Some Aspects of Women’s Rights in the Indian Constitution: An Overview

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Abstract:
A woman — a girl, a wife, a mother, a grandmother, overall woman is the key of a family. The world can never be complete without a woman. Law is the set of rules enforced to govern the behaviour of people. From the beginning of this world women are treated as the weaker section of the society and they are the victims of the crimes like rape, eve-teasing, female infanticide, dowry, domestic violence, child marriage and acid attacks. They were only allowed to live beneath the shoes of their fathers and husbands. Laws are being made to secure the lives of the women from the violence of their families and society, and to provide them with their rights of which they are the owners. This paper covers the aspect of women from ancient history to the present world. It shows how the law of our country has contributed its best to change the lives of women, to help them live with dignity and respect not as slaves.

Keywords: Legal status, Women rights, Domestic violence, Child marriage, Dowry, Eve-teasing.

Introduction:
Legally a female is known as a woman after she has passed through her childhood and adolescence, i.e. basically after crossing the teenage a girl becomes a woman. Government of India has made several laws to provide equal status to women in our country and secure their lives from various violence and crimes. Constitution of India provides Fundamental Rights and Duties to the citizens of India; each and every citizen of this country is equally entitled of these rights and duties. The Constitution of India guarantees to all Indian women equality (Article 14), No Discrimination by the State (Article 15(1)), Equality of Opportunity (Article 16), and Equal Pay for Equal Work (Article 39(d)). It allows special provisions to be made by the State in favour of women and children (Article 15(3)), renounces practices derogatory to the dignity of women (Article 51(A) (e)), and also allows for provisions to be made by the State for securing just and humane conditions of work and for maternity relief (Article 42).

Rolling back to the history of our country we can find the pathetic condition of the women from the very first era. According to studies, women enjoyed equal status and rights during the ancient and the early Vedic period. However, in approximately 500 B.C., the status of women began to decline, and with the Islamic invasion of Babur and the Mughal Empire and Christianity later worsened women’s freedom and rights. Indian women’s position in society further deteriorated during the medieval period, when child marriages and a ban on remarriage by widows became part of social life in some communities in India.

The Muslim conquest in the Indian subcontinent brought purdah to Indian society. Among the Rajputs of Rajasthan, the Jauhar was practiced. In some parts of India, some of Devadasis were sexually exploited. Polygamy was practiced among Hindu Kshatriya rulers for some political reasons. In many Muslim families, women were restricted to Zenana areas of the house. During the British rule many reformers fought for the betterment of women. Women also contributed in the
struggle of the Independence of India. Condition of women started improving from the British rule. Women in India now participate fully in areas such as education, sports, politics, media, art and culture, service sectors, science and technology, etc. Indira Gandhi, who served as Prime Minister of India for an aggregate period of fifteen years, is the world's longest serving woman Prime Minister. There are many acts and provisions made by the Government of India for the benefit of women.

Legal Status of Women in India:

Women in India are being provided with the legal security to secure their socio-cultural and economic conditions. These are a few acts which show the efforts made by the Indian Government in the interest of women. Dowry Prohibition Act 1961, Maternity Benefit Act 1861, Births, Deaths & Marriages Registration Act 1886, Medical Termination of Pregnancy Act 1971, National Commission for Women Act 1990, Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 1999, Protection of Women from Domestic Violence Act 2005, Sexual Harassment of Women at Work Place (Prevention, Prohibition & Redressal Act 2013, Hindu Widows Remarriage Act 1856, Muslim Women (Protection of Rights on Divorce) Act 1986, Guardians and Wards Act 1890, Indian Penal Code 1860, Christian Marriages Act 1872, etc.

Women in Family:

A family is a cooperative unit based on the common interest and mutual support. A woman plays the key role in a family. The support of husband, children and in-laws is must to make a happy family. Earlier woman was just treated as a house keeper. She needs to serve her children, in-laws and her husband. But the scenario has changed now, woman enjoys the equal status in the family and contributes more than her husband as she earns for the family and performs all her responsibilities of the household. Women have now stepped out of the house to live their lives in their own manner. Contribution of a woman is more than a man in the present era. The acts for the working women and housewives are, Guardians and Wards Act 1890, Married Woman’s Property Act 1872, Indian Succession Act 1925, Dowry Prohibition Act 1961, Hindu Marriage Act 1955, Muslim Women (Protection of Rights of Divorce) Act 1986.

Women and Education:

The education of women in India plays a significant role in improving living standards in the country. A higher women literacy rate improves the quality of life of women both at home and outside the home, by encouraging and promoting education of children, especially female children, and in reducing the infant mortality rate. Several studies have shown that a lower level of women literacy rates results in higher levels of fertility and infant mortality, poorer nutrition, lower earning potential and the lack of the ability to make decisions within a household. Women's lower educational level is also shown to adversely affect the health and living conditions of children. A survey that was conducted in India showed results which supports the fact that infant mortality rate was inversely related to female literacy rate and educational level. The survey also suggests a correlation between education and economic growth. In India, it was found that there is a large disparity between female literacy rates in different states. For example, while Kerala actually has a female literacy rate of about 86 percent, Bihar and Uttar Pradesh have female literacy rates around 55-60 percent. These values are further correlated with health levels of the Indians, where it was found that Kerala was the state with the lowest infant mortality rate while Bihar and Uttar Pradesh are the states with the lowest life expectancies in India. Furthermore, the disparity of female
literacy rates across rural and urban areas is also significant in India. Out of the 24 states in India, 6 of them have female literacy rates of below 60 percent. The rural state Rajasthan has a female literacy rate of less than 12 percent.

In India, higher education is defined as the education of an age group between 18 and 24, and is largely funded by the government. Despite women making up 24-50% of higher education enrolment, there is still a gender imbalance within higher education. Only one third of science students and 7% of engineering students are women. In comparison however, over half the students studying education are women. The number of literate women among the female population of India was between 2-6% from the British Raj onwards to the formation of the Republic of India in 1947. Concerted efforts led to improvement from 15.35% in 1961 to 29.76% in 1981. By 2011, literacy for women had reached up to 64.63% of the overall female population, though these statistics were still very low compared to world standards and even male literacy within India. The Indian government has also launched Saakshar Bharat Mission for Female Literacy. This mission aims to increase the female literacy rate in India.

**Women’s Economic, Social and Cultural Rights :**

The movement to assure women’s economic, social and cultural rights (ESCR) as a basic human’s right is just emerging in India. The movement aims to locate women’s right within the larger human rights framework, and by doing so moves away from women’s issue only within the framework of violence and reproductive rights. ESCR attempts to look at the broader issues faced by women namely- poverty, housing, unemployment, education, water, food security, trade, etc. While the human rights movement at ESCR is largely contained at the international policy level, there are emerging social movements around the world. In the Indian context, projects like the, Programme on Women’s Economic, Social and Cultural Rights (PWESCR) aims to build the women rights movement in India to create equality in all the spheres of women’s life. Women’s economic opportunity in India is a rapidly changing landscape as women are not less than any man in every sector whether it may be organized or unorganized. The exposure is needed for the women in unorganized sector.

**Women Reservation :**

In India, women were considered to be kept inside the house for the service of their children, husband and in-laws. Their rights were not secure and they were not given equal opportunity in any of the aspects whether it may be social, economic, political or cultural. Reservation for women started to give exposure to them and to make Indian society feel that women are not less than men in any aspect. In 1993, the Constitutional Amendment called for a random one third Village Council leader or Pradhan position in Gram Panchayat to be reserved for women. Recent researches on quota system have revealed that it has changed perception on women’s abilities, improved women electoral chances, and raised aspirations and educational attainment for adolescent girls.

There is a long term plan to extend this reservation to parliament as well as legislative assemblies. For instance, some law schools in India have 30% reservation for females. Progressive political opinion in India is strongly in favour of providing preferential treatment to women to create a level playing field for all the citizens. The Women's Reservation Bill was passed by the Rajya Sabha on 9 March 2010 by a majority vote of 186 members in favour and 1 against. The Lok Sabha has not voted on the Bill till date. Critics say gender cannot be held as a basis for reservation alone other factors should also be considered e.g. economic, social conditions of women candidate especially when applying reservation for educated women. There is also a growing demand for women reservation in pre-existing reservations like OBC, SC/ST, physically handicapped etc.
Some feminist groups still demand that reservation for women should be at least 50% as they comprise 50% of the population.

National Initiatives for Women:

National Commission for Women:

In January 1992, the Government of India set up this statutory body to study and monitor all the matters relating to safeguard women and review the existing legislation to make and suggest amendments wherever necessary.

Reservation of Women in Local Self-Government:

The 73rd Constitutional Amendment Act passed in 1992 ensures one-third of total seats to women in all elected bodies in local bodies whether in rural or urban areas. As per provisions contained in Article 243 D of the Constitution, 1/3rd of the seats of Panchayati Raj Institutions and 1/3rd offices of the Chairperson at all the levels of Panchayati Raj Institutions covered by Part IX of the Constitution are reserved for women.

50% Reservation for Women in P.R.I.:

Bihar is the first State in India which provided 50% Reservation to Women in Panchayati Raj Institutions in 2006. On August 27, 2009, the Union Cabinet of the Government of India approved 50% Reservation for Women in Panchayati Raj Institutions.

Reservation to Women in Government Jobs:

In 2016, the State Government of Bihar had introduced 35% Reservation for Women in Government Jobs in the State at all levels in all categories of government jobs for which direct recruitment is made.


This plan of action was to ensure survival, existence and development of a girl child with the ultimate objective of bringing up the better future of a girl child.

National Policy for the Empowerment of Women (2001):

This Policy was aimed to bring advancement, development and empowerment of women.

Indian Scenario of Women Security:

The Government of India has made many laws and acts to safeguard and secure the life of women in the country. In spite of such laws, rules and regulations the life of women is still not secure completely. Inequality between men and women are still prevalent in the country whether it may be education, governance or economic opportunities.
Conclusion:

The reflection of Women Empowerment is seen in the history of our country. Despite being denied of any recognition and opportunities there were females like- Rani Lakshmi Bai, Razia Sultan and Meera Bai who lived in such a male dominated society and yet they fought for themselves and their country. By this I simply mean to convey that Government can make laws, rules and policies for women, but we do need to remove all the fear and hesitation and step out ourselves for our recognition. Nothing can help a woman until she helps herself. Instead of being shadowed by male patriarchy woman should move ahead and explore the world around her. As we see from past to the present there is a radical change in the lives of women, now women with their household work also contribute in the earning of their family and economy of the country. She lacks nowhere behind the man. Some women make proper utilization of legal securities provided to them, some misuse it and some are still unaware of the legal provisions for women. Things will take time to get in systematic manner as I already mentioned government can make laws but its utilization is in our hand. Women must never be considered as the weak part of the society as their household work is more difficult than a man’s office work. A man works for 8-10 hours a day with a weekly leave but a woman works the whole day without any leave. Struggle of a woman’s life is more than a man. Respect woman, respect world. One who abuses a lady is the biggest coward. Women are not weak, they devote themselves to their families but it does not mean that they cannot work outside the house. Sometimes women have proved themselves to be better than men in academic or official performances.

References:

10. Ibid