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Women's Rights in India

~Garima Malik

Introduction

Women in India have been facing discrimination for a long time, in terms of rights related to social, economic and political areas. During the colonial period, practices such as Sati Pratha, child marriage, dowry practices, and denial of access to education were prevalent. Patriarchy and misogyny were deeply rooted in ancient times.

During the period of struggle against colonial rule, leading activists such as Mahatma Gandhi helped women to expand their rights by encouraging them to participate in movements like non-violent civil disobedience against British rule. The Child Marriage Restraint Act was passed on September 28, 1929; organisations such as the All India Women's Conference (AIWC) and the National Federation of Indian Women (NIFC) emerged during this period, and women took an active role in various political movements.

After the post-independence period, women became conscious of their rights. Constitutional provisions were enacted to protect their rights, such as Article 14 (Right to Equality), Article 15 (Prohibition of Discrimination), Article 16 (Equality of Opportunity), and Article 21 (Right to Life and Personal Liberty), among others.

Besides these constitutional provisions, several laws have been enacted since independence for the welfare of women, and we will explore them in detail below.

Rights of Women in India

To promote gender equality and to prevent discrimination against women, over the period of time, various laws have been implemented to strengthen women's rights. In India, there have

been many laws to transform social and cultural dynamics and to provide them protection, including these below:-

1. Dowry Prohibition Act, 1961

The Act was passed to prohibit giving and taking of dowry. Women were being exploited and abused related to dowry demands. To punish the wrongdoer, Parliament passed the Act by prohibiting the giving and taking of dowry and demanding dowry. If any person give to take dowry, they shall be punished with imprisonment for a term not less than five years and with a fine which shall not be less than fifteen thousand rupees or the amount of the value of dowry. Whoever demands dowry shall be punished with imprisonment up to two years, along with a fine.

2. Prohibition of Child Marriage Act, 2006

To eradicate child marriage, which is still prevalent in some parts of India, the Act was enacted, repealing the earlier legislation of the Child Marriage Restraint Act, 1929. The Act prohibits the solemnization of marriage of a boy who is below the age of 21 years and a girl who is below the age of 18 years. A male adult above the age of 18 shall be punished if he marries a child, with imprisonment which can extend up to two years or with a fine which can extend up to one lakh rupees or both.

3. Protection of Women from Domestic Violence Act, 2005

The Act is meant to protect a wife or female live-in partner from violence by the husband or his relatives and male live-in partner. Domestic violence can be physical, emotional, sexual, verbal, and economic and harassment by demanding dowry is also covered as domestic violence under the Act. A person committing domestic violence can be punished with imprisonment up to three years along with a fine.

4. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

The Act is also known as the POSH Act, which was enacted to protect women from sexual harassment at the workplace. In the case of **Vishaka v. State of Rajasthan**, the Supreme Court, in this landmark judgment, issued various important guidelines as there was an absence of law to protect women from sexual harassment at public and private workplaces. The court also ruled that harassment at the workplace violated fundamental rights such as Article 14 (Right to

equality), Article 15 (Prohibition of Discrimination), Article 19(g) (Freedom of practice any profession, trade, business), and Article 21 (Right to life and Personal Liberty). In 2013, the government codified these guidelines by enacting the POSH Act.

5. Equal Remuneration Act, 1976

The Act aims to provide equal pay for equal work for both men and women and to make sure there would be no gender based discrimination in aspects of employment. The Act applies to permanent, temporary, casual and contract workers, organised and unorganised sectors, and public and private establishments.

6. The Maternity Benefit Act, 1961

The Act provides paid maternity leave and other benefits around pregnancy and childbirth. The Act provides 26 weeks of paid leave to mothers to make sure their health and dignity are protected, along with economic security. In 2017, amendments were made to the Act, such as extending the leave (from 12 weeks to 26 weeks), recognising adoptive mothers, and further extending its scope, interpreting the law for welfare purposes.

7. The Medical Termination of Pregnancy Act, 1971

Under the Act, a woman is allowed to terminate her pregnancy within 20 weeks by registered medical practitioners under specified conditions. Termination within 20-24 weeks is allowed only for prescribed categories of women, subject to the statutory requirements and termination beyond 24 weeks is allowed only for cases involving substantial foetal abnormalities.

8. The Hindu Succession (Amendment) Act, 2005

The Hindu Succession (Amendment) Act, 2005 was passed to give daughters equal rights in ancestral and coparcenary property and to recognise a daughter as a coparcener by birth, just like a son. It removed gender discrimination that prevented female heirs from seeking partition of family property.

Way Forward

Indian laws provide various frameworks for the protection of women's rights, but for these laws to be effective, there needs to be a proper implementation of them. There should be effective awareness, a proper mechanism for reporting violence, and effective enforcement of the laws so that these laws can provide meaningful protection, equality in practice, and women can fully exercise their rights and access justice.

CONCLUSION

Indian laws provide a wide range of laws for the protection of women, such as the right to equality, dignity, and protection against violence, employment, and marriage, etc. However, these rights only work when they are implemented in an effective manner. There are many issues, such as lack of social awareness, gender discrimination, restrictions, and economic dependence, that become a hindrance while implementing these laws.

So, for these rights to be implemented effectively, social barriers need to be addressed, which prevent women from enjoying their rights. Therefore, there should be continuing social and legal efforts, strengthening awareness to ensure that these constitutional rights become a reality in the everyday lives of women.