

An Analysis of Fundamental Rights for Women

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Introduction

Legal-Judicial system will be made more responsible and gender sensitive to women's needs, especially in cases of domestic violence and personal assault.

The Constitution grants the fundamental right to equality to women article 39(d) asks the government to ensure that there is equal pay for equal work for both men & women. Article 15 says that the state shall not be discriminate against any citizen on ground only for sex.

Article 14 says that the state shall not deny to any person equality before law. Article 16 guarantees equality of opportunity in employment under the Government.

The state to make provision for securing just and humane conditions of work and for maternity relief (Article 42)

Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a municipality (article 243 T(3)).

The state to promote with special care the educational and economic interests of the weaker section of the people and protect them from social injustice and all form of exploitation (Article 46) -

The total number seats to be sited by direct election in every panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in Panchayat (Article 243 D (3))

The crime, which are directed specifically against women are characterized as "Crime against Women" some important are following-

1. The protection of women from domestic violence act, 1986
2. Torture, both mental and physical (sec. 354 IPC)
3. Sexual Harassment (Sec. 509 IPC)
4. Kidnapping and abduction for different purpose (Sec 363-373)
5. Dowry prohibition Act, 1961
6. The prohibition of child marriage Act, 2006.
7. The equal remuneration Act, 1976.

Constitutional Provisions in support of Women -

1. Article 14- Men and women to have equal rights and opportunities in the political economic and social spheres.
2. Article 15(1) prohibits discrimination against any citizen on the grounds of religion, race, caste, sex etc.
3. Article 15(3) - Special provision enabling the state to make affirmative discriminations in favor of women.
4. Article 16- Equality of opportunities in matter of public appointment for all citizens.
5. Article 39(d) - Equal pay for equal work both men and women.
6. Article 42- The state to make provision for ensuring just and humane conditions of work and maternity relief.
7. Article 51 {(A)(C)} - To renounce the practices derogatory to the dignity of women. In pursuance of the constitutional provision the governments had upgrade their status.
8. The Special Marriage Act 1954- provides right to women on par with men for inter-caste marriage, love marriage and marriage. The act has also fixed the minimum age of marriage at 21 for males and 18 for females.
9. The Hindu Marriage Act. 1955-prohibits polygamy, polyandry and child marriage and concedes equal right to women to divorce and to remarry.
10. The Hindu Succession Act, 1956-Provides for women the right of parental property.
11. The Suppression of Immoral Traffic of Women and Girls Act, 1956- provides protection to women from being kidnapped and being compelled to become prostitutes.
12. The Hindu Adoption & Maintenance act 1956- provides child less women the right to adopt child maintenance from the husband if she is divorced by him.

13. The Dowry prohibition Act 1961- the act declares the taking of dowry an unlawful activity and thereby prevents the exploitation of women.
14. The medical termination of pregnancy Act, 1971-the act legalizes abortion conceding the right of a women to go for abortion on the ground of physical and mental health.
15. Equal Remuneration Act, 1976- provides payment of remuneration equal with men for work of equal value.
16. The Criminal Law Amendment Act, 1983 the act seeks to stop various types of crimes against women.
17. The Family Court Act, 1984-seeks to provides justice to women who get involved in family disputes.
18. The Indecent Representation of Women (Prohibition) Act, 1986 prohibits the vulgar presentation of women in the media such as- newspaper, cinema, T.V. etc.
19. The 73rd & 74th Constitution Amendment Acts, 1993- empowers women and seek to ensure greater participation of women at all the levels of the Panchayat System.
20. The Pre-natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act, 1944- regulates investigation for sex determination of foetus.
21. The protection of women from Domestic Violence Act, 2005 provides for more effective protection of the rights of women.

Special Steps for Women -

1. Reservation for women in Local Self-Government- The 73rd and 74th Constitutional Amendment Act passed in 1992 by Parliament ensure one-third of the total seats for women in all elected officers in local bodies whether in rural areas or urban areas.
2. The National Plan of Action for the Girls Child (1991- 2000) the Department of Women and Child Development in the Ministry of Human Resource Development has prepared a 'National Policy for the Empowerment of Women' in the year 2001, The goal of this policy is to bring about the advancement, development and empowerment of women.
3. 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, review the existing legislation to suggest amendments wherever necessary, etc.

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The MHRD has prepared a national policy for the empowerment of women in the year 2001. The goal of this policy is to bring about the advancement, development and empowerment of women.

With growing literacy and financial independence women have to be more empowered to assert. Their right to a life of dignity and work, so it is a call for women to awake from their deep slumber and understand the true meaning of their empowerment.

Women should stand up for their freedom rights and dignity and prove their caliber. Gender relationship needs to change to one of mutual caring and sharing. Dignity and equal opportunity must be provided to both men and women. Women have to be considered as equal participants in shaping the future society in India.

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