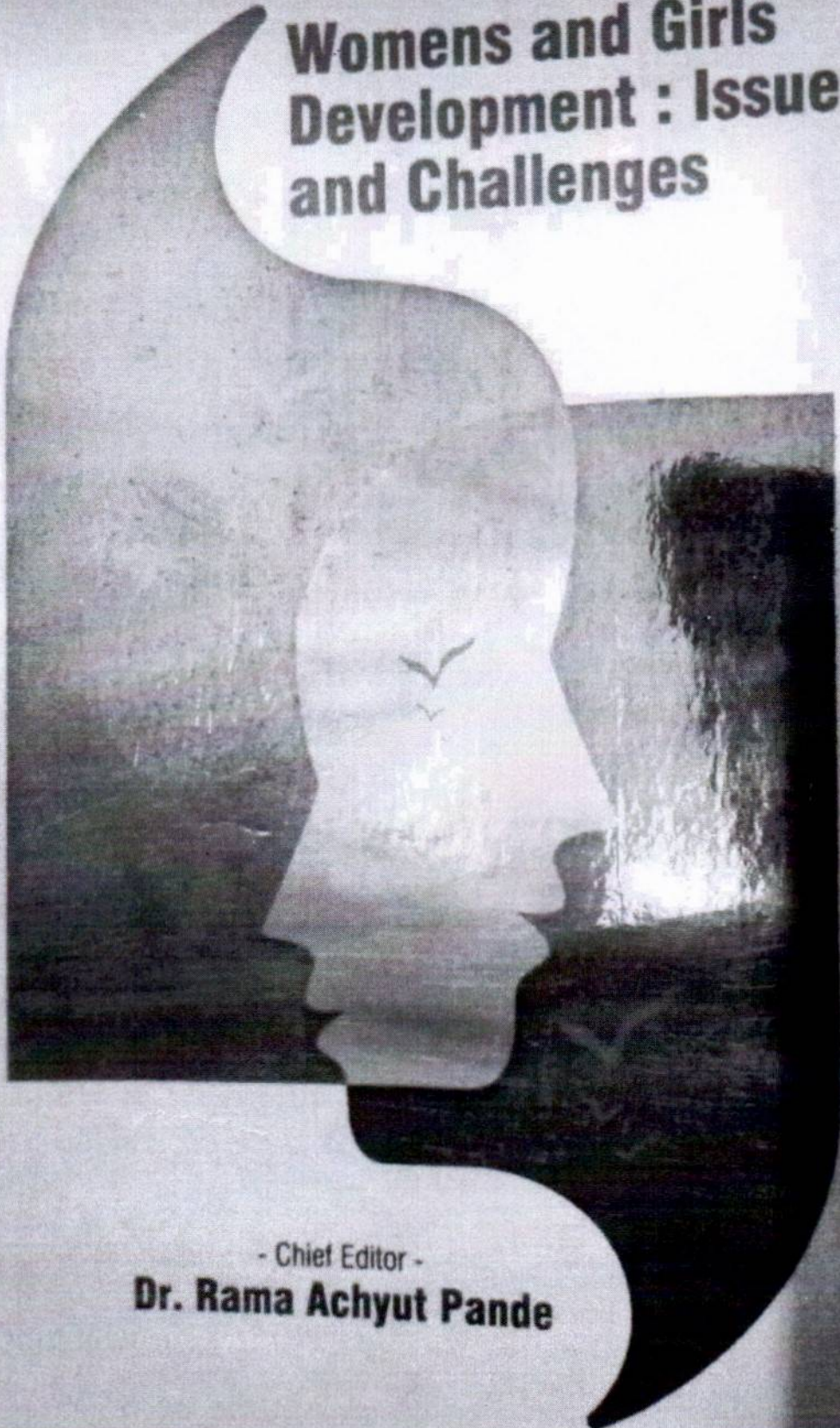


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Womens and Girls Development : Issues and Challenges



- Chief Editor -
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“Women and Girls Development : Issues and Challenges”

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LEGAL RIGHTS OF WOMEN IN INDIA

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ABSTRACT

Legal awareness is very important to safeguard rights of women. Legal awareness is help in empowerment of women regarding issues involving the law. Law awareness helps in promote consciousness of legal culture. The National Commission for Women monitors the proper implementation of all the legislation enacted to protect the rights of women so as to enable women to achieve equality in all sphere of life. Every woman has the right to live in dignity, free of coercion, violence and discrimination. Women are entitled for free legal aid irrespective of her income or financial states. The awareness program conducted through nongovernmental organizations and reputed institutions to empower women and girls with the knowledge of their legal rights and duties.

KEYWORDS: Introduction, Rights of Women, Schemes working for the welfare of women

INTRODUCTION:

One of the most important parts of the Indian constitution is the principle of equality. It provides guarantee of equality and equal protection of law to all citizens of India. There is no discrimination between men and women. Legal awareness is very important to safeguard rights of women. Majority of women are not aware of the legal systems prevailing in the country and

also about the constitutional rights. Legal awareness is help in empowerment of women regarding issues involving the law. Law awareness helps in promote consciousness of legal culture. The National Commission for Women monitors the proper implementation of all the legislation enacted to protect the rights of women so as to enable women to achieve equality in all sphere of life. The awareness program conducted through nongovernmental organizations and reputed institutions to empower women and girls with the knowledge of their legal rights and duties.

Rights of Women

1. Right to Equal Pay:

In India the Equal Remuneration Act 1976 mandates the payment of equal remuneration to male and female workers undertaking similar tasks. This legislation not only provides women with a right to demand equal pay but also holds employers accountable for any violence of the Equal Remuneration Act. Equal Remuneration Act extends protective provisions in favor of women.

2. Right to dignity and decency:

Every woman has the right to live in dignity, free of coercion, violence and discrimination. Anybody who tries to snatch and disrobe woman modesty is considered a sinner and law very well entails' its punishment. Law very well respects woman dignity and modesty.

3. Right against workplace harassment:

The prevention of workplace sexual harassment act extends to the whole of India and stipulates that a

woman shall not be subject to sexual harassment at her workplace. The prevention of workplace sexual harassment act applies to both the organized and unorganized sector in India.

4. **Right against domestic violence :**

Domestic violence covers mental as well as physical abuse and also threats to do the same. It includes physical abuse, sexual abuse, emotional abuse and economic abuse. The protection of women from domestic violence Domestic Violence Act 2005 and many amendments in criminal law have been implemented to various acts. Domestic violence in India record one of the highest numbers of incidence in the world.

5. **Right to keep their identity anonymous:**

Article 21 of the constitution of India states that no person shall be deprived of his life or personal liberty except according to procedure established by law. The anonymous by keeping its name undisclosed is also protected under the privacy right which is a fundamental right. It also help in enjoying her right to live life freely without any fear of danger which is possible only if there exist any law protecting the right of the anonymity in the social media.

6. **Right to get free legal aid:**

Women are entitled for free legal aid irrespective of her income or financial states. 42 amendment of constitution of India, article 39A came into force which provides true legal aid to the poor and weaker section of the society and ensures justice to all. A

woman is eligible to apply for free legal aid by virtue of section 12 (c) of the Legal Services Authorities Act 1987.

7. Right not be arrested at night:

The provision of the sub section 46 of the code of criminal procedure 1973 mandates that if the police want to arrest women after sunset they have to seek prior permission of the magistrate and arrest should be made by the lady police officer. Section 46 (4) of the code of criminal procedure 1973 enumerates that a woman shall not be arrested after sunset and before sunrise.

8. Right to register virtual complaints:

A woman has all the right to lodge FIR by email or registered post if she is not able to visit the police station. National Commission for women Act 1990 register complaints under various heads. It has an online complaint registration system available on its website.

9. Right against indecent representation:

The indecent representation of women act 1986 prohibits indecent representation of women through publications, writing, advertisement, painting or any other manner. This act extends to the whole of India; except the state of Jammu & Kashmir. Section three of this act deals with the prohibition of advertisement showcasing indecency of a women.

10. Right against being stalked:

In India stalking physical or electronic via text message, phone calls or emails is refer as a criminal

offence. Most of the women ignore their stalkers. They not approaching the police, they feel that the police will not help them. Women who are being stalked can file complaint to the National Commission for women.

11. Right to zero FIR:

In zero FIR one can file FIR in any police station, irrespective of the place of incident or jurisdiction. In this case zero FIR police has to start acting immediately. In case of zero FIR the police cannot excuse themselves reasoning that the case does not fall under their jurisdiction. The case of nirbhaya gang rape led to several amendments in the existing legal system of India and zero FIR is one of the amendments.

12. Matrimonial Rights of Women:

Married women in India leave their parental homes and live in the home which is provided by the husband or by his family members. This home is known as matrimonial home. The contract marriage creates a legal obligation upon the husband and his family to provide shelter and maintenance to the wife. There are lot of legal provisions which are safeguard the right of the wife in her husband home and ensure that she can live there with dignity and safety. In case of domestic or sexual violence the wife have right to file for divorce. She also has a right to custody of her children.

13. Rights of mothers to custody of children:

Rights of mother's to custody of children are important for those women facing domestic abuse. Today the woman is considered as the joint natural guardian of

her children and also considered as the primary care taker of her children. According to court woman consider as the best suited person to take care of her children. A wife along with her husband has the right of custody and guardianship over her children. If a woman has not taken her children with her she is leaving the house it is possible to custody later.

14. Right of maintenance under Hindu law:

Maintenance varies according to the position and status of the person concerned. The wife can get as much maintenance as required for her to live according to her status in life. The limit of maintenance depends upon the husband earning capacity. A Hindu wife is entitled to be maintained by her husband during life time.

Schemes working for the welfare of women:

1. **Mother and Child Tracking System:** This system launched in 2009 to help and monitor the health care system in order to ensure that all mothers and their children have access to a right of service.
2. **Rashriya Mahilakosh:** It was created by the Government of India in 1993. The main purpose is to provide lower income women with access to loans to begin small business.
3. **Priyadarshini:** Priyadarshini launched in April 2011. It offers women in seven districts access to self help group.
4. **Nirbhaya Fund:** Nirbhaya fund is expected to support initiative by the government and the NGO's working towards protecting the dignity and ensuring safety of

women in India. It provides much needed medical, legal and rehabilitation services to victims of special assault. The Nirbhaya centre provide support and assure to all women affected by violence both public and private space.

1. **SWADHAR:** It provides primary need of shelter, food, clothing and care to the marginalized women/ girls living in difficult situation who are without any social and economic support and provide emotional support and counseling to such women. Women prisoners released from jail and without family support and women survivors of natural disaster who have been rendered homeless and are without social and economical support are beneficiaries of the scheme.

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