

Department of Social Work
Panel Discussion on 'Family Laws'

The Department of Social Work, Christ University, Bangalore organised a panel discussion on 'family laws' on the 26th of February, 2014 from 9:30.A.M. to 1:00.P.M. The second year students of social work and sociology and the faculty members of the respective departments participated in the programme. Dr. Madhuri Irene and Ms. Ambily P, Assistant Professors, School of Law, Christ University, were the panellists who shared their expert knowledge and experience related to family laws with the students. The programme commenced with the welcome address by Geetanjali. S.



The programme was divided into 3 sessions with each session having a presentation by two students and a panel discussion touching upon personal laws of the Hindus, Christians and Muslims. At the end of each session, the floor was open for questions from the audience.

The first presentation made by Devika Maithra and T. Lalitha, addressed the theme- Gender inequality in India and its reflection in family laws. Their presentation covered statistical facts about gender inequality in India, gender-biased cultural practices and personal laws still prevalent in the country and the limited role of women in governance of families and the state.



Their presentation concluded with highlighting a social worker's role in spreading awareness about laws protecting the rights of women, advocating for any injustice that they are subjected to, providing them with psychological support, drafting plans for and ensuring their financial security and ensuring the implementation of several acts that have been passed to protect the dignity of women.

The panellists spoke about the evolution of family laws from being extremely gender-biased in the past to being favourable to the rights and dignity of women in the present. For example, earlier, according to the Hindu personal law, the voice of one man was equal to that of two women; wife's consent wasn't taken by a man before adopting a son and a woman suffered from limited legal identity and limited 'estate' in case of her deceased husband's property. However, today, women

have the right to adopt children in their own names, a man can adopt only with the consent of his wife and there are sections in the divorce laws which give women the privilege to apply for a divorce on fault ground or breakdown ground. The Muslim personal laws too, earlier, gave exclusive rights to a man to immediately initiate and complete the process of divorcing his wife, through mere utterances of the word 'Talak'. However, today, a woman can initiate divorce too by applying for it in a court of law. A question was raised by one of the participants regarding the burning issue of minor Indian girls from rural areas being increasingly trafficked by men from gulf countries under the pretext of marrying them. It was informed by the panellists that the Muslim law provides for a temporary marriage and it is under this provision that the men marry the girls and later utilise them for various illegal purposes.

The second presentation made by Tina Chung and Francis. K.O, addressed the theme- Domestic violence with special emphasis on violence against women. Their presentation covered the definitions of domestic violence, statistics on the high rates of domestic violence against women in India, common causes of domestic violence, and the risk factors involved in being a victim of domestic violence as identified by a particular research study.



The warning signs to watch out for in the abusers and victims of domestic violence were also discussed by the presenters. Their presentation too concluded with highlighting a social worker's role in helping the victims and a victim's role in helping herself. Calling a helpline, documenting evidences against the violence and sharing instances of violence and abuse with trusted ones were cited to be helpful for the victim.

The panellists discussed the provisions of Domestic Violence Act of 2005. The act is said to provide for victim driven prosecution. The victims are guaranteed protection order, compensation, single window clearing system (can take the same petition and bring it as a criminal case), counselling and protection through provision of shelter by NGOs. She is also granted the privilege of receiving criminal and civil relief including residence order, custody order, restoration of her own property and dowry given at the time of marriage, and interim order when necessary. A penalty is levied on the accused for not following orders. The act provides counselling for the accused as well since intention of the act is to improve situation of the family and not to punish the abusers. A victim can file a pre-litigation with 'Crimes against Women's Cell', National and State Women's Commission and a post-litigation with NGOs. A question was raised by one of the participants whether the act was being misused by women. The panellists clarified that several women do misuse the act but the majority of women who report domestic violence are genuine victims of the same. Another question was raised if a domestic violence case can be filed against women and the panellists clarified that it can be filed against anybody living within a home environment. A case was discussed wherein an elderly woman filed a case against her son who was attempting to evict her from his house.

The third presentation made by Rashmi Gowda and Sheetal Lidya Prasad addressed, the theme-concept of divorce. Their presentation covered the difference between the concepts of divorce and annulment and the grounds for the same, changing scenario of marriage and divorce, current challenges in marriages, rising divorce rates in India and common causes of divorce. The panellists discussed the difference between a valid, a voidable and a void marriage. The right to extra judicial

divorce present with certain communities such as the 'Dhobis' and the 'Shudras' were brought to light. It was understood that in all other cases, a person had to file a judicial decree before a court of law in order to get a divorce under any of the three ideologies of divorce- fault ground, break down ground or grounds of mutual consent. The three ideologies were discussed in-depth. The spirit of the law to protect marriages was highlighted.



The procedure of getting a divorce is extremely lengthy and cumbersome. Couples cannot apply for a divorce within the first year of marriage. Even after the completion of the first year of marriage, the court doesn't take action for another six months after which it grants judicial separation. Even after the period of judicial separation, if a particular couple doesn't want to continue its marital relationship, divorce is granted. One of the participants asked if the lengthy procedure involved in applying for and getting a divorce is merely an intention of the court to protect marriages or if it was a part of the inefficiency in the functioning of the legal system.

The panellists made it clear that even though there were several cases to prove the existing inefficiency in the country's legal system, cases of divorce were definitely not part of them.

The programme was concluded by Binu Jacob who summarised the discussions of the day and delivered the vote of thanks. The master of ceremony (MC) for the day was Paden Lhamu Butia. Justin Philip and John Patrick were in charge of the venue and technical aspects of the programme while Dominic Thomas was the photographer. The faculty coordinator for the programme was Ms. Bharathi, Assistant Professor, Department of Social Work, Christ University.