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Women's Rights Under Indian Law

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Introduction

Women are an essential part of society, and protecting their rights is vital for achieving equality and justice. The Constitution of India guarantees fundamental rights to women and provide a strong legal framework to protect them from discrimination, violence and exploitation. Various laws have been enacted to ensure their safety, dignity and empowerment. This blog discusses the constitutional provisions, important legislations and challenges relating to women's rights under Indian law, highlighting the need for effective implementation and greater legal awareness.

Constitutional Rights of Women

The constitutional of India guarantees several important rights to women and aim to ensure equality, dignity, and protection. Article 14 provides equality before the law and equal protection of law to every person including women. It ensures that women are treated equally in legal matters and receive the same protection as men.

Article 15 prohibits discrimination on the ground of sex. It also empowers the state to make special provisions for the welfare and protection of women.

Article 16 guarantees equality of opportunity in public employment and ensures that women have equal access to government jobs.

Article 21 Protect the right to life personal liberty. The every women has the right to live with dignity, safety, and freedom.

Article 39 (a) (d) the Directive Principles of state police direct the state to ensure that men and women have an women have an equal right to livelihood and receive equal pay for equal work.

Article 42 tells the government to ensure that women have safe and fair working conditions. It also requires the government to provide maternity benefits so that women receive proper care and support during pregnancy and after childbirth. This article is the basis for laws like the Maternity Benefits Act.

The constitutional provisions reflect India's commitment to ensuring equality, dignity, and justice for women and provide the foundation for various laws enacted for their protection and empowerment.

Dowry Prohibition Act 1961

This Act bans the practice of giving or taking dowry before, during or after marriage. Dowry means any property or valuable security by one party to another. If convicted, the offence is punishable with imprisonment of at least 5 years.

Hindu Succession (Amendment) Act 2005

This amendment made a major change to the Hindu Succession Act of 1956. It gave daughters the same rights as sons in coparcenary property. A daughter now, by birth, can demand partition, and has the same liabilities as a son. The amendment applies to daughters whether married or unmarried.

Before 2005 only sons were coparceners in Hindu Undivided Family property.

After 2005 daughters are coparceners by birth, just like sons.

Landmark Judgment: *Vineeta Sharma V. Rakesh Sharma*. The Supreme Court clarified that daughters have equal rights even if the father died before 9th September 2005[1].

The Protection of Women from Domestic Violence Act 2005, protects women from physical, emotional, sexual, verbal, and economic abuse within a domestic relationship. It provides legal remedies such as protection order, residence rights, monetary relief and other measures to ensure, medical costs or loss.

Sexual Harassment of Women at Workplace Act, 2013 guarantees every woman the Right to a Safe Working Environment. Under the Indian law, this right is a direct extension of fundamental constitutional rights.

The Maternity Benefit Act 1961 applies to all factories, mines, plantations and shops.

Shayara Bano Case

Marriage and Domestic Life

Shayara Bano Married Rizwan Ahmed in April 2002. The marriage lasted for 15 years, during which she was subjected to continuous domestic violence and severe dowry harassment by her husband and his family [2]

In October 2015, her husband unilaterally ended the marriage by pronouncing an instant irrevocable talaq-e-bidat (triple talaq). This divorce was delivered through a written letter sent to her while she was staying at her parents' house.

The Legal Challenge

In 2016 Shayara Bano filed a write petition in the Supreme Court of India. Her lawsuit directly challenged the constitutionality of three prevailing practices in state triple talaq, nikah halala and polygamy.

Constitutional Right Violations

The Petitioner argued that these practices were unconstitutional. Specifically she contended they violated fundamental rights guaranteed under the Indian Constitution the right to equality freedom from discrimination and the right to live with dignity.

Because the majority of three judges found the practice illegal and unconstitutional, instant triple talaq was officially banned in India [3].

Challenges and way of forward

Despite several legal protection women in India continue to face many challenges in exercising their rights. Lack of legal awareness prevents many women from seeking justice, and also legal awareness programmes should be conducted especial in rural area's to prevent child marriage and educate families about its harmful consequences. while delays in the judicial process discourage victims from pursuing legal remedies. Social disgrace and gender discrimination also prevent women from reporting crimes and asserting their rights. To address these issues, there is a need for greater legal awareness, speedy justice, effective implementation of laws, and improved access to legal aid. Promoting education and gender equality will further strengthen the protection of women's rights in India.

Women's rights are fundamental human rights and are essential for achieving equality and social justice although India has enacted several laws to protect women, their effective implementation and greater public awareness are necessary to ensure meaningful protection strengthening legal education improving access to justice and promoting gender equality can help build a safer and more inclusive society.

References

[1] High court of Andra Pradesh

[2] Indian Kanoon

[3] Juridice document database