

## LEGAL STATUS OF WOMEN IN INDIA: AN OVERLOOKED OF VARIOUS LEGAL PROVISIONS

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### **Introduction**

“You can tell the condition of a nation by looking at the status of its women”. – Pt. Jawarharlal Nehru.<sup>3</sup>

All over the world, 8<sup>th</sup> March, is celebrated as International Women’s day. But the question is how far the woman is acceptable today as equal as man in the male dominant society. This might be correct to be said that there is no discrimination between man and woman as concerned to the developed countries. But as soon as we look after the third world countries, our problems regarding women seem to be crystal clear. In many countries of Asia like Afghanistan, Iraq, Saudi Arab, the women are kept under veil and there fundamental human rights are fringed. In our neighboring countries like Bangladesh and Pakistan face the same problems. In some states of our country still have a strong thinking of male dominancy. Example of such states are Rajsthan, jammu-kashmir, Bihar etc. Women face lot of problems of domestic violence such as denial of food, insistence on perverse sexual conduct, turning of women out of house and denying access to minor children constitutes mental torture and the worst forms of verbal, physical, psychological and sexual violence are committed against women in their home, though they have crucial role whether visible or not at home, in society and in history.

Woman is regarded as sub-species which she is not. Women have always played a specific considerable freedom and privileges in the sphere of family religion and public life. Traditionally the Indian woman has been the foundation stone of the family and society in general. She creates life, nurtures it, guards and strengthens in it. She is the transmitter of tradition, the instrument by which culture is preserved.

Women’s duties as good daughters, good wives and good mothers are well – defined in the Indian patriarchal society. Wifehood and motherhood are accepted as pivotal roles for women:

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by implication, these roles complete in themselves and women need not pursue any specialized discipline of knowledge, art or profession.<sup>4</sup>

The status of women in a society is a significant reflection of the level of social justice in that society. Women's status is often described in terms of their level of income, employment, education, health and fertility as well as their roles within the family, the community and society.

Indian history and mythology have given place of pride to women. Sita, Savitri, Damyanti, Taramati and Draupadi are women whose names strike the mind immediately. We are also familiar with a record of Maithreyi and Gargi, the Vedic scholars, who mastered the Vedas and Upanishads facing much opposition. Over the years of first half of 20<sup>th</sup> century, the struggle continued and women coined the phrase "Bread and Rose" after James Oppenham's "Roses" is the satisfaction of the wants. In many parts of the world women are given a loaf of bread and a rose as a symbolic gesture. Woman was seen an object of marriage, sati-tradition, parda-system, and many other atrocities on women dominated the social scenario of the middle ages. Although Women are not restricted till kitchens only and the scenario has been changed to see them everywhere: reached on moon, walked in space, working in field of technology etc., yet they are supposed to be proved more in the society to stand with men without discrimination.

According to Indian constitution, women are legal citizens of the country and have equal rights with men. Because of lack of acceptance from the male dominant society, Indian women suffer immensely. Women are responsible for bearing children, yet they are malnourished and poor health. Women are also overworked in the field and complete the all of the domestic work.

Although the country's constitution says women have equal status to men, women are powerless and are mistreated inside and outside the home. So we have to think more to equalize the positions of women with men at every step in the present society.

### **LEGAL STATUS OF WOMEN IN INDIA**

Women in India enjoy complete equality with men in civil and legal matters, whether they relate to concluding contracts, administering property, practicing in the law courts, or administering justice. Article 15(1) of the constitution further elaborates the phrase "equality

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before law" under which lays down that the state "shall not discriminate against any citizen" on grounds of sex along with any other grounds. In other words, while all laws are to apply to members of two sexes equally, there is express prohibition of discrimination on the ground of sex. However, the provision of non-discrimination on this account does not prevent the State from making any special provision for women as has been laid down under Article 15 (3) of the Constitution.<sup>5</sup>

Woman also serves as Assessors, Receivers, and Jurors. Woman can be a witness and her testimony carries as much weight as that of a man. Law treats women and men equally in all law courts.

Constitutional provisions to protect gender injustice in India:

- i) Preamble of the constitution
- ii) Right to equality
- iii) Prohibition of traffic in human beings and forced labour
- iv) Equal pay for equal work
- v) Right to vote and participate in the politics and government official:
- vi) Reservation seats in PanchayatiRaj

### **CONSTITUTIONAL SAFEGUARD:**

1. **Preamble of the constitution:** - The preamble of the constitution, itself secure to all its zones, social, economic and political justice; and equality of status and opportunity and to promote among them all. It means the constitutions is based without discrimination on the basis of gender and assure justice to all of the citizens.
2. **Fundamental rights & Directive principles of state:**-The Constitution of India guarantees to all Indian women equality (Article 14), no discrimination by the State (Article 15(1)), equality of opportunity (Article 16), equal pay for equal work (Article 39(d)). In addition, it allows special provisions to be made by the State in favour of women and children (Article 15(3)), renounces practices derogatory to the dignity of women (Article 51(A) (e)), and also allows for provisions to be made by the State for securing just and humane conditions of work and for maternity relief. (Article 42)

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<sup>5</sup> MALIK & RAVEL- LAW AND SOCIAL TRANSFORMATION IN INDIA

**Right to equality-Art 14:- “The state shall not deny any person equality before the law or equal protection of the laws within the territory of India.”**

Art 15- Prohibition of discrimination against citizens

Art 16- Equality of opportunity in public employment

Both Art 15 and 16 prohibits any discrimination on grounds of religion, race, caste, sex or place of birth. Protective discrimination is facet of equality under Art 14, 15 and 16. Art 14, 15 and 16 of the constitution , not only grant the gender equality but also empowers the state to adopt measures of affirmative discrimination in favour of women, which is not violation of right to equality in any sense.

The 73<sup>rd</sup> Amendment of the constitution provides for the reservation of 1/3<sup>rd</sup> seats in all tiers of local Government for women (Art 16).In pursuance of Art 15(3) Government of India has enacted 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendment Act, providing 33% reservation of seats in Panchayats, Block Samitis and Zila Panchayats. It shows that nearly one million women are elected to these local bodies.

**Case- Air India V Nargesh Mirza(1981).** The Hon’ble supreme court held air India regulation unconstitutional as being discriminative against woman. This regulation provides that an air hostess couldn’t get married before completing four years of service. If she gets married before completing four years of service, she had to resign and after reaching the age of 23yrs,if she continues her service as a married woman, then she had to resign on becoming pregnant.

- i) **Right to life and Personal liberty:** Art 21 guarantees for the right to life and personal liberty. The explained horizon of right to life includes the right to have a dignified life, right over her body control, over her sexuality and reproductive functions to give or not to give birth to a child. This article is the bunch of rights and heart of the constitution where blood is pumped by article 32. Article 21 includes also right to personal liberty (residue of art. 19) , speedy trial,free legal aid ,right to compensation, right to privacy,environmental rights,right to education, right against virginity test,protection against sexual harassment,right to shelter,right of prisoners,etc.
- ii) **Protection against ‘traffic in human beings’(prostitution)and forced labour:-**Art 23 article prohibits traffic in human beings and beggar (which militates against human dignity) and other similar forms of forced labour. Forced labour includes prohibition of prostitution, devdasies etc., where many woman are forced to become like said stigma due to socio-economic reasons. For this sake the suppression of immoral traffic in woman and girl’s act,1956 had been put in operation. Though ‘slavery’ is not expressly mentioned, there is no doubt that the expression

‘traffic in human beings’ would cover it (Dubar V Union of India AIR 1952 Cal. 496.) Children of the prostitutes have right to equality of opportunity, dignity, care, protection and rehabilitation so as to be part of the main stream of the social life.<sup>6</sup>

States shall ensure equal right for men and women regarding livelihood:- Under article 39(a) The state shall direct its policy towards securing the citizens, man and woman equally, have the right to an adequate means to livelihood.

iii) **Equal pay for equal work**:- under article 39(d) of the constitution of India, the state shall, in particular, direct its policy towards securing that There is a equal pay for equal work for both man and woman<sup>7</sup> The health and strength of women are not to be abused:- under article 39 (e) of the constitution of India ,the state shall,in particular, direct its policy towards securing that the health and strength of workers,man and woman,and the tender age of children are not abused and that citizens aren’t forced by economic necessity to enter avocations unsuited to their age or strength.

iv) **Equal justice and free legal aid**:- under article 39-A of the constitution of India, the state shall secure that the operation of the legal system promotes justice on a basis of equal opportunity, and shall, in particular, provide for free legal aid, by suitable legislation or scheme or in any other way, to ensure that opportunities for securing justice aren’t denied to any citizen by reason of economic or other disabilities.

Provision for just and humane conditions of work and maternity relief:- under article 42 of Indian constitution,the state shall make provision for securing just and humane conditions of work and for maternity relief[municipal corporation of Delhi, JT 2000(3) SC 13 and B. Shah Vs presiding officer, labour court, Coimbatore 1978 (1) LLJ 541].

v) **Uniform civil code for the citizen**:- article 44 of constitution of India, calls for the development of civil court.<sup>8</sup>

the honorable SC has given a historical judgment,where it directed the GOVT. to take fresh look at article 14 of the constitution, which enjoins the state to secure a uniform civil code which accordingly to the court is imperative for both protection of the oppressed and promotion of the national unity and integrity.

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<sup>6</sup> Gauravjain Vs UOI AIR 1997 SC 3021

<sup>7</sup> Randhir Singh Vs UOI, AIR 1982 SC 879

<sup>8</sup> Sarala Mudgal Vs UOI,(1995) 3 SCC 635]

- vi) **Fundamental duties** :- article 51 A (e) of constitution of India imposes fundamental duty on every citizen of India, to renounce practices derogatory to the dignity of woman.

### **INTERNATIONAL EMPOWERMENT OF WOMEN:**

1. **Charter of UNO 1945:** Under Art 8 of the said Charter says that there is no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in principle and subsidiary organs.
2. **Universal Declaration of Human Rights,1948:**
  - a) All human beings are born free and equal in dignity and rights (Art 1)
  - b) Every has the right to the equal protection of law (Art 7)
  - c) Every has the right to the protection of his privacy, family, home or reputation (Art 12)
  - d) Right to marry and to found a family (Art 16)
  - e) Right to work of choice, equal pay for equal work and join trade unions(Art 23)
  - f) Right to have a standard of living adequate for the health(Art 25)
3. **Convention on Political Rights of Women, 1954:**
  - a) The right to vote: Woman shall be entitled to vote in all elections on equal terms with or without any discrimination. (Art I)
  - b) Eligibility for election (art II)
  - c) Right to hold public office (Art III)
4. **International convention on civil and political Rights 1966:**
  - a) Right to marriage and have a family (Art 23)
  - b) All persons are equal before the law and are entitled equal protection of law (Art 26)
5. **International convention on economic social and cultural Rights, 1966:** State shall ensure equal right for men and women (Art 3)  
Other declaration like the declaration of Mexico on the equality of women, 1975 and the conventions like the convention on the Elimination of All Forms of Discrimination Against Women, 1981 have focused important principles regarding the development of women in order to maintain the equality among the society.

### **UNDER CRIMINAL LAW:-**

Pregnant woman cannot be executed with sentences: According to sec 416 of Cr.PC, 1973, if a woman sentenced to death is found to be pregnant, the High Court shall order the execution



of the sentence to be postponed and it thinks fit, may commute the sentence to imprisonment for life.

Under sec 265A of the said Act, the plea bargaining does not apply where such offence has been committed against women.

Sec 125 of Cr.PC, 1973 gives provision for maintenance wives, children and parents. Definitely under this head the women are also privileged.

Sec 114 A of Evidence Act, Sec 53A of Cr. P.C, 304 B of I.P.C. & 113 B of Evidence Act incorporated in favour of women in the circumstance of rape, medical examination and dowry death respectively.

**Protection from arresting woman in night in absence of lady police:** - the Hon'ble SC directed the police not to arrest a lady without the presence of lady constable and also prohibited the arrest of lady after sunset and before sunrise under any circumstances<sup>9</sup>. However in the violation of procedure established by law a woman can be arrested on the lawful reasons at any time of the day or night depending on the circumstances of the case even without the presence of lady constables.<sup>10</sup>

**The married woman's property Act, 1874:-**This act provides certain liabilities on the husband of a married woman. But this act isn't applicable to any married woman what the time of her marriage professed the Hindu, Mohammeden, Buddhist, Sikh or Jain religion, or whose husband, at the time of such marriage, professed of any of those religions. Married woman's wages and earnings shall be their separate property. This act further explains the liability of husband and wife when arises in case of post-nuptial and ante-nuptial debts, or breach of trust. Any benefit from the insurance of herself and her husband shall also be their separate property. At present this provision is also applicable to Hindus and Mohammedens.

Under Family Law (Hindu Law) women have been given equal rights in the inherent property.

**Prohibition of Child Marriage :-** The Child Marriage (Restraint) Act (CMRA) was enacted in 1929 to stop the customary practice of child marriage. Since introduced, the CMRA has undergone various changes, largely increasing the ages of marriage.

The Child Marriage (Restraint) Act, 1929 has been substituted by the Prohibition of Child Marriage Act, 2006. The Act curbs child marriage more seriously and empowers the

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<sup>9</sup> CASE-Sheela Barse Vs State of Maharashtra, AIR 1983 sc 378

<sup>10</sup> case- state of Maharashtra Vs Christian community welfare council of India AIR 2004 and SC 7 Rajkumari Vs S.H.O, Noida AIR 2003 SC 4693).

woman to have maintenance from husband who marries to a girl below the age of 18 years and also empowers the court to give the custody of child in the best interest of the child.

**Empowerment of women under Factories Act, 1948**:- in every factory where in more than 30 woman workers are ordinarily employed there shall be provided and maintained a suitable room/rooms for the use of children under the age of 6 yrs. Of such woman such rooms shall provide adequate accommodation, light, ventilation, clean and sanitary conditions etc.

**Dowry prohibition act 1961**:-the legislature has enacted special law on prohibition of dowry in India the act provides penalty for giving or taking of the dowry and increased punishment twice, 1<sup>st</sup> in 1985 and 2<sup>nd</sup> time in 1986.

**The maternity benefit act 1961**:- this act regulates the employment of women in certain establishments for certain period before and after child birth and to provide for maternity benefits and certain other benefits and came into force w.e.f 1<sup>st</sup> Nov. 1963.

This act empowers the woman to avail 12 weeks paid maternity leave at the time of each delivery, out of which 6 weeks before delivery and 6 weeks after delivery. This benefit is also applicable for the adoption of child.

Acc. to rule 43 of central civil services (leave) rules, 1972, a female govt. servant (include an apprentice) with less than 2 surviving children may be granted maternity leave by an authority competent to grant leave for a period of (180 days). Leave in case of miscarriage (not exceeding 45 days) also to be granted to the female accordingly.

**Protection of woman under domestic violence Act, 2005**:- The Act (effected from 26<sup>th</sup> May, 2006) protects the woman from the domestic violence. It is very wide in applicability and covers all kinds of domestic harassment, i.e., sexual, physical, economic or verbal and emotional abuse or beating by husband or living in relations etc. the act also protects woman by providing many forms of relief.

**National Human Right Commission, 1993**:-

NHRC to perform the following functions for welfare of women:

- reactively inquire into violations of human rights or negligence in the prevention of such violation by a public servant
- by leave of the court, to intervene in court proceeding relating to human rights
- visit any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates and make recommendations



- review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation
- study treaties and other international instruments on human rights and make recommendations for their effective implementation
- undertake and promote research in the field of human rights
- engage in human rights education among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means
- encourage the efforts of NGOs and institutions working in the field of human rights
- such other function as it may consider it necessary for the protection of human rights.

### **EQUALITY AND WELFARE: REALITY OR MYTH**

The word myth means many people believe something but that is actually untrue.

In the same manner people believe that women should be accepted as equal as men and definitely equality must be seen between them. But it seems not true.

There are different organizations set up some important objectives in order to provide them welfare. Such as CEDOW, NHRC etc.

**Centre for Empowerment & Development of Women (CEDOW)** has been setup in December 1998 with the objective of promoting health and economic empowerment of women and their right to equality, dignity, respect and high standard of health, education and economic status. CEDOW is a public charitable trust registered under Regd. No. 37/2000, in Feb. 2000, in the state of Andhra Pradesh, India

Major project / work areas

CEDOW has been active over the last decade through several health and economic empowerment projects for women in such areas as

- Awareness creation on need for improved hygiene, nutrition and health as well as on reproductive and sexual rights of women.
- Providing health services through numerous camps in rural and semi-urban areas catering mainly to the poorer section of society.
- Campaign on social issues as gender-bias, sexual abuse/violence against women.
- Enhancing economic status through building vocational and life skills.

It is obvious that if a woman has to work, she will need more protection than man in her working environment. Hence, the objectives of protective labour legislation for women are:

- a) To recognize women as women, a tender sex and not as a commodity of production;
- b) To enable them to enjoy equally as men of the same status;
- c) To increase their efficiency;
- d) To ensure their rights of being women i.e. antenatal(relating to the medical care of women when they are expecting a baby) and prenatal(things relating to the medical care of women during pregnancy)care, maternity aid and infant welfare.

The women should be provided maternity relief while working. They must be given proper security while working. As per Factories Act, 1948 women should be provided separate hygienic shelter, crèches, maternity relief etc., to enable them more secured in job and would be considered a proper welfare to them.

### **CRIMINAL AMENDMENT ACT, 2013**

The Criminal Law (Amendment) Act, 2013 (also popularly known as anti rape law) amends the following laws:

The Indian Penal Code, 1860(IPC)

The Code of Criminal Procedure, 1973 (Cr.PC)

The Indian Evidence Act, 1872

The Protection of Children from Sexual Offences Act, 2012

### **AMENDMENTS TO IPC, 1860 WITH RESPECT TO GENDER-SPECIFIC OFFENCES –**

In these offences, victim is always woman, man is never the victim. The offender/culprit is always a man. Woman can never be booked for these offences. i.e., protection to woman intended.

The Act includes the offences against woman as following:-

Assault or use of criminal force to woman with intent to disrobe (section 354B),

Voyeurism (section 354C) means a man shall be guilty of it if he: (i) watches or captures the image of woman engaging in private act in circumstances that she would usually have the expectation of not being observed either by the perpetrator or

(ii) Disseminates such image.

Punishments-

Man who commits Voyeurism shall be punished on first conviction with imprisonment of either description for a term which shall be not less than one year, but which may extend to three years, and shall also be liable to fine, and be punished on second or subsequent conviction, with imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine.

Stalking (section 354D)- There are two kinds of stalking (i) physical stalking and (ii) internet/electronic stalking.

(i) physical stalking -A man shall be guilty of stalking if he (i) follows a woman and contacts, or attempts to contact such woman to foster personal interaction (ii) repeatedly (iii) despite a clear indication of disinterest by such woman.

(ii) Internet/electronic stalking- if a man monitors the use by a woman of internet, e-mail or any other form of electronic communication is also guilty of stalking.

Here there is no requirement of expression of disinterest by women since she may not be aware of stalking.

**Punishment-**

The accused shall be punished on 1<sup>st</sup> conviction with imprisonment of either description for a term which shall not be less than three years, and shall also be liable to fine; and be punished on a 2<sup>nd</sup> or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

**Enlarged definition of “Rape”( section 375) and Punishment under section 376A.**

**Punishment**

for causing death or resulting in persistent vegetative state of victim- new section 376A of the IPC- the accused of the said offence shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person’s natural life, or with death.

Repeat offenders who previously convicted of an offence punishable under section 376 or section 376A or section 376D and is subsequently convicted of an offence punishable under any of said sections shall be punished with imprisonment for life which shall mean imprisonment for the remainder of that person’s natural life, or with death.(section 376E).

**Sexual intercourse by upon his wife during separation (section 376B)-**

Punishment - imprisonment of either description for a term which shall be not less than two years, but which may extend to seven years, shall also be liable to fine.

**Sexual intercourse by person in authority (not amounting to rape)-Section 376C-** Punishment - imprisonment of either description for a term which shall be not less than five years, but which may extend to ten years, shall also be liable to fine.

**Gang rape (Section 376D) - Punishment**

The accused of the said offence shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, or with fine.

Repeat offenders who previously convicted of an offence punishable under section 376 or section 376A or section 376D and is subsequently convicted of an offence punishable under any of said sections shall be punished with imprisonment for life which shall mean imprisonment for the remainder of that person's natural life, or with death.(section 376E).

**Acid Attacks/attempted Acid Attacks** (gender neutral offences- victim may be any)- section 326A & 326B respectively.

**Punishment for Acid Attacks** - imprisonment of either description for a term which shall be not less than five years, but which may extend to ten years, shall also be liable to fine.

**Punishment for attempted Acid Attacks-** imprisonment of either description for a term which shall be not less than five years, but which may extend to seven years, shall also be liable to fine

Trafficking (gender neutral offences- victim may be any)- Section 370- **Punishment-** - Rigorous imprisonment of either description for a term which shall be not less than five years, but which may extend to ten years, shall also be liable to fine.

Exploitation of a trafficked person (gender neutral offences- victim may be any)- Section 370A.

Ensure that public servants do their duties like recording complaint of the victim etc. (new section 166A),

Ensure that hospital treat victims of rape, gang rape etc. (new section 166B),

Medical expenses (from fine recovered from offender) and compensation from state government to victims of Acid attacks and gang rapes.

**Amendment to Cr.PC-**

Victims-friendly procedures for recording evidence and video graphing recording of evidence, Where woman below 18 years of age is victim of rape/ sexual offence, evidence to be recorded in court confronting the woman by the accused at the same time ensure right of cross-examination to accused.

Day to day trial till all witness examined. No adjournment beyond the following day except for reasons to be recorded.

Compensation payable by state Govt. in addition to fine under section 326A or 376D of IPC.

Hospitals to treat victims of offences under section 326A, 376A, 376B, 376C, 376D or 376E of IPC and immediately inform the police.

**Amendment to Evidence Act, 1872 –**

Where consent of victim is issue, evidence of character of victim or victim's previous sexual experience shall not be relevant on the issue or quality of victims's consent( new section 53A).

No cross examination of victims allowed on these questions (section 146 amended).

In case of rapes covered by section 376(2), where sexual intercourse is proved and woman states that she didn't consent, court shall presume that she didn't consent (new section 114A of this Act).

**SUGGESTIONS:**

Of course these will help women against the day to day violence to them. But it must be supported by police, by proper administration, by repudiated NGOs and by Medias too in order to check crimes against women, then only the welfare would be said in real way to women.

**CONCLUSION**

The legal system has always made a clear cut distinction between the public sphere and private sphere, within which a family operates. A women's place in India is supposedly within the four walls of a home, which is deemed private and outside the preview of the state.

Women, who are victims of domestic violence, are unable to leave abusive situations due to several social and financial factors. The law provides remedies for individual acts of violence against women. But as we all know these do not translate to provide practical alternatives to women in trouble.

No doubt the law has tried to check it, which is evident from the various Acts passed by the legislature and the amendments made in the provisions of existing law from time to time, but it has failed to evoke the desired initiative from the victim on account of :(a) victim's acceptance of the superiority of the offender; (b) the denial of charges by victims themselves due to their religious belief and social attitudes; and (c) proper attention not being given to nature and gravity of the crime in punishing the offender. The low status accorded to women in traditional India is faithfully reflected in its laws. The constitution guarantees equality before the law and equal protection of the laws. But these provisions alone have not able to usher in the drastic and desired social change. Numerous other laws have been enacted to provide equal status to women, but they remain more on paper and are difficult to implement.

A closer perusal of the available civil remedies reveals that the various personal law provisions that are existent deal only with marriage and breakdown of marriage, such as divorce or judicial separation. Other civil remedies include those providing maintenance of the women seeking divorce, injunctions and counseling, where reconciliation is still possible.

Civil law is important for retaining women's rights. The most important aspect of civil law is the law of property. A woman's status in society is linked to her economic status. Therefore, other than being entitled to share in her husband's property, a woman should also be entitled to share in her parent's property so that she does not enter matrimonial home as a disadvantaged person. Another suggestive thing is that the power of the parents of the woman to will away their property to restricted so that it may not be possible to will away all the property of the family and leave the daughter with nothing.

There is need to emphasize women's right as daughters and sisters and not only as wives. Supporting parental homes to return to and rights in coparcenaries property would go a long way in ensuring equality and therefore minimizing domestic violence.

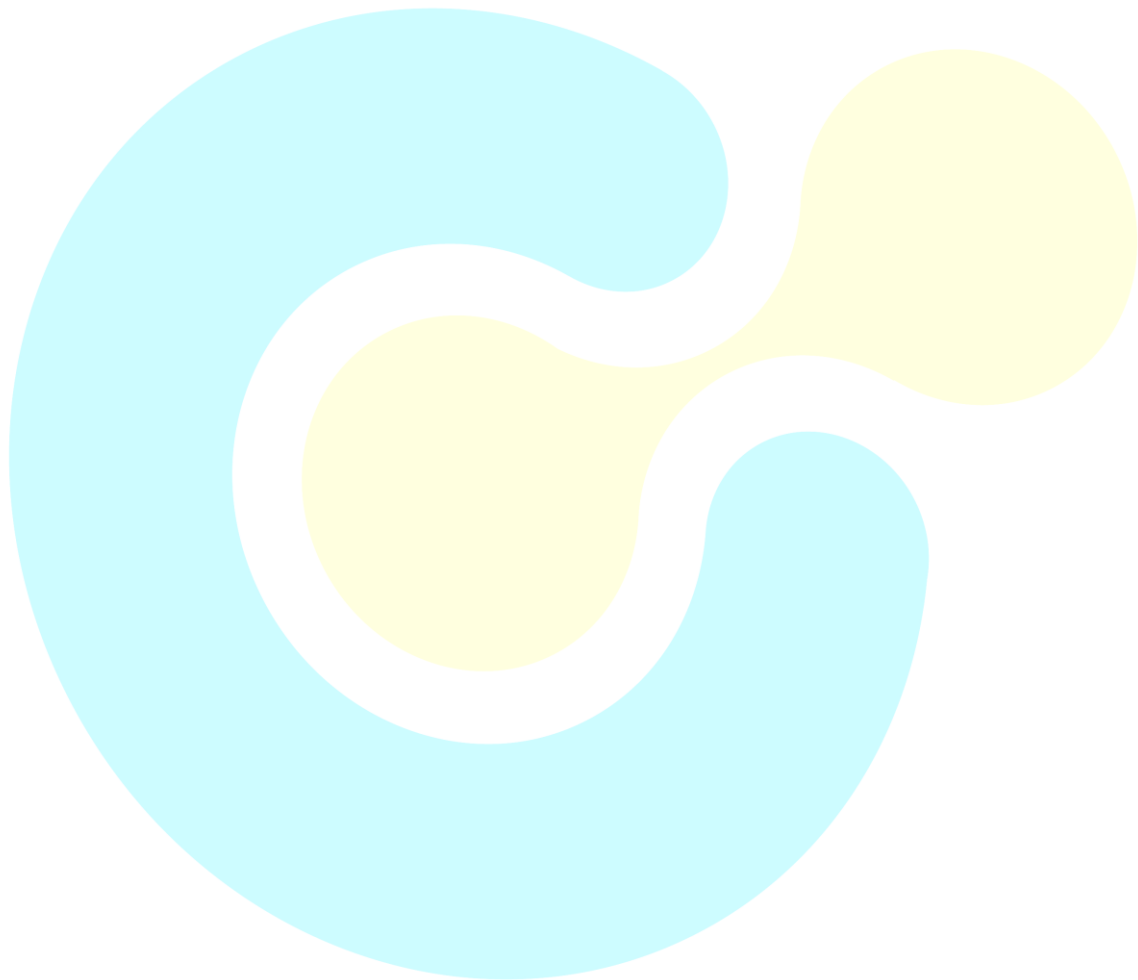
Now the scenario has been changed. Women are no more remain till kitchens only. They are seen in everywhere: reached on moon, walked in space, working in field of technology etc.

Just we have to support them not only legally but also morally and let them enjoy their equal rights provided by our legislatures.

“Fight for gender equality is not a fight against men. It is a fight against traditions that have chained them—a fight against attitudes that are ingrained I the society---it is a fight against system--- a fight against proverbial Laxhman Rekha which is different for men and different



for women. The society must rise to occasion. It must recognize and accept the fact that men and women are partners in life. They are individuals who have their own identity.”<sup>11</sup>



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<sup>11</sup> Dr. Justice A.S. Anand