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Privileges, legal and constitutional rights of every Indian woman

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Abstract

This paper deals with the privileges, legal and constitutional rights of every Indian woman. The main aim of the article is to give a brief outlook of the privileges and rights of women according to Indian constitution. Attaining equality between men and women and eliminate all forms of biasness against women are rights and values. Women around the world nevertheless regularly experience violations of the rights throughout their lives, and realizing women's rights has not always been a priority. Achieving equality between men and women requires a comprehensive understanding of the ways in which women experience discrimination and are denied equality so as to develop appropriate strategies to eliminate such discrimination. The Constitution not only grants equality to women, it gives the measures and solution for the problem of women's and also empowers the State to adopt measures of positive approach in favor of women. This paper gives a vast knowledge and brief outlook about the legal and constitutional rights of Indian woman.

Keywords: Women rights, legal rights, constitutional rights, privileges.

Introduction

The rights available to Indian women can be classified into two categories, namely as legal rights and constitutional rights. The legal rights are those which are provided in the various acts of the Parliament and the State Legislatures. The constitutional rights, on the other hand are those which are provided in the various provisions of the constitution. Due to the revolutionary changes brought by Indian constitution and efforts made by Indian women, they have earned themselves a respectable position in the society. The Constitution not only grants equality to women, it gives the measures and solution for the problem of women's and also empowers the State to adopt measures of positive approach in favor of women. Women in India now participate fully in areas such as education, sports, politics, media, art and culture, service sectors, science and technology, even in the current modern society the women are all enjoying their rights and the privileges which is over to them as a legal rights and constitutional rights with special initiatives and provisions etc. India has one of the highest numbers of female politicians in the world. The Majority of candidates in the Panchayats are also a woman. These power structures have an impact on all aspects of life, from law and politics, to social and economic policy, community and family life, training, education, skill development and attainment of employment opportunities.

Legal Rights

1. Indian Penal Code (1860) contains provisions to protect Indian women from dowry death, rape, kidnapping, cruelty and other offences.
2. Indian Christian Marriage Act (1872) contain provisions relating to marriage and divorce among the Christian community.
3. Dissolution of Muslim Marriages Act (1939) grants a Muslim wife the right to seek the dissolution of her marriage.
4. Minimum Wages Act (1948) does not allow discrimination between male and female workers or different minimum wages for them.
5. Mines Act (1952) and Factories Act (1948) prohibits the employment of women between 7 P.M. to 6 A.M. in mines and factories and provides for their safety and welfare.

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6. Hindu Marriage Act (1955) introduced monogamy and allowed divorce on certain specified grounds. It provided equal rights to Indian man and woman in respect of marriage and divorce.
7. 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.
8. Hindu Succession Act (1956) recognizes the right of women to inherit parental property equally with men.
9. Dowry Prohibition Act (1961) prohibits the giving or taking of dowry at or before or any time after the marriage from women.
10. Maternity Benefit Act (1961) regulates the employment of women in certain establishments for certain period before and after child-birth and provides for maternity benefit and certain other benefits.
11. Medical Termination of Pregnancy Act (1971) provides for the termination of certain pregnancies by registered medical practitioners on humanitarian and medical grounds.
12. Code of Criminal Procedure (1973) has certain safeguards for women like obligation of a person to maintain his wife, arrest of woman by female police and so on.
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) prohibits indecent representation of women through advertisements or in publications, writings, 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. Commission of Sati (Prevention) Act (1987) provides for the more effective prevention of the commission of sati and its glorification on women.
18. Legal Services Authorities Act (1987) provides for free legal services to Indian women.
19. 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.
20. Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (1994) prohibits sex selection before or after conception and prevents the misuse of pre-natal diagnostic techniques for sex determination leading to female feticide.
21. The following other legislation's also contain certain rights and safeguards for women:
 - Indian Divorce Act (1869)
 - Indian Evidence Act (1872)
 - Legal Practitioners (Women) Act (1923)
 - Indian Succession Act (1925)
 - Parsi Marriage and Divorce Act (1936)
 - Employees' State Insurance Act (1948)
 - Plantation Labour Act (1951)
 - Special Marriage Act (1954)
 - Hindu Adoptions and Maintenance Act (1956)
 - Foreign Marriage Act (1969)
 - Bonded Labour System (Abolition) Act (1976)
22. 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 abuser and are subjected to violence of any kind—physical, sexual, mental, verbal or emotional.
23. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (2013) provides protection to women from sexual harassment at all workplaces both in public and private sector, whether organised or unorganized.

Constitutional Rights

1. 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.
2. Dowry Prohibition Act (1961) prohibits the giving or taking of dowry at or before or any time after the marriage from women.
3. Maternity Benefit Act (1961) regulates the employment of women in certain establishments for certain period before and after child-birth and provides for maternity benefit and certain other benefits.
4. Indecent Representation of Women (Prohibition) Act (1986) prohibits indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner.
5. Commission of Sati (Prevention) Act (1987) provides for the more effective prevention of the commission of sati and its glorification on women.
6. 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 abuser and are subjected to violence of any kind—physical, sexual, mental, verbal or emotional.
7. 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)].
8. The state shall make provision for securing just and humane conditions of work and maternity relief [Article 42].
9. It shall be the duty of every citizen of India to renounce practices derogatory to the dignity of women [Article 51-A (e)].
10. 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)].
11. 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)].
12. 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)].
13. 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)].

Conclusion

To conclude Indian women have come a long way and show that she is capable of doing anything and helps in the prosperity and growth of the nation. Women are one of the strongest pillars of the society. Now it is high time for all of us to understand the power of women. Even our judiciary and legislature has also acknowledged the fact that women are one of the most significant elements of society and their mistreatment would not be acceptable. Women plays different role in her life. So we must give them due care and respect and appreciate their efforts towards welfare of the society at large. Rights of women are very necessary and should be protected from any kind of harassment and torture. In order to ensure adherence to constitutional provisions for women welfare, there was a need to enact specific laws by the state and central Government. Hence this paper as explain in a detail manner for the better understanding of the legal and constitutional rights and privileges of women.

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