

INDIAN WOMEN AND CONSTITUTIONAL PRIVILEGES HUMAN RIGHT

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Introduction

The right means a claim or power to do something or to have acquired and own something that is considered to be necessary for an individual to live with dignity as a human being and a member of mankind. The concept of human right is not new as it is a moral claim which every one of us is entitled to have. There can be no lasting sustainable development without full equality UNESCO, 1995. Every individual has dignity. On the national level leaders and constitutional framers were committed to some basic rights women. They have seen prevailing gender inequality during their time and had visualized that sex equality was crucial for development of the country. Hence constitution of India provides some provision for promoting special care, educational and economic interest, protection from social injustice and exploitation.

Human Rights:

The UDHR (UN declaration of Human Rights) defines human rights as rights derived from the inherent dignity of human person. The recognition of women's right is a revolutionary notion.

Women in India face a lot of social inequalities ranging from gender specific abortions, mistreatment by their spouses, to eve teasing. Most women aren't aware of women rights in India and other times their legal rights are not protected as they should be. Women empowerment plays a significant role in letting them know their rights.

Constitutional and Legal Provisions for Women in India :

National Legal Research desk:

The principle of gender equality is enshrined in the Indian Constitution in its Preamble. Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favor of women. Within the framework of a democratic polity, our laws,

development policies, Plans and programmes have aimed at women's advancement in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1993.

CONSTITUTIONAL PROVISIONS:

The Constitution of India not only grants equality to but also empowers the State to secure positive discrimination in favor of women for neutralizing the cumulative socio-economic and political disadvantages faced by them. Fundamental Rights, among other before the law and equal protection of law, prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution have specific importance in this regard.

Constitutional Privileges :

1. Equality before law for women (Article 14)
2. The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of 15 (i)
3. The State to make any special provision in favor of women and children (Article 15 (3))
4. Equality of opportunity for all citizens in matters relating to employment or appointment to office under the (Article 16)
5. The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood (Article 39(a)); and equal pay for equal work for both men and women (Article 39(d))
6. The State to make provision for securing just and humane conditions of work and for maternity relief (Article 42)
7. The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (Article 46)
8. The State to raise the level of nutrition and the standard of living of its people (Article 47)
9. To promote harmony and the spirit of common brotherhood amongst all the people of India and renounce practices derogatory to the dignity of women (Article 51(A) (e))

10. Not less than one-third (including the number of seats reserved for women belonging to the schedule Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in the Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat (Article 243 D(3))

11. Not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women (Article 243 D (4))

12. Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality (Article 243 T (3))

13. Reservation of offices of Chairpersons in Municipalities for the Scheduled Castes, the Scheduled Tribes and women in such provide (Article 243T (4)) manner as the legislature of a State may by law provide (Article 243(4))

LEGAL PROVISIONS :

To uphold the Constitutional mandate, the State has enacted various legislations, to counter social discrimination and various forms of violence and to provide services especially to working women.

Although women may be victims of any of the crimes such as Murder, Robbery and other crimes, which are directed specifically against women, are characterized as Crimes Against Women. These are broadly classified under two categories.

The Crimes Identified Under the Indian Penal Code (IPC)

- Rape (Sec. 376 IPC)
- Kidnapping & Abduction for different purposes (Sec. 363-373)
- Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
- Torture, both mental and physical (Sec. 498-A IPC)
- Molestation (Sec. 354 IPC)
- Sexual Harassment (Sec. 509 IPC)
- Importation of girls (up to 21 years of age)

The Crimes identified under the Special Laws (SLL) :

Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. Some acts which have special provisions to safeguard women and their interests are:

1. The Employees State Insurance Act, 1948
2. The Plantation Labor Act, 1951
3. The Family Courts Act, 1954
4. The Special Marriage Act, 1954
5. Hindu Marriage Act, 1955
6. The Hindu Succession Act, 1956 with amendment in 2005
7. Immoral Traffic (Prevention) Act, 1956
8. The Maternity Benefit Act, 1961 (Amended in 1995)
9. Dowry Prohibition Act, 1961
10. The Medical Termination of Pregnancy Act, 1971
11. The Contract Labor (Regulation and abolition) Act, 1976
12. The Equal Remuneration Act, 1976
13. The Prohibition of Child Marriage Act, 2006
14. The Criminal Law (Amendment) Act, 1983
15. The Factories (Amendment) Act, 1986
16. Indecent Representation of Women (Prohibition) Act, 1986
17. The Protection of Women from Domestic Violence Act, 2005
18. Commission of Sati (Prevention) Act, 1987

SPECIAL INITIATIVES FOR WOMEN

- **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, etc.
- **Reservation for Women in Local Self-Government :** The 73th Constitutional Amendment Act 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.

- **The National Plan of Action for the Girl Child (1991-2000)** : The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child.
- **National Policy for the Empowerment of Women, 2001**: The Department of Women & Child Development in the Ministry of Human Resource Development has prepared a "National Policy for the Empowerment of Women" in the year 2001. The goal of this policy is to bring about the advancement, development and empowerment of women.

Suggestions :

All these must be implemented strictly. This can only be possible with the help of sincere efforts of the each state and imparting the formal and informal education through the media. All the provisions should not remain as a part of books but the women in society benefited by all these constitutional and legal provision, so women are empowered and live happily and safely in this competitive era of LPG.

Our nation will become superpower in 2020.

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