



## A STUDY OF WOMEN RIGHTS IN INDIA

Prof: SJ.MICHAEL  
Department of Political Science  
Kristu Jayanti College,  
Bangalore-77

**ABSTRACT:** India is a land of Goddess, worshipped but at the same time, one can witness harassment, sexual abuse and other atrocities and crimes against women. The government of India provides a set of rights for women which are crucial for every woman to get protected. This paper traces the essential rights of the women which are crucial for self-development and protection. Some of the rights of women include equal pay for equal work, right to dignity and decency, right against work harassment, right against domestic violence, right to get free legal aid, freedom from arrest during night, right to register virtual complaints, right against indecent representation, right against stalking, right to zero FIR etc.

**KEY WORDS:** Women rights, Society, Right to dignity Right against work harassment, Right to get free legal aid, Right to zero FIR.

### INTRODUCTION:

*"Human rights are women's rights and women's rights are human rights, once and for all." - Hillary Clinton.*

Swami Vivekananda, India's patriotic saint, quoted that, "There is no chance for the welfare of the world unless the condition of women is improved, and it is not possible for a bird to fly on only one wing." Thus, in order to achieve the status of a developed country, India needs to transform its colossal women force into an effective human resource and this is possible only through proper awareness of women rights.

India, the land of goddesses where women are to be respected with high esteem, witnesses' harassment, abuse and other atrocities and crimes against women. Historical study clearly reveals that the status of women in India has been subject to many changes over the span of recorded Indian history. During the Indo-Aryan era of the ancient India's period, women underwent subordination. Practises and taboos like female infanticide, child marriage, dowry and taboo on widow remarriage had a long duration in India paving way for difficult situation in rooting out of Hindu society in northern India.

A phenomenal change happened during the British rule when they enacted measures which aimed at removing social taboos, including Bengal Sati Regulation, 1829, Hindu Widows' Remarriage Act, 1856, Female Infanticide Prevention Act, 1870, and Age of Consent Act, 1891.

Women's rights under the Constitution of India mainly include equality, dignity, and freedom from discrimination; additionally, India has various statutes governing the rights of women. One witnessed greater radical changes in the status of women during the recent era where women served in various senior positions in the Government of India occupying the chair of being the first citizen of India- The president of India, The Real executive- PM, the state's real executive- CM's, the speaker of the loka Sabha and other exceptionally dignified posts. In spite of this, many women in India still face significant difficulties. Violence against women especially sexual violence has been a great threat to the rights of women. Hence, there is a desire for consciousness of the rights which seeks to shield women.

**Objectives of the study:** 1. To know the need of Women rights. 2. To analyse the various women rights in India. 3. To review the Government enactments which ensures women rights. 4. To identify the issues and challenges of women rights.

This paper is largely descriptive and analytical in nature. In this paper an attempt has been taken to study and review women rights in India. The information employed in it is purely from secondary sources according to the need of this study.

**‘When women thrive, all of society benefits, and succeeding generations are given a better start in life.’ - Kofi Annan**

The woman rights in India can be classified into two categories, namely as constitutional rights and legal rights. The constitutional rights are those which are enshrined within the constitutional provisions. The legal rights, on the other hand, are those which are enacted within the parliamentary legislations as well as the state legislations.

### **Constitutional Rights which seeks to protect women:**

Following are the list of rights and safeguards enshrined in the constitution of India for women protection.

The state shall not discriminate against any citizen of India on the ground of sex [Article 15(1)].

The state is empowered to make any special provision for women. In other words, this provision enables the state to make affirmative discrimination in favour of women [Article 15(3)].

No citizen shall be discriminated against or be ineligible for any employment or office under the state on the ground of sex [Article 16(2)].

Traffic in human beings and forced labour are prohibited [Article 23(1)].

The state to secure for men and women equally the right to an adequate means of livelihood [Article 39(a)].

The state to secure equal pay for equal work for both Indian men and women [Article 39(d)].

The state is required to ensure that the health and strength of women workers are not abused and that they are not forced by economic necessity to enter avocations unsuited to their strength [Article 39(e)].

The state shall make provision for securing just and humane conditions of work and maternity relief [Article 42].

It shall be the duty of every citizen of India to renounce practices derogatory to the dignity of women [Article 51-A (e)].

One-third of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women [Article 243-D (3)].

One-third of the total number of offices of chairpersons in the Panchayats at each level shall be reserved for women [Article 243-D (4)].

One-third of the total number of seats to be filled by direct election in every Municipality shall be reserved for women [Article 243-T (3)].

The offices of chairpersons in the Municipalities shall be reserved for women in such manner as the State Legislature may provide [Article 243-T (4)].

### **Legal Rights to Women:**

The following various legislation's contain several rights and safeguards for women:

Protection of Women from Domestic Violence Act (2005) is a comprehensive legislation to protect women in India from all forms of domestic violence. It also covers women who have been/are in a relationship with the abuser and are subjected to violence of any kind—physical, sexual, mental, verbal or emotional.

Immoral Traffic (Prevention) Act (1956) is the premier legislation for prevention of trafficking for commercial sexual exploitation. In other words, it prevents trafficking in women and girls for the purpose of prostitution as an organised means of living.

Indecent Representation of Women (Prohibition) Act (1986) prohibits indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner.

Commission of Sati (Prevention) Act (1987) provides for the more effective prevention of the commission of sati and its glorification on women.

Dowry Prohibition Act (1961) prohibits the giving or taking of dowry at or before or any time after the marriage from women.

Maternity Benefit Act (1961) regulates the employment of women in certain establishments for certain period before and after child-birth and provides for maternity benefit and certain other benefits.

Medical Termination of Pregnancy Act (1971) provides for the termination of certain pregnancies by registered medical practitioners on humanitarian and medical grounds.

Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (1994) prohibits sex selection before or after conception and prevents the misuse of pre-natal diagnostic techniques for sex determination leading to female foeticide.

Equal Remuneration Act (1976) provides for payment of equal remuneration to both men and women workers for same work or work of a similar nature. It also prevents discrimination on the ground of sex, against women in recruitment and service conditions.

Dissolution of Muslim Marriages Act (1939) grants a Muslim wife the right to seek the dissolution of her marriage.

Muslim Women (Protection of Rights on Divorce) Act (1986) protects the rights of Muslim women who have been divorced by or have obtained divorce from their husbands.

Family Courts Act (1984) provides for the establishment of Family Courts for speedy settlement of family disputes.

Indian Penal Code (1860) contains provisions to protect Indian women from dowry death, rape, kidnapping, cruelty and other offences.

Code of Criminal Procedure (1973) has certain safeguards for women like obligation of a person to maintain his wife, arrest of woman by female police and so on.

Indian Christian Marriage Act (1872) contain provisions relating to marriage and divorce among the Christian community.

Legal Services Authorities Act (1987) provides for free legal services to Indian women.

Hindu Marriage Act (1955) introduced monogamy and allowed divorce on certain specified grounds. It provided equal rights to Indian man and woman in respect of marriage and divorce.

Hindu Succession Act (1956) recognizes the right of women to inherit parental property equally with men.

Minimum Wages Act (1948) does not allow discrimination between male and female workers or different minimum wages for them.

Mines Act (1952) and Factories Act (1948) prohibits the employment of women between 7 P.M. to 6 A.M. in mines and factories and provides for their safety and welfare.

The following other legislation's also contain certain rights and safeguards for women which includes Employees State Insurance Act (1948), Employees' State Insurance Act (1948), Plantation Labour Act (1951), Bonded Labour System (Abolition) Act (1976), Legal Practitioners (Women) Act (1923), Indian Succession Act (1925), Indian Divorce Act (1869), Parsi Marriage and Divorce Act (1936), Special Marriage Act (1954), Foreign Marriage Act (1969), Indian Evidence Act (1872), Hindu Adoptions and Maintenance Act (1956), National Commission for Women

Act (1990) provided for the establishment of a National Commission for Women to study and monitor all matters relating to the constitutional and legal rights and safeguards of women.

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal). Act (2013) provides protection to women from sexual harassment at all workplaces both in public and private sector, whether organised or unorganized.

## **Unique Indian Women rights:**

### **Right to sharing of property:**

In most Indian families, women do not own any property in their own names, and do not get a share of parental property. Due to weak enforcement of laws protecting them, women continue to have little access to land and property. In India, women's property rights vary depending on religion, and tribe, and are subject to a complex mix of law and custom, but in principle the move has been towards granting women equal legal rights, especially since the passing of The Hindu Succession (Amendment) Act, 2005.

The Hindu personal laws of 1956 (applying to Hindus, Buddhists, Sikhs, and Jains) gave women rights to inheritances. However, sons had an independent share in the ancestral property, while the daughters' shares were based on the share received by their father. Hence, a father could effectively disinherit a daughter by renouncing his share of the ancestral property, but a son would continue to have a share in his own right. Additionally, married daughters, even those facing domestic abuse and harassment, had no residential rights in the ancestral home. Thanks to an amendment of the Hindu laws in 2005, women now have the same status as men.

The Union Government subsequently passed the Muslim Women's (Protection of Rights upon Divorce) Act. In 1994, all churches, jointly with women's organizations, drew up a draft law called the Christian Marriage and Matrimonial Causes Bill. However, the government has still not amended the relevant laws.<sup>[14]</sup> In 2014, the Law Commission of India has asked the government to modify the law to give Christian women equal property rights.

**Right to equality of pay:** According to the provisions listed under the Equal Remuneration Act, one cannot be discriminated on the basis of sex when it comes to salary, pay or wages. Working women have the right to draw an equal salary, as compared to men.

**Right to dignity and decency:** This right ensures every women, the right to dignity and decency. In an event that the accused is a woman, any medical examination procedure on her must be performed by -- or in the presence of -- another woman.

**Right against workplace harassment:** The Sexual Harassment of Women at Workplace Act gives a female the right to file a complaint against any kind of sexual harassment at her place of work. Under this act, she can submit a written complaint to an Internal Complaints Committee (ICC) at a branch office within a period of 3 months.

**Right against domestic violence:** Section 498 of the Indian Constitution looks to protect a wife, female ,live-in partner or a woman living in a household like a mother or a sister from domestic violence (including verbal, economic, emotional and sexual) by the hands of a husband, male live-in partner or relatives. The accused shall be punished with a non-bailable imprisonment for a term which may extend to three years and shall also be liable to fine.

**Right to get free legal aid:** Under the Legal Services Authorities Act, female rape victims have the right to get free legal aid or help from the Legal Services Authority who has to arrange a lawyer for her.

**Right not to be arrested at night:** Unless there is an exceptional case on the orders of a first class magistrate, a woman cannot be arrested after sunset and before sunrise. In addition, the law also states that the police can interrogate a woman at her residence only in the presence of a women constable and family members or friends.

**Right to register virtual complaints:** The law gives women the provision for filing virtual complaints via e-mail, or writing her complaint and sending it to a police station from a registered postal address. Further, the SHO [Station

House Officer] sends a police constable to her place to record her complaint. This is in case a woman is not in a position to physically go to a police station and file a complaint.

**Right against indecent representation:** Depiction of a woman's figure (her form or any body part) in any manner that is indecent, derogatory, or is likely to deprave, corrupt or injure the public morality or morals, is a punishable offence.

**Right against being stalked:** Section 354D of the IPC makes way for legal action to be taken against an offender if he/she follows a woman, tries to contact her to foster personal interaction repeatedly despite a clear indication of disinterest; or monitor the use by a woman of the internet, email or any other form of electronic communication.

**Right to Zero FIR:** An FIR that can be filed at any police station irrespective of the location where the incident occurred or a specific jurisdiction it comes under, the Zero FIR can later be moved to the Police station in whose jurisdiction the case falls under. This ruling was passed by the Supreme Court to save the victim's time and prevent an offender from getting away scot-free.

### **Challenges to women rights in India:**

There are several challenges that are plaguing the issues of women's right in India. These issues will have a direct bearing on the empowerment of women in India.

**Education:** While the country has grown from leaps and bounds since independence where education is concerned. The gap between women and men is severe. While 82.14% of adult men are educated, only 65.46% of adult women are known to be literate in India. The gender bias is in higher education, specialized professional trainings poses a threat.

**Poverty:** Poverty is considered the greatest threat to peace in the world, and eradication of poverty should be a national goal as important as the eradication of illiteracy. Due to this, women are exploited as domestic helps.

**Sexual abuse and harassment:** "Eve-teasing," a common euphemism for sexual harassment or molestation in public places, goes mostly unreported. Many analysts attribute this to a culture of complicity and the government's weak prosecution of such assault crimes. Under the Indian Penal Code, crimes against women include rape, kidnapping and abduction, molestation, sexual harassment, torture, homicide for dowry, and the importation of girls. However, India's slow, overburdened, and underfunded criminal justice system has exacerbated the plight of women victims, analysts say. Most rapes go unreported, largely because of cultural stigmas surrounding such incidents that could bring shame to victims and their families.

**Health and Safety:** The health and safety concerns of women are paramount for the wellbeing of a country and are an important factor in gauging the empowerment of women in a country. However there are alarming concerns where maternal healthcare is concerned.

**Professional Inequality:** This inequality is practiced in employment and promotions. Women face countless handicaps in male customized and dominated environment in Government Offices and Private enterprises.

**Household Inequality:** Household relations show gender bias, in India e.g. sharing burden of housework, childcare and menial works by so called division of work. Work is more related to women more than men, hence proving it as a point of hurdle in equal enjoyment of rights.

### **Conclusion:**

"When women move forward the family moves, the village moves and the nation moves". It is essential as their thought and their value systems lead the development of a good family, good society and ultimately a good nation. A proper awareness of the rights of women can ensure safety and protection of women along with its enforcement. True equality can ensure better democratic system and values and best rights ensuring the protection and welfare of women is the need of the hour.

**References:**

- Christine Forster & Jaya Sagade- *Women's human rights in India.*  
Sital Kalantry-*Women's human rights and migration.*  
Jayashree Manghubhai- *Human rights as practise: women securing livelihood.*  
Nivedita Menon- *Gender and Politics in India.*  
Prem Choudhry-*Understanding Women's land rights, Sage Publications.*  
Neera Desai & Usha Thakur- *Women in Indian society.*  
V.N.Shukla- *The constitution of India.*  
D.D.Basu-*The Introduction to the constitution of India.*  
Anjali Sharma-*Human rights of women in India.*  
L.Prathiba- *A study of issues and challenges for women empowerment- Article*  
*Dr.Afkar Ahmed & Dr.PP.Mitra- Women rights in India-contemporary issues and challenges.*  
Arun.K.Theruvengadam-*The constitution of India a contextual analysis.*

