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
Introduction

From 2010, SAATHII in partnership with PWN+, is implementing a project on “Empowering women infected with and affected by HIV/AIDS through legal literacy and property ownership” funded by European Union

Our project aims to create legal awareness about fundamental rights, domestic violence act of 2005, property inheritance rights, marriage and divorce acts, and services available in the focal districts

In male-dominated societies, the primary role of women is caretaker of family and nurturer and bearer of children. Men have the right to inherit and own property whereas the rights of women are restricted

Although property rights are guaranteed to women, most of them are unaware about their rights and do not know how to ensure that their rights are not violated
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.
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 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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