

**Application under the Right to Information Act, 2005**

**Dated** \_\_\_\_\_

**APPLICANT'S NAME & ADDRESS**  
(Applicant is an Indian citizen)

**PIO FROM WHOM INFORMATION IS REQUIRED**  
(PIO's name, designation, address, telephone, etc. where available)

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Shri Yogesh Mehta,  
Law Officer,  
National Commission for Women,  
4, Deen Dayal Upadhayaya Marg,  
New Delhi-110002.  
Tel: 23213485, Fax: 23236988  
Email id: legalcell\_ncw@yahoo.co.in

1. Does this application concern the life and liberty of a person – **NO**.
2. Is the applicant below poverty line – **NO**.
3. Fee Rs..... Payment details.....  
*(I have left the beneficiary's field blank. Please fill in the details yourself.)*
4. Method of supply of information: **Speed/registered post**.
5. Information required in which form: **Paper form**.
6. Period for which info required: **18-08-2007 till date**.
7. Particulars of the information sought for in a separate sheet: **Sheets attached (total 2 pages, including this application)**

**Enclosures:**

- 1) Times Of India news clip dated 18th Aug, 2007, titled "Wives accused of adultery must get alimony: NCW".
- 2) Times Of India news clip dated 30 Jun, 2008, titled "Maintenance for live-in partner?".

**Declaration of the Applicant**

I am a bonafide citizen of India and owe allegiance to the sovereignty, unity and integrity of India and have not voluntarily acquired the citizenship of another country.

Place: Delhi

Date:

(Signature of the applicant)

From The past few months there have been a lot of statements from chairperson of National Commission for Women (NCW) in media about providing maintenance to a wife under section CrPC section 125 even if she is alleged to be in adultery and also to a live-in partner.

Honb'le chairperson never gave any reference to any kind of Govt/Commission report or survey or statistics available to justify her claim that in 70% of the divorce cases, ground of adultery is being misused to discredit the woman. The NCW chairperson is hijacking the judicial area as it is the courts of law to decide whether the allegations of adultery are right or not. It is not at all a step forward in the women empowerment. Based on assumptions no law could be legislated and why always the assumption that a woman alone could be a victim is made?

Legalizing the live-in relationship will further create problems for the protection of the rights of the legally married wife and her kids. The partner in a live-in relationship should never get any legal rights. If Indians are getting comfortable with the western lifestyle then they should also develop sensibilities of ownership and responsibility. With new economic independence women are smart enough and know what they want. It's both persons choice to try out living together before getting married and there's no way that only men should be forced to pay.

This RTI is being filed to get the information, the Ministry has, in connection with the above said Media statement. The undersigned would like to request following INFORMATION (Information as defined in the Right to Information Act, 2005):

1. Copy of records from all over India, NCW has, which shows that in 70% of maintenance cases under CrPC-125, adultery has been alleged and proven misused by the respondents.
2. Copy of all the recommendations/suggestions/reports/surveys/statistics from organizations/ ministries/ Individuals/NGOs/Committees, NCW has, which led to the proposal of amending the definition 'Wife' as per the section 125 of CrPC.
3. Copy of records, NCW has, clearly showing the number women in live-in relationship, year wise from year 2000 to 2007, separately for rural and urban areas.
4. Copy of records, NCW has, clearly showing how many divorce cases women were denied maintenance as they were not the legally wedded wife of a man but in a live-in relationship with him, year wise from year 2000 to 2007, separately for rural and urban areas.

Thank you, for providing me the above information as earliest.  
Best Regards.

**PLEASE NOTE:**

1. Where the no. of pages exceeds 20, please scan them and provide them on a CD.
2. Provide information to each point separately. No clubbing of points even if information is repeated.
3. Section 7(9) cannot be used to refuse information. It only means that PIO can provide information in the available format if the requested format disproportionately diverts resources of the Public Authority.
4. Any attempt at frustrating an applicant from submitting the application invites complaint under section 18(1). Such complaints are dealt with seriously and compensation to complainant can be awarded.

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Wives accused of adultery must get alimony: NCW  
18 Aug 2007, 0133 hrs IST, Himanshi Dhawan,TNN

[http://timesofindia.indiatimes.com/India/Wives\\_accused\\_of\\_adultery\\_must\\_get\\_alimony\\_NCW/rssarticleshow/2289645.cms](http://timesofindia.indiatimes.com/India/Wives_accused_of_adultery_must_get_alimony_NCW/rssarticleshow/2289645.cms)

NEW DELHI: Divorcing your wife may soon cost you more. Advocating big changes in maintenance law for women after [divorce](#), including an alimony hike, the National Commission for Women (NCW) will move Supreme Court for a review of Section 125 of the Criminal Procedure Code. Amongst the provisions that the commission wants reviewed is an increase in the amount of interim maintenance.

NCW contends the present amount is paltry for a woman to meet her and [children's](#) expenses. It has suggested the amount should not be less than 30% of the husband's monthly income.

The commission also wants the provision that deprives a wife from claiming maintenance if she is living in [adultery](#) to be deleted. "This provision is mostly misused and adultery cases framed against a woman to deny her basic expenses," NCW chairperson Girija Vyas said.

The commission has recommended that the section that stops a woman from recovering the maintenance amount on the expiry of one year should also be removed. According to NCW, 60-80% women do not receive maintenance despite court orders.

"The law is misused and very often women are not given even the paltry amount they are entitled to," Vyas said. Another problem women face is that maintenance is paid for sometime and then stopped.

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Maintenance for live-in partner?  
30 Jun 2008, 0003 hrs IST, Himanshi Dhawan,TNN

<http://timesofindia.indiatimes.com/articleshow/3178050.cms>

NEW DELHI: A woman in a live-in relationship should be entitled to maintenance if she is deserted by her man, the National Commission for Women has said.

In far-reaching recommendations to the ministry of women and child development, the commission has sought a change in the definition of "wife" — as described in Section 125 of CrPC, which deals with maintenance — and suggested that it include women involved in a live-in relationships.

The move aims to harmonize other sections of the law with the Protection of Women from Domestic Violence Act that treats a live-in couple's relationship on a par with that between a legally married husband and wife.

NCW also sought another significant amendment to Section 125, saying that said adultery should no longer be a ground for denying maintenance to a woman.

"We have found in 70% of [divorce](#) cases, adultery is used to discredit the woman. Not only is she thrown out of the house, but is also disgraced and denied her rights," NCW chairperson Girija Vyas said.

Section 125 provides for maintenance of wife, [children](#) and parents, who cannot maintain themselves. Maintenance can only be claimed by a woman who is a wife, has either been divorced or has obtained divorce, or is legally separated and is not remarried.

Pointing to the need for broad-basing the definition of wife in the section, commission officials said there had been many cases where the man led the woman to believe that he was unmarried or was divorced or widowed and went through the formalities required by the Hindu Marriage Act or the custom governing him.

#### **'Long-term relationship valid to claim alimony'**

The move by National Commission for Women to seek a change in the definition of "wife" is aimed at harmonizing other sections of law with the Protection of Women from Domestic Violence Act that treats a live-in couple's relationship on a par with that between a legally married husband and wife.

NCW chairperson Girija Vyas said, "Even if the marriage is not registered, if the woman can provide enough proof of a long-term relationship, her claim will stand."

[Children](#) of such relationships can also claim maintenance from the father, according to the NCW suggestion. This has been supported by several Supreme Court orders too.

The commission has also suggested that parents seeking maintenance from their sons or daughters should be able to file a case from where they reside rather than from where their offspring live.

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