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Bastar

SUBJECT-GENDER SCHOOL AND SOCIETY
TOPIC –LEGAL RIGHTS OF WOMEN

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INTRODUCTION

- **Women's rights are the fundamental human rights that were enshrined by the United Nations for every human being on the planet nearly 70 years ago.** These rights include the right to live free from violence, slavery, and discrimination; to be educated; to own property; to vote; and to earn a fair and equal wage.

• LEGAL RIGHTS OF WOMEN

- According to Amartya Sen -

-Amartya Sen, while clarifying the right to reproduction, has said that-"It is natural to raise very serious questions about the acceptance of coercion in family decisions. In opposition to this, two types of voices can be raised: one according to which it is the family's own matter as to how many children there should be in it, and those who insist that only the potential mother should have the right to decide whether or not to have children. Specially the issue of determining the number of children is being raised about abortion and tampering with the female body."According to the National Women's Empowerment Policy



- **ACCORDING TO THE NATIONAL WOMEN'S EMPOWERMENT POLICY**

- According to the National Women's Empowerment Policy 2001, "In pursuance of the National Population Policy 2000's commitment to population stabilization, this policy is an important requirement. Recognizes that men and women should have access to safe, effective and economic methods of family planning of their choice and that issues such as child marriage and child spacing should be addressed appropriately."The commission has expressed this view keeping in mind the deteriorating condition of women, but even today family planning is far from the domain area of women. When it comes to "rights to reproduction and sexuality", many more things come to the fore, such as a woman's right to use or not to use contraceptive material, to have or not to have an abortion, right to have or not to have children, right to determine the number of children, the right to differentiate between children, the right to refuse to determine sex, etc in Indian traditional society, the right of reproduction is not with the woman but with the husband or in-laws. All decisions are taken by the husband and the family. As a wife, the woman only has to give her approval. A woman has no right over her own body



LEGAL RIGHTS OF WOMEN



- Women have different types of legal rights. The legal rights of women can be expressed in the following Form

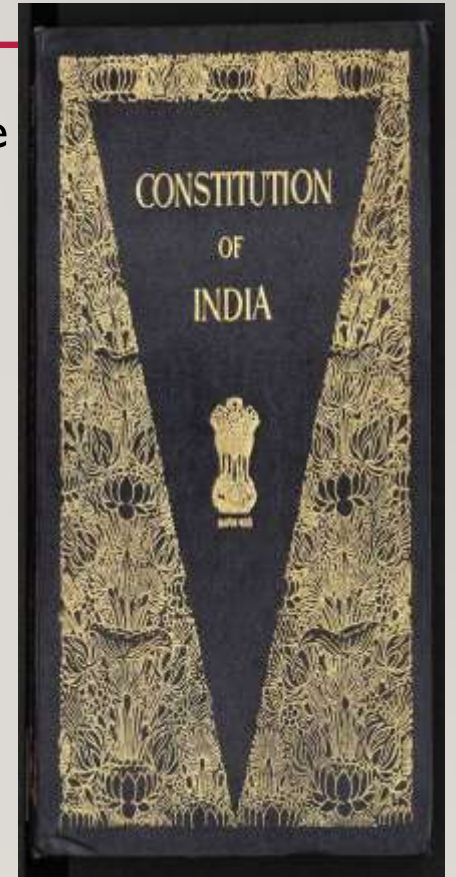
1. Rights given by the Indian constitution
2. Rights provided by the Indian penal code
3. Rights provided by special and local law

In the above discription ,general sexual ,and reproductive rights have been provided together



I. LEGAL RIGHTS GIVEN BY THE INDIAN CONSTITUTION

- According to Article 14 - Right to equality - Article 14 of the Indian Constitution states that "the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."
- According to Article 15 (1) - The State shall not discriminate any citizen grounds of religion, race, caste, sex, place of birth or any of them.
- According to Article 16- Equality of opportunity in public employment.
- According to Article 16(1) – There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.
- According to Article 16(2) No citizen shall be ineligible or discriminated against in respect of any employment or office under the State on grounds only of religion, race, caste, sex, origin, place of birth, residence or any of these.



ACCORDING TO ARTICLE 19(1) –ALL CITIZENS HAVE THE RIGHT TO FREEDOM OF SPEECH, TO PEACEFUL AND UNARMED ASSEMBLY, TO FORM ASSOCIATIONS, TO MOVE FREELY THROUGHOUT THE TERRITORY OF INDIA, TO RESIDE AND SETTLE IN ANY PART OF THE TERRITORY OF INDIA, AND TO CARRY ON ANY PROFESSION, OCCUPATION, TRADE OR BUSINESS.

#ACCORDING TO ARTICLE 21 - RIGHT TO LIFE AND PERSONAL LIBERTY - NO PERSON SHALL BE DEPRIVED OF HIS LIFE OR PERSONAL LIBERTY EXCEPT ACCORDING TO PROCEDURE ESTABLISHED BY LAW.

ACCORDING TO ARTICLE 23 – RIGHT AGAINST EXPLOITATION TRAFFICKING IN HUMAN BEINGS AND BEGAR AND OTHER SIMILAR FORMS OF FORCED LABOUR ARE PROHIBITED AND ANY CONTRAVENTION OF THIS PROVISION SHALL BE AN OFFENSE PUNISHABLE IN ACCORDANCE WITH LAW.



According to Article 25 - Subject to the provisions of public order and morality, every person shall have the freedom to profess, propagate and propagate any religion. The wearing and carrying of kirpan is considered a part of religious freedom by the Sikhs.

- According to Article 32 All citizens of India have the right to constitutional remedies. Fundamental rights have been guaranteed by this article, if someone's fundamental rights are violated, then he can go to the court through habeas corpus, mandamus, Certiorari, prohibition, quo-warranto.
- According to Article 39-certain directive principles to be followed by the state-the state shall conduct its policy in particular, in such a way that
 - (a) It is ensured that all citizens, men and women, equally have the Right to an adequate means to livelihood
 - b) The ownership and control of the material resources of the country should be divided in such a way as to serve the best interests of the collective
 - (c) The economic system should be run in such a way that there is concentration of wealth and means of production to the general public

- (d) Equal pay for equal work of both men and women
- (e) The health and strength of workers, men and women, and the tender age of children are not abused and citizens are not compelled by economic necessity to enter employment unsuited to their

(f) provide opportunities and facilities for healthy development in the environment and protect children and young people from exploitation and from moral and economic abandonment whoever
 sueither descalso be listSection

According to Article 39 (a) – Equal justice and free legal aid – The state shall ensure that the legal system in such a way that justice is accessible on the basis of equal opportunity and that in particular, to ensure that the opportunity of securing justice is not denied to any citizen by reason of economic or any other disability, by the aforesaid legislation or scheme or by any in any other way, free legal aid will be Arrange

- According to Article 42 – Provision for just and humane conditions of work and maternity relief – State will do for securing just and humane conditions of work and for maternity relief.
- According to Article 300A – Right to property – No person shall be deprived of his property except by authority of law.



LEGAL RIGHTS CONFERRED BY THE INDIAN PENAL CODE

- Section 304 (B)-[Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.]
- Section 306-Abetment of suicide –If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.
- Section 312-abortion-Whoever voluntarily causes a woman with child to miscarry, shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if the woman be quick with ...
- Section 313-Causing abortion without women consent Whoever commits the offence defined in the last preceding section without the consent of the woman, whether the woman is quick with child or not, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

- Section 363 Description. Whoever kidnaps any person from India or from lawful guardianship, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.
- Section 366 B: Importation of a girl (under the age of 21) from a foreign country with the intention or knowing it likely to be that she will be forced or seduced to illicit intercourse with another person, is punishable under this Section with imprisonment of a period of up to ten years and to a fine.
- Section 376(a) Whoever has sexual intercourse with his own wife, who is living separately from him under a decree of separation or under any custom or usage without her consent shall be punished with **imprisonment of either description for a term which may extend to two years and shall also be liable to fine.**]
- Section 494 Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.
- Section 498-India Code: Section Details. [Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.



3) LEGAL RIGHT CONFERRED BY SPECIAL

- Special marriage act 1954-The groom must be at least 21 years old; the bride must be at least 18 years old. The parties should be competent in regard to their mental capacity to the extent that they are able to give valid consent for the marriage. The parties should not fall within the degree of prohibited relationship.
- Arya marriage validation act 1937-Marriage between Arya Samajists not to be invalid. [14th April, 1937.] An Act to recognise and remove doubts as to the validity of inter-marriages current among Arya Samajists.
- Anand marriage act 1909-The Act seeks to give statutory recognition to a marriage rite of the sikhs called 'Anand'. Thus, any marriage performed according to the 'Anand' ceremony is valid with effect from the date of its solemnisation.
(b) any marriage which has been judicially declared to be null and void.
- The child marriage restraint act 1929-Whoever, being a male above eighteen years of age and below twenty one, contracts a child marriage shall be punishable with simple imprisonment which may extend to fifteen days, or with fine which may extend to one thousand rupees, or with both.
- Foreign marriage act 1969-The Act was enacted due to the recommendations of the Third Law Commission with the object of streamlining the law relating to recognition of marriages solemnized outside India between Indian citizens, or an Indian citizen and a foreign citizen

- Sati prevention act 1987-Whoever does act for the glorification of sati shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than five thousand rupees but which may extend to thirty thousand rupees.
- Hindu marriage act 1955-Hindu marriage may be solemnised in accordance with the customary rites and ceremonies of either party. Such rites and rituals include the Saptapadi—the taking of seven steps by the bridegroom and the bride jointly before the sacred fire. The marriage becomes complete and binding when the seventh step is taken.
- Family courts act 1984-The Family Courts Act, 1984 provides for the establishment of Family Courts by the State Governments in consultation with the High Courts to promote conciliation and secure speedy settlement of disputes relating to marriage and family affairs.
- According to the preamble of this Act, it amends the law relating to the divorce of people professing Christianity. It even confers upon certain courts the jurisdiction to settle these matters. This is the only codified law regulating divorces amongst Christians.
- Equal remuneration act 1976-Act provides for payment of equal wages for work of same and similar nature to male and female workers and for not making discrimination against female employees in the matters of transfers, training and promotion etc.



Equal Remuneration Act, 1976 - Rules & Regulations



THE HINDU WIDOW REMARRIAGE ACT 1856- WOULD OTHERWISE BE ENTITLED; AND EVERY WIDOW WHO HAS RE-MARRIED SHALL HAVE THE SAME RIGHTS OF INHERITANCE AS SHE WOULD HAVE HAD, HAD SUCH MARRIAGE BEEN A FIRST MARRIAGE.

PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT 2005- THE AGGRIEVED CAN SEEK PROTECTION AGAINST ANY PHYSICAL, SEXUAL, VERBAL AND EMOTIONAL ABUSE OR ECONOMIC ABUSES. THIS LAW FOR THE FIRST TIME RECOGNIZES A WOMEN'S RIGHT TO A VIOLENCE FREE HOME.

POCSO ACT - THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012 WAS ENACTED TO PROVIDE A ROBUST LEGAL FRAMEWORK FOR THE PROTECTION OF CHILDREN FROM OFFENCES OF SEXUAL ASSAULT, SEXUAL HARASSMENT AND PORNOGRAPHY, WHILE SAFEGUARDING THE INTEREST OF THE CHILD AT EVERY STAGE OF THE JUDICIAL PROCESS.

ABORTION ACT 1971- AN ACT TO PROVIDE FOR THE TERMINATION OF CERTAIN PREGNANCIES BY REGISTERED MEDICAL PRACTITIONERS AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

THE IMMORTAL TRAFFIC ACT 1956- ANY PERSON WHO VISITS OR IS FOUND IN A BROTHEL FOR THE PURPOSE OF SEXUAL EXPLOITATION OF ANY VICTIM OF TRAFFICKING IN PERSONS SHALL ON FIRST CONVICTION BE PUNISHABLE WITH IMPRISONMENT FOR A TERM WHICH MAY EXTEND TO THREE MONTHS OR WITH FINE WHICH MAY EXTEND TO TWENTY THOUSAND RUPEES OR WITH BOTH AND IN THE EVENT OF ACT

SEXUAL RIGHTS-

1. Section 354, Assault or criminal force on woman with intent to outrage her. Modesty
2. Section 354 a, Assault or criminal use of force on a woman with intent to remove her clothes.
3. Section 366, Kidnapping, abetting any woman to compel her to marry, etc
4. Section 366 (a), Exploitation of an underage girl.
5. Section 366 (b), Importing girl from abroad.
6. Section 372, Selling to a minor for the purpose of prostitution etc., shall be punished with imprisonment of up to ten years and with fine.
7. Section 373, Buying a minor for the purpose of prostitution etc., Shall be punished with imprisonment of up to ten year and with fine
8. Section 494, To remarry during the lifetime of the spouse.



RIGHTS CONFERRED BY SPECIAL AND LOCAL LAW

1. Special Marriage Act 1954.
 2. Arya Marriage Validation Act, 1937.
 3. Anad marriage validation act 1909
 4. Child marriage restraint act 1929
 5. Foreign marriage act 1969
 6. Hindu marriage act 1955
 7. Indian divorce act 1869
 8. Immortal traffic prevention act 1956
 9. Hindu widow marriage act 1856
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REPRODUCTIVE RIGHT

1. Section 312 causing abortion
2. Section 313 causing abortion without woman's consent

3. Abortion act 1972
4. Pre conceptional and pre diagnostic technique act 1994
5. Maternity benefit act 1961
6. Maternity benefit (amendment) bill.

the end.....

