

Study on Women Rights and Protection in India

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ABSTRACT:

India is the land of Goddess, pray to but at the same time, one can onlooker harassment, sexual abuse and crimes against the women. The Govt. of India stipulates a set of rights for the women which are vital for each woman to get protected. This article traces the important rights of the women which are critical for self-development and also protection. Some of the women rights comprise equal pay for the equal work, right to the self-respect and decency, right against the office harassment, right against the domestic violence, right to get the free legal aid, freedom from the arrest during night time, right to register the online complaints, right against the offensive representation, right contrary to stalking, right to the zero FIR etc.

KEYWORDS: *Women rights, Right to self-respect, Right against harassment, Right to the zero FIR.*

I. INTRODUCTION

India's nationalistic saint Swami Vivekananda cited that, "There is no chance for the welfare of this world except the condition of women is better-quality, and it is impossible for the bird to fly on only one wing." Thus, so as to realize the position of a developed country, India wants to transform its massive women force into an active human resource and this is conceivable only through proper alertness of women rights.

India, the land of many goddesses where women are to be appreciated with high esteem, eyewitnesses' harassment, abuse and the other killings and the crimes contrary to women. Historical study undoubtedly exposes that the status of women in India has been subject to numerous changes over the span of noted Indian history. During Indo-Aryan era of this ancient India's dated, women felt subordination. Practices and prohibitions like womanlike infanticide, child marriage, the dowry and offensive on widow remarriage had a longated duration in India pavement way for problematic situation in rooting out of Hindu culture in the northern India. A remarkable modification occurred through the British rule when they passed trials which intended at removing the social prohibitions, together with the Bengal Sati Regulation, 1829, Hindu Widows' of Remarriage Act, 1856, the Female Infanticide Prevention Act, 1870, and Age of the Consent Act, 1891.

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

Women's rights under our Constitution of India mostly comprise equality, dignity, and the freedom from judgment; moreover, India has numerous acts governing the rights of women. One observed superior radical variation in the status of women throughout the recent era where women

assisted in numerous senior positions in the Govt. of India lodging the chair of being the 1st citizen of India- The president of India, the state's real administrative- CM's, The Real administrative- PM, the speaker of the loka Sabha and the other extraordinarily dignified posts. In unkindness of this, numerous women in the India still face momentous problems. Violence contrary to women particularly sexual violence has been an excessive threat to the rights of women. Henceforth, there is a desire for awareness of the rights which pursues to shield women.

II. OBJECTIVES OF THE STUDY

1. To recognize the necessity of Women rights.
2. To analyse the several women rights in India.
3. To assessment the Govt. representations which certify the women rights.
4. To identify the matters and challenges of the women rights.

This paper is mostly expressive and logical in nature. In this paper an effort has been taken to study and review the women rights in India. The info working in it is virtuously from secondary sources rendering to the necessity of this study. The woman rights in India could be categorized into 2 categories, specifically as constitutional rights and the legal rights. The constitutional rights are individuals which are preserved within these constitutional provisions. The legal rights, alternatively, are those which are ratified within these parliamentary regulations in addition to this state legislations.

III. LEGAL RIGHTS WHICH SEEKS TO PROTECT THE WOMEN

Following are the list of the rights and precautions protected in this constitution of India for the women protection. The state shall not separate contrary to any citizen of India on the ground of the sex [Article 15(1)]. The state is vested to make any unusual provision for women. In other difference of opinion, this provision allows the state to make assenting discrimination in favour of the women [Article 15(3)]. No citizen shall be separated against or be unentitled for any engagement or office under this state on ground of the sex [Article 16(2)]. Traffic in human lives and required labour are forbidden [Article 23(1)]. The state to safe for men and women correspondingly the right to a passable means of the livelihood [Article 39(a)]. The state to protected equal pay for the equal work for both the Indian men and women [Article 39(d)]. The state is essential to confirm that the health and strength of the women workers are not harmed and that they are not enforced by economic need to enter occupations unfitted to their strength [Article 39(e)]. The state shall make provision for fortifying just and humane situations of the work and maternity relief [Article 42]. It shall be the duty of each citizen of India to relinquish practices disparaging to the self-respect of women [Article 51-A (e)]. One-third of the full number of the seats to be filled by straight election in each Panchayat shall be held in reserve for the women [Article 243-D (3)]. One-third of the complete number of offices of heads in these Panchayats at to each level shall be kept for women [Article 243-D (4)]. One-third of the whole number of the seats to be filled by this direct election in each of City shall be reserved for these women [Article 243-T (3)]. The offices of heads in the Municipalities shall be set aside for the women in such way as the State Legislature may make available [Article 243-T (4)].

Legal Rights to the Women

The subsequent numerous legislation's comprises numerous rights and protections for women: Defence of Women from the Domestic Violence Act (2005) is a complete legislation to defend women in India from all the forms of the domestic violence. It also asylums women who have been in a connection with the abuser and are exposed to violence of at all kind—physical, mental, verbal, sexual or emotional. Immoral of Traffic Act (1956) is the prime legislation for prevention of this trafficking for the commercial sexual exploitation. In other ways, it avoids trafficking in the women and girls for this drive of prostitution as an organized means of the living. Offensive Depiction of Women Prevention Act (1986) proscribes indecent symbol of the women through ads or in the publications, figures, writings, paintings or in any other way. Commission of Sati Prevention Act (1987) delivers for the added operative prevention of this commission of sati and its deification on women. Dowry Ban Act (1961) forbids the providing or taking of the dowry at or previously or any of the time subsequently the marriage from women. Maternity Advantage Act (1961) legalizes the employment for women in certain institutions for the certain period beforehand and afterward child-birth and delivers for maternity benefit and the sure other benefits. Medical End of Pregnancy Act (1971) delivers for the termination of sure pregnancies by listed medical practitioners on caring and medical grounds. Pre-Conception and the Pre-Natal Diagnostic Methods (Prohibition of Sex Selection) Act (1994) forbids sex selection beforehand or after conception and stops the misuse of the pre-natal diagnostic systems for sex determination foremost to female foeticide. Equal Payment Act (1976) delivers for payment of equivalent payment to both the men and women employees for similar work or work of analike nature. It also averts discrimination on this ground of sex, contrary to women in employment and service conditions. Closure of Muslim Marriages Act (1939) grants a Muslim spouse the right to pursue the dissolution of her wedding. Muslim Women (Protection of Rights on Divorce) Act (1986) defends the rights of the Muslim women who have been separated by or have got divorce from their husbands. Family Courts Act (1984) delivers for the formation of Family Courts for quick settlement of the family disputes. Indian Penal Code (1860) comprises provisions to defend Indian women from the dowry death, kidnapping, rape, cruelty and also other offences. Code of the Criminal Procedure (1973) has the certain safeguards for the women like obligation of a person to uphold his wife, arrest of woman by female police and so on. Indian Christian Marriage Act (1872) comprise provisions connecting to marriage and divorce amongst the Christian community. Legal Services Establishments Act (1987) delivers for free legal services to the Indian women. Hindu Marriage Act (1955) presented monogamy and permitted divorce on certain stated grounds. It providing equal rights to the Indian man and woman regarding marriage and divorce.

Hindu Succession Act (1956) identifies the right of women to come into parental property alike with men. Minimum Wages Act (1948) does not permit discrimination between the male and female employees or dissimilar minimum wages for them. Mines Act (1952) and the Factories Act (1948) forbids the employ of women between 7 P.M. to 6 A.M. in the mines and the factories and delivers for their security and welfare. The subsequent other legislations also comprise positive rights and safeguards for women which embraces Employees State Insurance Act (1948), Plantation Labour Act (1951), Bonded Workers System (Abolition) Act (1976), Legal Practitioners Act (1923), The Indian Succession Act (1925), Indian Separation Act (1869), Parsi Marriage and the Separation Act (1936), Particular Marriage Act (1954), Foreign Marriage Act (1969), Indian Proof Act (1872), Hindu Acceptances and Maintenance Act (1956), National Commission for the Women

Act (1990) providing for the formation of a National Commission for the Women to study and watch all matters linking to the constitutional and the legal rights and protections of women. Sexual Harassment of the Women at Office (Prevention, Prohibition and Redressal) Act (2013) delivers defence to the women from the sexual harassment at all offices both in the public and the private sector.

IV. EXCEPTIONAL INDIAN WOMEN RIGHTS

Right to allocation of the property

In furthermost Indian families, women do not individual any property in their own names, and don't get a portion of the parental property. Due to weak execution of the laws protecting them, women endure to have little admittance to land and the property. In India, women's possessions rights vary contingent on religion, and tribe, and are conditional on a complex mix of the law and custom, but in opinion the move has been in the direction of granting women alike legal rights, particularly since the transient of The Hindu Succession (Amendment) Act, 2005. The Hindu individual laws of 1956 (applying to the Hindus, Jains, Buddhists and Sikhs) provided women rights to legacies. Nevertheless, sons had an autonomous share in the family property, while the daughters' property share were grounded on the share acknowledged by their father. Hence, a father could efficiently dispossess a daughter by relinquishing his share of the family property, but a son would endure to have a share in his individual right. Moreover, married daughters, even those are facing domestic abuse and also harassment, had no housing rights in the parental home. Thanks to a modification of the Hindu laws in 2005, women now have the equal status as men. The Union Govt. then passed the Muslim Women's (Protection of Rights upon Divorce) Act. In the year 1994, wholly churches, mutually with the women's organizations, drew up the draft law called the Christian Marriage and the Matrimonial Causes Bill. Though, the Govt. has still not corrected the relevant laws. In the year 2014, the Law Commission of India has queried the Govt. to amend the law to give Christian women alike property rights.

Right to impartiality of pay

Corresponding to the provisions recorded under this Equal Remuneration Act, one can't be categorized on the basis of the sex when it comes to the salary, pay or the wages. Employed women have the right to get an equal salary, as equated to men.

Right to self-respect and decency

This right guarantees every woman, the right to self-respect and the decency. In an event that the suspect is a woman, any kind of medical examination process on her must be completed by or in the attendance of additional woman.

Right against the office harassment

The Sexual Harassment of the Women at Office Act gives up a female the right to file a grievance against any kind of the sexual harassment at her place of the work. Under this act, she can give in to a written complaint to an Internal Complaints Committee (ICC) at the branch office in the period of 3 months.

Right against the domestic violence

Section 498 of this Indian Constitution appearances to defend a wife, female, live-in partner or the woman living in the household like a mother and a sister from domestic violence (including verbal, emotional, economic and sexual) by the hands of the husband, male live-in partner or the relatives. The suspect shall be disciplined with a non-bailable custody for a term which may encompass to 3 years and shall also be accountable to fine.

Right to get the free legal aid

Under this Legal Services Establishments Act, female rape victims have the right to get the free legal aid or help from this Legal Services Authority who has to organize the lawyer for her.

Right not to be under arrest at night

Unless there is an extraordinary case on the commands of a first-class magistrate, a woman can't be under arrest after sunset and before the sunrise. Furthermore, the law also says that the police can cross-examine a woman at her residence only in the attendance of a women constable and the family members or the friends.

Right to register online complaints

The law gives females the provision for filing simulated complaints through e-mail or writing her grievance and sending it to the police station from a listed postal address. Additionally, the SHO [Station House Officer] refers a police constable to her place to trace her complaint. This is in case if a woman is not in a position to really go to a police station for complaint registration.

Right against offensive representation

Depiction of the woman's figure (her form or any body part) in any way that is indecent, derogatory or is probable to debauch, corrupt or injure the public ethics or morals, is a disciplinary offence.

Right against being the stalked

Section 354D of the IPC makes way for the legal action to be taken contrary to an offender if he/she tracks a woman, tries to contact her to foster individual interaction recurrently despite a clear sign of disinterest; or monitor the usage by a woman of the email, internet, or any other form of the electronic message.

Right to the Zero FIR

A FIR that could be filed at any police station notwithstanding of the location where the incident happened or an exact jurisdiction it comes under, the Zero FIR could later be moved to this Police station in whose jurisdiction the case falls under. This ruling was approved by the Supreme Court to save the victim's time and stop an offender from getting away easily.

V. CHALLENGES TO THE WOMEN RIGHTS IN INDIA

There are numerous challenges that are afflicting the issues of women's right in India. These topics will have a direct bearing on the enablement of women in India.

Education: While the country has full-grown from leaps and the bounds since independence where the education is concerned. The gap among women and men is simple. While 82.14% of the adult

men are skilled, only 65.46% of the adult women are recognized to be well-educated in India. The gender bias in the higher education, focused proficient trainings poses a threat.

Poverty: Poverty is painstaking the utmost threat to peace in this world, and abolition of poverty should be the national purpose as vital as the eradication of the illiteracy. Due to this, women are subjugated as the domestic helps.

Sexual abuse and the harassment: “Eve-teasing,” a communal euphemism for the sexual harassment or the molestation in a public place, goes typically unreported. Many experts attribute this to a culture of collusion and the Govt. weak hearing of such assault crimes. Under this Indian Penal Code, crimes contrary to women embrace rape, kidnapping and the abduction, molestation, the sexual harassment, homicide, torture for the dowry, and the import of girls. Though, India’s slow, exploited, and underfunded unlawful justice system has worsened the plight of the women victims, analysts say. Most rapes are going unreported, mostly because of cultural disgraces neighboring such incidents that could bring disgrace to victims and also their families.

Health and the Safety: Health and the safety concerns of women are supreme for the happiness of a country and are a vital factor in assessing the enablement of women in a country. But, there are upsetting concerns where the maternal healthcare is troubled.

Professional Inequality: This disparity is practiced in service and also in promotions. Women face uncountable handicaps in male customized and conquered environment in Govt. Offices and also in the Private enterprises.

Household Inequality: Household relations display gender bias, in India e.g. sharing burden of the housework, childcare and also menial works by so called partition of work. Work is more connected to women in excess of men, hence demonstrating it as a point of hurdle in alike enjoyment of the rights.

VI. CONCLUSION

When women go advancing the family moves, the community moves and also the nation moves. It is vital as their supposed and their value systems lead the growth of a good family, also good society and finally a good nation. A proper alertness of the women rights can confirm safety and the protection of women end to end with its enforcement. True equivalence can certify better self-governing system and values and best rights guaranteeing the protection and also wellbeing of women is the necessity of the period.

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