

Women Rights in India and Their Status

Abstract

Swami Vivekananda remarked about women: *"Just as a bird could not fly with one wing only; a nation would not march forward if the women are left behind."*

Women are backbone of every home, society and country, without women imagination of world can't be possible. In ancient time status of women was not good, But at present in 21st century women have equal rights like men. This article defines the women rights and their status in society, and different types of crimes and related laws of India which is passed for protection of women.

Keywords: Women Rights, Status, Crime.

Introduction

Our society is man dominant from ancient time. In ancient time status of women was not good, they have no right of education, right of livelihood with freedom. Thought of society is that women is made for only household work and they are stay only in house with long purdah that's called ghunghat. Many social evils are affected their life, like satipartha, child marriage, devdasi, dowry, trafficking, cruelty etc.

But now at present the status of women has been changed women have equal rights to men. Women have held high offices like men. Our Indian constitution gives all equal rights to men. Mainly includes equality, dignity, and freedom from discrimination, freedom of liberty, speech, etc. At present 21st century women become empowered of country. Women have held high offices including that of the President, Prime minister, and speaker of the Lok Sabha, leader of the opposition, Union Ministers, and Governors.

However, women in India continue to face numerous problems such as sexual assault, gender inequality and dowry.

Objective of the Study

The main objective of this topic is that to provide the knowledge about status of women in India and their rights which provide by our constitution and other laws. When we think of gender we have to think and study many dimensions rather than one, because we cannot find proper inference by studying only one side. In this research we have focused on women-men inequality relevant of economic, government policies for women, their development and status of woman in society. We have focused on these topic in this research, we have studied the status of women in India and get their good position.

Review of Literature

The lack of education is the main cause for which women are the sufferer, more than men. The lack of education means the lack of self reliance, self-confidence for which women are not able to come out of their problems. So educating a woman means educating a family. That's why our great social scientist Swamiji said, "Educate your women first and leave them to themselves, then they will tell you what reforms are necessary for them". As per one estimate, about 850 million people in the world are illiterates. Out of these, about 50 percent are in India alone. But if we take illiteracy rate among women the situation becomes more alarming. Four out of five women in this country are illiterates that mean they are denied the 33 benefits of modern knowledge, improvement of functional skills and behavioral changes towards modernization. No doubt that there has been a tendency towards literacy in post- Independence era, but women to a large extent have been ignored. Consequently, a considerable majority of the women particularly from rural areas continue to be either illiterate or semiliterate. It means women are not given due opportunities in order to enable them to take the benefit of modern technology.

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Crime against Women and Their Rights**Domestic Violence**

Domestic violence in India includes any form of violence suffered by a woman by male members of her family or relatives. The Domestic violence had taken the form of mentally and physically abuse against women like slapping, sexual harassment, hitting, public humiliation etc. Our Indian law provides Domestic violence Act, 2005 for protection of women from Domestic violence and cruelty under Section 498 A of the Indian Penal Code, 1860 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.

Dowry Death

Dowry is illegal in India, but it is still common practice to give expensive gifts to the groom and his relatives at weddings which are hosted by the family of the bride. In some cases Husband and their in laws demand for dowry like gifts , money, property, jewellery etc. when a woman and her parents failed to fulfilled their demand then results are that continuous harassment of women and physically and mentally torture by family. For protection of women and punishment for liable Indian government makes Dowry Prohibition Act, 1961.

Sex Selective Abortion

Our Indian society has patriarchal system, which is historical rooted in Indian society. The preference for a son is a phenomenon. . 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. Due to preference of male child, results are that sex selective abortion increased, in India it is estimated that around "10 million female fetuses have been aborted in last 20 years¹, that's results are very horrible. "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.^{2"} 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 fetuses by untrained nurses and staff is widely prevalent particularly in Northern states of India like Haryana, Rajasthan and Punjab. The Preconception and Prenatal Diagnostic Techniques Act of 1994 (PCPNDT Act 1994) was modified in 2003 in order to target medical professionals; by strictness of government results are improved. According to Times of India report Haryana's sex ratio has improved from an abysmal 832 girls for every 1000 boys in 2012 to 924 by December 31, 2018, according to figures released by the state government³.

Rape

The word 'rape' is derived from the Latin term 'rapio' which means 'forcible seizure.'⁴ Rape signifies the 'ravishment of a woman without her consent, by force, fear or fraud' or 'the knowledge of a

woman by force against her will.'⁵ The Indian Penal Code, 1860 in section 375 defines the offence and in Sections 376 and 376A to 376D provides punishment for rape⁶. The Code defines rape in the following words⁷;

Rape

A man is said to commit "rape" who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions: -

First

Against her will.

Secondly

Without her consent.

Thirdly

With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt.

Fourthly

With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

Fifthly

With her consent, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

Sixthly

With or without her consent, when she is under sixteen years of age."

Thus the section requires two things; a) Sexual intercourse by a man with a woman. b) The sexual intercourse must be under the circumstances falling under any of the six clauses.

The Criminal Law (Amendment) Act, 2018⁸ amended different sections of the Indian Penal Code, 1860 for rape by Amendment of section 166A, Amendment of section 228A, Amendment of section 376, Insertion of new section 376AB, Punishment for rape on woman under twelve years of age, Insertion of new sections 376DA and 376DB and Punishment for gang rape on woman under sixteen years of age.

Sexual Harassment at Work Place

In *Vishaka v State of Rajasthan*⁹ the Supreme Court observed that equality in employment can be seriously impaired when women are subjected to gender-specific violence, such as sexual harassment in the workplace.

Therefore, the Supreme Court issued guidelines to ensure that the women have equal working conditions and are protected from sexual harassment. Vishaka was public interest class action and came up before Supreme Court of India at the instance of certain social activists and Non-Government Organizations (NGOs) seeking to prevent sexual harassment of working women in all work places. Their grievance was that while working women remained vulnerable to this, neither the legislature nor the executive government was taking

any effective preventive measure in this behalf. Therefore, the plaintiffs approached the apex court for the enforcement of the fundamental rights of the working women as guaranteed by the Constitution. Supreme Court's 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.

Child Marriage

Section 5 of Hindu Marriage Act, 1955 makes a marriage lawful only if the groom has attained the age of 21 years at the time of marriage and bride has attained the age of 18 years at the time of marriage, but at many places of country girls are married in minor age. The reason behind that due to poverty, lack of awareness, due to cause of illiteracy. In state of Rajasthan on auspicious day of Akas Teej a number of children's are married. Child Marriage Act 2006 prohibits child marriage and declares 18 years and 21 years as the marriageable age for the girls and boys.

Constitutional and Legal Rights of Women

Constitution of India has also protected equality of woman under article 14¹⁰, 15¹¹, 16¹², 38¹³, 39¹⁴, 42¹⁵, 51 (A) (E)¹⁶.

The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio-economic, educational and political disadvantages faced by them. Article 14 confers on men and women equal rights and opportunities in the political, economic and social spheres. While Article 15 prohibits discrimination against any citizen on the grounds of religion, race, caste, sex etc., Article 15(3) makes a special provision enabling the State to make affirmative discrimination in favour of women. Similarly, Article 16 provides for equality of opportunities in matter of public appointments for all citizens. Article 39 (a) further mentions that the State shall direct its policy towards securing to all citizens' men and women, equally, the right to means of livelihood, while Article 39 (c) ensures equal pay for equal work. Article 42 directs the State to make provision for ensuring just and humane conditions of work and maternity relief. Above all, the Constitution imposes a fundamental duty on every citizen through Articles 51 (A) (E) to renounce practices derogatory to dignity of women¹⁷.

Apart from this Parliament enacted laws for Sati prevention, Restrain of child marriages¹⁸ Equal Remuneration¹⁹, the Maternity Benefit²⁰, Immoral traffic prevention²¹, Dowry prohibition²², Equal rights of woman²³ in property and remarriages of widow²⁴ etc. are some of the enactments which owe their existence to the above mentioned provisions of the Indian Constitution, The Family Courts Act, 1954, The Special Marriage Act, 1954, The Hindu Marriage Act, 1955, The Hindu Succession Act, 1956 with amendment in 2005, The Medical Termination of

Pregnancy Act, 1971, The Contract Labour (Regulation and Abolition) Act, 1976, The Prohibition of Child Marriage Act, 2006, The Criminal Law (Amendment) Act, 1983, Indecent Representation of Women (Prohibition) Act, 1986, Commission of Sati (Prevention) Act, 1987, The Protection of Women from Domestic Violence Act, 2005 and the 73rd Constitutional Amendment Acts passed in 1992 by Parliament ensure one-third of the total seats for women in all elected offices in local bodies whether in rural areas or urban areas.

National Commission for Women

In January 1992, the Government set-up this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary, etc²⁵. NCW have engaged them to deal with the cases relating to the violation of women's rights. They have pressurized the government to pass stricter laws to deal with the rape cases, domestic violence and to create a separate criminal code for the women etc.

Conclusion

Different factors are responsible for crime against women in India and out of them approach of gender inequality is primary cause. Women were tortured physically, mentally and sexually in one or another way. Crime against women such as domestic violence, sexual assault, molestation, outraging the modesty of a woman at a work place/ public place and trafficking is common. The attitude of a male towards a female in our country pointed out the problem of inequality approach, illiteracy, lack of morality, male dominance society, poverty etc. In order to combat these problems, existing laws related to women should be improved and implemented in an effective way.

Thus in short, the Millennium Development Goal on gender equality and women's empowerment can be realized in India only when the traditional practices like female infanticide, dowry deaths, domestic violence, or sexual abuse is eliminated. It is only then that gender equality and women's empowerment can become a reality.

References

- www.wikipedia.com
- www.shodhganga.com
- Women's Rights in India: Problems and Prospects* by Sutapa Saryal
- Women's Right and the Indian Constitution*
- National policy for women empowerment*
- Indian penal code 1860 universal bare act*
- www.timesofindia.com
- mospi.nic.in
- Hindu marriage Act, 1955*

Endnotes

1. Jha P. R. Kumar, P. Vasa and N. Dhingra et al, *Low Male to female sex ratio of children born in India: national survey of 1.1 million households*, *Lancet*, 367, 211-18 (2006) www.homeoffice.gov.uk

2. Vishwanath L.S., *Female Infanticide: The Colonial Experience, Economic and Political Weekly*, 45, 2313- 2318 (2004)
3. *M.timesofindia.com*
4. K. D. Gaur, "Criminal Law-Cases and Materials," 3rd Edition, (Butterworths, London, 1999), p. 498.
5. K. D. Gaur, "Criminal Law-Cases and Materials," 3rd Edition, (Butterworths, London, 1999), p. 498-499.
6. Sections 375 & section 376, IPC have been substantially changed by the Criminal Law (Amendment) Act, 1983(Act 43 of 1983).
7. Section 375 of the Indian Penal Code, 1860.
8. THE CRIMINAL LAW (AMENDMENT) ACT, 2018;[The Gazette of India; No. 35] NEW DELHI, SATURDAY, AUGUST 11, 2018/SHRAVANA 20, 1940 (SAKA)
9. AIR 1997 SC 3011
10. Equality Before Law, Equal Protection of Law
11. Government shall not discriminate any citizen on the basis of caste, race, sex and religion
12. equality of opportunity to all
13. Directive Principles of State Policy (Part IV)
14. *ibid*
15. Just and human conditions of work including maternity benefit should be given to woman at working place.
16. It is the fundamental duty of every citizen to respect each and every human being and not to give derogatory treatment on the basis of sex.
17. MOSPI,GOI Report., women and men in india;2016
18. the child marriage restraint Act, 1929
19. The Equal Remuneration Act, 1976
20. the Maternity Benefit(Amendment) Act, 2017
21. the Immoral Traffic (Prevention) Act, 1956
22. dowry prohibition Act, 1961
23. the woman property right act, 1955
24. the Hindu widow remarriage act 1836
25. Ministry of Statistics and Programme Implementation, Government of India Report, Women and Men in India; 2016.