

WOMEN'S RIGHTS IN U.S AND INDIA

Written By **Asma Anjum**

Pursuing law and legal studies From U.S

Definition / overview

Gender inequality has a long and pervasive history in both the United states and India .Not surprisingly ,the constitution of both countries guarantee equality before the law : India's Constitution explicitly mandates equality for women, whereas the U.S. Constitution guarantee equal protection of law without any explicit designation of the intended beneficiaries .American scholars , and particular feminists ,are increasingly studying India to assess whether and how the world's largest democracy ,a democracy grounded in patriarchy, is making good on its promise of equality to women .we have much to learn by looking at India's experience despite the vast cultural difference between the two countries .Most notable is India's commitment to affirmative action and politics, education, and public employment .

This Article will explore how the respective equality guarantee have been interpreted and applied to issues of gender justice by the Supreme Court of India and by the U.S. Supreme Court .After a brief review of the historic and current gender inequalities in the two countries ,the best hope for facilitating women's full and equal participation in society India and United States share a long history of pervasive discrimination against women .In both countries ,women were denied the right to vote : in the United States until 1950 when the Constitution was enacted. (U.S CONST. amend. XIX; INDIA CONST .art.325) Politically, women remain grossly underrepresented in both countries. Women comprise only 14% of the U.S. Congress (U.N .Dev. Programme ,Human Development Report : Deepening Democracy in a Fragmented World 16 (2002) .And 22.5 %of the state legislatures.(National Conference of state Legislature) In India ,women comprise 9 % of the India Parliament (U.N. Dev .Programme ,Human Development Report Millenium Development Goals: A Compact among Nations to End Human Poverty (2003) and are even more underrepresented in the state legislature .(WOMEN&POLITICAL EMPOWERMENT 12(1998)(reprinted by the Centre for the study of Developing societies) India's Constitution was amended in 1993 to to mandate reservation of seats for women on panchayats .A constitution amendment to reserve one-third of all seats in parliament and the legislature for women has been debated since 1996. Amendment Mandating Reservations for Women on Rural Panchayats ,19 BERKELEY WOMEN'S .L.J

32, 54-55 (2004) .In the United States, a women has never served as president or vice president ;(In a poll conducted for the White House Project ,79%of those surveyed said that they were willing to vote for a women for president .poll finds nearly eighty percent of Americans Are Ready for a Women president ,sep 12,2005 .)In India , Indira Gandhi served as Prime Minister for fifteen years from 1966 to 1977 and from 1984 to 1989 .

The violence against woman act(VAWA)was passed in 1994 after four year of hearings where congress heard testimony from physicians law professor,rape survivors,victims of domestic abuse and representatives of law enforcement agencies and private business .the record also included reports on gender bais from twenty-one states plus eight highly detailed reports from congress and its committees attesting to the magnitude of the problem of gender violence.Attorneys general from thirty-eight states supported the legislation.although it was only the private civil remedy that was at issue In morrison ,VAWA also provide federal criminal remedies,provisions for funding of local domestic violence programs,and interstate enforcement of order of protection.

The statistic regarding gender violence presented to congress as truly staggering:

Three out of four American woman will be victims of violent crimes sometime during their life ... violence is the sources of injuries to the woman ages 15-44....as many as 50 %of homeless woman and children are fleeing domestic violence...since 1974 the assult rate against woman has outstripped the rate for men by at least twice for some age groups and far more other.....Battering is the single largest cause of injury to women in the United States..... An estimated 4 million American women are batterd each year by their husbands or partnersOver 1 million women in the United States seek medical assistance each year for injuries sustained (from)their husbands or other partnersBetween2,000 and 4,000 women die every year from (domestic)absue....Arrest rates may be low as 1 for every 100 domestic assaults....partial estimates show that violent crime against women this country at least 3 billion- not million,but million -dollors a yearEstimates suggest that we spend \$5 to \$10 billion a year on health care criminal justice ,and other social cost of domestic violence .

Nolonger is the female destined solely for the home and the rearing of family and the male for the market and the world of idea womans activities and responsibilities are increasing and expanding coe eduction is a fact ,now only the rarity the present of woman in business ,in the professtions in the government and indeed ,all walk of lifewhere the education desirable,if not always nessery,antecedent is apparent and proper subject of judicial notice if the specified age of minority is required for the boy inorder to assure him prentel support while he attaines his

education and training to, is it for the girl to distinguish between the two on educational ground is to be self-serving: if the female is not to be supported so long as the male, she hardly can be expected to attend school as long as he does and bringing her education to be ended earlier coincides with the roll typing society has long imposed

Article 39 provides The state shall, in all particular, direct its policy towards securing.....and there is equal pay for equal work for both man and woman "INDIA CONST.art.39" ARTICLE 42 provides "the state shall make provisions for securing just and humane conditions of work and for the maternity relief" .job opportunities for woman cannot be created would be (to) cut at the very root of the underlying inspiration behind the article make the special provision for woman in respect of employment or posts under the state is an integral part of article 15(3) this power conferred under article 15(3) is not witted down in any manner by article 16.

The way of true equality and ,at least with a respect interpreting personal laws upholding reservation for women, and seeking to insure women's freedom sexual violence, has adopted jurisprudence willing to acknowledge and compensate for disadvantage. woman's right movement summary woman's rights is fight for the idea that woman should have equal rights with men. over history this has taken the form of gaining property rights ,the women's suffrage, or the right of woman to vote, reproductive rights and the right to work for the equal pay.

In 1920, the 19th Amendment was passed. After years of fighting for equality, women were guaranteed the right to vote Elizabeth Cady Stanton, Susan B. Anthony, and Lucy Stone were the importers in the women's rights movement

Woman's rights in India

Here are 10 laws that woman should know

- 1) The Prohibition of child marriage Act 2006
- 2) Special Marriage Act 1956
- 3) Dowry prohibition Act, 1961
- 4) Indian Divorce Act 1969
- 5) Maternity Benefit Act, 1961
- 6) Medical termination of pregnancy Act 1971
- 7) Sexual Harassment of woman at Work Place (Prevention prohibition and Redressal) Act 2013
- 8) Indecent Presentation of woman (Prevention) Act, 1968
- 9) National Commission for woman Act, 1990

10) Equal Remuneration Act, 1976

