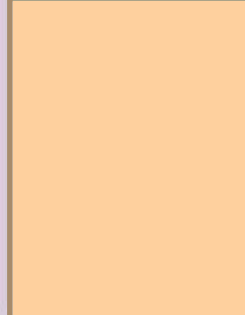
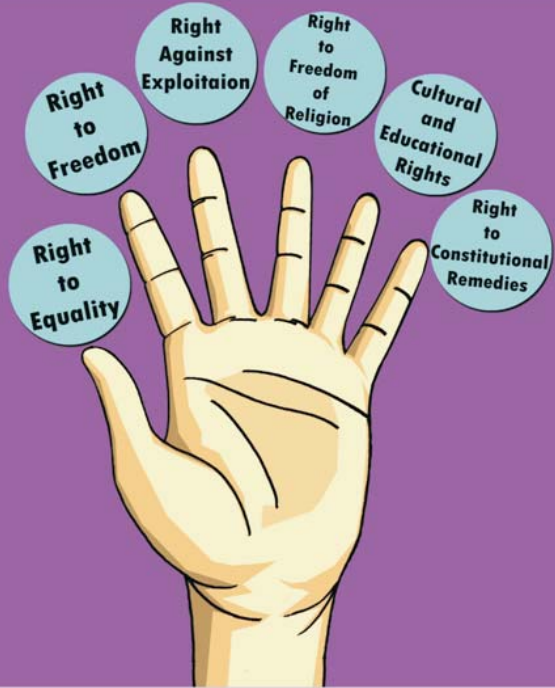


Empowering Women Infected and Affected by HIV on Property Ownership and Legal Literacy

Basic Information on Laws Relating to Rights, Marriage, Property and Domestic Violence



Positive Women Network



Fundamental Rights

Fundamental rights are the basic human rights guaranteed to all the citizens by the Indian Constitution

Six fundamental rights include:

1. Right to equality
2. Right to freedom
3. Right against exploitation
4. Right to freedom of religion
5. Cultural and educational rights and
6. Right to constitutional remedies

Violation of these rights is punishable in the court of law





**Right
to
Freedom**

**Right
Against
Exploitation**

**Right
to
Freedom
of
Religion**

**Cultural
and
Educational
Rights**

**Right
to
Equality**

**Right
to
Constitutional
Remedies**

Domestic violence Act

The Protection of Women from Domestic Violence Act (2005) was formulated to provide immediate relief and support to women facing violence (such as physical, psychological, sexual and economic) by husband or any male member of the family

Under this Act, women have the rights to:

- 1) Reside in the shared household
- 2) Seek immediate or emergency relief (“Stop Violence” orders)
- 3) Make a complaint/application alleging domestic violence
- 4) Seek services and assistance of Protection Officer and registered service providers
- 5) Seek services of the police, shelter homes and medical establishments
- 6) File a criminal complaint under Section 498A IPC simultaneously
- 7) Seek custody orders, maintenance orders, and compensation orders





Property Inheritance Rights

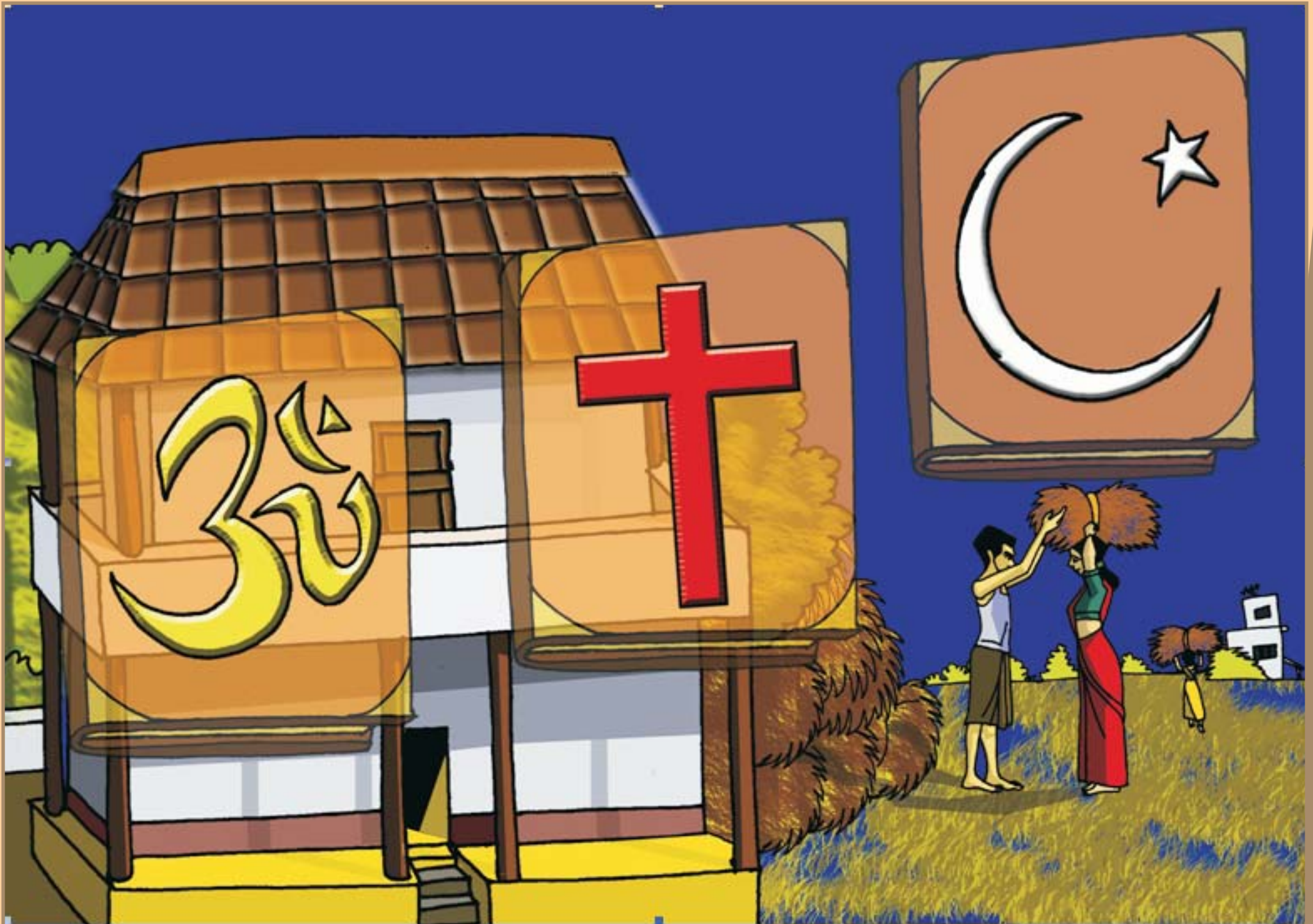
Property inheritance rights vary across religions, and are governed by personal laws of these religions and the Indian Succession Act

For instance, according to Hindu personal law, females and males have equal rights in the property, provided a will is not written

According to Muslim personal law, male child gets double the share of female child

Christians and Parsis are governed by Indian Succession Act, wherein both male and female have equal rights to the property





Marriage and Divorce

In India, marriage and divorce are governed by the personal laws of the various religions practised by its citizens

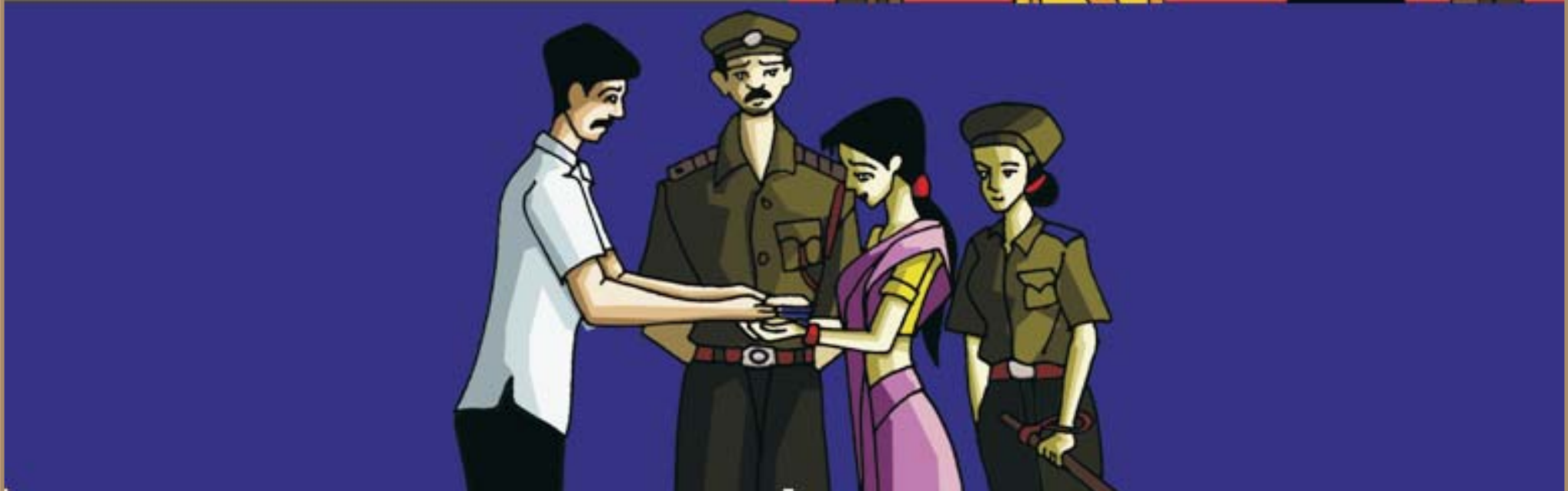
Marriage and Divorce Acts explain the circumstances under which divorce can be granted and also describes situations where marriage is considered valid or invalid

Under these Acts, men will have to pay maintenance or alimony to wives and children. Maintenance or alimony will be decided by the court based on the financial situation of the individual

If he fails to provide maintenance, woman can challenge him the court under Section 125 of the Code of Criminal Procedure

Maintenance or alimony can be claimed only if she is not remarried after divorce





For Communication

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