

## **A Study On The Rights And Privileges Of Women In India**

Divya. M\*

*Ba.Ll.B (Hons) 3<sup>rd</sup> Year Saveetha School Of Law Saveetha University*  
*Corresponding Author: Divya. M*

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**Abstract:** - This paper deals with the study on the rights and privileges of women in India. The main aim of this article is to deliver the rights and privileges which are over to the women's based on the Indian constitution and conventions. The rights and privileges which is entitlement claimed for women and girls of many societies worldwide throughout the years, in the 19<sup>th</sup> century in some countries, these rights are institutionalized or supported by law, local custom, and behaviour, later they got the rights also but in this modern world it cannot be functioning in a proper manner. Hence this paper as explain in a detail manner for the better understanding of the rights and privileges of women and the remedies for the violation of those rights in India. This paper is purely based on research methodology. Hope the research paper will give an advanced knowledge in the matter regarding the rights and privileges of women in India.

**Objectives:**

- To make a brief outlook of rights and privileges in India
- The study is enlightened with provisions and convention.

**Hypothesis:**

Women's having a lot of rights and privileges for their welfare and protection and it is also been a legalized one in worldwide but it cannot be functioning in a proper manner in this modern society.

**Keywords:** *women's rights, privileges, society, conventions, customs etc.*

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### **I. INTRODUCTION:**

One of the greatest thing is that the women facing the problem relating to rights and privileges of women in India. From ancient to still today is that the rights and privileges of women in India. Women are struggling to find her social status and a respectable place in the society at the time Indian women were in a need of some laws in order to improve their social position and to ensure proper safety against mental and physical torture. At that time Dr. B. R. Ambedkar, author of our Indian constitution, took certain constructive and much needed steps in favour of Indian women to make them independent and socially strong and today we can see the revolutionary change in the position of Indian women. Due to the revolutionary changes brought by our constitution and efforts made by Indian women, they have earned themselves a respectable position in the society. Now they are treated equally with men. The Constitution not only grants equality to women, it gives the measures and solution for the problem of women's and also empowers the State to adopt measures of positive approach in favour of women. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. There is a lots of provisions in our law which protects a woman from mental and physical torture.

### **II. VIEWS ABOUT WOMEN'S STATUS:**

Women in India now participate fully in areas such as education, sports, politics, media, art and culture, service sectors, science and technology, even in the current modern society the women are all enjoying their rights and the privileges which is over to them as a legal rights and constitutional rights with special initiatives and provisions etc. India has one of the highest numbers of female politicians in the world. Women have held high offices in India including that of the President, Prime Minister, Speaker of the Lok Sabha and Leader of the Opposition. The Indian states Madhya Pradesh, Bihar, Uttarakhand, Himachal Pradesh, Andhra Pradesh, Chhattisgarh, Jharkhand, Kerala, Karnataka, Maharashtra, Orissa, Rajasthan and Tripura have implemented 50% reservation for women in PRIs. Now days the Majority of candidates in the Panchayats are also a women. Currently 100% of elected members in Kodassery Panchayats in Kerala are Women. By the statistic report the literacy rate is lower for women compared to men the literacy rate is 60.6% for females, while for males it is

81.3%. The 2011 census, however, indicated a 2001–2011 literacy growth of 9.2%, which is slower than the growth seen during the previous decade. There is a wide gender disparity in the literacy rate in India effective literacy rates (age 7 and above) in 2011 were 82.14% for men and 65.46% for women. ( Population aged 15 or older, data from 2015 ) literacy rate in Tripura has risen to 87.22per percent from the previous, ranking the state fourth in the country, according to the preliminary census report of 2011.

### **III. RIGHTS AND PRIVILEGES:**

#### **1. constitutional provisions**

The Constitution of India not only grants equality to women but also empowers the state to adopt measures of positive thoughts about women's and their rights it also a tool for eradicating the problems for women's in India by this way the discrimination in favour of women for neutralizing the cumulative socio-economic, educational and political disadvantages faced by them. Fundamental Rights, among others ensures equality before the law, equal protection to laws, prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantees equality of opportunity to all citizens in matters relating to employment. .

- Article 14 in the Constitution Of India 1949. Equality before law The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth
- 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 women Article 51-A (e).
- One-third of the total number of seats to be filled by direct election in every Panchayats 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).

#### **2. LEGISLATIVE PROVISIONS:**

- The maternity Benefit Act, 1961;
- The Medical Termination of pregnancy Act, 1971;
- The Dowry prohibition Act, 1961;
- The immoral Traffic (prevention) Act, 1986;
- The indecent representation of women (prohibition) Act, 1986,
- The commission of sati (prevention Act), 1987,

#### **3. SPECIAL INITIATIVES FOR WOMEN**

- National commission for women

In January 1992, the Government set-up this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women to review the existing legislation to suggest amendments wherever necessary etc.

- Reservation for women in local self-government

The 72nd and 73rd constitutional Amendment Acts passed in 1992 by parliament require one-third of the total seats in all elected offices in local bodies whether in rural areas or urban areas to be allocated to women.

- The National plan of action for the girl Child (1991-2000 AD)

The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better for the girl child.

#### **4. LEGAL RIGHTS**

To bring out the constitutional mandate, the state has enacted various legislative measures intended to ensure equal rights, to counter social discriminate on and various forms of violence and atrocities and to provide support services especially to working women. Although women may be victims in any of the crimes be it 'Murder', 'Robbery', 'cheating', or any other crimes, the crimes which are directed specifically against women are characterised as 'Crime Against women'. These are broadly classified under two categories.<sup>1</sup> Although a women can be victim of any crime in society and in fact all crimes cannot be classified as a crime against women except few crimes which affects a women largely. However major steps have been taken by the legislation which has proved as weapons for women and helped them to stand in male dominating country. Now we will discuss major crimes against women along with the legal provision which penalize the criminal.<sup>2</sup>

##### **(1) The Crime identified under the Indian penal code (IPC)**

- Rape (sec.376 IPC)
- Kidnapping & Abduction for different purposes (sec. 363-373 IPC)
- Homicide for Dowry, Dowry Deaths or their attempts (sec.302/304-B IPC)
- Torture, both mental and physical (sec.498-A IPC)
- Molestation (sec.509 IPC)
- Sexual Harassment (sec.509 IPC)
- Importation of girls (up to 21 years of age) (sec. 366-B IPC)

##### **(2) The Crimes identified under the Special Laws (SLL)**

Although all laws are not gender specific, the provisions of law affecting women significantly have reviewed periodically and amendments carried out to keep pace with emerging demands. The special social enactments to safeguard women and their interests specifically are

- I. The Employment state Insurance Act, 1948
- II. The Plantation Labour Act, 1951
- III. The Family Courts Act, 1954
- IV. The Special Marriage Act, 1954
- V. The Hindu Marriage Act, 1955<sup>3</sup>
- VI. The Hindu Succession Act, 1956
- VII. Immoral Traffic (Prevention Act, 1956)
- VIII. The Maternity Benefit Act, 1961(Amended in 1995)
- IX. Dowry Prohibition Act, 1961
- X. The Medical Termination of Pregnancy Act, 1971
- XI. The Contract Labour ( Regulation and Abolition ) Act, 1976
- XII. The Equal Remuneration Act, 1976
- XIII. The child Marriage Restraint (Amendment ) Act, 1979
- XIV. The Criminal Law (Amendment ) Act, 1986
- XV. The factories (Amendment ) Act, 1986
- XVI. Indecent representation of women (prohibition) Act, 1986
- XVII. Commission of sati ( prevention ) Act
- XVIII. Bonded Labour System (Abolition) Act (1976)
- XIX. Legal Practitioners (Women) Act (1923)
- XX. Indian Succession Act (1925)
- XXI. Indian Divorce Act (1869)
- XXII. Paris Marriage and Divorce Act (1936)
- XXIII. Special Marriage Act (1954)
- XXIV. Foreign Marriage Act (1969)

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<sup>1</sup> Mospic.nic.in

<sup>2</sup> www.Prinda.org

<sup>3</sup> <http://delhigovt.nic.in>

- XXV. Indian Evidence Act (1872)  
XXVI. Hindu Adoptions and Maintenance Act (1956)  
XXVII. National Commission for Women Act (1990)

**IV. 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 organised 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 foeticide.

**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.<sup>4</sup> In January 1992, the Government set-up the statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women to review the existing legislation to suggest amendments wherever necessary etc.

ii) Reservation for women in local self-government

The 72nd and 73rd constitutional Amendment Acts passed in 1992 by parliament require one-third of the total seats in all elected offices in local bodies whether in rural areas or urban areas to be allocated to women.

iii) The National plan of action for the girl Child (1991-2000 A D)

The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better for the girl child.<sup>5</sup>

## **V. PARLIAMENTARY PROVISIONS:**

Parliamentary provisions means the steps which they taken for the women's rights and privileges and it includes the enactment of various laws and statutory acts to protect the interest of women and to stop the crime against women. These acts have proved really useful towards progress and safety of women in society. By way of enacting the new laws and schemes for the welfare of the women the parliamentary has taken an effect on it. By this way the parliamentary provisions are protecting the rights and them ensuring to enjoy those rights which already they enforced it and newly amended laws also. They provide a legal remedy also on this basis a legal remedy, also judicial relief or a judicial remedy is the means with which a court of law, usually in the exercise of civil law jurisdiction, enforces a right, imposes a penalty, or makes another court order to impose its will.

## **VI. TEN ESSENTIAL LEGAL RIGHTS FOR EVERY INDIAN WOMAN:**

### **1. Right to equal pay**

According to provisions under the Equal Remuneration Act, one cannot be discriminated on the basis of sex when it comes to salary or wages.

### **2. Right against harassment at work**

The enactment of the Sexual Harassment of Women at Workplace Act gives you the right to file a complaint against sexual harassment.

### **3. Right to anonymity**

Victims of sexual assault have a right to anonymity. To ensure that her privacy is protected, a woman who has been sexually assaulted may record her statement alone before the district magistrate when the case is under trial, or in the presence of a female police officer.

### **4. Right against domestic violence**

The act primarily looks to protect a wife, a female live-in partner or a woman living in a household like a mother or a sister from domestic violence at the hands of a husband, male live-in partner or relatives. She or anybody on her behalf can file a complaint.

### **5. Right to maternity-related benefits**

Maternity benefits are not merely a privilege of the working woman, they are a right. The Maternity Benefit Act ensures that the new mother does not suffer any loss of earnings following a period of twelve weeks after her delivery, allowing her to rejoin the workforce.

### **6. Right against female foeticide**

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<sup>4</sup> *law relating to women and children by Dr. S.C. Tripathi & vibha arora edition 6<sup>th</sup> 2015 central law publication*

<sup>5</sup> *ibid law relating to women and children by Dr. S.C. Tripathi & vibha arora edition 6<sup>th</sup> 2015 central law publication*

It is a duty imposed on every citizen of India to allow a woman to experience the most basic of all rights - the right to life. The Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (PCPNDT) ensures her right against female foeticide.

**7. Right to free legal aid**

All female rape victims have the right to free legal aid, under the Legal Services Authorities Act. It is mandatory for the Station House Officer (SHO) to inform the Legal Services Authority, who arranges for the lawyer.

**8. Right not to be arrested at night**

A woman cannot be arrested after sunset and before sunrise, except in an exceptional case on the orders of a first class magistrate.

**9. Right to dignity and decency**

In the event that an accused is a woman, any medical examination procedure on her must be performed by or in the presence of another woman.

**10. Right to property**

The Hindu Succession Act allows women and men equal share in inheritance, thereby setting new rules and regulations.<sup>6</sup>

**VII. CONCLUSION:**

To conclude I would like to say that personally I feel that equal rights should be awarded to women who have already been enjoyed by men in our society as women forms a major part of Indian population and for social and economic welfare on global platform women welfare is very much needed. Indian women has come a long way and prove that she is capable of doing anything and equal partner in the growth and prosperity of the nation. Women are one of the pillars of the society and it would be very difficult to imagine society without the presence of women. Now it is high time for all of us to understand the power of women. Even our judiciary and legislature has also accepted the fact that women are one of the most important elements of society and their exploitation would not be accepted at any cost. This saying is enough to prove that man and women both are necessary element of society. Women plays different role in her life which is not an easy task. So we must give them due care and respect and understand their efforts towards welfare of the society at large. Rights of women are very necessary and Indian law is strong enough to protect her from any kind of harassment and torture, In order to ensure adherence to constitutional provisions for women welfare, there was a need to enact specific laws by the state and central Government. Hence this paper as explain in a detail manner for the better understanding of the rights and privileges of women .Hope that my research as given a advance knowledge about the rights and privileges of women.

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<sup>6</sup> www.dailyo.in