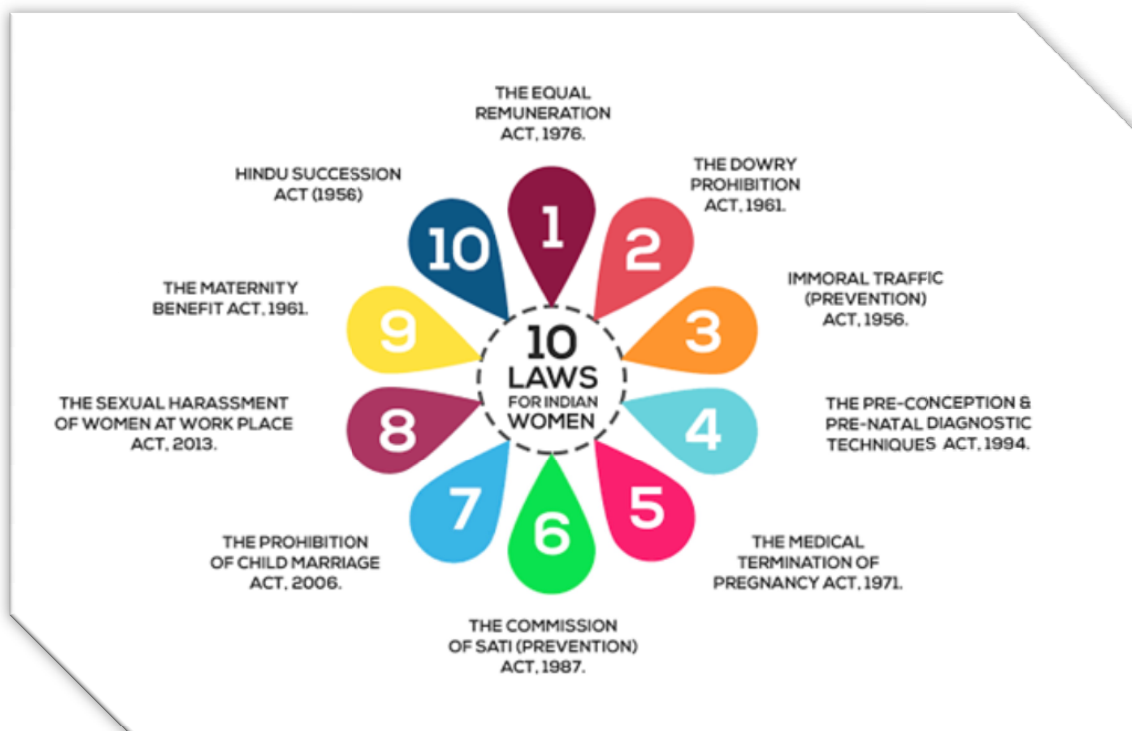


WOMEN PROTECTION IN INDIA



All you need to know the Rights of Women in India:

When we talk about the rights for women in India then we can take into consideration both the Constitutional Rights and Legal Rights. The constitutional rights are those which are incorporated in the various provisions of the constitution. The legal right refers to those which are incorporated in the various laws (Acts) of the Parliament and the State Legislatures. To be more specific, let's discuss the rights through the following points:

Rights of Woman enshrined in the Constitution of India:

Article 15(1) provides that the state shall not discriminate against any citizen of India on the ground of sex

Article 15(3) provides that the state is empowered to make any special provision for women i.e. the state can make affirmative discrimination in favour of women.

Article 16(2) provides that no citizen shall be discriminated against or be ineligible for any employment or office under the state on the ground of sex.

Article 23(1) provides that traffic in human beings and forced labour is prohibited.

Article 39(a) provides the state to secure for men and women equally the right to an adequate means of livelihood

Article 39(d) provides the state to secure equal pay for equal work for both Indian men and women.

Article 39(e) provides that 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 42 provides that the state shall make provision for securing just and humane conditions of work and maternity relief.

Article 51-A (e) provides that it shall be the duty of every citizen of India to renounce practices derogatory to the dignity of women

Article 243-D(3) provides that one-third of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women.

Article 243-D(4) provides that one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women.

Article 243-T(3) provides that 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(4) provides that the offices of Chairpersons in the Municipalities shall be reserved for women in such manner as the State Legislature may provide.

Legal Rights of Women enshrined under various Indian Legislations:

Protection of Women from Domestic Violence Act (2005) is a comprehensive legislation to protect women in India from all forms of domestic violence by the husband or any of his relatives. Domestic violence is subjected to any kind of physical, sexual, mental, verbal or emotional.

The Immoral Traffic (Prevention) Act, 1986 (PITA) has amended The Immoral Traffic (Suppression) Act, 1956 (SITA). This Act is the premier legislation only for prevention of trafficking for commercial sexual exploitation i.e. for the purpose of preventing and ultimately prohibiting prostitution for women and girls to criminalize sex work. In 2006, the Ministry of Women and Child Development proposed an amendment bill i.e. the Immoral Traffic (Prevention) Amendment Bill, 2006 that has yet to be passed.

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 practice of Sati or the voluntary or forced burning or burying alive of widows, and to prohibit glorification of this action through the observance of any ceremony.

Dowry Prohibition Act (1961) prohibits the giving or receiving of dowry at or before or any time after the marriage from women

Maternity Benefit Act (1961) protects the employment of women during the time of her maternity and entitles her to a 'maternity benefit' and certain other benefits. The Maternity Benefit (Amendment) Act, 2017 an amendment to the Maternity Benefit Act (1961) has been passed. The Act is applicable to contractual or consultant women employees, as well as to the women who are already on maternity leave at the time of enforcement of the Amendment Act.

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.

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.

Hindu Succession Act (1956) recognizes the right of women to inherit parental property equally with men. Then there came the Hindu Succession (Amendment) Act 2005 granting daughters the right to inherit ancestral property along with their male relatives.

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.

The Sexual Harassment of Women at Work Place (Prevention and Protection) Act (2013) provides protection to women from sexual harassment at all workplaces both in public and private sector, whether organised or unorganized.

Child Labour (Prohibition and Regulation) Amendment Act, 2016 prohibits the engagement of children in all occupations and of adolescents in hazardous occupations and processes, where adolescents refer to those under 18 years and children to those under 14 years.

The Protection of Children from Sexual Offences (POCSO Act) 2012 was formulated in order to effectively address sexual abuse and sexual exploitation of children. It defines a child as any person below the age of 18 years and provides protection to all children under the age of 18 years from the offences of sexual assault, sexual harassment, and pornography.

Apart from the above-mentioned rights, there are following general laws that every woman should know:

Right to free aid

When a woman goes to the police station without being accompanied by a lawyer she should be aware of the fact that she has a right to get the legal aid and that she should demand it.

Right to privacy

A woman who has been raped has a right to record her statement in private in front of the magistrate without being overheard by anyone else or with a lady constable or a police officer in person. Under section 164 of the Criminal Procedure Code, the cops will have to give the privacy to the victim without stressing her in front of masses.

Right to Zero FIR

As according to the Supreme Court ruling a rape victim can register her police complaint from any police station under the Zero FIR.

Right to no arrest

According to a Supreme Court ruling, a woman cannot be arrested after sunset and before sunrise. Except, in case the woman has committed a serious crime, the police require to get it in writing from the magistrate explaining why the arrest is necessary

during

the

night.

Right to not being called to the police station

According to section 160 of the Criminal Procedure Code, women cannot be called to the police station for interrogation. The police can interrogate a woman at her residence in the presence of a woman constable and family members or friends.

Right to confidentiality

Under no conditions a rape victim's identity can be revealed. Neither the police nor media can make known the name of the victim in public. Section 228-A of the Indian Penal Code makes the disclosure of a victim's identity a punishable offence.

Recent amendments to certain laws:

The gang rape that took place on the night of 16th December 2012 took the entire nation in such a outrage stage that it forced to give a new shape to the criminal law by the enactment of the most awaited Act i.e. the Criminal Law (Amendment) Act, 2013. Thus the Act has included the following sections:

Section 354A provides for Sexual harassment and punishment for sexual harassment.

Section 354B provides for Assault or use of criminal force to woman with intent to disrobe.

Section 354C provides for Voyeurism.

Section 354D provides for Stalking.

The definition of "Rape" under section 376 has been amended.

The Muslim Women (Protection of Rights on Marriage) Bill 2017 makes instant "Triple Talaq" in any form "illegal and void". The proposed law would also give the woman the right to approach a magistrate seeking "subsistence allowance" for herself and her minor children.