

WOMEN RIGHTS IN INDIA

These rights include the right to live free from violence, **slavery**, and **discrimination**; to be educated; to own property; to vote; and to earn a fair and equal wage. As the now-famous saying goes, “women's rights are human rights.” That is to say, women are entitled to all of these rights.

Can daughter claim on father's property –

Daughter can become a co-sharer in **father's** ancestral **property** if he died after the amendment of Hindu Law. New Delhi: In a Supreme Court ruling, **daughters can** only **claim** their ancestral **property** right if '**father**' died after the amendment of Hindu law.

Is it illegal for an unmarried couple to stay in a hotel –

No, say lawyers and an official of the **Hotel** Association of India. “There is no **law** that prohibits **unmarried couples** from **staying** together in **hotels**. Choosing to **stay** together is a personal choice and falls under freedom of movement, which cannot be restricted”, says senior advocate Sudha Ramalingam.

The **women's rights** movement summary: **Women's right** is the fight for the idea that **women** 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 **women** to vote, reproductive **rights**, and the right to work for equal pay.

Issues Challenging Women Today –

- **Poverty, Hunger, and Homelessness.**

These are interrelated, of course. Seventy million women and the children who depend on them are living in or on the brink of poverty in America. Among industrialized nations, the U.S. has the largest number of homeless women and children.

- **The Continuing Gender Wage Gap.**

Women are the primary or co-breadwinner in six out of ten American families, which makes the economic imperative of addressing the wage gap between men and women vital.

We frequently hear that women earn on average seventy-seven cents for every dollar earned by men, and that is true when one considers the full-time wages of all working women vs. the full-time wages of all working men. But it is more complicated than that. Some point to the fact that women are disproportionately concentrated in the lowest-paying fields and are not well represented in higher-paying fields.

On the other hand, in an article published on April 23, 2014, on ShriverReport.org, Claire Cain Miller, a *New York Times* reporter, discusses the findings of Dr. Claudia Goldin, a Harvard University labor economist and leading scholar on women and the economy, that a majority of the pay gap between men and women actually comes from differences within occupations, not between them. This gap widens in the highest-paying occupations like business, law, and medicine.

Dr. Goldin points out those employers most value long hours and work at particular hours. She argues that if employers instead instituted workplace flexibility in terms of hours and locations, the gender gap in pay would be considerably reduced and might vanish altogether.

Whatever the reasons, the gender pay gap continues and is an issue that must be dealt with. To ameliorate this gap, President Obama on April 8, 2014—Equal Pay Day—signed two executive orders: one prohibits federal contractors from retaliating against employees for sharing salary information with co-workers. The other directs the Labor Department to adopt regulations requiring federal contractors to report salary data to the agency, including gender and race breakdowns that can be used to better target government enforcement.

The Paycheck Fairness Act would apply the changes ordered by the President for federal contractors to the entire American work force as well as make some important updates to the Equal Pay Act. Unfortunately, in early April 2014, Senate Republicans blocked consideration of this bill.

- **Violence against Women.**

Our most recent data shows that women and girls nationwide experienced about 270,000 rapes or sexual assaults annually.

One in five college women has been sexually assaulted while in college. In almost all cases, the institutional response has been inadequate. On January 22, 2014, President Obama established a White House Task Force to protect students from sexual assaults.

We have an increasing crisis with regard to sexual assaults in the military. In 2011, about 26,000 men and women in the military were sexually assaulted, up from 19,000 in 2010.

Domestic violence is another aspect of this issue. One in three female homicide victims is killed by an intimate partner. Twenty-four percent of adult women have been physically assaulted by a partner at some time in their lives.

Elder abuse, another part of this subject, is a growing problem. Elder mistreatment is defined as intentional actions that cause harm or create a serious risk of harm to a vulnerable elder by a caregiver or other person who stands in a trust relationship to the elder. It is estimated that one to two million people age sixty-five and above are injured, exploited, or otherwise mistreated. The abuse includes placing elders under guardianship or conservatorship against their wills. Female elders are abused at a higher rate than males. Current federal resources devoted to this problem are minimal.

- **Continuing Efforts to Whittle Down Roe v. Wade and Women's Reproductive Rights.**

A three-year surge in anti-abortion measures in more than half the states has shut down some clinics, is threatening others, and is making it far more difficult in many regions to obtain a procedure. In 2013 alone, twenty-two states adopted seventy different restrictions. One expert said, "Increasingly, access to abortion depends on where you live."

- **Inadequate Maternal and Infant Health Care.**

The U.S. has the highest maternal mortality rate among developed nations and ranks 50th among the nations of the world with regard to maternal deaths.

In January 2014, the Population Institute released its 2013 report card on reproductive health and rights in the U.S., giving this nation an overall grade of C- for the second year in a row. Sadly, the growing number of U.S. women dying from pregnancy-related causes has failed to catch the public's attention.

We need to promote breast feeding and the greater use of midwives, cut back on inducing labor, and stop performing unnecessary Cesareans.

A problem in this area is that it is impossible to get accurate statistics about maternal mortality because recordkeeping with regard to maternal mortality differs from state to state and country to country.

- **The Absence of Laws Mandating Paid Sick and Parental Leave.**

The U.S. is the only industrialized nation in the world that doesn't mandate paid maternity leave, and only 11 percent of private-sector American employees have access to such leave.

- **Reasonable Accommodations for Pregnant Women.**

We need a federal law requiring employers to make reasonable accommodations to the needs of pregnant women such as they are required to make for employees with mental or physical disabilities and in connection with the religious beliefs or practices of their employees. To change this situation, a number of states and New York City have passed Pregnant Workers Fairness Acts. But a federal version has been repeatedly introduced, only to go nowhere.

- **The Lack of Affordable and Competent Child Care.**

An April 2013 article in the New Republic titled "The Hell of Child Care" tells the story. Jonathan Cohn, the writer, found that American day care performs "abysmally." He pointed out that the overall quality of day care is uneven, barely monitored, and at the lower end "Dickensian." Cohn found that the reason for this is that we haven't yet come to terms with the

shift of women from the home to the workplace. “The lack of quality, affordable day care is arguably the most significant barrier to full equality for women in the workplace,” wrote Cohn.

A report in the fall of 2013 by Child Care Aware America found that the annual cost of day care for an infant exceeds the average cost of in-state tuition and fees at public colleges in thirty-one states.

- **The Treatment of Women in Prison.**

In federal correctional facilities, 70 percent of the guards are male and correctional officials have subjected female inmates to rape, other sexual assaults, sexual extortion, and groping during body searches.

In addition, women in prison have been denied essential medical resources and treatment, especially during times of pregnancy and in connection with chronic or degenerative diseases.

- **Human Trafficking/Sex Slavery.**

Trafficking is a modern-day form of slavery. Sex trafficking is the exploitation of women and children, within national or across international borders, for the purpose of forced sex work. Adult women make up the largest group of sex trafficking victims, followed by female children. Although reliable statistics are unavailable, it is estimated that human trafficking is a \$32 billion annual industry worldwide.

The U.S. State Department issues an annual report on trafficking globally. In its report for 2013, it stated that the U.S. was a source, transit, and destination country for men, women, and children—both U.S. citizens and foreign nationals—who are subjected to forced labor, debt bondage, involuntary servitude, and sex trafficking.

- **The Severe Continued Under-Representation of Women in Political Life.**

Women constitute only 20 percent of our Senate and only 18 percent of our House of Representatives—this, in a country where women are the majority of the population. The dearth of women who hold elective office is also evident at state and local levels when one looks at legislatures, governors, mayors, and on down the line.

- **Discrimination in Academia. The higher in terms of faculty rank, salary, prestige, and status—the fewer are the women.**

For example, recent statistics show that only 26 percent of college presidents are women despite the fact that more than 57 percent of the college and university student population is female.

- **Under-Representation in the Justice System: As Prosecutors, Judges, and Police Officers.**
- **Inadequate Representation Among Those Who Run Our Top Corporations and Serve on Corporate Boards.**

In 2013, Catalyst released a report that found that women held less than 15 percent of senior positions among Fortune 500 companies, a number that hadn't changed significantly over the previous four years. Board of Directors' seats remained flat for women, too, with female directors comprising less than 17 percent of Fortune 500 board members.

- **Inadequate Representation and Unequal Pay for Actors, Writers, Directors, and Producers in the Entertainment Industry.**
- **Keeping Women in High-Tech Fields.**

A report released in early 2014 revealed that U.S. women working in science, engineering, and technology were 45 percent more likely than their male peers to leave the industry within a year—and the reason was gender bias.

- **Lack of Health Insurance.**

In spite of the Affordable Health Care Act, it is projected that roughly thirty million non-elderly Americans, many of them women and girls will still be uninsured.

- **ERA and CEDAW.**

The US has still not ratified the Equal Rights Amendment to our Constitution or the CEDAW Treaty, the international bill of rights for women. The U.S. is the only industrialized country that has not ratified CEDAW.

So, while women have come a long way in the last fifty years—they still have a very long way to go.

In thinking about the progress we've achieved and the problems that still remain, I can't say it any better than an old African American slave preacher whom Dr. Martin Luther King, Jr., quoted in a 1959 speech on race relations:

There are two types of women: those who become students of the Veda and those who marry immediately. Of these, the students of the Veda undergo initiation, kindle the sacred fire, study the Veda, and beg food in their own houses. In the case of those who marry immediately, however, when the time for marriage comes, their marriage should be performed after initiating them in some manner.

Legal rights of women –

Right to free aid

when a woman goes to the police station without being accompanied by a lawyer she is quoted wrong, ignored or humiliated for her statements. She should be aware of the fact that she has a right to get the legal aid and that she should demand for it. "According to a Delhi High Court ruling, whenever a rape is reported, the senior house officer has to bring this to the notice of the Delhi Legal Services Authority. The legal body then arranges for a lawyer for the victim," says Saumya Bhaumik, a women rights lawyer.

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. She also has a freedom to record her statement with a lady constable or a police officer in personal. 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 untimely registration

There are many reasons as to why a woman would postpone going to the police to lodge a complaint. She considers her reputation, dignity of the family and threats from the culprit to take her life away. Police in any way cannot say no to register her complaint, no matter if it's too late to register. The self-respect of women comes before anything else. She cannot be denied of anything.

Right to virtual complaints

According to the guidelines issued by the Delhi Police, a woman has the privilege of lodging a complaint via email or registered post. If, for some reason, a woman can't go to the police station, she can send a written complaint through an email or registered post addressed to a senior police officer of the level of Deputy Commissioner or Commissioner of Police. The officer then directs the SHO of the police station, of the area where the incident occurred, to conduct proper verification of the complainant and lodge an FIR. The police can then come over to the residence of the victim to take her statement.

Right to Zero FIR

A rape victim can register her police complaint from any police station under the Zero FIR ruling by Supreme Court. "Sometimes, the police station under which the incident occurs refuses to register the victim's complaint in order to keep clear of responsibility, and tries sending the victim to another police station. In such cases, she has the right to lodge an FIR at any police station in the city under the Zero FIR ruling. The senior officer will then direct the SHO of the concerned police station to lodge the FIR," This is a Supreme Court ruling that not many women are aware of, so don't let the SHO of a police station send you away saying it "doesn't come under his area".

Right to no arrest

According to a Supreme Court ruling, a woman cannot be arrested after sunset and before sunrise. There are many cases of women being harassed by the police at wee hours, but all this can be avoided if you exercise the right of being present in the police

station only during daytime. "Even if there is a woman constable accompanying the officers, the police can't arrest a woman at night. In case the woman has committed a serious crime, the police require getting it in writing from the magistrate explaining why the arrest is necessary during the night,"

Right to not being called to the police station

Women cannot be called to the police station for interrogation under Section 160 of the Criminal Procedure Code. This law provides Indian women the right of not being physically present at 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," So, the next time you're called to the police station for queries or interrogation when you have faced any kind of harassment, quote this guideline of the Supreme Court to exercise your right and remind the cops about it.

Right to confidentiality

Under no circumstances can the identity of a rape victim 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 offense. Printing or publishing the name or any matter which may make known the identity of a woman against whom an offense has been committed is punishable. This is done to prevent social victimization or ostracism of the victim of a sexual offense. Even while a judgment is in progress at the high court or a lower court, the name of the victim is not indicated, she is only described as 'victim' in the judgment.

Right towards crime and not a medical condition

A case of rape can't be dismissed even if the doctor says that rape has not taken place. A victim of rape needs to be medically examined as per Section 164 A of the Criminal Procedure Code, and only the report can act as proof. "A woman has the right to have a copy of the medical report from the doctor. Rape is crime and not a medical condition. It is a legal term and not a diagnosis to be made by the medical officer treating the victim. The only statement that can be made by the medical officer is that there is

evidence of recent sexual activity. Whether the rape has occurred or not is a legal conclusion and the doctor can't decide on this,"

Right to no sexual harassment

It is the duty of every employer to create a Sexual Harassment Complaints Committee within the organization for complaints. According to a guideline issued by the Supreme Court, it is mandatory for all firms, public and private, to set up these committees to resolve matters of sexual harassment. It is also necessary that the committee be headed by a woman and comprise of 50% women, as members. Also, one of the members should be from a women's welfare group.

Constitutional Rights to Women –

1. The state shall not discriminate against any citizen of India on the ground of sex [**Article 15(1)**].
2. The state is empowered to make any special provision for women. In other words, this provision enables the state to make affirmative discrimination in favor of women [**Article 15(3)**].
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)**].
4. Traffic in human beings and forced labor are prohibited [**Article 23(1)**].
5. The state to secure for men and women equally the right to an adequate means of livelihood [**Article 39(a)**].
6. The state to secure equal pay for equal work for both Indian men and women [**Article 39(d)**].
7. 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)**].
8. The state shall make provision for securing just and humane conditions of work and maternity relief [**Article 42**].
9. It shall be the duty of every citizen of India to renounce practices derogatory to the dignity of women [**Article 51-A (e)**].

10. 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 (3)**].
11. 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)**].
12. 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)**].
13. 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)**].

Legal Rights to Women:

The following various legislations contain several rights and safeguards for women:

1. 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.
2. 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 organized means of living.
3. 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.
4. Commission of Sati (Prevention) Act (1987) provides for the more effective prevention of the commission of Sati and its glorification on women.
5. Dowry Prohibition Act (1961) prohibits the giving or taking of dowry at or before or any time after the marriage from women.
6. Maternity Benefit Act (1961) regulates the employment of women in certain establishments for certain period before and after childbirth and provides for maternity benefit and certain other benefits.
7. Medical Termination of Pregnancy Act (1971) provides for the termination of certain pregnancies by registered medical practitioners on humanitarian and medical grounds.
8. 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 feticide.

9. 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.
10. Dissolution of Muslim Marriages Act (1939) grants a Muslim wife the right to seek the dissolution of her marriage.
11. Muslim Women (Protection of Rights on Divorce) Act (1986) protects the rights of Muslim women who have been divorced by or have obtained a divorce from their husbands.
12. Family Courts Act (1984) provides for the establishment of Family Courts for speedy settlement of family disputes.
13. Indian Penal Code (1860) contains provisions to protect Indian women from dowry death, rape, kidnapping, cruelty and other offenses.
14. Code of Criminal Procedure (1973) has certain safeguards for women like the obligation of a person to maintain his wife, arrest of a woman by female police and so on.
15. Indian Christian Marriage Act (1872) contains provisions relating to marriage and divorce among the Christian community.
16. Legal Services Authorities Act (1987) provides free legal services to Indian women.
17. 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.
18. Hindu Succession Act (1956) recognizes the right of women to inherit parental property equally with men.
19. Minimum Wages Act (1948) does not allow discrimination between male and female workers or different minimum wages for them.
20. 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.
21. The following other legislations also contain certain rights and safeguards for women:
 1. Employees' State Insurance Act (1948)
 2. Plantation Labor Act (1951)
 3. Bonded Labor System (Abolition) Act (1976)
 4. Legal Practitioners (Women) Act (1923)
 5. Indian Succession Act (1925)
 6. Indian Divorce Act (1869)

7. Parsi Marriage and Divorce Act (1936)
8. Special Marriage Act (1954)
9. Foreign Marriage Act (1969)
10. Indian Evidence Act (1872)
11. Hindu Adoptions and Maintenance Act (1956).
22. National Commission for Women Act (1990) provided for the establishment of a National Commission for Women to study and monitor all matters relating to the constitutional and legal rights and safeguards of women.
Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressed). Act (2013) provides protection to women from sexual harassment at all workplaces both in public and private sector, whether organized or unorganized.