

RIGHTS, PRIVILEGES AND SPECIAL INITIATIVES FOR WOMEN IN INDIA**Dr. Rupesh Kumar****Abstract**

An incredible revolution has been evident over the past 100 years, which has transformed the lives of women. This article highlights some of the key elements in relating to feminism in Indian society. It suggests that the meaning and importance of a feminist perspective need to be re-examined for their significance and utility in this rapidly changing society. A brief discussion on the meaning of feminism provides a major framework for the article. The issues related to cultural diversity and the need for competent health care delivery for all masses are some important themes. The present article looks at the numerous challenges to feminism in the 21st century and gives a Indian perspective. All over the Globe there has been a very close link between the feminism and women's movement, each enriching and inspiring the other. While the women's movement is a earlier phenomenon, the term, 'Feminism' is a modern one. Feminism comprises a number of cultural, social and political movements, moral philosophies and theories concerned with equal rights and gender inequalities for women. The present paper looks at the challenges to feminism in the Indian region. These can be referred to - the attitude towards girl child, gender violence and Globalization. Though India is characterized by high economic growth from the past 5-10 years yet poverty is also a reality along with large population, illiteracy and backwardness. In the absence of a State support structure, the parents plays a main role in this culture and this deeply affects women more than men. All Indian cultures are patriarchal. There is a lot of value placed on the birth of a son and one of the main problems facing the States of India today is the declining sex ratio. In our Country, Gender-based violence is a universal truth, regardless of class, culture and income. Numerous opportunities have been created, expectations have been surpassed, and now women are on track to having equivalent standards and rights to that of males. Changes in the enactments and various judicial decisions of Supreme Court have empowered women to gain the right to an education, right to vote, right to divorce etc.

Key Words : Incredible, Revolution, Perspective, Feminism, Inspiring, Patriarchal, Enactments

Introduction

All over the World there has been a close link between the feminism and women's movement, each enriching and inspiring the other. "Feminism" concerns with the discrimination occurred to women due to their sex and women's subordinate status in society. Furthermore, feminists call for changes in the economic, social, cultural or political order to reduce and finally overcome this discrimination against women and to create an equitable society in which gender justice can be achieved. Nowadays "feminist" as a term is understood to denote the political stance of someone committed to changing the cultural and social position of women.¹

Today in the new scenario, we have many reasons to be proud for our extra unique achievements. From stepping into the moon, to bringing in longevity in life span, to fighting incurable diseases, there is a tremendous success of science and technology. We are on the way to have enough desire for even bigger achievements. And there are many reasons to believe that in the coming days many of such dreams would be possible for us. Feminism calls for impartial equality in society. Stated this way, a feminism idea doesn't seem very controversial and relevant in 21st century. No doubt, Feminism was necessary a hundred years ago when women have not voting right, lacked many legal powers and were strongly banned and discouraged from working outside the home. Nowadays in Whole World, women are a important voting bloc, have gained major power in the court system and frequently have very high-paying jobs, many women are working as CEOs. What more equality are we looking for ? It would be wonderful to agree with these protesters that yes, feminism has done its job and the 21st century is still not completely post-patriarchal. But women still face significant obstacles that men do not. Overcoming those obstacles requires a feminist perspective and feminism continues to be still relevant. The workplace is one of the most obvious places to see these issues. Although women work in many of the same professions as men, they are paid far less for doing the

¹ Amrita Kaushik, *Causes of Women Exploitation* 32 (Rupam Publishers, New Delhi, 4th edn., 2007).

same job.² A recent study found that even when a woman and a man have the same level of education, the same level of previous work experience, the same family situation, and the same type of profession, the woman will be paid less than man. Even when women are CEOs, they face different types of discrimination and expectations than men. When Marissa Mayer, CEO of Yahoo, announced she was pregnant, people immediately began to speculate that it made her unqualified for her job. It is assumed women will have trouble balancing work and family since it is nearly impossible to fulfill the stereotypical role of the completely selfless mother when also having a career of one's own. Our society still views the "good" mother as one who can pick her children up from school each day and have dinner on the table by six. It is perfectly acceptable for a father to come home late after work, but if a mother does so, she is usually criticized. This double standard makes it difficult for women to advance in the world. Sarah Palin was heavily criticized during her campaign for the vice presidency for running for public office and not focusing her full attention on her children, especially considering she has a daughter who had an unplanned pregnancy and a son with a mental disability.³

Importance of feminism in the 21st century:

Feminism is important in the 21st century because even people who don't describe themselves as feminist will encounter the challenges that feminism is trying to solve. Feminism brings these types of discrimination to light and provides solutions. We can do better working together to solve these problems than we can struggle alone. In facing social, political, and economic challenges, women have a crucial contribution to make through feminism.

Feminism is not merely a concern for "women's issues" but also a way of understanding power and critiquing the domination/subordination dynamic that is central to so much of modern life. The roots of that dynamic are in patriarchy, the system of male dominance that arose only a few thousand years ago but that has been

² Veena Gondotra, *The Exploited Women* 34 (Oxford University Press, New Delhi, 2nd edn., 2000).

³ Manzoor Laskar, History of Feminism, available at: <http://indiaholic.blogspot.in>. (Visited on March 26, 2016).

so destructive to people and the earth. Patriarchy is incompatible with justice and sustainability. The challenge for feminism is to articulate an alternative to the illegitimate hierarchies that structure our lives: men over women, white over non-white, rich over poor.

Challenges to Feminism in 21st Century

The hierarchical social arrangements may help us solve the fundamental problem of the destruction inherent in human domination over the non-human world.

South Asian Region:

South Asia consists of India, Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan, Maldives and the British Indian Ocean territories. From the civilizations of 5,000 years ago to the present day, South Asia has hosted countless numbers of cultures, creating a land with diverse beliefs where modern concerns mesh with traditional values. The region has often seen political instability, including wars between the region's two nuclear states India and Pakistan. Most of the South Asian Countries were under direct or indirect European Colonial subjugation at some time or the other and hence due to their experiences of Colonialism and exploitation they have not been able to keep up with the development of Capitalism in the world.⁴

In spite of globalization and modernization, what characterizes South Asian region is the hold of traditional values and culture over the people and families. The families which were earlier Joint families have now become nuclear and extended families and are patriarchal but continue to play a very significant role in the life of individuals. Family members vary in terms of how much power they have in family relationships depending on their gender, role, and status. All of South Asia has a family oriented culture where interdependence is valued more than independence. Personal goals and wishes are expected to be subordinated to those of the family. Elders and males serve as guides for family decision-making and appropriate cultural and individual behavior. Since, State does not own any major social responsibility primarily of health care and Old age it is the family which takes care of the individuals in times of

⁴ Diego Gambetta, *The Increasing Challenges to Feminism* 9 (Harvard University Press, London, 6th edn., 2004).

crisis. This region also has the largest number of people living below the poverty line. Although most developing countries have done well, a large number of countries have done particularly well—what can be called the “rise of the South”.⁵ Some of the largest countries have made rapid advances, notably Brazil, China, India, Indonesia, Mexico, South Africa and Turkey (Human Development Report, 2013). Yet, among developing regions South Asia has almost twice as much distance to cover as East Asia and more than three times as much as Latin America and the Caribbean if increases in the HDI are accompanied by rising inequalities in in some, unsustainable patterns of consumption, high military spending and low social cohesion. Forty-five percent of its poor will live in urban areas by the end of this decade while 50 percent of the region’s poor population is infants, children, and adolescents. Overall, 60 per cent of women of childbearing age in South Asia -- where half of all children are underweight -- are themselves underweight (UNICEF, 1998). Globalization has now brought in many changes in this region and there is a challenge to feminism itself. and Jainism provided this space, but women had to choose between this and the family and if they chose religion they had to move out of the families by becoming a part of the Sangha.⁶ In medieval period the bhakti movement declaring that God dwells in each individual and one could attain God through faith and many of the bhakti saints brought religion to the downtrodden and henceforth marginalized sections of society and women. Bhakti provides women a space and to move out of the daily life of patriarchal control and in the process they get their independence.

The women saints had to choose between marriage and a life of domesticity and their love of the supreme God. The social reform movement provided secular space for women in other areas by looking at various issues which were culturally imposed on women by society and making them crippled. Raja Ram Mohan Roy argued that sati was not supported by shastras (religious texts) and was nothing less than female murder. He argued against polygamy and for property rights for women. Ravindra Nath Tagore submitted a memorandum to the Legislative council for the removal of

⁵ Sheela Srivastava, *Feminism Problems* 81 (Discovery Publishing House, New Delhi, 3rd edn., 1996).

⁶ Gerry Rodgers, “*Economic Role of Women in Low Income Countries*” 76 *International Labour Review* 245-247 (2013).

legal disabilities of remarried Hindu widows and the establishment of girls schools in every suburb of Calcutta. Keshav Chandra Sen was instrumental in getting the Native Marriage Act passed in 1872 which forbade early marriage between boys under 18 and girls under 14,⁷ it forbade polygamy and encouraged widow marriage. It allowed inter-caste marriages for those who declared that they did not belong to any recognised faith. Ishwar Chandra Vidya Sagar also was very critical of the system of early marriage and supported literacy for women; many women's organizations also took up these reforms. Pandita Rama Bai's Sharda Sadan (1892) in Poona, Shri Mahipatram Rupram Anathashram in Ahmedabad (1892), Shri Zorastrian Mandal in Bombay (1903), maternity and child welfare league in Baroda (1914), Bhagini Samaj in Poona (1916) all were established and worked with the particular objective of improving the lot of women and removing the various ills in society. These regional organizations were followed by national organizations like women's Indian association (1917), the National Council of Women in India (1920). All India Women's Conference (1926) which went on to organize 12 women's conferences till 1937 and Federation of University women in India (1920) with the sole objective of stimulating the interests of women in civic and public life and the removal of disabilities of women whether legal, economic or social and the promotion of social; civil, moral and educational welfare of women and children.

When Mohan Das Karamchand Gandhi came on the political scene he could draw in a large number of women to the political arena by giving a very broad meaning of swaraj, and helping them find dignity in public life and a new place in national mainstream. His views on many issues installed a new confidence among women and a consciousness that they could fight against oppression. Gandhiji firmly believed that "It is good to swim in the waters of tradition, but to sink in them is suicide. "To him the fight for swaraj meant not merely political awakening but an all round awakening, social, educational, moral economic and political and social work. Gandhiji's work was mainly a response and also an answer to finding an Indian path to modernity in a situation where colonialism had to be rooted out and a viable structure had to come in its place. As a result, a large number of women came and joined the civil disobedience movement during the thirties. Besides Sarojini Naidu and Kamala

⁷ M. Gupta, "Traditional Women: Breaking the Vicious Circles" 24 *Economic and Political Weekly* 298-301 (2008).

Devi Chattopadhyay there were thousands of other who were now readily participating in the freedom struggle.⁸

In 1931 the picketing Board in collaboration with Bengal Provincial Congress Committee was started to popularize the home industries, especially the spinning and weaving of khadi. Punjab saw the inauguration of the civil Disobedience movement by taking a procession of five thousand women at Lahore in 1930 under the leadership of Lado Rani Zutshi and Parvati, the daughter of Lala Lajpat Rai. Durga Bai deshmukh organized the women in Madras to carry forward the policies of the congress.

Women's Movement in pre independent India and social Reform in the 19th century:

In the pre-independence era, in India, the Women's Movement began as a social reform movement in the 19th century. At this time, the western idea of liberty, equality and fraternity was being imbibed by our educated elite through the study of English and the contact with west. This western liberalism was extended to the Women's question and was translated into a social reform movement. The reform movements were not homogeneous and varied a lot in terms of the ideas and changes that was to be fostered. They did however share a common concern for rooting out the social evils, partly in response to charges of barbarity from the colonial rulers.⁹

This was a period of the hegemonic control and influence of colonial ideology. This was a time of transition, one of the emerging bourgeois society and values of new modes of thought. The colonial intervention in the 19th century was no longer concerned only to the market or polity but was intruding into the areas of our culture and society and this could affect transformation in the social fabric of Indian society. This potential threat was sensed by the Indian intellectual reformer, exposed to western ideas and values.

⁸ Suman Parmar, *Effects of Feminism* 97(Sage Publications, New Delhi, 3rd edn., 2015).

⁹ Lok Sabha Unstarred Question No. 2316, Dated 17-7-2017, *available at*: <http://womenrights.nic.in/upload/divisions/parliament/lu2316.pdf>. (Visited on January 14, 2017).

This cultural defense resulted in a paradoxical situation. Spurred by new European ideas of rationalism and progress, the reformers tried to create a new society, modern yet rooted in Indian tradition. They began a critical appraisal of Indian society in an attempt to create a new ethos devoid of all overt social aberrations like polytheism, polygamy, casteism, sati, child marriage, illiteracy- all of which they believed were impediments to progress of women. All the social reformers shared a belief common to many parts of the world in the 19th century that no society could progress if its women were backward. To the reformers, the position of Indian women, as it was in the 19th century was abysmally low and hence their efforts were directed at an overall improvement in the status of women through legislation, political action and propagation, of education.

The social reform movement did not radically challenge the existing patriarchal structure of society or question gender relation. They picked up for reform only those issues which the Britishers were pointing out as evidence of degeneration in the Indian society. Even the women's institutions and organizations that sprang up during this period did not have an independent ideology but only took off from what the men were stating.¹⁰ This is understandable because it was primarily the wives and sisters of the reformers who had initiated the establishment of these organizations. The direction and content of reform as laid down by the reformers was accepted by the women's organizations without any question. As a result even when women were speaking for themselves they were speaking only the language of the men.

Women were seen as passive recipients of a more humanitarian treatment to be given by western educated elite male. There was thus an attempt to reform the woman rather than reform the social conditions which opposed them. There were no attempts to alter the power structure and the man-woman relation in the society. This was but natural since the change in the status of woman was being sought only within questioning patriarchy itself. The attempt was to create a new Indian woman, truly Indian and yet sufficiently educated and tutored in the 19th century values to

¹⁰ S. Hussain Zaidi, *Women in Different Circles* 186 (Harper Collins Publishers, Afghanistan, 2nd edn., 2014).

suit the new emerging society.¹¹ Thus education for girls was not meant to equip them to be self-sufficient, independent and emancipated and train them to follow some profession but to be good housewives, the mistress of the home and the hearth. The social reform movement had its own paradox, on the one hand there was a preoccupation with western ideas to emulate, assimilate or reject, on the other hands there was also the element of revivalism or a need to reassert and reinforce a cultural identity distinct from the British colonizers. Besides seeking reforms through legislation, education was seen as important means of changing women's situation . Women's education, which saw its beginnings, now was visualized for creating appropriate wives for the men of the newly emerging westernized elite. Women also joined in struggle against colonialism, but while they were encouraged to participate by leaders like Gandhi, their work in the struggles was just extension of their domestic work. Very few women were allowed to join the front ranks with men, and the ones that did spoke of the isolation they felt at times. As a form of backlash to these new ideas that colonialism brought to India, women's roles were being pushed to a more traditional way of life. Women traditionally became, emblematic of tradition, and the reworking of tradition is largely conducted through debating the rights and status of women in society. On account of this common view on women, whenever culture is being threatened an immediate response is an enforcement of women to remain in roles that are more traditional. One is certainly not belittling the contributions of the social reform movement. In spite of its limitations, it cannot be denied that the social reform movement did help in removing prejudices against women's education and provided a secular space for women in the public realm.

RIGHTS AND PRIVILEGES:

1. Constitutional Provisions

The Constitution of India not only grants equality to women but also empowers the state to adopt measures of positive thoughts about women's and their rights it also a tool for eradicating the problems for women's in India by this way the discrimination

¹¹ Government of India, *Report of the Committee on Women Exploitation in India* (Ministry of Women Welfare, 2013).

in favour of women for neutralizing the cumulative socioeconomic, educational and political disadvantages faced by them. Fundamental Rights, among others ensures equality before the law, equal protection to laws, prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantees equality of opportunity to all citizens in matters relating to employment.¹²

➤ □ Article 14 in the Constitution Of India 1949. Equality before law The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth 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 women.

➤ Article 51-A (e). One-third of the total number of seats to be filled by direct election in every Panchayats 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.

¹² Dr. Maheswara N.Swami, “ The Constitution and Women ” 16 *The Andhra Law Times Journal* 543-613 (2012).

➤ 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.

LEGISLATIVE PROVISIONS:

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1. □ The Medical Termination of pregnancy Act, 1971;
2. □ The Dowry prohibition Act, 1961;
3. □ The immoral Traffic (prevention) Act, 1986;
4. □ The indecent representation of women (prohibition) Act, 1986,
5. □ The commission of sati (prevention Act), 1987 ¹³

SPECIAL INITIATIVES FOR WOMEN

a) 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 to review the existing legislation to suggest amendments wherever necessary etc.

b) □ Reservation for women in local self-government

The 72nd and 73rd constitutional Amendment Acts passed in 1992 by parliament require one-third of the total seats in all elected offices in local bodies whether in rural areas or urban areas to be allocated to women.

c) □ The National plan of action for the girl Child (1991-2000 AD)

The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better for the girl child.¹⁴

LEGAL RIGHTS

¹³ Priya Ranjan, *Women Rights and Legislations in India* 176 (Association Publishers, New Delhi, 4th edn., 2008).

¹⁴ Mahaveer Jain, *Violence and Women in India* 73 (Manak Publications, New Delhi, 2nd edn., 1994).

To bring out the constitutional mandate, the state has enacted various legislative measures intended to ensure equal rights, to counter social discriminate on and various forms of violence and atrocities and to provide support services especially to working women. Although women may be victims in any of the crimes be it 'Murder', 'Robbery', 'cheating', or any other crimes, the crimes which are directed specifically against women are characterised as 'Crime Against women'. These are broadly classified under two categories. Although a women can be victim of any crime in society and in fact all crimes cannot be classified as a crime against women except few crimes which affects a women largely. However major steps have been taken by the legislation which has proved as weapons for women and helped them to stand in male dominating country. Now we will discuss major crimes against women along with the legal provision which penalize the criminal.

The Crimes identified under the Indian penal code (IPC) :

- Rape (sec.376 IPC)
 - Kidnapping & Abduction for different purposes (sec. 363-373 IPC)
 - Homicide for Dowry, Dowry Deaths or their attempts (.302/304-B IPC)
 - Torture, both mental and physical (sec.498-A IPC)
 - Molestation (sec.509 IPC)
 - Sexual Harassment (sec.509 IPC)
 - Importation of girls (up to 21 years of age) (sec. 366-B IPC)¹⁵

(2) The Crimes identified under the Special Laws (SLL)

Although all laws are not gender specific, the provisions of law affecting women significantly have reviewed periodically and amendments carried out to keep pace with emerging demands. The special social enactments to safeguard women and their interests specifically are :

I. The Employment state Insurance Act, 1948

II. The Plantation Labour Act, 1951

¹⁵ D. Jayaraj, *Numerous Enactments on Women Protection* 96 (B.R. Publications, Agra, 3rd edn., 2010).

- III. The Family Courts Act, 1954
- IV. The Special Marriage Act, 1954
- V. The Hindu Marriage Act, 1955
- VI. The Hindu Succession Act, 1956
- VII. Immoral Traffic (Prevention) Act, 1956
- VIII. The Maternity Benefit Act, 1961 (Amended in 1995)
- IX. Dowry Prohibition Act, 1961
- X. The Medical Termination of Pregnancy Act, 1971
- XI. The Contract Labour (Regulation and Abolition) Act, 1976
- XII. The Equal Remuneration Act, 1976
- XIII. The child Marriage Restraint (Amendment) Act, 1979
- XIV. The Criminal Law (Amendment) Act, 1986
- XV. The factories (Amendment) Act, 1986
- XVI. Indecent representation of women (prohibition) Act, 1986
- XVII. Commission of sati (prevention) Act
- XVIII. Bonded Labour System (Abolition) Act (1976)
- XIX. Legal Practitioners (Women) Act (1923)
- XX. Indian Succession Act (1925)
- XXI. Indian Divorce Act (1869)
- XXII. Paris Marriage and Divorce Act (1936)
- XXIII. Special Marriage Act (1954)
- XXIV. Foreign Marriage Act (1969)
- XXVI. Hindu Adoptions and Maintenance Act (1956)
- XXVII. National Commission for Women Act (1990) ¹⁶

¹⁶ Nazir Ahmad Shah, *Women and Laws in India* 32 (Anmol Publications, New Delhi, 4th edn., 2000).

IV. THE FOLLOWING VARIOUS LEGISLATION'S CONTAINED SEVERAL RIGHTS AND SAFEGUARDS FOR WOMEN:

- The 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.
 - 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.
 - 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.
 - Commission of Sati (Prevention) Act (1987) provides for the more effective prevention of the commission of sati and its glorification on women.
 - Dowry Prohibition Act (1961) prohibits the giving or taking of dowry at or before or any time after the marriage from women.
 - 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.
 - Medical Termination of Pregnancy Act (1971) provides for the termination of certain pregnancies by registered medical practitioners on humanitarian and medical grounds.
 - 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 foeticide.
 - 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
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also prevents discrimination on the ground of sex, against women in recruitment and service conditions.

- Dissolution of Muslim Marriages Act (1939) grants a Muslim wife the right to seek the dissolution of her marriage.
- 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.
- Family Courts Act (1984) provides for the establishment of Family Courts for speedy settlement of family disputes.
- Indian Penal Code (1860) contains provisions to protect Indian women from dowry death, rape, kidnapping, cruelty and other offences.
- 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.
- Indian Christian Marriage Act (1872) contain provisions relating to marriage and divorce among the Christian community.
- Legal Services Authorities Act (1987) provides for free legal services to Indian women.
- 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.
- Hindu Succession Act (1956) recognizes the right of women to inherit parental property equally with men.
- Minimum Wages Act (1948) does not allow discrimination between male and female workers or different minimum wages for them.¹⁷

A Study On The Rights And Privileges Of Women In India

The 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. In January 1992, the Government set-up the statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal

¹⁷ A. N. Singh, *Study on the Rights and Privileges in India* 193 (Sterling Publishers, New Delhi, 3rd edn., 1990).

safeguards provided for women to review the existing legislation to suggest amendments wherever necessary etc.

➤ Reservation for women in local self-government

The 72nd and 73rd constitutional Amendment Acts passed in 1992 by parliament require one-third of the total seats in all elected offices in local bodies whether in rural areas or urban areas to be allocated to women.

➤ The National plan of action for the girl Child (1991-2000 A D)

The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better for the girl child.¹⁸

PARLIAMENTARY PROVISIONS:

Parliamentary provisions means the steps which they taken for the women's rights and privileges and it includes the enactment of various laws and statutory acts to protect the interest of women and to stop the crime against women. These acts have proved really useful towards progress and safety of women in society. By way of enacting the new laws and schemes for the welfare of the women the parliamentary has taken an effect on it.

By this way the parliamentary provisions are protecting the rights and them ensuring to enjoy those rights which already they enforced it and newly amended laws also. They provide a legal remedy also on this basis a legal remedy, also judicial relief or a judicial remedy is the means with which a court of law, usually in the exercise of civil law jurisdiction, enforces a right, imposes a penalty, or makes another court order to impose its will.

TEN ESSENTIAL LEGAL RIGHTS FOR EVERY INDIAN WOMAN:

1. Right to equal pay

¹⁸ P.G. James, "Women in Dark Times" *The Tribune*, Aug. 6, 2015.

According to provisions under the Equal Remuneration Act, one cannot be discriminated on the basis of sex when it comes to salary or wages.

2. Right against harassment at work

The enactment of the Sexual Harassment of Women at Workplace Act gives you the right to file a complaint against sexual harassment.

3. Right to anonymity

Victims of sexual assault have a right to anonymity. To ensure that her privacy is protected, a woman who has been sexually assaulted may record her statement alone before the district magistrate when the case is under trial, or in the presence of a female police officer.

4. Right against domestic violence

The act primarily looks to protect a wife, a female live-in partner or a woman living in a household like a mother or a sister from domestic violence at the hands of a husband, male live-in partner or relatives. She or anybody on her behalf can file a complaint.

5. Right to maternity-related benefits

Maternity benefits are not merely a privilege of the working woman, they are a right. The Maternity Benefit Act ensures that the new mother does not suffer any loss of earnings following a period of twelve weeks after her delivery, allowing her to rejoin the workforce.¹⁹

6. Right against female foeticide

It is a duty imposed on every citizen of India to allow a woman to experience the most basic of all rights - the right to life. The Conception and Pre-Natal Diagnostic

¹⁹ A. Kotwal, *Why Feminism Persists in India* 188 (Oxford University Press, New Delhi, 3rd edn., 2007).

Techniques (Prohibition of Sex Selection) Act (PCPNDT) ensures her right against female foeticide.

7. Right to free legal aid

All female rape victims have the right to free legal aid, under the Legal Services Authorities Act. It is mandatory for the Station House Officer (SHO) to inform the Legal Services Authority, who arranges for the lawyer.

8. Right not to be arrested at night

A woman cannot be arrested after sunset and before sunrise, except in an exceptional case on the orders of a first class magistrate.

9. Right to dignity and decency

In the event that an accused is a woman, any medical examination procedure on her must be performed by or in the presence of another woman.

10. Right to property

The Hindu Succession Act allows women and men equal share in inheritance, thereby setting new rules and regulations.²⁰

CONCLUSION:

To conclude I would like to say that personally I feel that equal rights should be awarded to women who have already been enjoyed by men in our society as women forms a major part of Indian population and for social and economic welfare on global platform women welfare is very much needed. Indian women has come a long way and prove that she is capable of doing anything and equal partner in the growth and prosperity of the nation. Women are one of the pillars of the society and it would be very difficult to imagine society without the presence of women. Now it is high time for all of us to understand the power of women. Even our judiciary and legislature has also accepted the fact that women are one of the most important

²⁰ Anil Midha, *Indian Society and Women* 276 (National Book Trust, New Delhi, 3rd edn., 2008).

elements of society and their exploitation would not be accepted at any cost. This saying is enough to prove that man and women both are necessary element of society. Women plays different role in her life which is not an easy task. So we must give them due care and respect and understand their efforts towards welfare of the society at large. Rights of women are very necessary and Indian law is strong enough to protect her 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 rights and privileges of women .Hope that my research as given a advance knowledge about the rights and privileges of women.