

Core Competence Conference on Knowledge, Skill and Perspective Development And Sensitization Programme on Vulnerabilities Relating to Women and Children

For MM (Mahila Courts) & Prosecutors 5th -6th June, 2020



A. ACTS

S.No.	Title		
1.	Bonded Labour System (Abolition) Act, 1976		
2.	Child Labour (Prohibition & Regulation) Act, 1986		
3.	Child Labour (Prohibition & Regulation) Amendment Act, 2016		
4.	Code of Criminal Procedure, 1973		
5.	Commission for Protection of Child Rights Act, 2005		
6.	Constitution of India, 1950		
7.	Immoral Traffic Prevention Act, 1956		
8.	Indian Evidence Act, 1872		
9.	Indian Penal Code, 1860		
10.	Information Technology Act, 2000		
11.	Juvenile Justice (Care and Protection of Children) Act, 2015		
12.	Medical Termination Of Pregnancy Act, 1971		
13.	Mental Healthcare Act, 2017		
14.	Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994,		
15.	Protection of Children from Sexual Offences Act, 2012		
16.	Protection of Women on Domestic Violence Act,2005		
17.	Suppression of Immoral Traffic in Women and Girls Act (SITA), 1986		
18.	Transplantation of Human Organs Act, 1994		
19.	The Muslim Women (Protection of Rights on Marriage) Act, 2019		

B. BILLS

S.No.	Title	
1.	Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018	
2.	The Surrogacy (Regulation) Bill, 2019	

C. Parliamentary Debate

S.No.	Title	
1.	Department-related parliamentary standing committee on Health and family welfare one	
	hundred second report on The surrogacy (regulation) bill, 2016	



Overview of the Programme & Social Context

Understanding Sexual Offences, Challenges and Vulnerabilities

A. INTERNATIONAL DOCUMENTS

	'Unwelcomeness' and Extending Rape Shield Laws to Sexual Harassment Under	
	Section 354	
1.	Federal Rules of Evidence, Rule 412, 28 USCA (2011)	
2.	Section 62(4) Human Rights Act, 1993- New Zealand	

B. GUIDELINES

1. Guidelines and Protocol: Medio-Legal Care of Survivors/Victims of Sexual Violence Ministry of Health &Family Welfare, 2013

C. REPORTS

S. No.	Title		
1.	J.S. Verma Committee Report on Amendment To Criminal Law, 2013		
	Other Reports		
	Different Kinds of Vulnerabilities and Access to Justice for Survivors of Sexual		
	Offences		
1.	Invisible Victims of Sexual Violence: Access to Justice for Women and Girls with		
	Disabilities in India: Human Rights Watch, 2018		
2.	"Everyone Blames Me: Barriers to Justice and Support Services for Sexual Assault		
	Survivors in India" Human Rights Watch,		
	2017 20172017201720172017<a access="" and="" dalit="" for="" gender="" href="https://www.hrw.org</th></tr><tr><th></th><th colspan=2>support-services-sexual-assault-survivors></th></tr><tr><th>3.</th><th colspan=2>" justice="" navsarjan="" th="" to="" trust,2011<="" violence="" women",="">		
	Challenges in Access to Justice for Women		
1.	Tilting the Scale: Gender Imbalance in Lower Judiciary, Vidhi Centre for Legal Policy,2		
	018 (Read with <i>The Victim v. State of Kerala</i> MANU/KE/0520/2019		

D. CASES

S. No.	Name of the Case	Citation
A.	Constitutional Vision of Equality and Constitutional	
	Morality	
	Supreme Court	
1.	Govt. of NCT Delhi v. UOI	(2018) 8 SCC 501
2.	Navtej Johar v. UOI ((¶107)	(2018) 10 SCC 1
3.	Manoj Narula v. UOI(¶49)	(2014) 9 SCC 1
Α.	Understanding Consent	
	Supreme Court	



	High Court of Deini	
1.	Anurag Soni vs. State of Chhattisgarh (¶¶12-16)	AIR 2019 SC 1857
2.	Deepak Gulati v. State of Haryana (¶18-24)	AIR 2013 SC 2071
3.	Pradeep Kumar v. State of Bihar (¶¶9-12)	AIR 2007 SC 3059
4.	Deelip Singh v. State of Bihar (¶¶22-24)	(2005) 1 SCC 88
5.	Uday v. State of Karnataka (¶11-15)	(2003) 4 SCC 46
	NIIII /	
	Delhi High Court	
1.	Mahmood Farooqui v. State of NCT Delhi (¶47,82, 86,102)	243 (2017) DLT 310
	Other High Courts	
1.	Rao Harnarain Singh vs. The State(¶¶6-7)	AIR1958 PUN 123
	Right to Choice, Marriage and Notion of Honour	
	Supreme Court	
1.	Shakti Vahini v. UOI(¶¶4-6, 23, 42-44)	AIR 2018 SC 1601
2.	Arumugam Servai v. State of Tamilnadu (¶11)	(2011) 6 SCC 405
3.	Lata Singh v. State of UP (¶17)	(2006) 5 SCC 475
	J (II /	, ,
В.	Understanding Legal Framework	
ъ.	Section 498A	
	Supreme Court	
1.	Priti Kumari vs. State of Bihar and Ors. (¶16)	2019(4)RCR(Criminal)52
2.	Rupali Devi v. State of U.P. and Ors(¶8, 12-17)	AIR2019SC1790
3.	Social Action Forum for Manay Adhikar and Ors.	AIR 2018 SC 4273
	vs. UOI(¶34,38)	
4.	Rajesh Kumar & Ors v. Sate of U.P. (¶18-19)	AIR 2017 SC 3869
5.	Bibi Parwana Khatoon v. State of Bihar (¶11-13)	AIR 2017 SC 2386
6.	Arnesh Kumar v. State of Bihar and Anr. (¶13)	AIR 2014 SC 2756
7.	Sushil Kumar Sharma vs. Union of India (UOI) and Ors.	AIR 2005 SC 3100
	Section 354	
	Supreme Court	
1.	Chaitu Lal v. State of Uttarakhand (¶8-9)	AIR 2020 SC 219
2.	Ajahar Ali vs. State of West Bengal	(2013)10 SCC 31
3.	Shekara v. State of Karnataka (¶9)	(2009) 14 SCC 76
4.	Mrs. Rupan Deol Bajaj v. Kanwar Pal Singh Gill	1995 6 SCC 194
	Overlap between Section 354 and 354A	
1	Delhi High Court	227 (2017) DI T 271
1.	T. Manikadan v. The State (Govt. of NCT Delhi) (¶9)	237 (2017) DLT 271
2.	Amit v. State (¶¶7-9)	Crim. A. 858/2016
		D.O.D25.05.2017
	I and the second	+
	Other High Court	



	High Court of Delhi	
3.	Jishu Sengupta & Others Vs State of West Bengal (¶¶15-16)	2017 Cri LJ 1531
	Overlap of Section 354 and 354B	
	Other High Court	
1.	Prem Rai v. State of Sikkim (¶57)	MANU/SI/0031/2019
	((()	
	Domestic Violence	
	Economic Abuse	
	Supreme Court	
1.	Krishna Bhatacharjee v. Sarathi Choudhary	2015 12 SCALE 21
	Marital Rape	
	Supreme Court	
1.	Independent Thought v. UOI	AIR2017SC4904
2.	Navtej Singh Johar v. UOI (¶¶152-153,155-156, 160)	AIR 2018 SC 4321
3.	Joseph Shine v. UOI(¶¶114,198-199 181-183, 210,220.3)	AIR 2018 SC 4898
4.	K.S. Puttaswamy v. UOI(¶¶1421-	(2017) 10 SCC 1
	47,298,300,308,393,636,645)	
C.	Vulnerabilities at Different Stages	
	Mandatory Registration of FIR	
	Supreme Court	
1.	Lalita Kumari v. State of Uttar Pradesh	(2014) 2 SCC 1
	Delay in FIR: Not Fatal to Prosecution	(2011) 2 2 2 2 1
	Supreme Court	
1.	State of Rajasthan v. Om Prakash (¶¶9-17)	(2002) 5 SCC 745
2.	Gumit Singh v. State of Punjab(¶8)	(1996) 2 SCC 384
	- · · · · · · · · · · · · · · · · · · ·	
	Recording of Statement under Section 164	
	Supreme Court	
1.	State of Karnataka by Nonavinakere Police v. Shivanna @	(2014) 8 SCC 913
	Tarkari Shivanna (¶10)	
	Dignity during Trial	
	'Unwelcomeness': Avoiding Past Sexual Experience and	
	Gender Stereotypes during Trial of Sexual Harassment	
	Supreme Court	
1.	State of Andra Pradesh v. Gangula Satya Murthy (¶25)	(1997) 1 SCC 272
2.	Delhi Domestic Working Women's Forum v. UOI(¶14)	(1995) 1 SCC 14
3.	Virender v. State of NCT Delhi.	AIR 2018 SC 4898
	Conviction on Uncorroborated Testimony of Victim	
	Supreme Court	(1000)
1.	Gumit Singh v. State of Punjab(¶21)	(1996) 2 SCC 384
2.	Rameshwar v. State of Rajasthan	AIR 1952 SC 54



Medical Evidence	
Supreme Court	
Lillu v. State of Haryana (¶¶7-14)	(2013) 14 SCC 643
Protecting Identity of the Victim/Survivor	
Supreme Court	
Youth Bar Association of India v. UOI(¶12)	AIR 2016 SC 4136
State of Punjab v. Ram Dev Singh($\P 1, 14,12$)	AIR 2004 SC 1290
Lack of Physical Injury and Resistant: Not Proof of	
Consent	
Supreme Court	
State of Orissa v. Sukru Gouda (¶¶3,8,10)	(2009) 2 SCC 118
Joseph v. State of Kerala (¶15)	(2000) 5 SCC 197
	Supreme Court Lillu v. State of Haryana (¶¶7-14) Protecting Identity of the Victim/Survivor Supreme Court Youth Bar Association of India v. UOI(¶12) State of Punjab v. Ram Dev Singh(¶¶1, 14,12) Lack of Physical Injury and Resistant: Not Proof of Consent Supreme Court State of Orissa v. Sukru Gouda (¶¶3,8,10)

E. SUGGESTED READINGS

	2. SUGGESTED KEADINGS	
S. No.	Title	
A.	Understanding Consent	
1.	"Yes, No, Maybe"- Chapter-5 in What We Talk About When We Talk About Rape	Sohaila Abdulali, Penguin Viking Books, 2018 Pg. 40-49
1.	From No Means No to Only Yes Means Yes: The Rational Result of Affirmative Consent Standard in Rape Law	Nicolas J. Little58 Vanderbilt Law Review, 1322-1336 (2005)
2.	'Yes' Is Better Than 'No'	Michael Kimmel and Gloria Steinem, New York Times (4 September 2014) https://www.nytimes.com/2014/09/05/opinion/michael-kimmel-and-gloria-steinem-on-consensual-sex-on-campus.html
3.	Only 'Yes' Means Yes: What Steubenville's Rape Trial Reminds Us About Sexual Consent	Jessica Valenti and Jaclyn Friedman https://www.thenation.com/article/only-yes- means-yes-what-steubenvilles-rape-trial-reminds- us-about-sexual-consent/
В.	Understanding Context	
1.	Reasonable Man, Reasonable Women and Reasonable Expectation in Engendering Law: Essays in Honor of Lotika Sarkar	Usha Ramanathan in Amita Dhanda, Archana Parashar (eds.) EBC, 2007Pg. 33-70
2.	How Bollywood Plays A Role in Normalizing Stalking	Minati Dash, The Wire,29 July 2017



		oun of Deim
C.	Recent Amendments and Developments	
1.	Why India's Registry of Sex Offenders May Do More Harm Than Good	Vrinda Bhnadari, Scroll, 24 September 2018
2.	#MeToo Has Done What Law Could Not	Catharine A. MacKinnon, The New York Times 4 February 2018
D.	Vulnerabilities of Women in Approaching Courts Requirement of Physical Injury and Resistance	
1.	An Open Letter to Chief Justice of India	Upendra Baxi, Vasudha Dhagamwar, Raghunath Kelkar, Lotika Sarkar
	Underreporting	
1.	99% cases of sexual assaults go unreported, govt data shows	Pramit Bhattacharya, Tadit Kundu, Live Mint, 24 April 2018
	Closed Door Proceedings: Double Responsibility of Courts	
1.	For a Victim Centric Approach	Flavia Agnes, The Hindu, 18 September 2014
	Interpretation of 'Unwelcome' under Sexual Harassment Laws and Avoiding Gender Stereotypes	
1.	Sexcapades and the Law in Women's Studies in India : A Reader	Ratna Kapur, Mary E. John (ed.) Penguin Books, 2008Pg. 288-290
2.	Time's Up To Apply 'Reasonable Woman' Test In Sexual Harassment Cases	Manu Sabestian, Live Law, 13 October 2018 https://www.livelaw.in/times-up-to-apply-reasonable-woman-test-in-sexual-harassment-cases/>
	Domestic Violence	



1.	Marital Rape As Domestic Violence: A Case for Criminalizing Marital Rape in Conflict in the Shared Household: Domestic Violence and the Law in India	Ajita Sharma , Indira Jaisingh, Pinki Mathur Anurag (eds.), OUP, 2019
2.	Analyzing Orders Granted under PWDVA, 2005	Aparna Chandra, Indira Jaisingh, Pinki Mathur Anurag (eds.), OUP, 2019
	Impact of COVID-19 on women	
1.	Policy Brief: The Impact of COVID-19 on Women by United Nation dated 9 April 2020	file:///Users/anurag/Downloads/policy-brief-the-impact-of-covid-19-on-women-en.pdf

Pre-Trial and Trial Issues in Matrimonial Offences

Orders under PWDV Act, 2005 Pre-Trial issues in Matrimonial Offences

A. CASES

S. No.	Title	Citation
A.	Constitutional Validity of the Act	
	Delhi High Court	
1.	$S v J(\P 8-15)$	CM(M) 750/2017
		Dated 17/4/2018
2.	Varsha Kapoor v. Union of India(¶¶7,8)	2010 SCC OnLine Del
		2213
3.	Aruna Parmod Shahv. Union of India(¶¶3,4)	2008 (102) DRJ 543
В.	Directions	
	Violence during Covid-19 lockdown	
	High Court of Delhi	
1.	All India Council of Human Rights, Liberties and Social Justice	W.P. (C) 2973/2020,
	vs. Union of India and Ors.(¶¶5)	CM Appls. 10318,
		10372, 10373, 10374
		and 10375/2020
		Decided On: 24.04.2020
	Other High Court	
1.	Sudha Ramalingam v. State of T.N. (Setting up of emergency	2020 SCC OnLine Mad
	response system)	973



2.	Court on its own Motion v. UTs of J&K and Ladakh	WP(C) PIL no. (unnumbered)/2020 Order dated 16.04.2020
		01de1 dated 10.0 1.2020
C.	Service of Notice	
	Supreme Court	
1.	Shyamlal Devda And Others v. Parimala (¶¶9-10)	Criminal Appeal No. 141 of 2020, Date of Decision 22.01.2020
D.	Maintainahility	
υ.	Maintainability Other High Courts	
1.	Sadhana Walvatkar v Hemant Walvatkar(¶¶7-15)	Cr R. No. 121/2018 Dated 3/4/2019 Bombay HC
2.	Dennison Paulrajv. Mayawinola(¶¶ 8,9)	II (2009) DMC 252 Madras HC
Ε.	"Aggrieved Person" under the PWDV Act, 2005	
L.	Supreme Court	
1.	Krishna Bhatacharjee v. Sarathi Choudhury (¶11-33)	(2016) 2 SCC 705
	2 (11)	/
	Delhi High Court	
1.	Hima Chugh v. Pritam Ashok Sadaphule(¶¶ 9)	2013 SCC OnLine Del 1408
2.	Kusum Lata Sharma v. State(¶¶ 5,7-8)	2011 SCC OnLine Del 3710
3.	Vijay Verma v. State(¶¶ 6,7)	2010 SCC OnLine Del 2733
4.	Harbans Lal Malik v. Payal Malik(¶¶ 11-12,18,20)	171 (2010) DLT 67
	Other High Court	
1.	Goutam Chanda v. Gouri Ram Chandan (¶¶ 10-12)	2019 SCC OnLine Cal 3832
F.	"Respondent" under the PWDV Act, 2005	
	Supreme Court	
1.	Hiral P. Harsora and Ors. v. Kusum Narottamdas Harsora(¶24,36,40,46)	AIR 2016 SC 4774
2.	Ashish Dixit v. State of $UP(\P 2-3)$	(2013) 4 SCC 176
3.	Sandhya Manoj Wankhade v Manoj Bhimrao Wankhade (¶4)	(2011) 3 SCC 650
	High Court of Delhi	
1.	Vijay Verma v State NCT of Delhi(¶¶5-8)	229 (2016) DLT 84
2.	Kusum Lata Sharma v. State(¶¶ 15)	2011 SCC OnLine De 3710



G.	Domestic Relationship	
	Supreme Court	
1.	Badshah v. Sou Urmila Badshah Godse(¶ 10-25)	(2014) 1 SCC 188
2.	Indra Sharma v. V.K.V. Sharma(¶ 37)	(2013) 15 SCC 755
3.	Deoki Panjhiyara v. Shashi Bhushan Narayan Azad(¶ 7)	AIR 2013 SC 346
4.	Chanmuniya v. Virendra Kumar Singh Kushwaha(¶ 38-41)	(2011) 1 SCC 141
5.	D. Velusamy v. D. Patchaiammal(¶ 33)	2010 SCALE 112
	High Court of Delhi	
1.	Sonia Chauhan Raghove v. Sanjive Raghove (¶ 11)	2012 SCC OnLine Del 733
2.	Vijay Verma v State NCT of Delhi(¶¶5-8)	2010 SCC OnLine Del 2733
	Other High Court	
1.	Sadhana v. Hemant(¶¶12)	2019 SCC OnLine Bom 659
2.	Reshma Begum v State of Maharashtra(¶¶9-12)	2018 SCC OnLine Bom 1827
Н.	Domestic Relationship 'in the nature of marriage'	
	Supreme Court	
1.	Indra Sarma v. VKV Sarma (¶¶33-53)	AIR 2014 SC 309
2.	D. Velusamy v. D. Patchaiammal (¶10,14,20,31)	AIR 2011 SC 479
I.	Domestic Violence	
a)	Conduct of Parties even Prior to Coming into Force of the PWDV Act	
	Supreme Court	
1.	Hiral P. Harsora and Ors. v. Kusum Narottamdas Harsora(¶27)	AIR 2016 SC 4774
2.	Saraswathy v. Babu (¶23)	(2014) 3 SCC 588
b)	Economic Abuse	
	Supreme Court	
1.	Krishna Bhatacharjee v. Sarathi Choudhary	2015 12 SCALE 21
2.	Saraswathy v. Babu (¶¶21-22)	(2014) 3 SCC 588
c)	Marital Rape	
	Supreme Court	
1.	Navtej Singh Johar v. UOI (¶152-153,155-156, 160)	AIR 2018 SC 4321
2.	Joseph Shine v. UOI(¶¶14,198-199 181-183, 210,220.3)	AIR 2018 SC 4898
3.	K.S. Puttaswamy v. UOI(¶¶142-47,298,300,308,393,636,645)	AIR 2017 SC 4161
4.	Independent Thought v. UOI	AIR 2017 SC 4904
<u> </u>		AIN 201 / 3C 4704



Α.	Amendment of Complaint under PWDV Act	
	Supreme Court	1 TD 001 (0 7: 0 7: 1
	Kunapareddy vs. Kunapareddy Swarna Kumari(¶¶14,17-20)	AIR 2016 SC 2519
2.	S. R. Sukumar v S. Sunaad Raghuram (¶¶17-20)	(2015) 9 SCC 609
B.	Arrest and Bail	
	Supreme Court	
1.	Jagjit Singh v State of Punjab (¶26-33)	AIR 2018 SC 5719
2.		Cr A. No. 775/2018
		Dated 18/5/2018
3.	Social Action Forum for Manav Adhikar and Anr v Union of India (¶¶34-42)	(2018) 10 SCC 433
4.	Rajesh Sharma and Ors v State of UP and Ors (¶¶14-19)	(2018) 10 SCC 472
5.	Lalita Kumari v Govt of UP and Ors (¶¶111-112)	AIR 2014 SC 187
6.	Arnesh Kumar v State of Bihar(¶¶11-12)	(2014) 8 SCC 273
7.	Santosh Bakshi v. State of Punjab (¶13)	(2014) 13 SCC 25
8.	Joginder Kumar v. State of U.P. (¶¶20)	(1994) 4 SCC 260
	V (III /	, ,
	Other High Court	
1.	Pavitra Uraon v State of Chattisgarh(¶6-10)	I 2008 DMC 439
		Chattisgarh HC
C.	Search & Seizure	
	Other High Court	
1		I (1999) DMC 224
1.	Ajoy Kr. Ghosh v Kajal Ghosh (¶¶23-24)	(Calcutta HC)
D.	Superdari of Stridhan	
	Supreme Court	
1.	Sunderbhai Ambalal Desai v State of Gujarat (¶¶1-2)	(2002) 10 SCC 290
	Delhi High Court	
1.	Vipul Kumar Rohilla and Ors v The State (NCT of Delhi) and	Cr R. P. 727/2014
	Ors(¶¶2-4)	Dated 14/1/2016
2.	Manjit Singh v State (¶85-99)	Cr M.C. 4485/2013
		Dated 10/9/2014
Ε.	Settlement	
•	Supreme Court	
1.	Bitan Sengupta v State of West Bengal(¶5-9)	Cr A. No. 487/2018
		Dated 26/3/2018
2.	Mohd. Shamim vs. Nahid Begum (¶¶7-10)	AIR 2005 SC 757
	2.20.00. 2.00.00.00. 10.110.00. 2080.00 (10)	11111 2000 50 101
	Delhi High Court	
1.	Vishal Arora v State(¶¶8-14)	Bail A. No. 53/2010
1.	, when II of a v blace (0 I I)	



	High Court of Delhi	
		Dated 19/4/2010
	Other High Court	
1.	Khushi Mohd. v. Aneesha(¶14-18)	RLW 2011 (2) Raj 1802
F.	Quashing of matter	
	Supreme Court	
1.	Rashmi Chopra v State of UP(¶¶15,18-19,25)	AIR 2019 SC 2297
2.	Inderjit Singh v State of Punjab (¶¶ 7-26)	(2011) 12 SCC 588
	Delhi High Court	
1.	Anthony Jose v. State of NCT of Delhi & Ors(¶¶4-12)	W.P. (Cr) 2325/2017 Dated 15/12/2018
2.	Puneet Kumar v Vandana and Ors (¶¶33-38)	Cr M.C. 167/2008 Dated 10/7/2009
	Other High Courts	
1.	Giduthuri Kesari Kumar v. State of Telangana((¶¶9-15)	2015 SCC OnLine Hyd 17
2.	Swapnil Kolhe v Kirti Kolhe(¶¶10-12)	III(2014)DMC661MP
3.	Mahesh Mathur v. State of $MP(\P\P5-7)$	2013 SCC OnLine MP 5934
4.	Pavitra Uraon v State of Chattisgarh(¶¶6-10)	I 2008 DMC 439 Chattisgarh HC
G.	Grant of Interim and Ex Parte Orders	
	Supreme Court	
1.	Manmohan Attavar v Neelam Manmohan Attavar(¶18)	Civil A. No. 2500/2017 Dated 14/7/2017
2.	Kunapareddy v. Kunapareddy Swarna Kumari(¶¶19-20)	AIR 2016 SC 2519
3.		AIR 2012 SC 965
1.	Delhi High Court Gaurav Manchanda v Namrata Singh (¶¶13-17)	Cr M.A. 7320/2018 Dated 27/2/2019
2.	Ravi Dutta v. Kiran Dutta(¶¶5-9)	2014 SCC OnLine Del 657
3.	Savita Bhanot v. V.D.Bhanot(¶¶9-18)	2011 CriLJ 2963
	Other High Courts	
1.	Surbhi vs Pawandeep Singh(¶¶12-17)	Cr R. No. 455/2017 Dated 29/9/2018 M.P. HC
2.	Ansari v State(¶¶8-14)	Cr M.C. No. 6748/2017 Dated 18/6/2018 Kerala HC



3.	Shama Rahul Moholkar v Rahul Deorao Moholkar (¶¶9-21)	W. P. No. 4331 and
		4676/2017
		Dated 10/11/2017
		Bombay HC
4.	Johnson Manuel v. Lovely Martin(¶¶3)	2011 SCC OnLine Ker
		4077
5.	Preceline George v. State of Kerala(¶¶8-19)	2010 SCC OnLine Ker 95

Orders under PWDV Act, 2005

Α.	Jurisdiction	
a)	General Principles	
	Supreme Court	
1.	Rupali Devi v State of UP(¶¶1-16)	Cr A. No. 71/2012
		Dated 9/4/2019
2.	Prakash Nagardas Dubal-Shaha v. Meena Prakash Dubal	AIR 2016 SC 2914
	<i>Shah</i> (¶¶ 4-6)	
	Delhi High Court	152 (2010) DI F 2 (0
1.	Renu Mittal v. Anil Mittal(¶¶ 4-5)	173 (2010) DLT 269
2.	Rachna Kathuria v Ramesh Kathuria(¶¶1-3)	(2010) 118 DRJ 630
	Other High Courts	
1.	Vjayanand Dattaram Naik and Ors v Vishranti Vijay(¶5-7)	Cr R. A. No. 60/2018
1.		Dated 13/2/2019
		Bombay HC
2.	Prakash Kumar Singhee v Amrapali Singhee (¶¶11-17)	W.P. 3553/2018
		Dated 4/5/2018
		Bombay HC
3.	Eshan Joshi v Suman (¶10-23)	Cr Misc. M-No. 32351/
		2016
		Dated 23/1/2018
		P and H HC
4.	Bhaskar Mishra v. Shailja Mishra(¶8-9)	2013 SCC OnLine MP 7913
5.	Dennison Paulraj v. Mayawinola(¶¶ 5-6)	II (2009) DMC 252
		Madras HC
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В.	Jurisdiction and Temporary Residence	
	High Court of Delhi	W. D. (G) 5010 (2000 D
1.	Ram Kishan Singh v UOI (\P 7,21-24)	W.P.(C) 7818/2008 Dated
•		02.12.2013
2.	Sharad Kumar Pandey v. Mamta Pandey (¶¶8-12)	171 (2010) DLT 565
3.	Gautam Sapra v State Govt. of NCT of Delhi (¶¶2-4)	176 (2011) DLT 226
	Other High Court	
	Omer might court	



	High Court of Delhi	
1.	Prashant v Sau Madhuri (¶¶4,7-9)	2018ALLMR(Cri)2971 (BOM HC)
2.	Rabindra Nath Sahu v.Smt. Susila Sahu (¶¶11-13)	2016 SCC OnLine Ori 592
C.	Monetary Order	
	Supreme Court	
1.	Ajay Kumar v. Lata @ Sharuti (¶7,9,18)	2019 SCC OnLine SC 726
2.	Lalita Toppo v. State of Jharkhand (¶¶1,4)	2018 SCC OnLine SC 2301
3.	Shailja and Ors. V. Khobbanna (¶Pg 2-3)	AIR 2017 SC 1174
4.	Manish Jain v. Akanksha Jain(¶¶10-17)	AIR 2017 SC 1640
5.	Shalu Ojha v Prashant Ojha (¶¶8-10.2)	(2017) 9 SCC 457
6.	Kunapareddy v. Kunapareddy Swarna Kumari(¶¶ 19-20)	AIR 2016 SC 2519
7.	Juveria Abdul Majid Khan Patni v. Atif Iqbal Masoori (¶¶30-33)	(2014) 10 SCC 736
	High Court of Delhi	
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2.	Ranjana Gupta v. Rajnesh Gupta(¶¶1, 7-8)	2014 SCC OnLine Del 659
3.	Tarun Chadha v. Karishma(¶¶9)	2013 SCC OnLine Del 890
4.	Kanchan v. Vikramjeet Setiya(¶¶6-13)	2012 SCC OnLine Raj 3614
5.	Puneet Kaur v. Inderjit Singh Sawhney(¶5-8)	2011 SCC OnLine Del 3841
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7.	Renu Mittal v. Anil Mittal(¶¶4-5)	173 (2010) DLT 269
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1.	Vjayanand Dattaram Naik and Ors v Vishranti Vijay(¶¶1-7)	Cr R. A. No. 60/2018 Dated 13/2/2019 Bombay HC
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3.	Surbhi vs Pawandeep Singh(¶¶12-17)	Cr R. No. 455/2017 Dated 29/9/2018 (M.P. HC)
4.	Shama Rahul Moholkar v Rahul Deorao Moholkar (¶¶9-21)	W. P. No. 4331 and 4676/2017 Dated 10/11/2017 (Bombay HC)
5.	Rajesh Kurre v. Safurabai(¶¶7-11)	2009 (1) MPHT 37 (CG) Chattisgarh HC
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	Krishnaveni Rai vs. Pankaj Rai and Ors. (¶35-39)	Crl. A No. 321/2020 Decided On: 19.02.2020



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2.	Vikas Bhutani v. State and Ors	261 (2019) DLT 15
3.	Shome Nikhil Danani v.Tanya Banon Danani	Special Leave to Appeal
		(Crl.) No(s).6005/2019
		Order Dated: 22-07-2019
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1.	Ajay Gupta v. Sonia Gupta (¶15)	Crl. Rev. P. 523/2019 and
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1.	Lalita Toppo v. State of Jharkhand (¶¶2-4)	2018 SCC OnLine SC 2301
2.	Kamala and Ors. v. M.R. Mohan Kumar (¶¶15-18)	AIR 2018 SC 5128
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F.	Maintenance to Second wife	
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1.	Badshah v. Urmila Badshah Godse (¶¶10-20)	AIR 2014 SC 869



G.	Maintenance u/s 12 Hindu Marriage Act, 1955 and PWDV Act	
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1.	Deoki Panjhiyara vs. Shashi Bhushan Narayan Azad (¶19)	AIR 2013 SC 346
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2.	Roma Rajesh Tiwari v Rajesh Dinanath Tiwari (¶¶15-20)	2017 SCC OnLine Bon 8906
3.	Amit Satish Shah v. Archana Amit Shah (¶¶7-9)	2015(4) ALLMR 11 Bombay HC
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Reproductive Rights of Women

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Α.	Reproductive Rights of Women under Constitution of India	
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1.	Independent Thought v. Union of India and Anr. (¶¶ 16-17, 88-91)	AIR 2017 SC 4904
2.	Suchita Srivastava v. Chandigarh Administration (¶¶4,11-15, 20, 22, 24)	(2009) 9 SCC 1
	Other High Court	
1.	V. Krishnan v G. Rajan (\P 40-50)	1994-1-LW 89 (Mad HC)



B.	Termination of Pregnancy-Where Allowed After 20 Weeks	
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1.	Meera Santosh Pal v Union of India (¶¶10-14)	(2017) 3 SCC 462
C.	Termination of Pregnancy-Where Refused After 20 Weeks, and Compensation awarded for Delay Caused by Medical Authority	
	Supreme Court	
1.	Sheetal Shankar Salvi v UOI (¶¶5-7)	(2018) 11 SCC 60
2.	Z v State of Bihar (¶¶ 53-57-60)	(2018) 11 SCC 57
3.	Z v State of Bihar (¶¶5-16)	(2017) 14 SCC 52
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1.	Arun vs. State of Haryana and Ors. (¶¶6,12)	2019 (2) RCR (Criminal) 896 (P&H HC)
2.	Meharaj v. State of T.N. (\P 1,21-22)	2018 SCC OnL: Mad 278
3.	High Court on its own Motion v State of Maharashtra (¶¶10-15)	2017ALLMR(Cri) 250
4.	Jasvir Singh and Ors. v. State of Punjab and Ors. (¶¶88-95)	Bombay HC 2015(1)RCR(Crin al) 509 (P&H HC)
F.	Children of Women Prisoners Living in Jail	
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	High Court of Delhi	I
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1.	"ABC" vs. The State of Maharashtra and Ors.(¶¶15,18)	2018 (4) ALLMR 87 BOM HC
2.	Marimuthu v Inspector(¶¶18-21)	(2017) 1 RCR (Cri) 636 (Mad HC)
3.	X v Union of India (¶13)	2017 SCC OnLine Bom 9334
Н.	Consent of Husband for Unwanted Pregnancy to be Terminated	
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1.	Z v State of Bihar (¶¶5-16)	(2017) 14 SCC 525
2.	Dr. Mangla Dogra v Anil Kumar (¶¶19-21)	2012(1) RCR (Civil)976 (P&H
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1.	Other High Court The Registrar(Judicial), Madurai Bench of Madras High Court v UOI(¶¶2)	W.P. (MD) No.9910 of 2019 Dated 24.04.2019 (Mad HC)
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1.	Center for Enquiry into Health and Allied Themes (CEHAT) and Ors. vs. Union of India (UOI)(¶4)	(2003) 8 SCC 398
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1.	Majority opinion that held that the anti abortion law is unconstitutional (Translated Version available in <i>Livelaw</i>)	Constitutional Court of South Korea
2.	Kathleen Clubb v John Graham Preston (¶¶170-180)	[2019] HCA 11 Dated 10.04.2019 High Court of Australia
3.	In the matter of an application by the Northern Ireland Human Rights Commission for Judicial Review (Northern Ireland) Reference by the Court of Appeal in Northern Ireland pursuant to	[2018] UKSC 27 Dated 7.06.2018 U.K. Supreme Court
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4.	In the matter of The Teddy Bear Clinic for Abused Children and	2013 SCC OnLine
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		7.06.2018
		Constitutional Court
		of South Africa
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Dealing with Trafficked Persons

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S. No.	Title	
1.	Juvenile Justice (Care and Protection of Children) Model Rules, 2016	
2.	rmation Technology (Intermediaries Guidelines) Rules, 2011	
3.	ection of Children from Sexual Offences Rules, 2012	
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5.	CARA Guidelines, 2017	
6.	Ministry of Women and Child Development- SOP for Tracing Missing Children, 2017	
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8.	DCPCR Guidelines for Prevention of Child Abuse, 2014	
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10.	UNODC & UN.GIFT- Anti-Human Trafficking Manual for Criminal Justice	
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S. No.	Title	
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	Prostitution of Others, 1951	
2.	Convention on the Elimination of all forms of Discrimination against Women	
	(CEDAW), 1979	
3.	Convention on the Rights of the Child,1989	
4.	Council of Europe Convention on the Protection of Children against Sexual	
	Exploitation and Sexual Abuse, 2007	
5.	European Union Directive on Preventing and Combating Trafficking in Human Beings	
	and Protecting its Victims, and replacing Council Framework Decision, 2011	
6.	ILO Convention Concerning Forced Labour No. 105 of 1957	
7.	ILO Convention Concerning Forced Labour No. 29 of 1930	
8.	International Convention for Suppression of White Slave Traffic, 1910	
9.	International Covenant on Economic, Social, and Cultural Rights, 1966	
10.	Optional Protocol to CRC on Involvement of Children in Armed Conflict, 2002	
11.	Optional Protocol to CRC on Sale of Children, Child Prostitution, Child Pornography,	
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12.	Protocol on Inter State Rescue and Post Rescue Activities Relating to Persons	
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13.	Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and	
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14.	SAARC Convention on Preventing and Combating Trafficking in Women and Children	
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15.	SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in	
16.	South Asia, 2005 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and	
10.	Institutions and Practices Similar to Slavery, 1956	
17.	UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing	
17.	Rules), 1985	
18.	United Nations Convention against Torture and other Cruel, Inhuman or Degrading	
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19.	United Nations Convention Against Transnational Organised Crimes and the Protocols	
1).	thereto, 2003	
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1.	Immoral Traffic (Prevention) Act,1956	
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1.	State of Uttar Pradesh v. Kaushaliya (¶ 7, 11-13)	AIR 1964 SC 416



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b)	Right to Live with Dignity- Article 21 of the Indian Constitution	
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1.	Budhadev Karmaskar v. State of West Bengal (¶ 11-15, 19, 21)	AIR 2011 SC 2636
c)	Prohibition of Traffic in Human Beings and Forced Labour- Article 23 of the Indian Constitution	
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1.	Apne Aap Women Worldwide Trust India and Ors. v. The State of Bihar and Ors. (¶¶ 23, 25-28)	2015 (1) PLJR 26 (Patna HC)
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	Other High Courts	
1.	Ravi Menon v. State of Kerala (¶¶ 7, 8)	Crl. Rev. Pet. No. 653/ 2009 Order dated:11/03/2009 (Ker HC)
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Ε.	Consent of Victim under ITPA	
1.	Supreme Court State of Maharashtra and Ors. v. Mohd. Sajid Husain and Ors. (¶¶ 14, 21, 26)	AIR 2008 SC 155
F.	Forced Labour and Bonded Labour	
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1.	Public Union for Civil Liberties v. State of Tamil Nadu and Ors. (¶ 16)	(2013)1 SCC 585
2.	Santhal Pargana Antyodaya Ashram v. State of Bihar and Ors. (¶¶ 2-4)	1987 Supp SCC 141
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2.	$P.U.D.R. \ v. \ Union \ of \ India \ (\P \ 2, 4, 7, 10-12)$	AIR 1982 SC 1473,
		1485
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1.	Court on its Own Motion and with Other Writ Petitions (¶¶ 18, 20,	163 (2009) DLT 641
1.	21, 25, 28)	103 (2007) DET 011
2.	Save the Childhood Foundation v. Union of India and Ors. (¶¶ 6-	W.P.(Crl) No.
	8)	2069/2005
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IX.	Other High Court	
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L.	Rescue, Protection and Rehabilitation of Trafficked Victims/Survivors	
a.	Rehabilitation of children	
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	D. L. D. C. A. L. L. C. D. C. W. L.	
b.	Rehabilitation of Adult and Child Sex Workers	
-	Supreme Court	2011 (0) CGALE 227
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c.	Rehabilitation of Minor Sex Workers is to be under JJ Act through Child Welfare Committee	
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Α.	MCOCA and ITP Act	
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В.	Officers authorized to investigate	
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a)	Grant of bail	
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