



Protection of Women Rights under Indian Law

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Abstract: Women in the early Vedic period women enjoyed equal status and position with men but later the role of the woman started to deteriorate. During the Buddhist period women enjoyed equal status along with men. Women all around the world have faced similar nature of problems during different periods like low status in society, no right to education and property, child marriage, physical, psychological and emotional abuse, poor conditions of widows, and no proper representation in the social, economic and political sphere in the society, also the women in her different stages of life control by men. By giving Rights and liberty to women we can ensure both women's empowerment and we can also curtail Atrocities against women. In the current situation even though the government provided the women's commission and other statutory bodies like the National Women's Commission, and Rashtriya Mahila Kosh, those were acting like toothless tigers, so these bodies need to strengthen and to give more powers, they can function effectively on real grounds, to see the change in women's condition in society. Freedom of women should come out from the patriarchal system of the Indian mindset which not only ensures women power in decision-making but also brings rational thinking on women's dignity and rights. In this way this article analyze the position, rights, and role of women in India from the Ancient period to the modern period and emphasize the issues and challenges faced by a women and need to improve the quality of women's rights in Social, Political, and Economical aspects which brings actual change or empowerment in women's condition of life.

Key Words: women, rights, protection, law.

1. INTRODUCTION:

“It is impossible to think about the welfare of the world unless the condition of women is improved. It is impossible for a bird to fly on only one wing”
– Swami Vivekananda

In society, women play an important role from birth to death. Women share their love and affection with men and bear the burdens of men in their family, but she has no proper recognition and protection in family and society. Women all around the world have faced similar nature of problems during different periods like low status in society, no right to education and property, child marriage, physical, psychological and emotional abuse, poor conditions of widows, and no proper representation in the social, economic and political sphere in the society, also the women in her different stages of life control by men. The last two centuries witnessed mass movements and protection by women all over the world for their rights. The movements for adult suffrage and the fight for the right to education, property, and employment by women in western brought major changes in the world, it led to an increase in women's participation in every aspect of society. In our country, the movement for the betterment of women's condition in society was started by men social reformers in the 19th century. After that, women themselves began forming organizations at local and national levels also. Later women fight against gender discrimination and demanded equality.

After the Second World War number of countries got independence, drafted their constitution, and inserted certain rights for women on par as men, and UNO conducted several conventions for the protection of the rights of women. The framers of the Constitution of India thought about the importance of gender equality and inserted provisions in the Constitution for women in the form of rights and safeguards and the government enacting legislation from time to time for the protection of women in all aspects and creating mechanisms for women's safety. Protection of women's rights under the law is a crucial aspect of ensuring gender equality and preventing discrimination and violence against women. Laws and regulations that protect women's rights vary by country, but there are several common legal frameworks and international agreements that play a significant role in this regard:



2. STATUS OF WOMEN IN INDIAN SOCIETY:

A role is a dynamic and behavioural aspect of status. Status refers to the social position with defined rights and duties assigned to positions in society. To illustrate mother occupies a status which has many norms of conduct as well as certain responsibilities and prerogatives. Status is an institutionalised role in which woman perform their role according to social expectations i.e., role taking and role playing this specialisation of roles within the nuclear family involves the husband adopting the 'Instrumental' role and as breadwinner and wife assuming the 'Affective' emotional role in domestic settings. Nearly a decade and half has passed since the national policy for the empowerment of women, 2001 was formulated which laid down a comprehensive progressive policy for the advancement changes in global technology and information systems have brought forth fresh opportunities and possibilities for women's empowerment while at the same time presenting new and emerging challenges. Social constructs position with women in disempowered social and economic hierarchies that impede in realisation of their rights. Several Paradoxical trends have been observed in past few years where growing acknowledgement of gender rights and equality is juxtaposed against women such as rape, trafficking, acid attacks, dowry etc. Expansion of new work opportunities from women alongside continued weak bargaining power in the labour market. Increasing number of educated aspiring career, women entering the work place while large sections of women are still in the low paid informal sector, feminisation of agriculture and growing number of women farmers raises the larger issue of gender entitlements to land and assets ownership, higher Maternal Morality Ratio (MMR) Infant mortality Rate (IMR) malnutrition and anemia and lack of Geriatric care and support etc. are seen under the lens of women in present society.

3. HUMANISTIC REFORMS:

The different reforms introduced by ancient Hindu rulers with a view to follow the Dharma Sastras which are the source of humanistic principles. The city administration, the rural conditions, educational facilities, the position of women under great Mouryans, Guptas and other Hindu rulers had laid emphasis on the importance of humanistic principles which are the implied source of constitution of India. Similarly, the Muslim rulers followed the path of Quran which is the source of equality and reforms to provide education and other facilities. The position of women though not is presumed to be good but the women are given protection on the basis of the Quranic sanctions. The Britishers who are responsible for the introduction of the humanistic reforms on the basis of the democratic tendencies were also responsible for the implementation of series of Acts like Rule of Law, Caste Disabilities Removal Act, Abolition of Sati and Property Rights to women and providing western education etc. All these humanistic reforms are at once regarded as sources of Indian Constitution which has been drafted under the influence of human values.

Protection of women's rights and its importance in present society:

By protecting women rights we can develop their economic and social conditions, and to ensure freedom, equality in decision making power, equal occupation for their choice and entry of women in politics as equal as men, all these are possible when we ensure proper care and attention towards women rights and protecting their security and privacy which in terms provides the opportunity to develop our country and to see our country as a gender inequality (which also even meet sustainable development goal number 17 gender inequality) and to build our country as civil society particularly women's organizations. The major development of women in strengthening the function of women's welfare services, government playing a major role for development of women in welfare, education, and health sectors. Women should be volunteer in contributing herself for society's transition from preliterate to literate basic education they used to share their knowledge for working labours of women and in developing of the family income like agriculture, agro- processing, crafts, and home industries, trade etc. Women herself need to push forward for an aspiring career this inner motivation should be brought up by bringing awareness to them probably through some government schemes and programmes.

Protection of women rights and Growth of Nation:

By giving more opportunities for women it leads to more employment and in developing the work force participation in different sectors (organised and unorganised). Rational thinking of women leads to different innovative thoughts it brings more exploring their ideas so that they will get a more confident decision-making power this can be ensured by giving protection to women in work security, public cornered places.

Giving more awareness for women via education, administration etc. which helps them to explore better career options and would lead to break the patriarchal norms, further this leads to nearly 50% of women population which left behind can come forward with their potential to work in different sectors and that would lead to increase in GDP which further automatically contribute to develop the nation's growth

Present: empowerment of women is a socio- political ideas envisioned in relation to the wider framework of women's



rights it is a process that leads women to realise their full potential their rights to have access to opportunities, resources and choice with the freedom of decision making both within and outside the home. Looking back at last four decades we can say with a fair amount of certainty that women's position in Indian society has changed the women's movements comprising of autonomous women's organisation other women, group's women studies center's etc. Women empowerment in India is gradually increased dependent on many aspects in different variables that include geographical location, educational status, social status and this age the scope and coverage of the schemes launched which has been expanding the participation initiatives for economic and social empowerment of women and for securing gender equality. Only with constructive planning and comprehensive changes at various levels of society can bring the new emerging women to be able to realize her complete potential in India.

Approach for women development since independence:

The most important of these pertain to the "constitutional provisions, social legislation for women and planned economic development" women's movements has been widely influenced by these broad socio-economic and political process of this period.

Approach regarding woman development by government

- Welfare approach
- Shift from welfare to development
- Women and development
- Shift from development to women empowerment
- Women as agent of change
- Human development and inclusive growth

4. PROTECTION OF WOMEN RIGHTS UNDER THE CONSTITUTION OF INDIA:

"Human rights are Women's rights, and women's rights are human rights. Let us not forget that among those rights are the right to speak freely and the right to be heard"-
Hillary rodhamclinto.

The constitution of independent India followed the basic principle of women's equality as accepted in the Fundamental rights resolution of Karachi congress session. 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 to neutralize the socio-economic, political and educational disadvantages faced by them, some of the below mentioned rights ensures the women protection, equality and freedom of choices.

Article 14: men and women to have equal rights and opportunities in political Economical and social sphere

Article 15 (1): prohibits discrimination against any citizen on grounds of religion, caste, sex etc

Article 15(3): special provisions enabling the state to make affirmative discrimination in favour of women

Article 16: equality of opportunities in matter of public appointments for all citizens

Article 23: ban on trafficking in human and forced labour

Directive principles of state policy:

Article 39(a): State shall direct it's policy towards security all citizens men and women equally the right to means of livelihood

Article 39(d): equal pay for equal work for both men and women

Article 42: the state to make provision for ensuring just and human condition of work and maternity relief

Article 51(A)(e): to renounce the practices derogatory to the dignity of work.

5. RIGHTS OF WOMEN AND LEGISLATIVE SAFEGUARD:

- **The Protection of Women from Domestic Violence Act, 2005:** This law addresses issues related to domestic violence and provides legal remedies such as protection orders, residence orders, and monetary relief for women who face physical, emotional, or economic abuse within their homes.
- **The Dowry Prohibition Act, 1961:** This act aims to eradicate the practice of dowry, which is still prevalent in some parts of India. It makes giving or receiving dowry a criminal offense.
- **The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013:** This legislation mandates the establishment of Internal Complaints Committees (ICCs) in workplaces to address and redress complaints of sexual harassment at work.



- **The Maternity Benefit Act, 1961:** It guarantees women the right to maternity leave and benefits during pregnancy and childbirth.
- **The Medical Termination of Pregnancy Act, 1971:** This law allows women to seek a safe abortion under certain circumstances.
- **The Prohibition of Child Marriage Act, 2006:** It seeks to prevent the marriage of girls below the age of 18 and boys below the age of 21.
- **The Indian Penal Code, 1860:** Several provisions within the IPC deal with crimes against women, such as rape (Section 375), molestation (Section 354), and dowry-related offenses (Section 498A).
- **The Indecent Representation of Women (Prohibition) Act, 1986:** This act prohibits the indecent representation of women in advertisements, publications, or other forms of media.
- **Equal Remuneration Act, 1976** The Act mandates that there shall be no discrimination in the payment of wages to women workers performing same or similar nature of work as men.

Government initiatives for development of women's Rights:

- Central social welfare board: it was established in 1953 to carry out welfare activities for promoting voluntarism, providing, technology and financial assistance to voluntary organisations for the general welfare of family women and children
- National commission for women (NCW): it was set as statutory bodie in 1992 under the national commission for women Act 1990.

National Commission for Women

Section 3 of National Commission for Women Act, 1990 provides for the constitution of National Commission for Women to investigate and examine all matters relating to safeguards provided for the women under the Constitution and various other laws. The First National Commission was constituted on 31st January, 1992. It takes up Social Justice. The Legal Instruments complaints of women referred to it for redressal irrespective of caste. Accordingly, problems of SC women including those of physical violence against them are also dealt with by it. As other statutory Commissions, the commission has to submit a report annually which is laid on the table of both the Houses. NCW has always made recommendations and acted on various issues that have made an impact on the status of women. NCW attaches great effort which trigger change in societal attitude towards women through a partnership approach but complaint redressal and counselling work of commission has not been much success, the commission lacks autonomy and in performance of it's role has been restricted by its institutional design, financial assistance provided to the commission is less to cater to its needs and to fulfil its mandate and the members are appointed by the government and this is a major shortcoming as the commission cannot select its own members

6. CONCLUSION:

Women rights are often treated as a happy consequence of development, the mindset of people drastically undervalues how women rights drive economic development that if women having a qualified job in her hands it gets beneficial in three ways by having job leads to herself independent society give respect for their job it also gets beneficial to rise their family income conditions and which further leads to country development too. By providing Awareness about violence's and atrocities by taking epics (Ramayana, Mahabharata etc.) as an example, so this can help to realise the value and power of women. In Vedic period women were treated as a goddess so that we have to give same value and respect like before in present century. Organising events and welfare speeches for more awareness in all areas so that it improves and changes in people's thinking and their ideology about the women's development and exploration we have to be trust worthy for their security by giving protection of rights to women. Both state and central government should coordinate with each other to implement the schemes, welfare department and providing better higher education for all sectors of women's this welfare programs should reach to every woman. State and central government should not conflict on bases of jurisdiction for women's Atrocities cases. Women should use Zero FIR benefit. government should mainly focus on the prevention points instead of reacting to atrocities "prevention is better than cure" "government should think innovatively for prevention like providing self defence coaching, yoga, meditation for women's so that victims can protect herself from violence. stereotypes and prejudices against women can be avoided by awareness programs. It's important to note that while these laws exist, the effective implementation and enforcement of women's protection rights in India can vary across regions and communities. Additionally, legal awareness and social change are ongoing efforts to further improve women's rights and safety in the country.



REFERENCES:

1. Seervai, H. M.(2021). *Constitutional Law of India* In 3 Volumes), Law and Justice Publishing Company, 4th Edition, Reprinted 2021.
2. Mahendra P Singh. (2022). *V.N.Shukla The constitution of India*, Eastern Book Company,
3. D.D.Basu (2008). *The Introduction to the constitution of India*, LexisNexis
4. Venkateswarlu, Ch. (2013). Constitutional provisions and legislations for empowering the weaker sections, *Abhinav International Monthly Refereed Journal of Research In Management & Technology*, Volume II, pg.no. 6 and 7 September'13.
5. Fraser, A., & Irene, T. (2004). *Developing Power: How Women Transformed International Development*. New York: Feminist Press at the City University of New York.
6. Venkateswarlu, Ch. (2022). Human Values and the Constitution of India, *Indian Journal of Law and Legal Research* Volume IV Issue III, pg no. 8.
7. Anaeme, F. O. (2015). *Reducing Gender Discrimination and Violence against Women through Library and Information Service*. p, 7 Available at <http://www.splq.info/issues/vol1382/07.htm>, accessed on 17/06/2017.

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