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WOMEN'S RIGHTS UNDER INDIAN LAW

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INTRODUCTION

Women's rights are very important human rights that guarantee equality, dignity, freedom, and security. These rights protect women from any kind of violence and discrimination and promote equal opportunities for women in education, employment, healthcare and social development . Through fundamental rights, directive principles, and fundamental duties, they aim to eliminate discrimination and promote substantive equality and protect women's dignity, ensure equal opportunities and also support their participation in social, economic and political spheres.

CONSTITUTIONAL SAFEGUARDS FOR WOMEN

In India, under the constitution it provides a legal framework that not only promotes gender equality but also protects women's rights. It seeks to eradicate discrimination and provides equal opportunities for women. It acts as a foundation for safeguarding women's rights. These provisions are:

FUNDAMENTAL RIGHTS

There are various legally enforceable constitutional protections that allow women to seek legal remedies when their fundamental rights are violated.

Article 14 - Under article 14, it deals with equality before the law and equal protection of the laws.

Article 15 - it prohibits discrimination based on sex, caste, creed and also provides special provisions for women and children.
Article 23 -: Prohibits human trafficking and forced labour.

DIRECTIVE PRINCIPLES OF STATE POLICY

These principles are not directly enforceable by courts but provide constitutional guidelines for the state in formulating laws and policies.

Article 39(a) - Equal Livelihood: Under this article, it provides equal opportunities for both men and women to secure an adequate means of livelihood.
Article 39(d) - Equal Pay: Promotes equal pay for equal work for both men and women, irrespective of gender.
Article 42 - Humane work and Maternity Relief: Requires the state to provide fair and human working conditions and provide maternity benefits.

MAJOR LEGAL PROTECTIONS FOR WOMEN

In India, the legal protection of women's rights is supported by a statutory framework designed to promote gender equality and also protect women from discrimination, exploitation, and violence.

Protection of Women from Domestic Violence Act, 2005: Under this act, women are protected from various forms of domestic abuse, and also provides civil remedies against such W.
Sexual Harassment of Women at Workplace Act, 2013: The main aim of this act is to ensure a safe and secure working environment for women. This act not only seeks to prevent and prohibit sexual harassment and but also provides a legal framework for addressing complaints.
Dowry Prohibition Act, 1961: The act prohibits the giving and taking of dowry in connection with marriage and it also provides legal penalties for such offences.

OTHER RELEVANT LEGAL SAFEGUARDS

The Equal Remuneration Act, 1976: This act prompted equal pay for men and women and prohibited gender-based discrimination in employment.

The Indecent Representation of Women (Prohibition) Act, 1986: Under this act, it prohibits indecent representation of women in advertisements and any other forms of media.

WOMEN'S RIGHTS IN THE CRIMINAL JUSTICE SYSTEM

Protection Against Sexual Offences: Under BNS 2023, various offences such as rape, sexual harassment, stalking, and voyeurism are criminalised.It also again recognises consent as voluntary and informed agreement.

Rights During Investigation and Trial: During the investigation and trial, Women victims should be treated with dignity and sensitivity. During legal proceedings, their privacy is protected and they also have the right to immediate medical treatment.

Compensation and Rehabilitation: There are various legal provisions for victims including compensation, interim financial assistance, free legal aid, and rehabilitation to support victims throughout the criminal justice process.

JUDICIAL TRENDS

Vishaka v. State of Rajasthan(1997): In Vishaka v. State of Rajasthan, the honourable Supreme Court held that sexual harassment at the workplace violates rights under articles 14, 15, 19(1)(g), and 21 of the Indian Constitution.

Joseph Shine v. Union of India(2018): In this case, the Court declared Section 497 IPC and Section 198(2) CrPC as unconstitutional.

CONTEMPORARY CHALLENGES

The protection of women's rights in India remains affected by significant procedural, social, and cultural barriers. These barriers include:

Social and Cultural Barriers: Due to gender-based social norms, women are continuously facing barriers in accessing their rights.

Gender-Based Violence: Various forms of violence, such as domestic violence, sexual harassment, and stalking, online abuse remain important challenges to women's safety.

WAY FORWARD

There is a need to bridge the gap between legal protections and the real problems faced by women in daily life. Though there are various laws to protect women, they still face practical

and structural barriers that restrict their access to justice. There are various recommendations to improve this situation.

A victim-centred approach is important because it protects privacy and rights.
Schools and universities should arrange awareness programmes and provide legal education.

CONCLUSION

In India, there are various legal frameworks for the protection of women's rights. Rather than introducing new laws, it is important to ensure their strict implementation. Awareness programmes and community engagement play an important role in creating awareness among women.

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