

WOMEN'S RIGHTS UNDER THE CONSTITUTION OF INDIA

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Abstract

This ecosystem, environment and atmosphere keeps women at central place of ruling, governance, administration and organisation setup thereby their name and meaning of their birth has been so important in terms of making new generation, social value, ethics, morality, education, economics and polity. All these sectors are revolving and emerging due to an important role and birth women section in this beautiful society, without their presence all these sectors would be seeming useless but made as meaningful since all these principles are applied in this social system due to presence of women sections. They are known just like sea, flower, forest and minerals they are being most essential in this society to carry out and fulfil all people's needs without any shortage and paucity. As people worship and venerate natural resources, have to worship women sections since they are being on equivalent creations just like natural resources so their presence and existence are known and felt most essential and elegant to make a beautiful world. One of pathetic issue is ,women are treated wrongly ,beaten and harassed by male section in all families without any mercy ,which must be reduced and abated with an interest to save and protect our soft nature women sections ,their nature is delicate and soft must be used and harvested by men section in mutual and beautiful way without any harassment and torture because they are just like sea ,nature and forest which provides lot of benefits to human being just like women are saving, preserving and protecting this world from all types of known and un known hazards and holocaust.

This study legibly says that women are more or less equivalent to god whose birth and presence must be inevitable and valuable in terms of regulating family and social system their rights and duties must be protected in all the social institutions by all

people without any defects. Women are not so strong and bravery creature just like men whose delicateness nature, life and rights must be protected and preserved by every individuals in all the family system without any discriminations because they crying in the family hopelessly due to husband's or male people's torture and mal treatment will fetch incurable and irreparable godly punishment to male people, on other hand their sorrow and crying in all places and institutions due to male people's discriminations will lead to make sorrow this world system because women are the best creation of the god and known as most believable, trustworthy and pure creature among the existing creatures, sincerely whose rights are given by the god must be protected by all male people in polite and dignified ways without an insult and intimation. Those whose test, disturb their peace and life will not be good but they will be ruined by the god and put at hopeless place as they are able to finance and famine problem, on other hand their words, life, behaviours and mannerism are being highly role model of ethics and morality, which shapes children life, family settings and gives quality life to men's people, regulating and rectifying bad behaviour of all men, their role truly has been most beautiful and wonderful in terms of rearing children, begetting children, managing family system and create peaceful social system.

Keywords: Women, Life, Rights, Needs, Social security and Fair Treatment

Backdrop of the study

Really and indeed women are the most essential, wanted, needful and necessary creature in our social system, their presence and birth truly making lot of value, norms, system, structures and patterns in the field of social, political, economical and civic settings. Their nature is precious and beautiful more than nature and godly creatures which must be properly used and persevered by all men people in all walk of life without and cruel activity and performance on over women sections, because their nature is delicate, soft, cordial, mutual peaceful and ethical oriented, these characters must be retained, protected and preserved by all men community before marriage and after marriage in all the places without any discriminations.

After India's impediments women's problems and situation has been increased in uncontrolled way in all the places ,to curb and stop all these bias ,discriminations and harassment in this social system constitution of India has made certain prohibitive polices and preventive agendas toward liberating omen's life from their companion such as husband and male people. Women are being beaten ,harassed ,embarrassed and tortured by male people in all families except few families by asking dowry ,money ,material, property and suspecting them ,these reasons are making women life so sad and unhealthy and unsound in terms of running family ,rearing up children ,earning for family and thinks to live decently according to other family's growth and development.

Since India's independence women are having lot pathetic and melancholy issues in this social system, they do become victim for all errors and mistakes of men's community in this social system, due to not able to bear up and tolerate all types of male's people dominations ,injustice attitude ,arrogant behaviour and rascal attitude every day women are dying and facing lot of problems so government of India have brought out more pro -women polices and law with an interest reduce and stop absolutely these problems are happening giants women's social, economical and political development. In nutshell and laconic women's life and rights must be respected ,venerated and accommodated by men's community without bias and partiality feelings on the basis of gender difference ,male people are known strong and female people are known as delicate one ,both are joining naturally together to constitute family types with all requisite law ,norms ,practices ,policies ,code of conduct ,morality and ethics ,thereby this world and civic system is able to run and functions excellently and nicely.

Birth of Policies and laws toward liberating women's life

Most laws are born and established by Indian government with an aim to protect women section from the male people's domination and horror treatment than saving from animals because human beings are most dangerous and hazardous one than animals as understood by the humanity so, established and made many laws and policies to stop and curb anti-women issues orchestrated by the male people male people's domination had been more during the period of zero percent liquor consumption ,it has been increased tremendously and monstrously after consuming alcohol and sprite in all states and areas, unaccountable and numerous women victims

are happening in all states due to an impact of alcohol and liquor consumption ,pro-women law and polices are failed in front of the alcohol power and liquor consumption because drunken male people are showing all their bad tempered characters over delicate natured women people in all families thereby women are not able to run their life and care their children according to other family's development and governance ,every day they are living fearing to drunken people and living with the feeling of what will happen and how do they speak during time ,in this regard women are becoming more victims in all social and civil families without any an alternative law and policy to protect them from terror drunken male people's rule and governance .

Constitutional Rights to Women:

The rights and safeguards enshrined in the constitution for women in India are listed below:

- The state shall not discriminate against any citizen of India on the ground of sex [Article 15(1)].
- The state is empowered to make any special provision for women. In other words, this provision enables the state to make affirmative discrimination in favour of women [Article 15(3)].
- No citizen shall be discriminated against or be ineligible for any employment or office under the state on the ground of sex [Article 16(2)].
- Traffic in human beings and forced labour are prohibited [Article 23(1)].
- The state to secure for men and women equally the right to an adequate means of livelihood [Article 39(a)].
- The state to secure equal pay for equal work for both Indian men and women [Article 39(d)].
- The state is required to ensure that the health and strength of women workers are not abused and that they are not forced by economic necessity to enter avocations unsuited to their strength [Article 39(e)].
- The state shall make provision for securing just and humane conditions of work and maternity relief [Article 42].
- It shall be the duty of every citizen of India to renounce practices derogatory to the dignity of women [Article 51-A(e)].
- One-third of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women [Article 243-D(3)].

- One-third of the total number of offices of chairpersons in the Panchayats at each level shall be reserved for women [Article 243-D(4)].
- One-third of the total number of seats to be filled by direct election in every Municipality shall be reserved for women [Article 243-T(3)].
- The offices of chairpersons in the Municipalities shall be reserved for women in such manner as the State Legislature may provide [Article 243-T(4)].

Legal Rights to Women: The following various legislation's contained several rights and safeguards for women:

- Protection of Women from Domestic Violence Act (2005) is a comprehensive legislation to protect women in India from all forms of domestic violence. It also covers women who have been/are in a relationship with the abuser and are subjected to violence of any kind physical, sexual, mental, verbal or emotional.
- Immoral Traffic (Prevention) Act (1956) is the premier legislation for prevention of trafficking for commercial sexual exploitation. In other words, it prevents trafficking in women and girls for the purpose of prostitution as an organized means of living.
- Indecent Representation of Women (Prohibition) Act (1986) prohibits indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner.
- Commission of Sati (Prevention) Act (1987) provides for the more effective prevention of the commission of sati and its glorification on women.
- Dowry Prohibition Act (1961) prohibits the giving or taking of dowry at or before or any time after the marriage from women.
- Maternity Benefit Act (1961) regulates the employment of women in certain establishments for certain period before and after child-birth and provides for maternity benefit and certain other benefits.
- Medical Termination of Pregnancy Act (1971) provides for the termination of certain pregnancies by registered medical practitioners on humanitarian and medical grounds.
- Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (1994) prohibits sex selection before or after conception and prevents the misuse of pre-natal diagnostic techniques for sex determination leading to female feticides.

- Equal Remuneration Act (1976) provides for payment of equal remuneration to both men and women workers for same work or work of a similar nature. It also prevents discrimination on the ground of sex, against women in recruitment and service conditions.
- Dissolution of Muslim Marriages Act (1939) grants a Muslim wife the right to seek the dissolution of her marriage.
- Muslim Women (Protection of Rights on Divorce) Act (1986) protects the rights of Muslim women who have been divorced by or have obtained divorce from their husbands.
- Family Courts Act (1984) provides for the establishment of Family Courts for speedy settlement of family disputes.
- Indian Penal Code (1860) contains provisions to protect Indian women from dowry death, rape, kidnapping, cruelty and other offences.
- Code of Criminal Procedure (1973) has certain safeguards for women like obligation of a person to maintain his wife, arrest of woman by female police and so on.
- Indian Christian Marriage Act (1872) contain provisions relating to marriage and divorce among the Christian community.
- Legal Services Authorities Act (1987) provides for free legal services to Indian women.
- Hindu Marriage Act (1955) introduced monogamy and allowed divorce on certain specified grounds. It provided equal rights to Indian man and woman in respect of marriage and divorce.
- Hindu Succession Act (1956) recognizes the right of women to inherit parental property equally with men.
- . Minimum Wages Act (1948) does not allow discrimination between male and female workers or different minimum wages for them.
- Mines Act (1952) and Factories Act (1948) prohibits the employment of women between 7 P.M. to 6 A.M. in mines and factories and provides for their safety and welfare.
- The following other legislation's also contain certain rights and safeguards for women:
 - Employees' State Insurance Act (1948)
 - Plantation Labour Act (1951)
 - Bonded Labour System (Abolition) Act (1976)

- Legal Practitioners (Women) Act (1923)
 - Indian Succession Act (1925)
 - Indian Divorce Act (1869)
 - Parsi Marriage and Divorce Act (1936)
 - Special Marriage Act (1954)
 - Foreign Marriage Act (1969)
 - Indian Evidence Act (1872)
 - Hindu Adoptions and Maintenance Act (1956).
- National Commission for Women Act (1990) provided for the establishment of a National Commission for Women to study and monitor all matters relating to the constitutional and legal rights and safeguards of women.
 - Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal). Act (2013) provides protection to women from sexual harassment at all workplaces both in public and private sector, whether organized or unorganized.

Conclusion

Women's life and rights are born naturally with the grace and power of almighty (Natural system) this rights must be protected and preserved by all in this present scenario as it was given by the god. At any cost and situations their rights should not be violated and disrespected in this present context on account of gender differences, all are same and equal under the constitution of India, no one is inferior and superior in social, economical and political connects thereby each gender has to respect other gender on humanitarian ground without any bias feelings at their heart. Before marriage and after marriage women's rights must be secured and guarded in all families by all male people without any bias and confrontations, every male has to treat every woman on equal and fairways not indulging to their parents to spoil husband and wife relations. Rights are same and varied according to the people's heart and thinking, it must be altered and changed by reading and understanding present scenario's human value.

References

Ahooja-Patel, Krishna, Women's Rights, in INTERNATIONAL LAW: ACHIEVEMENTS AND PROSPECTS 1105-29 (Bedjaoui ed., London, Martinus Nijhoff 1991) 1276 pages.

AMNESTY INTERNATIONAL, HUMAN RIGHTS ARE WOMEN'S RIGHT (New York, Amnesty International U.S.A. 1995) 152 pages.

ASHWORTH, GEORGINA, and CHANGING THE DISCOURSE: A GUIDES TO WOMEN AND HUMAN RIGHTS (London, CHANGE 1993) 128 pages.

BUNCH, CHARLOTTE & REILLY, NIAMH, DEMANDING ACCOUNTABILITY: THE GLOBAL CAMPAIGN AND VIENNA TRIBUNAL FOR WOMEN'S HUMAN RIGHTS (New Jersey, Centre for Women's Global Leadership, Rutgers University and United Nations Development Fund for Women 1994) 169 pages.

Bunch, Charlotte, Women's Rights as Human Rights: Toward a Re-Vision of Human Rights, 12 HUM. RTS. Q. 486-98 (1990).

Burrows, Noreen, International Law and Human Rights-the Case of Women's Rights, in HUMAN RIGHTS: FROM RHETORIC TO REALITY 80-98 (Campbell et al. eds., London, Blackwells 1986).

Burrows, Noreen, Monitoring Compliance of International Standards Relating to Human Rights: The Experience of the United Nations Commission on the Status of Women, 31 NETH. INT'L L. REV. 332-54 (1984).

Byrnes, Andrew, Toward More Effective Enforcement of Women's Human Rights Through the Use of International Human Rights Law and Procedures, in HUMAN RIGHTS OF WOMEN: NATIONAL AND INTERNATIONAL PERSPECTIVES 189-227 (Cook ed., Philadelphia, University of Pennsylvania Press 1994) 634 pages.

Charles worth, Hilary, What are Women's International Human Rights?, in HUMAN RIGHTS OF WOMEN: NATIONAL AND INTERNATIONAL PERSPECTIVES 58-84 (Cook ed., Philadelphia, University of Pennsylvania Press 1994).

Charles worth, Hilary & Chinkin, Christine, the Gender of Jus Cogens, 15 HUM. RTS. Q. 63-76 (1998).

Chinkin, Christine, Women's Rights as Human Rights Under International Law, in UNDERSTANDING HUMAN RIGHTS (Gearty & Tomkins eds., London, Mansell Press forthcoming 1995).

Coliver, Sandra, United Nations Machineries on Women's Rights: How They Better Help Women Whose Rights are Being Violated, in NEW DIRECTIONS IN HUMAN RIGHTS 25-49 (Lutz, Hannum & Burke eds., Philadelphia, University of Pennsylvania Press 1989) 246 pages.

Cook, Rebecca. (ed.), HUMAN RIGHTS OF WOMEN: NATIONAL AND INTERNATIONAL PERSPECTIVES (Philadelphia, University of Pennsylvania Press 1994), 634 pages, forthcoming in Spanish from Profamiliar Legal Services, Calle 34, No. 14-52, Bogota, Colombia.

Cook, Rebecca J., International Human Rights Law Concerning Women:

Case Notes and Comments, 23 VAND.J. TRANSNAT'L L. 779-818 (1990).

Cook, Rebecca J., State Responsibility for Violations of Women's Human Rights, 7 HARV. HUM. RTS. J. 125-75 (1994).

