



Shikshan

Anveshika

(A Bi-Lingual Publication)

शिक्षण अन्वेषिका

Vol. 4, No.2

July 2014

Bi-Annual Refereed Journal of Education ISSN 2231 1386



Hindu College of Education Sonapat

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Shikshan Anveshika

Bi-Annual Refereed Journal of Education

Print ISSN 2231-1386

Vol. IV, No. 2

July, 2014

Online ISSN 2348-7534

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Laws and Rights for Indian Women

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ABSTRACT

Legal awareness among women for their rights is an important issue these days. A girl child is least welcome although in India women were respected from the early ages. Even though there are growing instances of girls excelling in education, tradition, custom, and social practices place greater value on sons than on daughters, who are often viewed as an economic burden. This attitude of the society also stands in the way of the girl child being able to achieve her full potential. A recent report on the girl child makes the following observations: "Girls are the world's most squandered gift. They are precious human beings with enormous potential, but across the world, they are generally the last to have their basic needs met and first to have their basic rights denied (NIOL, 2014).

Keywords: Laws, Women issues, Women's rights, Domestic violence, Indian constitution, Rights of women

INTRODUCTION

Women have successfully crossed the barriers created by men in the name of gender inequality e.g. men say that women cannot do intellectual work or women cannot do stern physical jobs. Women have not only done these jobs successfully but have also fulfilled household duties efficiently alongside; still they are given a secondary status by men. Many philosophers have written about gender inequality and its causes. A whole new theory in philosophy originated due to this unequal treatment that women received from men. This is called feminism. Feminism arose as a result of unequal laws created by men through whom women were denied certain fundamental rights e.g. right to vote, right to property. It is the central aim of much feminist thought to uncover concealed asymmetries of power in the difference of gender and to work for a society in which the polarization of gender is abolished. Simone de Beauvoir, a French philosopher, has been the most important feminist thinker. She has shown us how from the earliest times men enslaved women due to their physical structure (Girdhar, 2013).

Women, as it happened generally, became weak due to repeated child-birth, so they were thought to be less important than the male members of the group. Simone also blames it on theology and metaphysics for this unequal status. J.S. Mill, an English philosopher of nineteenth

century, also is of the view that metaphysics is the real cause of gender inequality. In his essay "The Subjection of Women" (1869), he blames metaphysical theories for creating and sustaining gender inequality, which make us believe that there is a fixed human nature, women have one type of nature and men have another type of nature. Mill, being an empiricist, says we cannot know what the woman is in-herself, for we do not have direct knowledge of her, or about any matter for that reason (Girdhar, 2013). The woman is usually burdened with responsibilities that are beyond her capacity. Such exploitations function as obstacles in the process of development and growth of the girl child. When a girl child matures and becomes an adult she is often found to be physically weak and mentally constrained. They are neither able to realize their potentials nor able to contribute to the mainstream of society. Their contributions are often limited to family and that too are ignored.

In India females are discriminated in various fields like health, education and jobs. The girls carry the liability of dowry on their head, and they have to leave their parents' home after marriage. Besides, in order to safeguard their old age parents prefer to have male offspring. Many female babies are aborted, abandoned, deliberately neglected and underfed simply as they are girls. This is worst in the state of Rajasthan. But now there is a great change in this

direction. In some states like Haryana where girl child ratio is very low, the government has taken out many schemes to promote education of girls. Reservation of jobs for women and even six months maternity leave is provided to them besides many others. The need of girls for food clothing, shelter, healthcare, education, nurture, and time to play often goes unmet. Their rights to safety, freedom from harassment and exploitation, as also their rights to grow, develop and blossom, are denied (NIOL, 2014).

The status of women has improved a lot in the post Independent India. Women have started enjoying equal status with men. Our society and the nation has started respecting women. Women are occupying high positions and good jobs. Mrs. Prathiba Patil, the former President of India, Mrs. Meera Kumar, the former Speaker of Lok Sabha, Mrs. Nirupama Rao, the former Foreign Secretary, Mrs. Kiran Bedi, an ex-IPS Officer and social activist are the living examples bearing testimony to women empowerment. With education and awareness women will have the right knowledge about their freedom and liberties and the courage to fight for their rights.

Women in 21st century are progressing in accordance with Mahakavi Bharathi's vision of modern women. They have turned her dream into a reality. They are playing a significant role in policy making, decision making, planning, governing the nation, implementing policies. Though women are tremendously progressing in one side; on the other side, the ancient outlook has not changed yet. There are still atrocities committed against women. The major issues threatening women include female infanticide, harassment, dowry etc. Most of the men treat women as their inferiors and they fail to recognize that women are the other half of the society. They fail to treat them with respect, care and love. A solution to the above problem can be provided by eradicating male dominant mindset from the hearts of the people (Devi, 2011).

Women and men are equally important for the growth and development of individual and social lives. The women play the important role as mother and the same makes it unique. However, careful analysis of Indian society indicates that the situation is not good for women folk. The sex ratio of male and female in the India population has been changing and becoming unfavourable towards women. In the Indian society women are considered major contributors to family and society. We have gods and goddesses both and one of the incarnations of Lord Shiva

is *Ardhanareeshwar*, which is made of half male and half female in its constitution. Unfortunately this equality and prominence tells an incomplete fact.

LAWS SUPPORTING WOMEN'S RIGHTS

In recent years, the empowerment of woman has become a central issue in determining the status of women impact of all these laws and plans, the present women are more confident and self-dependent. Government has passed following laws to empower the women:

- **Commission of Sati (Prevention) Act, 1987:** It was a religious funeral practice among some Indian communities in which a recently widowed woman either voluntarily or by use of force and coercion would have immolated herself on her husband's funeral pyre. However, it was abolished in 1987 when government of India made an act to abolish it.
- **Dowry Prohibition Act, 1961:** Payment of a dowry, gift-often financial, has a long history in many parts of the world. In India, the payment of a dowry was prohibited in 1961 under Indian civil law and subsequently by Sections 304B and 498A of the Indian Penal Code was enacted to make it easier for the wife to seek redress from potential harassment by the husband's family. Dowry laws have come under criticism as they have been misused by women and their families. In India, there are civil laws, criminal laws and special legislative acts against the tradition of dowry. Someone accused of taking dowry is therefore subject to a multiplicity of legal processes.
- **National Commission for Women Act, 1990:** The objective of this Act is to represent the rights of women in India and to provide a voice for their issues and concerns. The subjects of their campaigns have included dowry, politics, religion, equal representation for women in jobs, and the exploitation of women for labour. They have also discussed police abuses against women. The commission regularly publishes a monthly newsletter, *Rashtra Mahila* in both Hindi and English.
- **Protection of Women from Domestic Violence Act, 2005:** Primarily meant to provide protection to the wife or female live-in partner from domestic violence at the hands of the husband or male live-in partner or his relatives, the law also extends its protection to women who are sisters, widows or mothers. Domestic violence under the act includes

actual abuse or the threat of abuse whether physical, sexual, verbal, emotional or economic.

- **Protection of Women against Sexual Harassment Bill, 2007:** The Bill defines a work place to include all organizations, and any place visited by an employee during the course of work. It covers every woman at the work place (whether employed or not) except a domestic worker working at home. It defines employer as the person responsible for the management, supervision and control of the work place (Vashishta, 2011).

The Indian Constitution guarantees equal rights to both sexes not to caste, colour and creed. The following laws/articles of the constitution make women on par with men:

- Article 14- guarantees to all equal protection of laws and equality before law.
- Article 15(3)- makes special provisions for woman, woman requires special treatment due to their nature.
- Article 16(2)- prohibits discrimination on the basis of religion, race, caste, or sex for employment.
- Article 21- compensates the victims of rape and sexual harassment by awarding the victims of rape.
- Constitution 73rd Amendment Act, 1992, Article 243 D, reserves a seat for women in every Panchayati and office of chairperson in the Panchayat at village shall be reserved in such a way that the legislature of the State may by law provide.
- Constitutional 74th Amendment Act, 1992 Article 243T, reserves 30% seats in Municipal Corporation for women (Chauhan, 2011).

The Constitution not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women. But, there is something more to be done. Women today need to look in themselves and listen their intuition, to take the right action at the right time; right intention and all their intentions will bear fruits. Nutrition and education are basic accessories needed to advance women workers; a closely health kit distribution system has to be developed; the common people should remain alert of crimes related to women and complain should be aware of such cases (Chauhan, 2011).

All the afore mentioned laws assigned the following rights to women in India and a women must aware about it:

- The women in India are entitled to free legal aid.
- The police cannot refuse to accept FIR of women.
- No arrest of a woman can be made after sunset.
- The women cannot be called to police station.
- The women are entitled to protection by the employer.
- The women have the right to privacy while recording statements
- The identity of women cannot be revealed without her permission.
- A woman can file her FIR through email too.
- There is not any time limit for filling FIR.
- A doctor cannot decide whether a woman is sexually assaulted or not with a verbal statement. A full written statement is always required.

Women need to be respected and cared for the welfare of the society. Women are still ignorant and women illiteracy still prevails in the society. Ignorance and financial dependence are the sole reasons for women slavery. Women's status will be improved only if illiteracy is completely demolished. Education is the only way which paves way for women empowerment and to know about their legal rights they will become more competent and powerful. Women will have the confidence to face challenges only if they are able to stand on their own feet.

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