

## VARIOUS AMENDMENT FOR THE BENEFITS OF WOMEN

Women are considered as the most vulnerable part of the society, and suffering from various societal problems as well as various internal issues due to hormonal change from time to time.

Considering the need for their upliftment and providing them better opportunity at workplace and society, government has time to time taken various initiative and amendments in laws has been done, depending on the need and empowering women in day to day changing environment.

### RECENT AMENDMENTS :

#### **The Medical Termination Of Pregnancy (Amendment) Bill, 2020**

Whosoever voluntarily terminating pregnancy is a criminal offence under the Indian Penal code 1860. But depending on the various situation and grounds, the medical termination of pregnancy act, 1971 allows for aborting the pregnancy by medical doctors, when continuance of pregnancy involves risk of life, injury to her mental or physical health (including rape and failure of birth control measures), or in case of foetal abnormalities.

The medical termination of pregnancy (amendment) bill, 2020 was introduced in the Lok Sabha on 2<sup>nd</sup> march, 2020 and passed on 17<sup>th</sup> march 2020 aims at increasing the upper limit for termination of pregnancy from **20 weeks to 24 weeks**.



#### **Key features :**

- This bill sets up state level medical boards to decide termination of pregnancy after 24 weeks in case of substantial foetal abnormalities.
- This bill seeks to allow abortion on the advice of **one** doctor upto 20 weeks and **two** doctors in the case of certain categories of women between 20 and 24 weeks. Previously it requires the opinion of one doctor if abortion is done within 12 weeks of conception and two doctors if it is done between 12 and 20 weeks.

- Doctor must be a registered medical practitioner with experience and trained in gynaecology or obstetrics.
- This bill protects the right of women to give them liberty at option to choose for termination of pregnancy and a part of her reproductive right, and makes it obligation for state to protect life and provide for protection of foetus.

### Maternity Amendment Bill 2017

The Maternity amendment bill 2017 amended the maternity benefit act 1961, which protects the employment of women during the time of her maternity and entitles her full paid during absence from work to take care of her child. It was passed in Rajyasabha on 11<sup>th</sup> august 2016 and in Loksabha on 9<sup>th</sup> march 2017, and got assent from President of India on 27<sup>th</sup> march 2017 with effect from 1<sup>st</sup> april 2017.



### Key Features :

This act promotes women employment and fear from deprivation of work and providing better work environment during maternity period. Necessary amendments are as follows-

- It increased the duration of paid maternity leave available for women employees from existing **12 weeks to 26 weeks**.
- This benefit can be availed for a period extending up to a maximum of **8 weeks** before the expected delivery date and the remaining time can be availed after the child birth.
- For, women having more than 2 surviving children, the duration of paid maternity leave shall be 12 weeks ( i.e 6 weeks before and 6 weeks after the expected delivery date).
- Maternity leave of 12 weeks to be available to mothers adopting a child below the age of three months of adoption as well as the commissioning mothers / surrogate mothers.
- This act also provide for work from home facility which may be exercised after expiry of 26 weeks leave period depending on the nature of work.
- This act mandates crèche facility for every establishment employing 50 or more employees and the mother should be permitted to visit crèche 4 times during the day(including rest intervals).
- It also mandates employers to educate the working women about the maternity benefit before their appointment.

## **The Muslim Women (Protection Of Rights On Marriage) Act 2019 :**

From time to time amendment has been done for the protection of women of all caste, providing them equality in society and right to life with dignity. Besides, Muslim law is governed by their own personal law, but the Supreme court of India finding violation of fundamental rights provided under Constitution of India set aside Muslim personal law. As this law was based on inequality and superiority of men over women depriving them from all their rights. Under, the Muslim personal law men are given exclusive privilege over his wife to end their relationship by uttering the word “talaq” three times. This is an instant form of divorce also known as “Talaq – e - biddat”.

After filing the Writ petition, by Shayara Bano demanding to criminalise this practice as this is violation of articles 14,15,21,25 of the constitution. Supreme Court of India gave a leading judgement in 3:2 majority declaring it unconstitutional. The government introduced the Muslim women (protection of rights on marriage) bill 2017 in Lok Sabha and passed by it, but the bill opposed by Rajyasabha. The bill was again reintroduced and passed by both the houses, and received assent of the President of India.



### **Key Features :**

- Any pronouncement of “Talaq” by a Muslim husband upon his wife, by any form whether spoken or written or in electric form or in any other manner shall be void.
- Any Muslim women who gives instant “Talaq” shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.
- This act allows women to receive allowance for her and dependent children as determined by the Magistrate.
- She will be entitle to get custody of her minor children in the event of pronouncement of “Talaq” by her husband as determined by Magistrate.
- This act disallows grant of bail for the accused husband who pronounced ‘Talaq’ over his wife unless the Magistrate finds reasonable ground for granting bail.