into action the ideal of uniformity in civil laws envisaged by Article 44 of the Constitution of India.</p>	
217	2009	<p>-Irretrievable Breakdown of Marriage – Another Ground for Divorce</p> <p>-fault theory for divorce and its criticism</p> <p>- restricting the ground of divorce to a particular offence or matrimonial disability, causes injustice in those cases where the situation is such that although none of the parties is at fault, or the fault is of such a nature that the parties to the marriage do not want to divulge it, yet such a situation has arisen in which the marriage cannot survive</p>	<p>- immediate action be taken to introduce an amendment in the Hindu Marriage Act, 1955 and the Special Marriage Act, 1954 for <u>inclusion of 'irretrievable breakdown of marriage' as another ground for grant of divorce.</u></p> <p>- amendment may also provide that the court before granting a decree for divorce on the ground that the marriage has irretrievably broken down should also examine whether adequate financial arrangements have been made for the parties and children.</p>	No corresponding action
223	2009	- Need for Ameliorating the	- the Union and the State Governments should accord top priority to	-No action taken

		<p>lot of the Have-nots</p> <p>-Extreme poverty is the denial of human rights</p> <p>-Expanse of article 21 of the Constitution</p> <p>-Illegal detention and custodial torture</p>	<p>implementation of the judgments rendered by our Supreme Court in their letter and spirit in order that the lot of the have-nots is ameliorated.</p>	
224	2009	<p>- Amendment of Section 2 of Divorce Act 1869 Enabling Non-domiciled Estranged Christian Wives to seek Divorce</p> <p>-determining domicile of the parties</p> <p>-domicile v. residence</p>	<p>- Section 2 of the Divorce Act 1869 should be suitably amended in order that the <u>Indian courts shall be entitled to entertain a petition for dissolution of a Christian marriage where either of the parties to the marriage is domiciled in India at the time when the petition is presented.</u></p> <p>- this suggestion would also need simultaneous change in the rule of Private International Law as to a wife's domicile, that is, abolition of wife's dependent domicile, as done in England through the Domicile and Matrimonial Proceedings Act 1973. In the alternative, following the Marriage Laws (Amendment) Act 2003, the said provision may be amended to provide that a petition for divorce may be filed by a Christian wife at the place where she is residing on the date of the presentation of the petition.</p>	-No action taken
226	2009	<p>- The Inclusion of Acid Attacks as Specific Offences in the Indian Penal Code and a law for Compensation for Victims of Crime</p> <p>-writ petition filed by Laxmi before Supreme Court in</p>	<p>- propose that a new <u>Section 326A</u> be added to the Indian Penal Code. <u>The proposed Section 326 A will read as follows- 326 A. (i) Hurt by acid attack-</u> Whoever burns or maims or disfigures or disables any part or parts of the body of a person or causes grievous hurt by throwing acid on or administering acid to that person, with the intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punishable with imprisonment of either description which shall not be less than 10 years but which may extend to life and with fine which may extend to Rs. 10 Lakhs. Provided that any fine levied under this section shall be given to the person on whom acid has been</p>	<p>Criminal Law Amendment Act, 2013:</p> <p><b>-Insertion of new Sections 326-A and 326-B.</b>—After Section 326 of the Penal Code, the following sections shall be <i>inserted</i>, namely—</p> <p>'326-A. <i>Voluntarily causing grievous hurt by use of acid, etc.</i>—Whoever causes permanent or partial</p>

		<p>2006</p> <p>-statistical overview of acid attacks</p> <p>-injuries and physical consequences</p> <p>-treatment</p> <p>-psychological consequences</p> <p>-social and economic consequences</p> <p>-case law on Acid Attack</p> <p>-comparison with situation in Bangladesh, Cambodia, Uganda, Nigeria, Jamaica and United Kingdom</p> <p>-Compensation for the victim</p>	<p>thrown or administered.</p> <ul style="list-style-type: none"> <li>. CLASSIFICATION OF OFFENCE</li> <li>. Minimum Imprisonment of 10 years extendable up to imprisonment for life and fine--cognizable-- non-bailable—triable by court of session—non- compoundable.</li> <li>. <b>(ii) Intentionally throwing or administering acid-</b> Whoever throws acid on, or administers acid to, any person with the intention of causing burns or maiming or disfiguring or disabling or causing grievous hurt to that person shall be liable to imprisonment of either description for a term not less than 5 years but which may extend to 10 years and with fine which may extend to Rs. 5 Lakh.</li> <li>. CLASSIFICATION OF OFFENCE</li> <li>. Minimum Imprisonment of 5 years extendable up to 10 years and fine-- cognizable-- non-bailable—triable by court of session— non- compoundable.</li> </ul> <p>- in cases of acid attack a presumption be incorporated in the Indian Evidence Act as Section 114B. <u>The proposed Section 114B of the Indian Evidence Act shall read as under: <b>Section 114 B: Presumption as to acid attack</b></u>-If a person has thrown acid on, or administered acid to, another person the court shall presume that such an act has been done with the intention of causing, or with the knowledge that such an act is likely to cause such hurt or injury as is mentioned in Section 326 A of the Indian Penal Code.</p> <ul style="list-style-type: none"> <li>. - propose that a law known as “<u>Criminal Injuries Compensation Act</u>” be enacted as a separate Law by the government . This law should provide both interim and final monetary compensation to victims of certain acts of violence like Rape, Sexual Assault,</li> </ul>	<p>damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine:</p> <p>Provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim:</p> <p>Provided further that any fine imposed under this section shall be paid to the victim.</p> <p>326-B. <i>Voluntarily throwing or attempting to throw acid.</i>—Whoever throws or attempts to throw acid on any person or attempts to administer acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or maiming or</p>
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			<p>and Acid Attacks etc. and should provide for their medical and other expenses relating to rehabilitation, loss of earnings etc. Any compensation already received by the victim can be taken into account while computing compensation under this Act.</p> <p>. - recommend that the distribution and sale of acid be strictly regulated and the sale of Acid across shop counters be banned.</p>	<p>disfigurement or disability or grievous hurt to that person, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.</p> <p><i>Explanation 1.</i>—For the purposes of Section 326-A and this section, “acid” includes any substance which has acidic or corrosive character or burning nature, that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability.</p> <p><i>Explanation 2.</i>—For the purposes of Section 326-A and this section, permanent or partial damage or deformity shall not be required to be irreversible.’</p>
227	2009	<p>- Preventing Bigamy via Conversion to Islam – A Proposal for giving Statutory Effect to Supreme Court Rulings</p> <p>-Penal law on Bigamy</p> <p>-Bigamy under civil marriage laws, under</p>	<p>. In the Hindu Marriage Act 1955, after Section 17 a <u>new Section 17-A be inserted to the effect that a married person whose marriage is governed by this Act cannot marry again even after changing religion unless the first marriage is dissolved or declared null and void in accordance with law, and if such a marriage is contracted it will be null and void and shall attract application of Sections 494-495 of the Indian Penal Code 1860.</u></p> <p>. A similar provision be inserted at suitable places into the Christian Marriage Act 1872, the Parsi Marriage and Divorce Act 1936</p>	No corresponding action

		<p>Muslim Personal Law</p> <p>-Bigamy by non-muslims embracing Islam</p> <p>-case law on bigamy by conversion</p>	<p>and the Dissolution of Muslim Marriages Act 1939.</p> <ul style="list-style-type: none"> <li>. The Proviso to Section 4 of the Dissolution of Muslim Marriages Act 1939 – saying that this Section would not apply to a married woman who was originally a non- Muslim if she reverts to her original faith – be deleted.</li> <li>. In the Special Marriage Act 1954 a provision be inserted to the effect that if an existing marriage, by whatever law it is governed, becomes inter-religious due to change of religion by either party it will thenceforth be governed by the provisions of the Special Marriage Act including its anti-bigamy provisions.</li> <li>. The offences relating to bigamy under Sections 494-495 of the Indian Penal Code 1860 be made cognizable by necessary amendment in the Code of Criminal Procedure 1973.</li> </ul> <p>we fully agree with the fact that traditional understanding of the Muslim law on bigamy is gravely faulty and conflicts with the true Islamic law in letter and spirit, to keep our recommendations away from any unhealthy controversy we are not recommending any change in this regard in Muslim law.</p>	
228	2009	<p>-Need for legislation to regulate assisted reproductive technology clinics as well as rights and obligations of parties to a surrogacy</p> <p>-meaning of surrogacy</p>	<p>Surrogacy arrangement will continue to be governed by contract amongst parties, which will contain all the terms requiring consent of surrogate mother to bear child, agreement of her husband and other family members for the same, medical procedures of artificial insemination, reimbursement of all reasonable expenses for carrying child to full term, willingness to hand over the child born to the commissioning parent(s), etc. But such an arrangement should not be for commercial purposes.</p> <ul style="list-style-type: none"> <li>. A surrogacy arrangement should provide for financial support for</li> </ul>	



		<p>-legal and moral issues</p> <p>-motherhood</p> <p>-The draft Assisted Reproductive Technology (Regulation) Bill and Rules, 2008- lacunae</p>	<p><u>surrogate child in the event of death of the commissioning couple or individual before delivery of the child, or divorce between the intended parents and subsequent willingness of none to take delivery of the child.</u></p> <p>. [3] <u>A surrogacy contract should necessarily take care of life insurance cover for surrogate mother.</u></p> <p>. [4] One of the intended parents should be a donor as well, because the bond of love and affection with a child primarily emanates from biological relationship. Also, the chances of various kinds of child-abuse, which have been noticed in cases of adoptions, will be reduced. In case the intended parent is single, he or she should be a donor to be able to have a surrogate child. Otherwise, adoption is the way to have a child, which is resorted to if biological (natural) parents and adoptive parents are different.</p> <p>. [5] <u>Legislation itself should recognize a surrogate child to be the legitimate child of the commissioning parent(s) without there being any need for adoption or even declaration of guardian.</u></p> <p>. [6] the birth certificate of the surrogate child should contain the name(s) of the commissioning parent(s) only.</p> <p>. [7] <u>Right to privacy of donor as well as surrogate mother should be protected.</u></p> <p>. [8] <u>Sex-selective surrogacy should be prohibited.</u></p> <p>Cases of abortions should be governed by the Medical Termination of Pregnancy Act 1971 only.</p>	
237	2011	- Whether the offence specified in Section 498A should be made	-it is <u>proposed to add sub-section (2A) to Section 320 Cr.P.C.. The proposed provision will ensure that the offer to compound the offence is voluntary and free from pressures and the wife has not been subjected</u>	No corresponding action -The Assisted Reproductive Technologies (Regulation) Bill,

		<p>compoundable, and, if yes, whether it should be compoundable without or with the permission of the Court, is the two-fold question.</p>	<p><u>to ill-treatment subsequent to the offer of compounding.</u> Incidentally, it underscores the need for the Court playing an active role while dealing with the application for compounding the offence under Section 498-A.</p> <p>-Though the Court is expected to act with due care and caution in dealing with the application for compounding the offence under Section 498A, we are of the view that it is desirable to introduce an additional safeguard as follows:-</p> <p>After the application for compounding an offence under Section 498A of Indian Penal Code is filed and on interviewing the aggrieved woman, preferably in the Chamber in the presence of a lady judicial officer or a representative of District Legal Services Authority or a counselor or a close relation, if the Magistrate is satisfied that there was prima facie a voluntary and genuine settlement between the parties, the Magistrate shall make a record to that effect and the hearing of application shall be adjourned by three months or such other earlier date which the Magistrate may fix in the interests of Justice. On the adjourned date, the Magistrate shall again interview the victim woman in the like manner and then pass the final order permitting or refusing to compound the offence after giving opportunity of hearing to the accused. In the interregnum, it shall be open to the aggrieved woman to file an application revoking her earlier offer to compound the offence on sufficient grounds.</p>	<p>2010 was introduced.</p>
242	2012	<p><b>-Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of Honour and Tradition): A Suggested Legal Framework</b></p> <p><b>-introduction about</b></p>	<p><u>-relationships akin to marriage not prohibited by law should also be included in the meaning of the word ‘marriage’ occurring in clause 2 of the draft Bill</u></p> <p>-It is considered necessary that there should be a threshold bar against the congregation or assembly for the purpose of disapproving such marriage/ intended marriage and the conduct of the young couple.</p> <p><u>-The members gathering for such purpose, i.e., for condemning the marriage with a view to take necessary consequential action, are to be</u></p>	<p>No action on honour killings</p>

		<p><b>'honour killings' and the need for a separate law</b></p> <p><b>- Bill proposed</b></p> <p><b>-whether it should be included only within Section 300 of the Indian Penal Code?</b></p> <p><b>-autonomy of choices and liberty</b></p> <p><b>-Burden of proof</b></p> <p><b>-counseling and awareness</b></p> <p><b>-registration of marriages</b></p> <p><b>-Court judgments on the same</b></p>	<p><u>treated as members of unlawful assembly for which a mandatory minimum punishment has been prescribed.</u></p> <p><u>-the acts of endangerment of liberty including social boycott, harassment, etc. of the couple or their family members are treated as offences punishable with mandatory minimum sentence.</u></p> <p><u>-The acts of criminal intimidation by members of unlawful assembly or others acting at their instance or otherwise are also made punishable with mandatory minimum sentence.</u></p> <p>-A presumption that a person participating in an unlawful assembly shall be presumed to have also intended to commit or abet the commission of offences under the proposed Bill is provided for in Section 6.</p> <p>-Power to prohibit the unlawful assemblies and to take preventive measures are conferred on the Sub-Divisional/District Magistrate. Further, a SDM/DM is enjoined to receive a request or information from any person seeking protection from the assembly of persons or members of any family who are likely to or who have been objecting to the lawful marriage.</p> <p>-The offence will be tried by a Court of Session in the district and the offences are cognizable, non-bailable and non-compoundable.</p>	
243	2012	<p>-different versions about whether Section 498A of the Indian Penal Code is misused?</p> <p>-Judicial decisions regarding Section 498A and misuse of law</p> <p>-data regarding prosecution</p>	<p><u>-We therefore suggest that sub-section (3) may be added to Section 41 of Cr.P.C. on the following lines:</u></p> <p><i>(3): Where information of the nature specified in clause (b) of sub-section (1) of Section 41 has been received regarding the commission of offence under Section 498-A of Indian Penal Code, before the police officer resorts to the power of arrest, shall set in motion the steps for reconciliation between the parties and await its outcome for a period of 30 days, <b>unless</b> the facts disclose that an aggravated form of cruelty falling under clause (a) of Explanation to Section 498-A has been committed and the arrest of the accused in such a case is necessary for one of the reasons specified in</i></p>	No action

		<p>-whether the offence should be made compoundable?</p> <p>-salient provisions of Protection of Women from Domestic Violence Act, 2005 (for short PDV Act)</p> <p>-Power of arrest and the duty of the Police</p> <p>-Guidelines to mitigate misuse</p> <p>-State's obligation to take care of estranged women in distress</p>	<p><i>clause (b) of Section 41.</i></p> <p>-The compensation amount in Section 358 of Cr. PC shall be increased from one thousand rupees to fifteen thousand rupees and this proposed change is not merely confined to the Section under consideration.</p> <p>-The women police stations (under the nomenclature of Crimes Against Women Cell) should be strengthened both quantitatively and qualitatively.</p> <p><u>-Well trained and educated lady police officers of the rank of Inspector or above shall head such police stations. CWCs should be established in every district with adequate trained personnel.</u></p> <p>-Panels of competent professional counselors and respected elders/professionals who can counsel and conciliate should be maintained by SP/SSP for every district.</p> <p>-There shall be separate room in the police stations for women complainants and the accused women in Section 498-A related cases.</p> <p>-Hostels or shelter homes for the benefit of women who would not like to go back to marital homes should be maintained in cities and District headquarters with necessary facilities.</p> <p>-The passport of non-resident Indians involved in Section 498-A cases should not be impounded mechanically and instead of that, bonds and sureties for heavy amounts can be insisted upon.</p>	
247	2014	<p>-Reforms in the Indian Succession Act, 1925</p> <p>-Whether Sections 41-48 are unjust towards the Christian mother?</p>	<p><u>-amend provisions of Section 42 so as to ensure that deceased intestate (leaving apart the half for the deceased's widow if living) succeed the property in equal.</u></p> <p>Section 42- "Where intestate's parents (father and mother) living- If the intestate's parents (father and mother) are living, they shall succeed the</p>	No action

			<p>property equally.”</p> <p>-revisiting provisions of Section 43 so as to ensure that where either of the parents (father or mother) of the deceased intestate is living, he or she as the case may be, shall succeed the property even if deceased’s brothers and sisters as envisioned in existing provisions of Section 43 are surviving.</p> <p><u>Section 43-</u> “Where either of intestate’s parents is dead- If either of the intestate’s parents is dead, the other parent shall succeed to the property.</p> <p>Illustration</p> <p>A dies intestate, survived by either father or mother, the surviving parent as the case may be shall take the entire property.”</p> <p><del>-Section 44-</del> “Where intestate’s father and mother are dead and his brother or sister, and children of any deceased brother or sister living-</p> <p>If the intestate’s father and mother are dead but if any of the intestate’s brother or sister and the child or children of any brother or sister who may have died in the intestate’s lifetime are also living, then each living brother or sister, and the living child or children of each deceased brother or sister, shall be entitled to the property in equal shares, such children (if more than one) taking in equal shares only the shares which their respective parents would have taken if living at the intestate’s death.</p> <p>Illustration</p> <p>A, the intestate, leaves his brothers, John and Henry, and also one child of a deceased sister, Mary, and two children of George, a deceased brother of the half blood who was the son of his father but not of his mother. John and Henry each takes one-fourth, the child of Mary takes</p>	
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		<p>one-fourth, and the two children of George divide the remaining one-fourth equally between them.”</p> <p><u>-Section 45-</u> “Where intestate’s father and mother are dead and the children of any deceased brother or sister living-</p> <p>If the intestate’s father and mother are dead, and the brothers and sisters are all dead, but all or any of them have left children who survived the intestate, the child or children of each deceased brother or sister shall be entitled to the property in equal shares, such children (if more than one) taking in equal shares only the shares which their respective parents would have taken if living at the intestate’s death.</p> <p>Illustration</p> <p>A, the intestate, leaves no brother or sister but one child of deceased sister, Mary and two children of deceased brother George. The child of Mary takes one-half, and the two children of George divide the remaining one-half equally between them.”</p> <p><u>-omit Section 46</u></p> <p><u>-Section 47-</u> “Where the intestate has left neither lineal descendant, nor father, nor mother, but has left a brother or a sister, the property shall be divided equally between his brothers and sisters and the child or children of such of them as may have died before them, such children (if more than one) taking in equal shares only the shares which their respective parents would have taken if living at the intestate’s death.”</p> <p><u>Section 48-</u> “Where the intestate has left neither lineal descendant nor parents, nor brother, nor sister, his property shall be divided equally among those of his relatives who are in the nearest degree of kindred to him.</p> <p>Explanation – Where such relatives are children of brothers or sisters of</p>	
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			the intestate, they shall take stirpes.  Illustrations ...”	
252	2015	<p>-relook at Section 18 of the Hindu Adoptions and Maintenance Act, 1956</p> <p>-whether there is sufficient basis in classical Hindu law to cast a legal obligation on the father-in-law to maintain the daughter-in-law, when the husband of the latter is unable to do so?</p>	<p>-recommends insertion of sub-section (4) under Section 18 as below:</p> <p>“Section 18(4) - Where the husband is unable to provide for his wife, on account of physical disability, mental disorder, disappearance, renunciation of the world by entering any religious order or other similar reasons, the Hindu wife is entitled to claim maintenance during her lifetime, from members of the joint Hindu family of the husband, except where the husband has received his share in the joint family property.</p> <p>Explanation: For the purpose of this Section, the term “mental disorder” shall have the same meaning assigned to it under the Explanation to Section 13(1)(iii) of the Hindu Marriage Act.”</p>	No action
257	2015	<p>-reforms in Guardianship and Custody Laws in India</p> <p>-historical evolution of ‘Welfare of the Child’</p> <p>-joint custody arrangements under international law</p> <p>-examining provisions of Guardians and Wards Act, 1890 and Hindu Minority and Guardianship Act, 1956</p> <p>-examination of custody under Islamic law and Parsi</p>	<p><u>Amendments to the Hindu Minority and Guardians Act, 1956</u></p> <p><u>-Section 6:</u></p> <p>recommends that this superiority of one parent over the other should be removed, and that both the mother and the father should be regarded, simultaneously, as the natural guardians of a minor.</p> <p><u>-Section 7:</u></p> <p>the Commission recommends that the natural guardians of an adopted child should include both the adoptive parents, in keeping with its recommendations to Section 6(a) provided above, and previous legislative changes such as the Personal Laws (Amendment) Act, 2010. Accordingly, the Commission recommends that Section 7 be amended to refer to the natural guardianship of an adopted child who is a minor,</p>	No action

	<p>law</p> <ul style="list-style-type: none"> <li>-Whether the father has a superior standard under these laws?</li> <li>-whether there are reasons for adopting joint custody in India?</li> <li>-mediation in child custody cases</li> <li>-what factors have to be taken into account for determining the best interest standard?</li> <li>-parenting plan, grand parenting, visitation rights</li> <li>-proposed The Guardians and Wards (Amendment) Bill, 2015</li> </ul>	<p>which will pass, upon adoption, to the adoptive mother and father.</p> <p><u>Amendments to the Guardians and Wards Act, 1890</u></p> <p><u>-Section 17:</u></p> <p>in the appointment or declaration of a guardian, the welfare of the minor must be paramount, and everything else must be secondary to this consideration</p> <p><u>-Section 25:</u></p> <p>-the Law Commission recommends a substitute section, replacing ‘arrest’ with the requirement to return the ward to the custody of his or her guardian. Again, the Commission reiterates the necessity of placing the welfare of the minor as the paramount consideration.</p> <p>-the present text of the law is unclear as to whether a guardian who has never had custody of a minor is entitled to the relief under this section. This needs to be clarified, and accordingly, the Law Commission reiterates the recommendations of the 83<sup>rd</sup> report<sup>163</sup> as regards the language of the provision to specifically state that it applies in cases where the child is not in the custody of the guardian, though the latter is entitled to such custody.</p> <p>-recommends that the court must not make an order under this section in respect of a child of fourteen years of over, without taking into consideration the wishes of the child.</p> <p><u>-Insertion of a new Chapter IIA:</u></p> <p>-Section 19A: Objectives of the chapter.</p> <p>This section lays down the principal objectives of this chapter, by way</p>	
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			<p>of guidance to the court as to what the chapter seeks to achieve.</p> <ul style="list-style-type: none"> <li>-Section 19B: Applicability of this chapter.</li> <li>-Section 19C: Definitions.</li> </ul> <p>This section offers two key definitions, i.e., joint custody and sole custody.</p> <ul style="list-style-type: none"> <li>-Section 19D: Award of custody.</li> <li>-Section 19E: Power to pass additional orders.</li> <li>-Section 19F: Mediation.</li> <li>-Section 19G: Child support.</li> </ul>	
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