

An Analysis of the Evolution and Implementation of Women's Rights in India

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Abstract: *Goddesses are revered in India; however, it is also a nation where harassment, sexual abuse, and other atrocities and offenses against women are prevalent. The government of India provides a set of liberties that are essential for the preservation of all women. This document outlines the fundamental rights of women that are indispensable for their self-development and preservation. Women are entitled to the following rights: the right to equal pay for equal work, the right to dignity and decorum, the right to free legal assistance, the freedom from nocturnal arrest, the right to register virtual complaints, the right against indecent representation, the right against harassment, and the right to zero FIR..*

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I. INTRODUCTION

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

Swami Vivekananda, India's patriotic saint, stated, "The welfare of the world is impossible unless the condition of women is improved, and a bird cannot fly on only one wing." Therefore, in order to transform its colossal women force into an effective human resource and attain the status of a developed country, India must first raise awareness of women's rights.

India, a country of deities where women are to be revered with high regard, is the site of harassment, abuse, and other atrocities and offenses against women. It is evident from historical research that the status of women in India has undergone numerous transformations throughout the duration of recorded Indian history. Women were subjected to subordination during the Indo-Aryan era of ancient India. The long-standing practices and taboos of female infanticide, child marriage, dowry, and widow remarriage in India have led to a challenging situation in the process of eradicating Hindu society in northern India.

A remarkable transformation occurred during the British colonial era when they implemented policies that were designed to eliminate social stigmas. These policies included the Bengal Sati Regulation of 1829, the Hindu Widows' Remarriage Act of 1856, the Female Infanticide Prevention Act of 1870, and the Age of Consent Act of 1891.

The Constitution of India primarily guarantees women's rights to equality, dignity, and freedom from discrimination. In addition, India has a variety of statutes that regulate the rights of women. During the recent era, there were more significant radical changes in the status of women. Women were appointed to a variety of senior positions in the Government of India, including the chair of the first citizen of India, the real executive (PM), the state's real executive (CM), the speaker of the Lok Sabha, and other exceptionally dignified positions. However, despite this, numerous women in India continue to encounter substantial challenges. The liberties of women have been significantly threatened by violence against women, particularly sexual violence. Therefore, there is a wish to raise awareness of the rights that are intended to protect women.

Objectives of the study:

1. To gain an understanding of the necessity of women's liberties.
2. To examine the diverse liberties of women in India.
3. To evaluate the government's legislation that guarantees women's rights.
4. To recognize the challenges and issues associated with women's rights.

This paper is predominantly descriptive and analytical in nature. This paper endeavors to investigate and evaluate the liberties of women in India. Due to the requirements of this investigation, the information utilized is exclusively from secondary sources.

‘When women thrive, all of society benefits, and succeeding generations are given a better start in life.’ - Kofi Annan

Constitutional rights and legal rights are the two categories into which women's rights in India can be classified. The constitutional rights are those that are explicitly stated in the constitutional provisions. Conversely, legal rights are established through both state and parliamentary legislation.

Constitutional Rights which seeks to protect women:

The following is a comprehensive summary of the rights and protections that the Indian constitution guarantees to women. The state is prohibited from discriminating against any Indian citizen on the basis of sex [Article 15(1)].

The state is authorized to establish any unique accommodations for women. In other words, this provision allows the state to implement affirmative discrimination in favor of women [Article 15(3)].

No citizen shall be discriminated against or rendered ineligible for any employment or office under the state on account of their gender [Article 16(2)].

Forced labor and human trafficking are prohibited [Article 23(1)].

The right to an adequate means of subsistence must be guaranteed to both males and women by the state [Article 39(a)]. The state is required to ensure that both Indian men and women receive equal compensation for equal labor [Article 39(d)].

The state is obligated to guarantee that the health and vigor of female laborers are not compromised, and that they are not compelled to engage in occupations that are not compatible with their capabilities due to economic constraints [Article 39(e)].

The state is required to establish equitable and humane labor conditions and maternity relief [Article 42].

Every citizen of India is obligated to abjure practices that are derogatory to the dignity of women [Article 51-A (e)].

Women shall be allocated one-third of the total number of seats to be filled through direct election in each Panchayat [Article 243-D (3)].

The Panchayats at each level shall reserve one-third of the total number of chairperson positions for women [Article 243-D (4)].

Women shall be allocated one-third of the total number of seats to be filled through direct election in each Municipality [Article 243-T (3)].

Women shall be granted the position of chairperson in the Municipalities in accordance with the provisions of the State Legislature [Article 243-T (4)].

Legal Rights to Women:

The following legislations comprise a variety of rights and protections for women:

The Protection of Women from Domestic Violence Act (2005) is a comprehensive piece of legislation that is designed to safeguard women in India from all forms of domestic violence. It also encompasses women who have been or are currently in a relationship with the abuser and are the victims of any form of violence, including physical, sexual, mental, verbal, or emotional.

The Immoral Traffic (Prevention) Act (1956) is the most prominent legislation for the prevention of trafficking for commercial sexual exploitation. In other words, it serves to prevent the trafficking of women and girls for the purpose of prostitution as an organized means of subsistence.

Indecent representation of women is prohibited by the Indecent Representation of Women (Prohibition) Act (1986), which applies to advertisements, publications, writings, paintings, figures, and any other form of representation.

A more effective prevention of the commission of sati and its glorification on women is provided by the Commission of Sati (Prevention) Act (1987).

The Dowry Prohibition Act (1961) forbids the payment or receipt of dowry from women at any time prior to or following their marriage.

A maternity benefit and certain other benefits are provided by the Maternity Benefit Act (1961), which regulates the employment of women in specific establishments for a specific period before and after childbirth.

A registered medical practitioner may terminate specific pregnancies on humanitarian and medical grounds in accordance with the Medical Termination of Pregnancy Act (1971).

The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (1994) prohibits the misuse of pre-natal diagnostic techniques for sex determination that results in female foeticide, whether before or after conception.

The Equal Remuneration Act (1976) guarantees that both male and female employees receive equitable compensation for the same or comparable tasks. It also prevents discrimination against women in recruitment and service conditions on the basis of sex.

The Dissolution of Muslim Marriages Act (1939) provides a Muslim wife with the right to dissolution of her marriage. The Muslim Women (Protection of Rights on Divorce) Act (1986) safeguards the rights of Muslim women who have either been divorced by or have obtained divorce from their spouses.

The Family Courts Act (1984) establishes Family Courts to facilitate the expedited resolution of family disputes.

Indian women are safeguarded from dowry death, rape, extortion, cruelty, and other offenses by the Indian Penal Code (1860).

The Code of Criminal Procedure (1973) includes specific protections for women, such as the obligation of a person to provide for his wife and the arrest of a woman by female police.

The Indian Christian Marriage Act (1872) includes provisions regarding marriage and divorce within the Christian community.

Free legal services are available to Indian women under the Legal Services Authorities Act (1987).

The Hindu Marriage Act (1955) established monogamy and permitted divorce on specific grounds. It guaranteed equitable rights to Indian men and women in the context of marriage and divorce.

The Hindu Succession Act (1956) acknowledges the identical right of women to inherit parental property as men.

The Minimum earnings Act (1948) prohibits the imposition of differential minimum earnings for male and female employees.

The employment of women in mines and factories between 7 p.m. and 6 a.m. is prohibited by the Mines Act (1952) and Factories Act (1948), which also ensure their safety and welfare.

The following legislation also includes specific rights and safeguards for women: the Employees State Insurance Act (1948), the Employees' State Insurance Act (1948), and the Plantation Labour Act (1951). Legal Practitioners (Women) Act (1923), Bonded Labour System (Abolition) Act (1976). The Indian Succession Act of 1925. The Indian Divorce Act (1869), Parsi Marriage and Divorce Act (1936), Special Marriage Act (1954), Foreign Marriage Act (1969), Indian Evidence Act (1872), Hindu Adoptions and Maintenance Act (1956), and National Commission for Women Act (1990) all established a National Commission for Women to investigate and supervise all constitutional and legal rights and protections of women.

Sexual Harassment of Women in the Workplace: Prevention, Prohibition, and Redress. The Act (2013) safeguards women from sexual harassment in all workplaces, regardless of whether they are organized or unorganized, in both the public and private sectors.

Unique Indian Women rights:

Right to sharing of property:

Women are not entitled to a share of parental property and do not own any property in their own names in the majority of Indian families. Women continue to have limited access to land and property as a result of the inadequate enforcement of laws that are intended to protect them. In India, women's property rights are subject to a complex combination of law and custom, and they vary depending on their religion and tribe. However, there has been a general trend toward granting women equal legal rights, particularly since the passage of The Hindu Succession (Amendment) Act, 2005.

The Hindu personal laws of 1956, which were applicable to Hindus, Buddhists, Sikhs, and Jains, granted women the right to inherit. Nevertheless, males were granted an autonomous portion of the ancestral property, while daughters'

shares were determined by the portion that their father received. Therefore, a father could effectively disinherit a daughter by relinquishing his share of the ancestral property, while a son would retain a share in his own right. Furthermore, the ancestral home did not grant residential rights to married females, even those who were subjected to domestic violence and harassment. Women are now granted the same status as men as a result of an amendment to the Hindu laws in 2005.

The Muslim Women's (Protection of Rights upon Divorce) Act was subsequently enacted by the Union Government. The Christian Marriage and Matrimonial Causes Bill was a draft law that was developed in 1994 by all churches in collaboration with women's organizations. Nevertheless, the government has yet to revise the pertinent statutes. Fourteen In 2014, the Law Commission of India requested that the government amend the law to grant Christian women equal property rights.

Right to equality of pay: As per the Equal Remuneration Act's provisions, one is prohibited from discriminating on the basis of sex with respect to salary, pay, or remuneration. Working women are entitled to receive an equal salary in comparison to their male counterparts.

Right to dignity and decency: This privilege guarantees the dignity and decorum of all women. In the event that the accused is a woman, any medical examination must be conducted by -- or in the presence of another woman.

Right against workplace harassment: The Sexual Harassment of Women at Workplace Act grants females the right to submit a complaint regarding any form of sexual harassment that occurs in their workplace. She has the option to submit a written complaint to an Internal Complaints Committee (ICC) at a branch office within a three-month timeframe under this act.

Right against domestic violence: The objective of Section 498 of the Indian Constitution is to safeguard a wife, female live-in partner, or a woman residing in a household, such as a mother or sister, from domestic violence (including verbal, economic, emotional, and sexual assaults) perpetrated by a spouse, male live-in partner, or relatives. A non-bailable imprisonment for a term that may extend to three years and a fine will be imposed on the accused.

Right to get free legal aid: According to the Legal Services Authorities Act, female rape victims are entitled to receive free legal aid or assistance from the Legal Services Authority, which is responsible for arranging a counsel on their behalf.

Right not to be arrested at night: A woman is prohibited from being detained after sunset and before sunrise, unless an exceptional circumstance arises on the directives of a first-class magistrate. In addition, the law stipulates that the police are permitted to question a woman at her domicile only in the presence of a women constable and family members or acquaintances.

Right to register virtual complaints: The law allows women to submit virtual complaints via email or by penning them and submitting them to a police station from a registered postal address. Additionally, the SHO [Station House Officer] dispatches a police constable to her location to document her complaint. This is in the event that a woman is unable to physically visit a police station to submit a complaint.

Right against indecent representation: A punishable offense is the depiction of a woman's figure (her form or any body part) in a manner that is indecent, derogatory, or is likely to deprave, corrupt, or injure the public morality or morals.

Right against being stalked: Section 354D of the IPC allows for legal action to be taken against an offender who persistently attempts to engage in personal interaction with a woman, despite a clear indication of disinterest, or monitors the use of the internet, email, or any other form of electronic communication by a woman.

Right to Zero FIR: A Zero FIR is a FIR that can be submitted at any police station, regardless of the location where the incident occurred or the specific jurisdiction under which it falls. It can be subsequently transferred to the police station in the jurisdiction of the case. The Supreme Court issued this ruling in order to safeguard the victim's time and prevent an offender from escaping without consequence.

Challenges to women rights in India:

The issues of women's rights in India are currently facing a number of challenges. The empowerment of women in India will be directly impacted by these issues.

Education: In the realm of education, the nation has experienced significant growth since achieving independence. Severe disparities exist between males and women. In India, only 65.46% of adult women are known to be literate, despite the fact that 82.14% of adult males are educated. The gender bias is prevalent in higher education, and specialized professional trainings present a risk.

Poverty: The eradication of poverty should be a national objective of equal significance to the eradication of illiteracy, as poverty is widely regarded as the most significant menace to global peace. As a result, women are exploited as domestic helpers.

Sexual abuse and harassment: Eve-teasing, a prevalent euphemism for sexual harassment or misconduct in public spaces, is largely unreported. Numerous analysts attribute this to the government's inadequate prosecution of assault offenses and a culture of complicity. Rape, hijacking and abduction, molestation, sexual harassment, torture, homicide for dowry, and the importation of females are all offenses against women under the Indian Penal Code. Nevertheless, analysts contend that the plight of women victims has been further exacerbated by India's sluggish, overburdened, and underfunded criminal justice system. The majority of assaults are not reported, primarily due to the cultural stigmas that surround such incidents, which could result in humiliation for the victims and their families.

Health and Safety: The empowerment of women in a country is significantly influenced by the health and safety concerns of women, which are of paramount importance to the country's overall well-being. Nevertheless, there are grave concerns regarding maternal healthcare.

Professional Inequality: This inequality is implemented in the context of employment and promotions. In government offices and private enterprises, women encounter numerous obstacles in environments that are male-dominated and customized.

Household Inequality: Gender bias is evident in household relations, as evidenced by the division of labor, which involves the sharing of the burden of housework, caregiving, and menial tasks in India. Work is more closely associated with women than with men, thereby demonstrating that it is a barrier to the equal enjoying of rights.

II. CONCLUSION

"The family, village, and nation all move when women advance." It is crucial because their values and thought processes are the foundation of a positive family, society, and nation. The safety and protection of women, as well as their enforcement, can be guaranteed through a comprehensive understanding of their rights. The necessity of the hour is to ensure that true equality is achieved in order to establish a more effective democratic system, values, and liberties that safeguard the welfare and protection of women.

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