

A STUDY ON THE RIGHTS OF WOMEN IN INDIA

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ABSTRACT

Although India is a nation where goddesses are venerated, there are still many atrocities and crimes against women there, including sexual assault and harassment. The rights that women are guaranteed by the Indian government are crucial for assuring their protection. The basic rights that women possess are examined in this essay along with its significance for their safety and personal development. Women's rights include, among others, the right to equal pay for equal work, the right to dignity and decency, the prohibition of harassment in the workplace and domestic violence, the right to free legal counsel, the freedom from nighttime arrest, the right to lodge complaints online, the prohibition of indecent representation, the prohibition of stalking, and the right to file no charges.

KEY WORDS: *Women rights, Society, Right to get free legal aid*

INTRODUCTION:

Swami Vivekananda, a patriotic Indian monk, once stated, "A bird cannot fly on one wing, and there is no chance for the welfare of the world unless the condition of women is improved." Thus, if India is to become a developed country, it must transform its sizable female workforce into a valued human resource, and this can only be done by having a thorough grasp of women's rights.

Harassment, assault, and other atrocities and crimes against women are all too frequent in India, the land of the goddesses and a country where women are revered. The status of women has changed significantly during the duration of India's recorded history, according to a rigorous historical examination. Throughout the Indo-Aryan era of prehistoric India, women were seen as inferiors. Female infanticide, child marriage, dowry, and the ban on widow remarriage are all taboos with a long history in India, which created a difficult situation when Hindu culture in northern India was being destroyed.

The Bengal Sati Regulation of 1829, the Hindu Widows' Remarriage Act of 1856, the Female Infanticide Prevention Act of 1870, and the Age of Consent Act of 1891 were just a few of the laws that were created to end social taboos under British rule.

The Constitution of India, which places an emphasis on equality, dignity, and freedom from discrimination, serves as the primary safeguard for women's rights in that country. India also has a number of laws that defend the rights of women. In more recent times, when women held a number of high-ranking positions in the Indian government, including the speaker of the Lok Sabha, the prime minister, the chief ministers of the states, and the chair of the first Indian citizen, the president of India, greater radical changes in the status of women were observed. Despite this, many Indian women still face significant challenges. assault against women, especially sexual assault, has put women's rights in grave danger. As a result, there is a need for greater knowledge of the rights intended to defend women.

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.

In India, women's rights may be divided into two groups: constitutional rights and legal rights. The rights guaranteed by the constitution are those that are outlined in its provisions. On the other hand, legal rights are those that have been established via both state and parliamentary law.

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:

The Protection of Women from Domestic Violence Act of 2005 is a thorough piece of law designed to safeguard Indian women from all types of domestic abuse. It also includes women who have or are now dating the abuser and experience any kind of violence, including physical, sexual, mental, verbal, or emotional abuse.

The Immoral Traffic (Prevention) Act of 1956 is the most important piece of law to stop trafficking for sexual exploitation. In other words, it stops the organized practice of trafficking in women and girls for the purpose of prostitution.

The Indecent Representation of Women (Prohibition) Act of 1986 forbids the indecent portrayal of women in publications, writings, paintings, figures, or any other kind of media.

A more effective prevention of the crime of sati and its exaltation of women is provided by the crime of Sati (Prevention) Act (1987).

The Dowry Prohibition Act (1961) forbids the giving or receiving of dowries from women during, before, or at any point after marriage.

The Maternity Benefit Act of 1961 restricts women's work in certain enterprises during specific times before and after childbirth and offers maternity benefits as well as a number of other perks.

The Medical Termination of Pregnancy Act of 1971 permits certified medical professionals to end certain pregnancies for both medical and humanitarian reasons.

The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (1994) forbids sex discrimination both before and after conception and guards against the improper use of prenatal diagnostic methods that might result in female foeticide.

The Equal Remuneration Act of 1976 mandates that men and women employees get equal compensation for same or closely related labor. Additionally, it stops sexism towards women throughout the hiring process and during employment.

A Muslim woman has the right to file for divorce under the Dissolution of Muslim Marriages Act (1939).

Muslim women who have been divorced by their spouses or who have acquired divorces from them are protected under the Muslim Women (Protection of Rights on Divorce) Act (1986).

The Family Courts Act of 1984 calls for the creation of Family Courts to facilitate the swift resolution of family conflicts.

Indian women are protected against dowry murder, rape, abduction, cruelty, and other offenses under the Indian Penal Code (1860).

Certain protections for women are included in the Code of Criminal Procedure (1973), such as the need that a man support his wife and the ability for female police officers to make an arrest.

Provisions for marriage and divorce within the Christian community are included in the Indian Christian Marriage Act (1872).

Indian women are eligible for free legal assistance under the Legal assistance Authorities Act (1987).

The Hindu Marriage Act of 1955 established monogamy and permitted divorce under specific conditions. It gave Indian men and women the same legal protections on marriage and divorce.

Women have the same legal entitlement to inherit parental property as males under the Hindu Succession Act of 1956.

Male and female employees cannot be treated differently or have separate minimum salaries under the Minimum salaries Act of 1948.

The Mines Act of 1952 and the Factories Act of 1948 forbid women from working in mines and factories between the hours of 7 p.m. and 6 a.m., respectively, and ensure their wellbeing.

Women are additionally protected under the Employees State Insurance Act of 1948, Employees' State Insurance Act of 1948, and the Plantation Labour Act of 1951, among other laws. Legal Practitioners (Women) Act (1923), Bonded Labor System (Abolition) Act (1976), the 1925 Indian Succession Act, Hindu Adoptions and Maintenance Act (1956), Special Marriage Act (1954), Foreign Marriage Act (1969), Indian Divorce Act (1869), Parsi Marriage and Divorce Act (1936), Indian Evidence Act (1872), and National Commission for Women

Act (1990) established a National Commission for Women to research and keep an eye on all issues pertaining to women's constitutional and legal rights and protections.

Occupational Sexual Harassment of Women (Prevention, Prohibition, and Redress). Women are protected from sexual harassment under the 2013 Act in all jobs, in the public and private sectors, whether they are organized or not.

Unique Indian Women rights:

Right to sharing of property:

In the majority of Indian households, women do not get a part of parental property and do not possess any property in their own names. Women continue to have limited access to land and property due to the lax enforcement of the laws protecting them. Although women's property rights in India differ according to religion and tribe and are governed by a complicated web of tradition and law, there has been progress toward giving women equal legal protection, particularly with the passage of The Hindu Succession (Amendment) Act, 2005.

Women were granted inheritance rights in the 1956 Hindu personal laws, which were applicable to Hindus, Buddhists, Sikhs, and Jains. The shares of the girls were based on the portion their father earned, but the shares of the boys were independent and belonged to the ancestral property. So, by giving up his portion of the family's assets, a father may virtually void a daughter's inheritance, but a boy would still be entitled to a share. Married daughters also had no residential rights in the family house, not even if they were the victims of domestic violence or harassment. Women now have the same status as males under Hindu law according to a 2005 reform.

Following that, the Muslim Women's (Protection of Rights upon Divorce) Act was approved by the Union Government. The Christian Marriage and Matrimonial Causes Bill was a proposed legislation created in 1994 by all churches and women's groups. The applicable legislation have not yet been changed by the administration, nevertheless.[14] The legislation Commission of India requested that the government change the legislation in 2014 to provide

Christian women the same property rights as non-Christian women.

Right to equality of pay: One cannot be subjected to sex-based discrimination when it comes to salary, pay, or earnings, as stated by the rules outlined in the Equal Remuneration Act. Women who are employed are entitled to receive a wage that is equal to that of males.

Right to dignity and decency: Every woman has the right to dignity and decency under this provision. If the defendant is a woman, every medical examination that involves her must be done by -- or with another woman present.

Right against workplace harassment: A woman has the right to report any kind of sexual harassment at her place of employment under the Sexual Harassment of Women at Workplace Act. She has three months from the date of the act's passage to file a written complaint with an Internal Complaints Committee (ICC) at a branch office.

Right against domestic violence: A wife, female live-in partner, or a woman who lives with another woman, such as a mother or sister, is protected by Section 498 of the Indian Constitution against domestic violence (including verbal, economic, emotional, and sexual abuse) committed by a spouse, male live-in partner, or family members. The accused will be subject to a fine in addition to a period of non-bailable imprisonment that may last up to three years.

Right to get free legal aid: Female rape victims have the right to get free legal aid or assistance under the Legal Services Authorities Act, and the Legal Services Authority is required to set her up with a lawyer.

Right not to be arrested at night: A woman cannot be detained between the hours of dusk and morning unless there is an unusual circumstance and it is on the authority of a first class magistrate. The legislation further specifies that a woman may only be questioned by the police at her home in the presence of a female constable, her family, or close friends.

Right to register virtual complaints: The legislation allows women to write their complaints down and mail them to a police station from a registered postal address or submit them virtually through email. The SHO also sent a police policeman to her residence to document her allegation. If a woman is unable to physically go to a police station and submit a report, she may do this instead.

Right against indecent representation: It is illegal to depict a woman's figure (her shape or any body part) in a way that is repugnant, obscene, or likely to degrade, corrupt, or harm public morality or morals.

Right against being stalked: The IPC's Section 354D allows for legal action to be taken against an offender who follows a woman, makes repeated attempts to get in touch with her to foster personal interaction despite obvious disinterest, or watches how she uses the internet, email, or any other form of electronic communication.

Right to Zero FIR: The Zero FIR is a kind of FIR that may be started at any police station, regardless of where the event took place or the jurisdiction it falls under. It can then be transferred to the police station that has jurisdiction over the matter. The Supreme Court made this decision to save the victim's time and stop a criminal from walking free.

Challenges to women rights in India:

The problems with women's rights in India are complicated by a number of factors. These problems will directly affect how empowered women are in India.

While the nation has made great strides in the area of education since gaining independence.

There is a significant gender discrepancy. In India, just 65.46% of adult women are known to be literate, compared to 82.14% of adult males. Threatened by the gender bias in higher education and specialized professional training.

The elimination of poverty should be a national aim on par with eliminating illiteracy since it is seen to be the biggest danger to global peace. Women are abused as domestic helpers as a result.

Sexual assault and harassment: "Eve-teasing," a slang term for molestation or harassment of a sexual nature in public settings, is often unreported. Many commentators blame the government's lax prosecution of such assault offenses and a complicit society. Rape, kidnapping and abduction, molestation, sexual harassment, torture, murder for dowry, and the importation of girls are all considered crimes against women under the Indian Penal Code. Analysts claim that India's delayed, overloaded, and underfunded criminal justice system has made matters worse for female victims. The majority of rapes go undetected, in large part due to societal stigmas associated with such crimes that might embarrass victims and their families.

Health and Safety: Women's health and safety issues are crucial for a nation's well-being and a key indicator of how empowered women are in a nation. But when it comes to maternity healthcare, there are grave worries.

Professional inequality: This imbalance manifests itself in hiring practices and promotion practices. The atmosphere that is tailored to and dominated by males in government offices and private businesses puts women at a significant disadvantage.

Household Inequality: In India, for example, the division of labor system is used to share the load of household duties, child care, and menial labor. Work is more closely tied to women than to males, making it a barrier to equal rights enjoyment.

Conclusion:

"When women advance, the family, the village, and the country advance." It is crucial because their worldviews and belief systems influence the growth of a healthy family, good community, and eventually a good country. Women's safety and protection may be ensured, as well as the upholding of their rights, with sufficient understanding of these rights. The necessity of the hour is for true equality, which may guarantee greater democratic principles, best rights, and the safety and wellbeing of women.

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.*