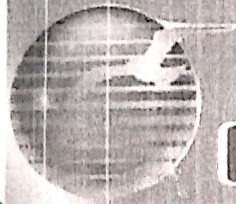




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Women's Rights in India: An Overview

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Abstract

United nations in its millennium submit in the year of 2000 declared gender equality and women empowerment as one among the eight Millennium developed objective to be achieve by the year 2015, However there goals are far from being realized in a country like India. Infact often women in India are deprived of their fundamental rights to dignity also, leave alone the question of gender party. The present paper explores the questions central to women's Right in India that is fundamentally patriarchal in nature. The artical attempts to grapple with the some challenges forced by the women in India like the dowry, female foeticide, denial of inheritance rights, sale and trafficking of girls etc. the objective of the paper is to evolve strategies to empower women uniformly like the men.

Keywords: *Women rights, Challenges, Fundamental, Gender Equality, Development, empowerment, Laws.*

Introduction

The United Nations adopted the universal declaration of human rights on 10 December 1948, which proclaims that all human being are born free and have equal right to dignity. In the same way Indian constitution guarantees several right such as the right to equality in article 14, right to life and personal liberty under article 21 of constitution to all its citizens irrespective of gender.

Gender equality means a society in wherein both women and men enjoy the some opportunities, rights and obligations in different spheres of like. Equality in decision making, economic and social freedom, equal access to education and right to practice an occupation of one's choice in order to promote gender equality. We need to the empowerment of women, and deliberate on areas which are most critical to her well being. Women's empowerment, economic, social freedom, equal access to education and right to practice an occupation of one's choice. In order to promote gender equality, we need to the empowerment of women, and concentrate on areas which are most crucial to her well bang. Women is empowerment, economic, social political, is vital to growth of any nation and to protect and nature human rights. This paper is going to discuss about women problems and their constitutional & legal rights.

Challenges before Women's Rights

The section sets out diversity in the area of human rights of abuse women in India.

Dowry deaths: In India the curious dowry deaths of the women at their matrimonial home has been increasing at a startling rate. Dowry disputes are quite a serious problem. The National Crime Records Bureau in India in its report had disclosed that in 2012 around 8233 newly wedded brides were killed for dowry. "The role of husband's reaction to dowry brought at the time of marriage on subsequent experience of marital violence. The substantially reduced risk of experiencing physical and sexual violence among women whose husbands were satisfied with the dowry reflects the strong influence of dowry in

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determining women's position within the household. In spite of the fact that Section 498A of the Indian Penal code strongly deals with the person responsible for marital cruelty and has declared taking and giving of dowry as a crime it is still been widely practised in India. Infact 'The Dowry Prohibition Act' has not been adequately put into operation in India. It has been discovered that mostly a number of states neither have a Dowry Prohibition Officers nor do they made it obligatory to keep the record of things given and received.

Domestic Violence: In spite of the fact that in India we have 'Protection of Women from Domestic Violence Act 2005', domestic violence still remains a serious problem. Infact a major scale of violence that a woman is subjected to in India is linked to the domain of domesticity. The reasons for the Domestic aggression are primarily ingrained in the patriarchal nature of the Indian society which supports such violence at home. Besides this the problem of alcoholics of husband or desire for endowments or a male child are some of the other factors liable for household brutalities in India. The domestic violence had taken the form of psychological and physical abuse against women like slapping, hitting, public humiliation, etc. In India the 'Dowry Prohibition Act' and the Protection of Women from Domestic Violence Act and cruelty under Section 498 A of the Indian Penal Code in 1983 declares brutality to a woman in her conjugal house a punishable and non bailable offence that can lead to a sentence of up to three years and fine.

Child Marriage: In India although there exist a law barring the marriages of children at primitive age, but it is still being practised in different parts of India. Child Marriage Act 2006 prohibits child marriage and declares 18 years and 21 years as the marrigable age for the girls and boys. According to the National Population Policy, "over 50% of the girls marry below the age of 18, resulting in a typical reproductive pattern of 'too early, too frequent, too many', resulting in a high IMR5." Child marriage takes away from a girl child the innocence of her formative years of life necessary for physical, emotional and psychological development. Spousal violence especially sexual violence perpetrated by husbands has severe effect on the innocent mind and body of the child. Even today in India a number of children's are married off on the auspicious day of Akas Teej in Rajasthan.

Preference for a son: The preference for a son is a phenomenon which is historically rooted in the patriarchal system of the Indian society. The strong preference for having a son emerged with the transition of the Indian society from prehistoric stage which used to be primarily a matrilineal to feudal stage where agriculture emerged as the primary established occupation of the people to be controlled by the male. The concept of private property emerged and the land began to be divided among the families. The families having control over the larger part of land were seen with pride. Thus, in such a patriarchal landowning society the sons were seen as the major contributor to the family workforce vis a vis a girl. The desires for a son often have an adverse effect on the health of the mother also. All these issues gradually led the neglect of the female child who are often relgated to the background even in the present day Indian society.

Female foeticide: The low status of women goes on with the practice of infanticide, foeticide, sex-selective abortion which has become common due to the amniocentesis technology, and mal-nourishment among girl children. In India it is estimated that around "10 million female foetuses have been aborted in the last 20 years. The child sex ratio in Punjab declined from 894 in 1961 to 793 in 2001. In Haryana, the child sex ratio plummeted from 910 in 1961 to 820 in 2001." In spite of the fact that the Government of India have declared pre birth sex determination through the use of amniocentesis as

unlawful, still illicit termination of female foetuses by untrained nurses and staff is widely prevalent particularly in Northern states of India like Haryana, Rajasthan and Punjab. All these have resulted in the escalation of maternal mortality rate.

Education: Education is one of the most critical areas of empowerment for women. Although the right to education under Article 21 of the Indian Constitution has made it compulsory for the government to provide free education to everybody, the high rate of women's education is still an aloof dream. In spite of the fact that Sarva Shiksha Abhiyan to an extent has been successful in bringing the girl child back to the schools, yet their retention rate in the school is lower as compared to their male counterpart. In fact it has been found that there is a gradual drop out of the girl students as they move up to the higher classes. This is peculiarly true in the rural areas in India. The main reasons associated with this is that the parents expects girls to look after the siblings while they are at work, working with the parents as seasonal labour during the cultivation period and managing the household work while the parents are at work, the parents take more interest in boys education as against the girls as they feel that the girls are to be married off, increasing cost of education etc. Thus the universalisation of primary education in India remains a remote daydream for the women.

Forced evictions and exclusion: In India often the widows are evicted from their matrimonial home and are left alone to feed themselves and their children following the dying of their spouses. The UN special Rapporteur on Adequate Housing argues: In Almost all countries, whether 'developed' or 'developing', legal security of tenure for women is almost entirely dependent on the men they are associated with. Women headed households and women in general are far less secure than men. Very few women own land. A separated or divorced woman with no land and a family to care for often ends up in an urban slum, where her security of tenure is at best questionable. There is increasing clinching evidence that in poor households, women spend more on basic family needs, while men spend a significant part on personal goods, such as alcohol, tobacco, etc.

Sexual harassment at the workplace: The inaugural on a discourse on sexual harassment of women at their workplace in India started with Supreme Court Vishaka guidelines in 1997. However it was the passage of the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill 2013' that helped in translating these guidelines into concrete rules that are to be implemented. But even today the issue of sexual harassment has largely been swept under the carpet in India. The provisions have never been successfully invoked because of social taboos still associated with sexual harassment. In India the women are discriminated against in terms payment of remuneration for their jobs. This is true for both urban as well as rural areas. Women entrepreneurs often have to deal with more ramifications in getting credits to start their independent business.

Rape: In India there has been a substantial increase in the numbers of rape cases in the last 10 years. According to National Crime Records Bureau, in 2012, 25000 rape cases were reported. In India in the rural areas, particularly in Northern India, the upper caste people use mass rapes as a strategy to have power over the members of the lower caste groups. The brutal gang rape case in Delhi had led to the passage of a stricter Law i.e. The Criminal Law (Amendment) Act 2013 to deal with the rape cases in India.

Societal violence against women: The communities and societies in India in most of the places are bound up with patriarchal normative universe from which women could hardly

get true justice. The religious communities, village communities or the artificial communities like professional bodies are hardly essence of equality between men and women. Quite often the religious communities have made the life of the women worse by forcing them to adopt conservative practices that are noxious to women.

Women Rights in India

The right available to women in India can be classified into two categories, namely as constitutional rights and legal rights, the constitutional rights are those which are provided in the various provisions of the constitution. The legal rights, on the other hand, are those which are provided in numerous laws (Acts) of the parliament and the state legislature.

Constitutional Rights of Women

The rights and safeguards ensured in the constitution for women in India are listed below:

1. **Article 15 (1)** The state shall not discriminate against any citizen of India on the ground of sex.
2. **Article 15 (3)** The state empowered to make any special provision for female. In other words, this provision enables the state to make affirmative discrimination in favour of women.
3. **Article 16(2)** No citizen shall be discriminated against for being ineligible for any employment or office under the state on the ground of sex.
4. **Article 23(1)** Traffic in human beings and forced labour are prohibited.
5. **Article 39(A)** The state to secure for men and women equally the right to an appropriate means of livelihood.
6. **Article 39(D)** The state to secure equal pay for equal work for both Indian men and women.
7. **Article 39(E)** 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.
8. **Article 42** The state shall make provision for securing just and human conditions of work and maternity relief.
9. **Article 51-A(E)** It shall be the duty of every citizen of India to renounce practices derogatory to the dignity of women.
10. **Article 243-D(3)** One third of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women.
11. **Article 243-D(4)** One third of the total number of offices of chairpersons in the panchayat at each level shall be reserved for women.
12. **Article 243-T (3)** One third of the total number of seats to be filled by direct elections in every municipality shall be reserved for women.
13. **Article 243 -T(4)** The offices of chairperson in the municipalities shall be reserved for women in such manner as the state legislature may provide.

Legal Rights of Women

The following legislation contains several rights and safeguards for women.

1. **Indian penal code (1860)** contains provisions to protect Indian women from dowry death, rape, kidnapping, cruelty and other offences.
2. **Dissolution of Muslim marriage Act (1939)** grants a Muslim wife the right to seek the dissolution of her marriage.
3. **Minimum wages Act (1948)** does not allow discrimination between male and female workers of different minimum wages for them.

4. **Mines Act (1952) and factories Act (1948)** prohibits the employment of women between 7 PM to AM in mines and factories and provides for their safety and welfare.
5. **Hindu Marriage Act (1955)** introduced monogamy and allowed divorce on certain specified grounds. It provided equal rights to Indian man and women in respect of marriage and divorce.
6. **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.
7. **Hindu succession Act (1956)** recognizes the right of women to inherit parental property equally with men.
8. **Dowry Prohibition Act (1961)** Indian Law, enacted on May 1, 1961 intended to prevent the giving or receiving of a dowry under the dowry prohibition Act, dowry includes property, goods, or money given by either party to the marriage, by the parents of either party or by anyone else in connection with the marriage.
9. **Maternity Benefit act (1961)** this act regulates the employment of women and maternity benefits mandated by law. It states that a woman employee who has worked in an organization for a period of at least 90 days during the 12 months preceding the date of her expected delivery is entitled to receive maternity benefits, which includes maternity leave, nursing breaks, medical allowance etc.
10. **Medical termination of pregnancy Act 1971** The act came into effect in 1972, was amended in 1975 and 2002. The aim of the act is to reduce the occurrence of illegal abortion and consequent maternal mortality and morbidity. It clearly states the conditions under which a pregnancy can be ended or aborted and specifies the persons qualified to conduct the same.
11. **Code of criminal procedure, 1973** has certain safeguards for women like obligation of a person to maintain his wife, arrest of women by female police and soon.
12. **Equal remuneration Act (1976)** The act aims to provide for the payment of equal remuneration to men and women of sex, against women in the matter of employment and for matters connected therewith or incidental thereto, the purpose of the act is to make sure the employers do not discriminate on the basis of gender transfers, in matters of wage fixing promotion and training.
13. **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.
14. **Family Courts Act (1984)** provides for the establishment of family courts for speedy settlement of family disputes.
15. **Indecent Representation of women (Prohibition Act 1986)** Prohibit indecent representation of women through advertisement or in publication, writing, paintings figures or in any other manner.
16. **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.
17. **Legal services authorities Act (1987)** provides for legal services to Indian women.
18. **Commission of Sati (Prevention) Act 1987** provides for the more effective prevention of the commission of sati and its glorification on women.

- 19. Pre conception and pre-natal diagnostic techniques (prohibition of sex selection Act (1994)** prohibits sex selection before or alters conception and prevents the misuse of pre-natal diagnostic techniques for sex determination leading to female foeticide.
- 20. 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.
- 21. 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 addict and are subjected to violence of any kind physical, sexual, mental, verbal or emotional.
- 22. Sexual harassment of women at workplace (prevention, prohibition and redressal) Act 2013** provides protection to women from sexual harassment at all workplace both in public and private, sector, whether organized or unorganized.

Conclusion

Thus half of the population of the world is of women. In order to improve their condition in society UNO has endeavoured to a greater extent. Though Indian Government has also made numerous laws for their betterment yet the discrimination on various grounds. Still persists therefore its mandatory that our Indian government must implement such stringent Laws in the capacity of Indian women so that they feel absolutely free, secure and exercise their rights to the fullest.

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