Legislations Protects and Promotes Rights of the Women in India

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Introduction
Women population comprises about half of the total populations; therefore, no real development is possible by neglecting rights of the women. To overcome with the women related issues IWWF (International Waterski and Water Board Federation) has started awareness for socially, economically and politically deprived and marginalized women with multiple burdens in terms of do’s and don’ts on their heads regarding their rights and dignity. IWWF is a creative and smartest platform for women which make positive changes in the life of women especially illiterate, unskilled, and unacquainted women. This federation has promoted all the three major aspects of life; education, capacity building and information which are fundamental rights of the women to live in 21st century. Women play central role in the family, society, and nation therefore, IWWF talks about significant contribution of the women across the world. Nation builds with the prime concerned of the people and when women become aware and empowered towards their rights and position, then half of the population will accumulate positive impact on every sector of a nation. IWWF is an initiative and innovators for Women that focus on the rapidly growing world of social innovation. Women in the Indian Constitutions promote and protect their interest and rights through different legislations. There are certain legislations framed separately to protect rights of the women whereas some legislations are common for both for men and women which pay equally attention for the rights, welfare, and development of women. The following legislations pay attention for rights, welfare, social security, and development of women such as

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The Dowry Prohibition Act, 1961
Dowry means any property or valuable security given or agreed to be given either directly or indirectly by one party to the other party (means from girl side to boy side) for marriage or for tied up matrimonial relationship. Dowry, to large extent is an endless demand which troches women physically and mentally. This Act provides relief to such women whose parents are poor from socio-economic angle. Government has made provision of punishment on demand of dowry.

The Immoral Traffic (Prevention) Act, 1956
This Act was passed on 20th December 1956 by the Parliament which emphasises that prostitutes can be practise their trade privately but cannot legally solicit customers in public. A BBC (British Broad Cast) article, however, mentions that prostitution is illegal in India; the Indian law does not refer to the practice of selling one's own sexual service as prostitution. Clients can be punished for sexual activity in proximity to a public place. Organised prostitution (brothels, prostitution rings, pimping, etc.) is illegal. The law forbids a sex worker to carry on her profession within 200 yards of a public place. Unlike other professions, sex workers are not protected under normal labour laws, but they possess the right to rescue and rehabilitation if they desire and possess all the rights of other citizens. In Kolkata, 250 female sex workers got benefit from the State-owned insurance company to improve their lives. Government of India has also shown interest to avoid exploitation of the sex workers and their children by middlemen and in the wake of a growing HIV/AIDS (Human immunodeficiency virus infection/acquired immune deficiency syndrome) menace.

The Protection of Women from Domestic Violent Act, 2005
This Act provides effective protection for the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within family and matters connected therewith or incidental thereto. The Act focuses on type of the domestic violence such as (a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse, or (b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or (c) has the effect of threatening the aggrieved person or any person related to her by any conduct
mentioned in clause (a) or clause (b); or(d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person.

**The Commission of Sati (Prevention) Act, 1987**
This legislation protects women who forcefully burn alive after death of husband or women revolting felling of human nature and is nowhere enjoying any of the religious of the India as an imperative duty. This Act equally punish to those who force women to burial along with the diseased husband.

**The Indecent Representation of Women (Prohibition) Act, 1986**
This Act prohibits indecent representation of the women advertisements or in publications, writings, paintings, figures or in any other manner and for matters connected therewith or incidental thereto.

**The Code of Criminal Procedure, 1973**
Code of Criminal Procedure (CCP) provides machinery for the investigation of crime apprehension of suspected criminals, collection of evidence, determination of guilt or innocence of the accused person and the determination of punishment of the guilty. Code also deals with public nuisance, prevention of offences and maintenance of wife, child and parents. The Code has been classified into two Offences such as Cognizable and Non- Cognizable Offence.

Cognizable Offences considered as such Offences for which a police officer may arrest culprit without court mandated warrant in accordance with the first schedule of the code. For non-cognizable cases, the police officer may arrest only after being duly authorized by a warrant. Non-cognizable offences are, generally, relatively less serious than cognizable offences. Dowry death, rape, unnatural offences are part of cognizable offences.

**Child Marriage Restraint Act, 1929**
This Act was passed on 28 September 1929 during British period which fixed the age of marriage for boys and girls means at the time of marriage a boy should not be less 18 years whereas girls should not be less than 14 years which later enhanced 18 years for girls and 21 years for boys. It Act is popularly known as the Sarda Act, (Harbilas Sarda). This Act is an outcome of social reform movement in India. The legislation was passed by the British Indian Government.

**National Commission for Women Act, 1990**
National Commission for Women (NCW) is a statutory body of Government of India (GOI), generally concerned with advising the Government on all policy matters affecting women. It was established in January 1992 under the provisions of the India Constitution as defined in the 1990 National Commission for Women Act. The Commission shall perform all or any duty of investigation and examine all matters concern of women, present report to the Union Government working on safeguards, ensure recommendations for effective implementation of safeguards that improves condition of women, review and measures lacunae, inadequacies or shortcomings of legislation, look into complaints related to deprivation of women’s rights, non-implementation of laws enacted to provide protection of women and provide relief to women, evaluate the progress of the development of women under the union and any state, make periodical reports to the government.

**Indian Penal Code**
The Indian Penal Code (IPC) is the main criminal code of India. It is a comprehensive code intended to cover all substantive aspects of criminal law. The code was drafted in 1860 with the recommendations of first Law Commission of India which was established in 1834 under the Chairmanship of Thomas Babington Macaulay. IPC came into force in British ruled India in 1862 which was not accepted by the princely states till the 1940s because they were following their own rules and regulations. The objective of this Act is to provide one general panel code for India. This Code consolidates law on the subject and is exhaustive on the matters in respect of which it declares the law. Certain Chapters of IPC focuses on women issues like causing of miscarriage of injuries of unborn children, sex exposure of unborn child, concealment of birth, sexual offences including rape, offence related to marriage, and cruelty by husband or relatives of husband.

**The Hindu Marriage Act, 1955**
The Hindu Marriage Act was passed in 1955 as part of the Hindu Code Bills. During same period three other important legislations were also enforced; the Hindu Succession Act (1956), the Hindu Minority and Guardianship Act (1956), and the Hindu Adoptions and Maintenance Act (1956).
The main purpose of the enactment was to Amend and Codify the law relating to marriage among Hindus other than Muslim, Christian, Parsi and Jew. According to Hinduism, marriage is a sacred relationship as well as private affair within the social realm. In Hinduism marriage is a most important transitional part of life cycle ritual. Therefore, there was fierce religious opposition to enacting such laws for marriage, succession, and adoption.

This Act prohibits provision of divorce which is a last degree of abhorrence as per the Hindu mythology. This Act ensures the idea of equal inheritance by sons and daughters on parental property regardless of whether the daughter is married or unwed. This was against the Hindu view of family where married daughters were regarded as belonging to the family of their husband, not to the family of their father. Marriage in Hinduism is a social obligation which not only confined up to marriage point but protects and promotes interest of son and daughter by covering social security on unwanted incidents.

**The Medical Termination of Pregnancy Act, 1971**

This Act advocates abortion as a legal up to twenty weeks of pregnancy under specific conditions and situations which would not involve a risk to the life of the pregnant woman or of grave injury of physical or mental health or there is a substantial risk that if the child were born, it would suffer from such physical or mental abnormalities as to be seriously handicapped.

In many parts of India, daughters are not preferred and hence sex selective abortion is commonly practiced, resulting in an unnatural male to female population sex ratio due to millions of developing girls selectively being targeted for termination before birth.

**Guardians and Wards Act (GWA), 1890**

GWA protects rights of the children in India by regulating questions and custody irrespective of their religion. GWA authorizes District Courts to appoint guardians of the person or property of a minor when the natural guardian as per the minor’s personal law or the testamentary guardian appointed under a Will fails to discharge his or her duties towards the minor.

This Act is a complete Code for rights and obligations of the guardians, procedure for their removal and replacement and remedies for misconduct by them. It is an umbrella legislation that supplements the personal laws governing guardianship issues under every religion. GWA authorizes the court to appoint a guardian for the person or property or both of a minor, if it is satisfied that it is necessary for the welfare of the minor.

Section 17(2) of the Act clarifies that while determining what constitutes welfare of the minor, courts shall consider age, sex, and religion of the minor; the character and capacity of the proposed guardian and how closely related the proposed guardian is to the minor; the wishes, if any, of the deceased parents; and any existing or previous relation of the proposed guardian with the person or property of the minor.

**The Hindu Succession Act, 1956**

This Act ensures property right of the Hindu (and similarly other Indian originated religions) female and protects her rights to deal inherent property which assigned to her, or she can dispose by her own will the way she likes. Under the Hindu Succession Act, 1956 females are granted ownership of all property acquired either before or after the signing of the Act abolishing their limited owner status.

The Amendment of 2005 allows equal right of property as son(s) has got means Amendment invariably grants rights of a daughter(s) on property belong to parents in following orders; sons and daughters (including the children of any pre-deceased son or daughter) and the husband, heirs of the husband, the father and mother, the heirs of the father and the heirs of the mother.

**The Hindu Adoptions and Maintenance Act, 1956**

This Act was enacted in 1956 as part of the Hindu Code Bills. The other legislations enacted during contemporary period which includes the Hindu Marriage Act (1955), the Hindu Succession Act (1956) and the Hindu Minority and Guardianship Act (1956). This Act deals legal process of adopting children by a Hindu adult and with the legal obligations of a Hindu to provide maintenance to various family members including their wife or wives, parents, and in-laws. This Act applies to Hindus and all those considered under the umbrella term Hindus such as Hindu by religion in any of its forms of development, Buddhist, Jain and Sikh and legitimate child of the above-mentioned religion.

Under the Act a Hindu wife is entitled to get maintenance from the husband (in case of separated) or father in laws (in case of death of husband). Similarly, a child is also entitled to claim maintenance from parents. This Act ensures maintenance benefits of the individuals and children if available.
The Muslim Women (Protection of Rights on Divorce) Act, 1986

This Act was passed in 1986 to protect the rights of Muslim women divorced or obtained divorce from their husbands. The Muslim Women (Protection of Rights on Divorce) Act, 1986 which diluted the secular judgment of the Supreme Court and denied even utterly destitute Muslim divorcees the right to alimony from their former husbands. This Act ensures reasonable and fair maintenance to the divorced Muslim women from her former husband and which should be paid within the period of iddah (fourth months ten days) and after iddah. The basic objective of the Act is to protect dignity of the divorced women.

The Muslim Women (Protection of Rights on Marriage) Act, 2019

This is an Act of the Parliament of India criminalizing triple talaq. In August 2017 the Supreme Court of India declared triple talaq from any form either in spoken, in writing, or by electronic is illegal, improper, and unconstitutional. This legislation enables Muslim women to demand maintenance for her dependent children.

Under provision of the Act; husband is entitled to get punishment with imprisonment for a term or which may extend to three years, husband is liable to fine, women is entitled to receive amount of subsistence allowance (determined by the Magistrate), custody of her minor children (determined by the Magistrate), offence is determines as per the direction of the judiciary and on reasonable grounds, etc.

The Minimum Wages Act, 1948

This Act advocates minimum wages both male and female without gender discrimination based on equal status of skilled and unskilled capacities. The basic objective of the Act is to ensure minimum living standard of a family which secures health, dignity, comfort, education, and any contingency emerged during crises.

The Government of India has introduced the Minimum Wages Act in 1948 giving jurisdiction both Central and State governments in fixing of wages. This Act is legally non-binding but statutory. Payment of wages below the minimum wage rate amounts to forced labour.

Wage Boards are set up to review the industry’s capacity to pay and fix minimum wages such that they at least cover a family of four’s requirements of calories, shelter, clothing, education, medical assistance, and entertainment. Under the law, wage rates in scheduled employments differ across States, sectors, skills, regions, and occupations owing to difference in costs of living, regional industries’ capacity to pay, consumption patterns, etc.

The Factories Act, 1948

This Act recommends occupational safety, health and welfare of workers at work place. This Act regulate conditions of work in manufacturing establishments. This Act is applicable where 10 or more workers work with support of power or 20 or more workers work without power. This Act ensures basic needs of women workers such as provide separate seating space, provision of first aid, creches, benefits of maternity leave, provision of annual leave, provide uniform, safety kits, create conducive working environment, determines working hours, prevent recruitment of female below 14 years, prevent discrimination against women workers, provide equal opportunity, etc.

The Pre-Natal Diagnostic Technique Act, 1994

Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 provides prohibition of sex selection before or after conception and for regulation of prenatal diagnostic techniques for the purposes of detecting genetic abnormalities or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex-linked disorders and for the prevention of their misuse for sex determination leading to female feticide and for matters connected therewith or incidental thereto.

Prenatal diagnosis or prenatal screening is testing for diseases or conditions in a foetus or embryo before it is born. The aim of Act is to detect birth defects such as and other conditions, such as spina bifida, cleft palate, Tay–Sachs disease, sickle cell anaemia, thalassemia, cystic fibrosis, muscular dystrophy, and fragile X syndrome. Screening can also be used for prenatal sex discernment. Common testing procedures include amniocentesis, ultrasonography including nuchal translucency ultrasound, serum marker testing or genetic screening. In some cases, the tests are administered to determine if the foetus will be aborted by the physicians and find it useful to diagnose high-risk pregnancies early so that delivery can be scheduled in a tertiary care hospital where the baby can receive appropriate care.

The objective of Act is to facilitate precaution against the above-mentioned diseases in terms of diagnosis but a good number of families misuse goodwill of the practice by choosing female foeticide abortion which is not only unethical
but forming crime by reducing population of women. The impact of such practice could be seen day to day incident in the form of crime and atrocities make on women.

The Bonded Labour System (Abolition) Act, 1976

The object of the Act is to abolish bonded labour system to prevent economic and physical exploitation of the weaker sections which have been treated as a kind rather than human being. The bonded labour system emerged from the customary obligations, forced labour, beggar or indebtedness under which a debtor agrees to render service.

Bonded labour knowns by different names across the country such as Adiyamar, Adiyas, Baramasia, Basahya, Bethu, Bhagela, Cherumar, Garru-galu hari, Gothees, Halts, Harwai, Hulya, Jana Jeetha, Kabadis, Kamiya, Khundit-mundit, Kabadis, Kamias or Kamiantis, Koltas, kattunaikens, Kuthia, Lakhari, Munjhi, Mat, Munish system, Nit-majdoor, Paluru, Paniyas, Paduyal, Pandiyals, Panpannayilal, Saggri, Sanji, Sanjawat, Sewak, Sewakia, Seri, Vetti, etc.

Bonded labour means (section 2g of the Act), service arising out of loan or debt or advance between a creditor and a debtor (which is pre-determined) both the groups. The debtor mortgage services or the services of any of his family members to the creditor for a specified or unspecified period with or without wages accompanied by denial of choice of alternative avenues of employment or to deny him freedom of movements, then the person would normally be covered under the definition of a bonded labour.

The District Magistrate who is chairman of the Vigilance Committee constitutes under the Act and has been entrusted with certain duties and responsibilities for implementing the provisions of the Act. Matter can also be brought to the notice of the Sub Divisional Magistrate of the area or any other person who is a member of the Vigilance Committee of District or Sub-division.

Women by and large become victim of bounded labour system and offer their services to the creditor. Bonded labour system leads atrocities, sexual harassment, physical torches, abuse to women, humiliation as women mostly contribute labour to the creditor. Husbands mostly move outside to work whereas women live in and around of house are bound to offer services to such person whom husband (family) has borrowed money on agreement to replace services of other family members including wife (spouse).

The Equal Remuneration Act, 1976

The basic objective of the Act is to promote equal remuneration between male and female workers who obtain equal status and offer equal services. This will reduce discrimination against women workers on the ground of sex, opportunities, talent, etc. According to the Act, the term 'remuneration' means the basic wage or salary and any additional emoluments whatsoever payable either in cash or in kind to a person employed in respect of employment or work done either in from of contract of employment, express or implied were fulfilled.

The provision of the Act promotes equal treatment to the women rather than providing special treatment or develop soft corner towards women workers or employees. The whole intension of the Act is to protect rights of the women on working place and promote equal status and dignity.

The Special Marriage Act, 1954

This Act provides special form of marriage for the people of India as well as people of Indian national live abroad irrespective of the religion and faith followed by them. Henry Summer Maine first introduced this Act in 1872 which would permit any dissenter to marry whomever they choose under a new civil marriage law. In the final wording, the law sought to legitimize marriages for those willing to renounce their profession of faith altogether.

The Special Marriage Act, 1954 replaced the old Act, 1872. The new enactment has three major objectives such as to provide a special form of marriage in certain cases, to provide for registration of certain marriages, and to provide for divorce. Each party should not have performed marriage earlier and the age of bridegroom and bride should not have less than 21 years and 18 years, both male and female should give valid consent for the marriage, both husband and wife should not fall within the degree of prohibited relationship.

The provision of Special Marriage Act promotes inter caste marriage, promote interest of women to choose appropriate bridegroom according to their wish, status and understanding which by and large favoured by the educated women. This type of marriage is being performed against the interest of the family therefore, couple leads tussle and block security from the family and clan especially during sorrow period as couple has disobeyed their wish.

Employees' State Insurance Act, 1948

This Act covers social security and health insurance for the India workers. ESIC is an autonomous corporation functions under the Ministry of Labour and Employment, Government of India. The benefit of the Act was confined for the factory workers but later extended to all establishments where 10 or more workers are engaged.
The provision of the Act covers such workers whose monthly income is not less than Rs. 15000/- Total 6.5 per cent of the contribution is made which comprises 4.75 per cent contribution of the employers, and 1.75 per cent contribution of the employee. Both the contribution is managed by the ESI Corporation (ESIC) as per the rules prescribed in the Act. The Act covers facility of medical and cash benefits to the employees and their family who work in organized sector. Now poor people also obtain treatment from ESI hospitals and dispensaries under the provision of welfare nature.

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act, 1989
Atrocities are specific forms of violence committed by a collectively or individuals on the weaker sections especially Scheduled Castes and Scheduled Castes who have been deprived from time immemorial in the form of violence which leads social and physical torture.

Women belonging to Scheduled Castes and Scheduled Tribes become frequent victims of atrocities committed by higher social groups or dominate castes. Women suffer from physical, biological, social, and economic exploitations. Women replace by a spouse to work where he borrowed money for family or other requirements. Women in rural areas fulfil equal obligation of the family which lead different kind of atrocities on them. This Act not only prevent atrocities on women but similarly, protect rights, dignity and measure welfare of women workers.

The SCs and STs (POA) Act, 1989 provides protection, legal aid, relief, compensation, rehabilitation, judiciary support through public prosecutor, etc., along with a provision of special court, administrative set up both at State and district level to look matter concerned.

Protection of Civil Rights Act, 1955
This Act prescribe punishment for the preaching and practice of Untouchability for the enforcement of any disability arising therefore and for matters connected therewith. Women being an equal partner in economy face challenges of Untouchability and other social agonies practice in society.

Civil Rights in present scenario across the Globe prohibits discrimination based on sex, race, religion, colour, or national origin in public places, schools and in employment which equally facilitates benefits to the women’s rights including women belong to socially and economically disadvantaged sections.

Person With Disability Act, 1995
The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 was enacted to give effect to the proclamation on the full participation and equality of the people with disability. The aims and objectives of the Act are: i) to spell out the responsibility of the state towards the prevention of disabilities, ii) protection of rights, provision of medical care, education, training, employment and rehabilitation of persons with disabilities, iii) to create a barrier free environment for person with disabilities in the sharing of development benefits, iv) to counteract any situation of abuse and exploitation of persons with disabilities, and v) to make special provision of the integration of persons with disabilities into the social mainstream.

The Act imposes obligations on prevention and early detection of disabilities, providing equality in education, providing equality in employment, providing affirmative action programmes in providing aids and appliances to persons with disabilities and preferential allotment of land at concessional rates for housing, setting up businesses setting up of special schools, establishment of research centres, establishment of factories by entrepreneurs with disabilities, providing non-discrimination by removing physical barriers, providing research manpower development, setting up institutions for persons with disabilities, providing social security for the disabled.

Under provision of the Act, government use to take care of movement in the public place, pay attention to find out early stage of the disabilities by organizing camps, disseminate information through media, notice boards, newspapers. Government focus on education, employment, promoting special educational institutions, scholarship, books, uniforms, admission in hostels, arrangement of vocational training and employment, age relaxation, promote housing facilities, etc., along with numbers of welfare and social security schemes, create environment of non-discrimination at working places, etc.

Panchayat Act (73rd Amendment) Act, 1992
The 73rd Constitution Amendment Act, (came into effect on 24th April 1993) empowers women by allocating one third (33 percent) of reservations for the women in all the three tiers of Panchayati Raj Institutions across the country. Reservation of women has now been increased by 50 percent in all the three tiers of panchayat bodies.
Women rise and resolve their social issues along with addressing of development agenda in the field of human development, protection of natural resources, collection of revenue, development of infrastructure and communication, participation in the Gram Panchayat Development Plan, etc.

The Constitution (73rd Amendment) Act, 1992 through its 11th Schedule empowers Panchayati Raj Institutions by devolving power. Sl. No. 25 and 27 of the Eleventh Schedule comprises development of women and children, and welfare of weaker sections particularly Scheduled Castes and Scheduled Tribes. Filling up reservation for the women (including economically and socially backward classes) lead effective results in many of the rural areas which are narrated in many of the success stories. Similarly, 74th Amendment empowers local bodies located in municipality areas.

Self-Help Group movement has become a boon to empower women by upgrading economic activities that eventually lead social transformation of their families by adding basic needs through incomes.

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