

A study on Right to women for empowerment in India

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Abstract - Indian Constitution guarantees several rights such as the right to equality in Article 14, right to life and personal liberty under Article 21 of Constitution to all its citizens irrespective of gender . Gender equality means a society in wherein both women and men enjoy the same opportunities, rights and obligations in different spheres of life. Equality in decision making, economic and social freedom, equal access to education and right to practice an occupation of one's choice. In order to promote gender equality , we need to the empowerment of women, and concentrate on areas which are most crucial to her well being. Women's empowerment, economic, social, political, is vital to growth of any nation and to protect and nurture human rights.

keywords - Women Empowerment, Domestic violence , Fundamental rights, Dowry prohibition act

I. INTRODUCTION

Women Empowerment can be referred to as strengthening the social, economic and educational status of women. It means creating an atmosphere where there is no violence or gender discrimination and where women have equal rights in community, society and workplace. Every woman has a right to live , and right to live with dignity and freely express herself. In the present times, various crimes against women are prevalent in India ,including be it domestic violence, cruelty, desertion, or stalking, rape, harassment, extortion or other crimes. Though we have laws protecting women in India yet , the women both in Urban and Rural India face constant threats both online and offline and continue to face discrimination or other unfair acts and crimes whether at home or at their workplace .

II. THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

Section 5:- Duties of police officers, service providers and Magistrate.

A police officer, Protection Officer, service provider or Magistrate who has received a complaint of domestic violence or is otherwise present at the place of an incident of domestic violence or when the incident of domestic violence is reported to him, shall inform the aggrieved person-

- (a) Of her right to make an application for obtaining a relief by way of a protection order, an order for monetary relief, a custody order, a residence order, a compensation order or more than one such order under this Act.
- (b) Of the availability of services of service providers.
- (c) Of the availability of services of the Protection Officers
- (d) Of her right to free legal services under the Legal Services Authorities Act, 1987 (39 of 1987)
- (e) Of her right to file a complaint under section 498A of the Indian Penal Code (45 of 1860),wherever relevant
- (f) Provided that nothing in this Act shall be construed in any manner as to relieve a police officer from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognizable offence.

Section 7:- Duties of medical facilities

If an aggrieved person or, on her behalf a Protection Officer or a service provider requests the person in charge of a medical facility to provide any medical aid to her, such person in charge of the medical facility shall provide medical aid to the aggrieved person in the medical facility.

III. CONSTITUTIONAL RIGHTS AVAILABLE TO WOMEN IN INDIA

According to Article 14 of the Constitution of India- All individuals, including women are equal in the eyes of the law and they are also entitled to enjoy equal protection of laws within the territorial jurisdiction of India. It signifies that all persons irrespective of gender, should be treated equally in similar circumstances. The State should not make any discrimination between one person and another, and the law should be administered equally.

Article 15 of the Constitution of India deals with prohibition against discrimination - It prohibits the state to make any types of discrimination against any citizen including women on grounds of race, caste, gender, ethnicity, religion, place of birth and socio-economic background. It states that all citizen sare entitled to enjoy equal rights regard in gaccess to shops, hotels, restaurants, banks, infrastructure, public places etc. But the state has the right to make any special provisions for women and children and also for, scheduled castes, scheduled tribes and other backward classes.

According to Article 16 of the Constitution of India - All citizens including, women will enjoy equality of opportunity in matters of public employment, irrespective of their gender, races, castes, ethnicity, religions and socio-economic backgrounds. There are certain exceptions, i.e. Parliament may prescribe by law that residence within the state is required fora particular employment. The State is empowered to reserve certain posts for backward classes and also for the scheduled castes

and scheduled tribes and appointment in connection with a religious organisation may be reserved for persons belonging to that religion.

As per Article 17 of the Constitution of India- The System of untouchability is eliminated and Untouchability (offence) Act of 1955 was enacted by the parliament. This Act was amended by Untouchability (offence) Amendment Act 1976, to make the law more stringent to remove untouchability from the society.

According to Article 19 of the Constitution of India, every citizen including women have the right to freedom of speech and expression, to assemble peacefully and without arms, to form unions or associations, to move freely throughout the country, to reside or settle down in any part of the country and to practise any profession or to carry on any lawful trade or business in accordance to one's own aspirations.

As per Article 21 of the Constitution of India - No person shall be deprived of life or personal liberty, except according to the procedure established by law. This right to life, includes right to live with dignity, right to privacy etc. Domestic violence against women is also derogatory to Article 21 of the Indian Constitution, because it weakens the self-respect and dignity of women, who are victims.

According to Article 21A of the Constitution of India -The State shall provide free and compulsory education to all children, who are between the ages of six to fourteen years in a manner, as the state may determine by law.

To provide facility to the women accused - As per Article 20 of the Constitution of India, no person including women shall be convicted of any offence except for violation of a law and any person shall not be prosecuted and punished for the same offence more than once. Any person should not be accused of any offence, he or she shall be compelled to be a witness against himself or herself.

To prevent immoral trafficking in women and girl child Article 23 of the Constitution of India - Prohibits the traffic in human beings and forced labour. In pursuance of this Article, Parliament has passed the Suppression of Immoral Trafficking in women and Girls Act, 1956, which is now renamed as the Immoral Trafficking (Prevention) Act 1956, for punishing the actions, which result in trafficking inhuman beings.

To prohibit child labour, especially girl child as per Article 24 of the Constitution of India- Employment of children, below the age of fourteen years in factory or mine or engaged in any other hazardous employment is prohibited.

Under Article 25 of the Constitution of India - All persons including women are equally entitled to freedom of conscience and the right of freedom to profess, practice, and propagate religion.

IV. THE DOWRY PROHIBITION ACT, 1961

Penalty for giving or taking dowry.-

If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than 4/29/13 THE DOWRY PROHIBITION ACT wcd.nic.in/dowryprohibitionact.htm 2/9 five years, and with the fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more: Provided that the Court may, for adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than five years.

Penalty for demanding dowry.- If any person demands directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine which may extend to ten thousand rupees: Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months.

Dowry to be for the benefit of the wife or heirs.-

Where any dowry is received by any person other than the woman in connection with whose marriage it is given, that person shall transfer it to the woman -

- (a) If the dowry was received before marriage, within three months after the date of marriage;
- (b) If the dowry was received at the time of or after the marriage within three months after the date of its receipt;
- (c) If the dowry was received when the woman was a minor, within three months after she has attained the age of eighteen years, and pending such transfer, shall hold it in trust for the benefit of the woman.

II. If any person fails to transfer any property as required by subsection

- (a) Within the time limit specified there for or as required by sub-section
- (b) He shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend two years or with fine which shall not be less than five thousand rupees, but which may extend to ten thousand rupees or with both.

V. CONCLUSION

The main purpose of this paper is to acquire understanding of human rights of women. The main reason, that the rights of women have been undermined is due to the existence of the patriarchal society. In the male dominant society, preference was given to the male children, there were practices of female foeticide and female infanticide. Females were considered as liabilities, which would lead to expenditure, whereas males were regarded to be the assets, which would generate wealth for their families. The decision making and other powers and authorities were vested in the hands of males. The responsibilities of the females were limited to performing of the household chores, child development and looking after the family members.

In the present existence, with the impact of modernization and use of innovative methods, the rights of women have been acknowledged. Girls and women from all categories and backgrounds are being enrolled in educational institutions. Women are emerging professionals such as, doctors, lawyers, teachers, educationists, managers, administrators and so forth. The girls, who belong to minority communities are getting enrolled in educational institutions, so that they learn to exercise their rights for the well-being of their parents as well as the community. Education enables a person to differentiate between appropriate and

inappropriate, learn to make wise decisions, work towards the welfare of the community and exercise rights in an efficient manner.

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