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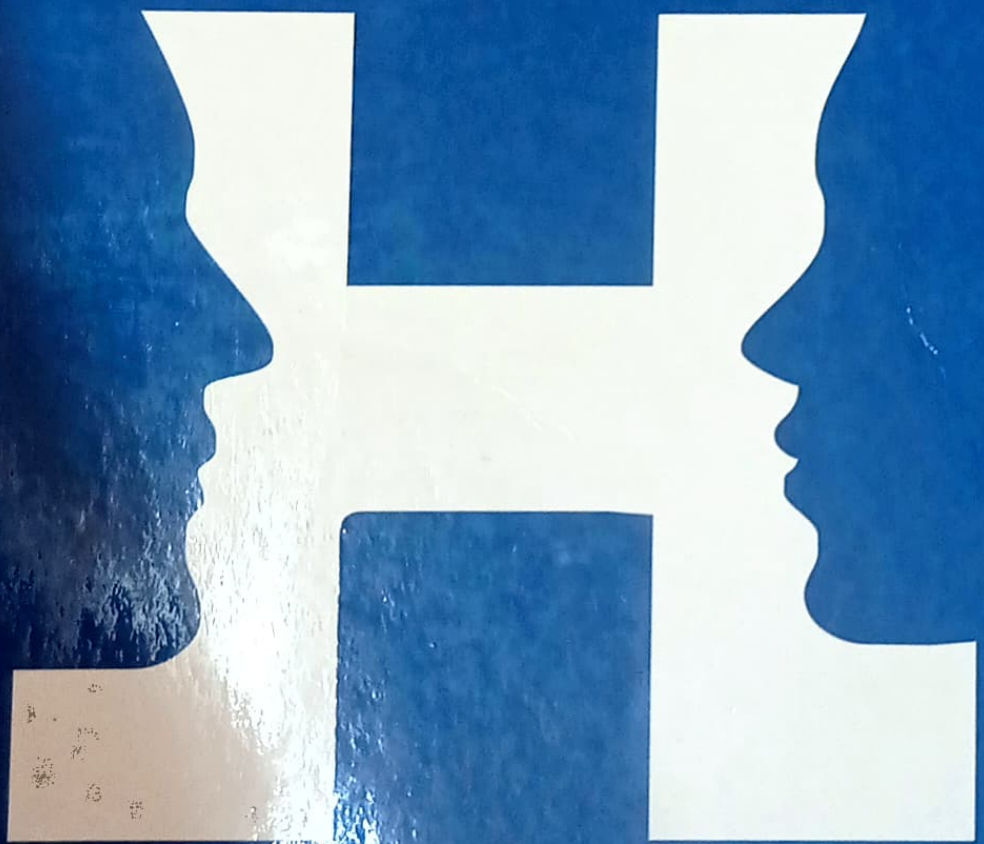

Guest Editor
Dr. Sandhana Agrawal

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Human Rights and Women Laws in India

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Introduction:- Women are half Population of the society. In Indian epics women is worshiped as goddess. In Vedic literature especially in Rig-Veda, references are found which shows, that women could enjoy equal educational & social rights with men. [1]These were respected in families and societies. But in course of time their position changed and in later literature we found derogatory references regarding them. These are comparing with animals, supposed to beat like animals. "Naets stri Swatantram Arharti" the famous sswgam of manu decided her status. These are the two edges of Indian women. Many writers, saints and poets described her derogatory positions, in medieval period she was not considered as human being. That was the darkest period regarding law Status of women in India.

In British rule many humanitarian laws passed for women. Especially their right to education got them back. Sati prohibition Act (1829)widow remarriage Act (1856), child marriage prohibition Act 1929 are some examples which were made by British rulers for the upliftement of Indian Women.

After Independent Indian constitution granted equal rights to men & women. But still women in India are deprived from their basic Human Rights.

Human Rights are those rights which inherent in human being gets from his birth are human rights. They are equal & indivisible. Human Rights are nothing but various freedoms guaranteed to human being. After World War II UNO established. It became one of its objects to protect & promote human rights all over the world. The universal declaration of human rights contain a list of rights which are equally guaranteed to men and women UNO has taken knee interest in human rights, with concern women's human rights UNO has special system, commissions and committees. Various conventions & declarations have passed at international level in world women's conferences. The conventions and declarations signed by member countries are legally bind them to work in this area. Among those conventions some important examples are a

1) The convention on the political rights of women (1952)[2]
2) The convention on the Nationality of married women(1957)[3].
3) The convention on consent of marriage (1962)[4].
4) The convention on the elimination of all forms of discrimination against women -1979[5].
5) Declaration of elimination of violence against women – 1993[6].

Though many organizations, NGO's, Feminist groups are working for women rights, on international level. But about India is still for away regarding women's human rights. The women law guaranteed them equality with men, practically society, customs, social force do not allow them to exercise their rights. Constitution makers knew the fact of status of women. They deliberatively granted equal rights to men for women.

Women Rights & Indian Constitution:- Indian constitution is basic law on the Indian Territory. In chapter 3 of 'Fundamental rights' in article 12-35 are basically human rights. They are protected by constitution judiciary. Here only those rights which gives special. Provision for women are discussed

Right to Equality – According to Article 14, "The state shall not deny to any person equality before law or the equal protection of laws within the territory of Indian".[7]

This Fundamental right guarantees all rights equally to men & women, all equal opportunities & equal protection of law. Article 15- "State shall not discriminate against any citizen on grounds only of religion race, caste sex, place of birth or any of them".[8]Article 15(3)-"Nothing in this article shall prevent the state of making any special provisions women and children".[9]

This article allows state to make special provisions for women. Many laws & provisions in criminal procedure code & other laws are based on this Article. Article 16 provides 'equality of opportunity' in matters of public employment. Today women are participating in all fields which were dominated by men. This human rights opening slaws to fly them. But it we compare with men the percentage of women is vans less.

Right to Freedom:- This fundamental right provides all six golden freedoms equally to men & women specially article 21-which provides "Right to life and personal liberty", many women law are enacted for women. This Article explains that "Right to life includes right to live with dignity and all that goes along with It.[10]

Protection of women from domestic violence ACT 2005, sexual harassment of women at workplace prohibition, protection and redressed ACTs 2013 are some recent examples which are based on Article 21.

Right against Exploitation: - Article 23 to 24. : Again this Article provides protection against exploitation. Under this ACT protection is provided to women from immoral trafficking.

Freedom of Religion – Article 25 to 28 : It guarantees equal provisions to men and women Right to constitutional remedies provides for remedies for enforcement of rights conferred by this part of the constitution.

In 'Directive Principles'also provides provisions for women. Maternity benefit provision in Article 42[11]

provisions of equal pay for equal work for both men & women in Article 39[12] directs. State to take progressive steps towards women. Government of India has enacted equal Remuneration ACT, maternity benefit ACT in this context. Even Article 51-A which lays down certain fundamental duties of men women & citizens of the country in which clause (e) relates particularly to women, "It shall be the duty of every citizens of India to promote harmony and spirit common brotherhood amongst all the people of India transcending religious linguistic and regional or sectional diversities to renounce practices derogatory to the dignity of women".[13]

Above constitutional provisions are important for the protection of human rights of women, a long list of women laws is here, but about enforcement there are certain loop holes in it.

List of laws relating to women:- As above mentioned in India there are many law which protect women's rights to some examples are as follow:

1) Downs prohibition ACT-
2) Hindu widow's Remarriage ACT-
3) The commission of sati (prevention) ACT-
4) Equal Remuneration ACT-
5) Maternity benefit ACT-
6) Protection of women from immoral traffic ACT-
7) The Indecent Representation of women (prohibition)ACT-
8) The medical Termination of pregnancy ACT-
9) Family courts ACT-
10) Protection of women from domestic violence ACT-
11) Political reservation for women in local self-government etc.

Above law protects women's rights legally but the fact is totally opposite. To it in reality women in India is a deprived class of society though they are taking education, getting jobs and exercising authorities but regarding their rights, acceptance of society is for away. Discrimination and violence against women is prevalent and sexual harassment at workplace and discontinuity in education to be identified as major problems in society women have political reservation in local self government.

The process of extending this to the Indian parliament is ongoing. Practically mans women in local government are deprived to exercise their political power. On behalf of them males of their family exercise the power. They are only or stamps. Actually women have ability & capacity to exercise political powers but male members of their family, members of local bodies, even notes do not easily accept them as authority. Traditional approach towards women is still continuing specially at village levels.

India has diversity in religion and culture we have personal laws for different religion due to this, women are discriminating for getting equal protection of law.

Hindu women gets maintenance after divorce, Muslim women deprives from it on religion basis. Article 44 of Indian constitution directs the state, "To Endeavour to secure for the citizens a uniform civil code. Throughout the territory of India".[14] But after 68 years of entercement of Indian constitution government have not endeavored. Single step to secure a uniform civil code for all citizens.

Actually in India women law are progressive even than of developed nations, but as earlier said problem is not in laws but in its enforcement, patriarchal society, discrimination against women, gender based discrimination which taking the shape of crimes against women all this linked to the inferior position, of women in society and amount to violation of human dignity and human rights. Rape, indecent representation of women in media, domestic violence downs deaths, Female feticide, sexual harassment at workplace are some example of crimes against women which violates their fundamental and human rights to live with dignity.

Above laws provides protection them from crimes but day by day, crime against women are continuity increasing. Offenders have no fear for punishment for their crime. So proper enforcement and several provisions of punishment is essential to avoid crime against women.

Suggestion - The real problem of women law we are enforcing women laws in male dominated system. Basically social, political cultural and religious approach towards women should be changed.

Society should abolish those customs traditions and social rules, moralities, which allow gender discrimination. That cannot be done only by law, it needs social collective efforts. So for this some suggestion are gives as follows.

1) To create awareness among women towards their right.
2) To encourage women to fight against discrimination at domestic, social & other levels.
3) In families parents should grow son & daughter equally.
4) Legal education in all curriculums should be compulsorily included.
5) Protection of human rights to all specially for women is the only way through which we can survive in human society

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