WHAT ARE THE RIGHTS OF MARRIED WOMEN IN INDIA AND FOR N.R.Is?.

BY

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Married women rights in India.: Legal Rights of Wife

**Marriage is widely defined as a union of a man and a woman, recognized by law, by which they become husband and wife. It is a social union between two individuals that establishes a certain set of rights and obligations between the individuals, their children, and their respective in-laws. The vast religious diversity in India ensures that the Marriage Laws in India are also very diverse. However, the basic precepts on which the legal rights of a wife stand remain more or less uniform across all religions.**

**Marriage bestows upon a woman the right of cohabitation with her husband, sexual intercourse, equal treatment, protection and care of her husband and maintenance in the event of a divorce. The grounds of divorce under all marriage laws apply as much to women as they do to men and women these days are empowered to choose with whom they would like to spend their lives with and when to call it quits.**

**Protection from cruelty is a vital constituent of the legal rights of a wife;   
Section 304(B) of the Indian Penal Code embodies the law on Dowry deaths. It defines a 'dowry death' as the death of a woman caused by any burns or bodily injury or which does not occur under normal circumstances within seven years of her marriage. For a woman's death to be a dowry death, it must also be shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry. If this is proved, the woman's husband or relative is required to be deemed to have caused her death. Whoever commits dowry death is required to be punished with imprisonment for a term which shall not be less than 7 years but which may extend to imprisonment for life.**

**Further, Section 498A of the Indian Penal Code, which is a non-bailable, non-compoundable offence triable by the Magistrate of the First Class, says that when the husband or any relative of the husband of a woman, subjects such a woman to cruelty, then the punishment is imprisonment for a term which may extend to 3 years and also fine.**

**The Domestic Violence Act aims to provide immediate and effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto. Section 3 of the Act defines domestic violence.**

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**As per the provision, domestic violence is any act, omission or commission or conduct of the respondent which results in harm or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse.**

**It also includes within its purview harassment, harm, injures or endangerment of the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security. Economic or financial hardships suffered by women, can be considered forms of domestic violence in India. As per the Domestic Violence Act a complaint can also be filed by a wife against the husband's female relatives, for example, mother-in-law, sister-in-law. Orders can be then passed against the female relatives of the husband accordingly.**

**Section 25 of this act provides for Permanent Alimony or Maintenance.  It allows any court which has jurisdiction under the Act to pass an order upon receiving an application from the aggrieved spouse, during or after the proceedings, directing the respondent to pay the applicant for his/her support and maintenance. Such maintenance may be paid on a periodical basis or it may be paid as a gross sum. As per section 18 of the Hindu Adoptions and Maintenance Act,1956 a Hindu wife is entitled to claim maintenance from her husband if he is guilty of cruelty, conversion, desertion, adultery, polygamy or has a venereal disease, thereby enforcing her rights in divorce.**

**With regard to Muslim marriage, a husband is under an obligation to maintain his wife under the personal law, i.e. the Shariat, the Code of Criminal Procedure 11973 and the Muslim Women (Protection of Rights on Divorce) Act, 1986.    
The Muslim Women (Protection of Rights on Divorce) Act, 1986 protects a Muslim woman’s rights in divorce; Section 3 of this Act provides that Mahr and other properties of a Muslim woman are to be given to her at the time of divorce. It entitles a Muslim woman to;**

* **Reasonable and fair amount of maintenance during Iddat period**
* **Where she herself maintains the children born to her before or after the divorce, a reasonable and fair provision and maintenance is to be paid by the former husband for a period of 2 years from the dates of birth of such children;**
* **An amount equal to the sum of mahr or dower which was agreed upon at the time of marriage;**
* **All gifts and other properties given to her at the time, during or after the marriage.**

**Also, section 4 of this act provides that if a divorced woman is unable to maintain herself after the iddat period, then her relatives who are entitled to inherit her property on her death as per Muslim Law, may be ordered by a magistrate to maintain her.**

# Ten essential legal rights every Indian woman must know

#### Her awareness about her position as a citizen under the law must grow with changing times.

**As we grow into an economic and political powerhouse in the international arena, the rights and opportunities that have been provided for all of us in the Constitution are also gaining prominence.**

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**Additionally, women have taken the centre stage by gradually moving into the workforce and getting career-oriented. However, mental, physical and sexual harassment, misogyny and gender inequality continue to be a way of life for most of them. It is in this context that her awareness of the legal rights, mandated by Indian law, gains significance.**