

AN INQUIRY INTO THE RIGHTS OF WOMEN IN INDIA (ECONOMIC, EDUCATION, LEGAL, AND SOCIAL)

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Abstract: *Though women comprise, and contribute equally on par with men in almost every sector of the Indian society; the rights received by them do not have equal footing on par with men and the implementation of the already given rights is quite questionable. In this context, the article aims to inquire into the existence of economic, educational, legal, and social rights of women in India. Not just that, the paper tries to analyse the fall backs of the given rights and tries to explain why such rights are essential for wholesome development and freedom of a women in this modern-day world.*

To begin with, the article starts with the explanation regarding various contributions made by the constitutional makers to prohibit social evils against women such as discrimination, women trafficking, forced labour, domestic violence, indecent representation, and dowry. The article also tries to highlight the importance of educating a girl child and making her vigilant about her rights through educating her via following the right to education. Lastly, and the most importantly the article tries to inquire into various economic rights for women in India in the context of the fact that though women comprise half of the nation's workforce, women are still lagging behind men in various sectors of the Indian Economy.

“I demand more rights for women because I know what women had to put up with”

- Evita Peron

Legal Rights of Women in India:

Providing legal right for an Indian women started much before in the year of 1860 via introduction of Indian penal code that prevents criminalising many social evils like rape, kidnap, and torture. In 1956 Prevention of Immoral Traffic Act was introduced that prevents Indian women from illegal trade and to save them from prostitution. Next comes the very important Prohibition of dowry act of 1961, that saved and is still saving many Indian women from dowry harassments, and deaths. Same year one more act called the Maternity benefit act was institutionalised so that women can avail maternity benefits before, during, and after her pregnancy.

In the next year which is 1971, Medical termination of pregnancy act was introduced to prevent female foeticides. Consecutively, in the year of 1973, the Code of Criminal Procedure was introduced that deals with marriage, and maintenance of women, and other crimes against women such as women's right to be arrested only by women police and not

to be arrested at night, and so on. Next, in the consecutive years of 1986, and 1987, an act against Indecent representation of women in various forms of media was introduced, and in the consecutive year Prevention of Sati Act was introduced.

Most importantly, in the next year which is 1987, Legal Services Authorities Act was introduced to enable women to avail free legal aid. Thus, all the above-mentioned laws contribute to the women possessing various rights such as Right against domestic violence, Right against dowry harassment, Right to free legal aid, Right to avail maternity benefits, Right against rape, and torture, Right against immoral trafficking of women, Right against indecent representation of women, and many more.

Social Rights of Women in India:

The constitutional makers took a very special care to provide women various rights such as right against discrimination as Article 15(1) of the Indian Constitution states that no person should be discriminated against, and especially for women the article also provides for an affirmative discrimination from the state as mentioned in

article 15(3). Article 23(1) prevents women from forced labour. Article 51 A prevents any such practices that contribute degrading a woman. Most importantly, to ensure development of women in the rural, and marginalised areas, a special reservation of seats to women is institutionalised in the panchayats, and municipalities via article 243.

Coming to various terms, conditions, and problems that women are facing in the system of marriage since Independence; a very special care has been taken to protect women against unsafe marriage. Much before Independence in 1939, Dissolution of Muslim marriage act was introduced to ensure any Muslim women to come out of a troubled marriage, and to seek maintenance. On the similar terms, Christian marriage act of 1872, and Hindu marriage act of 1955 were introduced. In the same context even Family courts act of 1984 was introduced that put forth the concept of family courts for speedy settlement of family disputes. All the above said rights are providing rights for women on par with men when it comes to the problem of marriage, divorce, and maintenance. Various other laws such as Parsi marriage and divorce act of 1936, and Special marriage act of 1954 was brought-in to protect rights of women involved in marriage, divorce, and maintenance.

Lastly, as a topping which is exactly needed, a commission for women was established in 1990 via National commission for women Act. The women commission works for the protection, and implementation of all above said constitutional, and legal rights of women.

Economic Rights of Women in India:

It is said that in today's modern world women are getting chance to be able to participate in the market on par with men and being able to take economic decisions and control economic resources that affect nation's economic position. Despite such major advancements in the economic field throughout the world and especially in the Indian economic sector, Women till date are facing many problems at workplace such as unequal pay, sexual harassment at work, sexual division of work, and discriminating women and stopping them to get jobs, and promotions due to the fact of their gender. To ensure prevention of above said problems, many acts were brought into the field.

Firstly, The Equal Remuneration Act of 1976 was established to provide equal wages to women on par with men. The Sexual Harassment of Women (Prevention, Prohibition, and Redressal) Act of 2013 was established to criminalize any instances of workplace harassment. The Factories Act of 1948 was established to ensure that no woman worker is made to work in the field for time exceeding the legally permitted working hours, and to ensure that any factory should be established in such a way that it provides a suitable working environment for women comprising wash rooms, feeding rooms, dispensaries, and nursing rooms that are allotted specially for women. And lastly The Minimum Wages Act of 1948 was established to prevent any owner from providing workers and specially women workers form not giving them wages as per norms and their working hours.

All the above-mentioned acts not only present every working woman her right to get wages, hygiene, and comfortable working conditions; the acts are also providing a mechanism of grievance redressal for women to go and complaint if she is not allowed to enjoy above mentioned rights. Similar motives to protect women workers can also be witnessed in other acts like Legal practitioners' women's act of 1923, Employees state insurance act of 1948, and Plantation labor act of 1951.

Constitutionally speaking, Article 16(2) states that no woman should be prohibited from acquiring such position in any area of economic field solely due to fact of her gender. On similar terms Article 39A states that women is entitled to gain livelihood on par with man and shouldn't be prohibited against and it is also supported via article 39d that supports equal pay for both men and women. The same is reflected in the Equal remuneration act of 1976. Not just that, the constitution via article 39e provides that no women should be economically exploited. Thus, these very articles are providing women with the rights such as right to livelihood, right against economic exploitation, and right of equal pay for equal work. Lastly, article 42 states that every owner must ensure that women workers are working in suitable and humane conditions.

Educational Rights of Women in India:

In the present-day context, educating a girl child is being considered as an important goal by many developing countries and India is one of them. It is mainly due to the fact that only through education a girl child can learn skills and cope up with fast moving technological and software advancements. Only then she can avail any opportunity. It is widely accepted nowadays that only through education a woman can fit in the requirements of modern-day industries.

In this context, the constitutional makers foresaw the importance of educating a girl child and guaranteed the right to education via article 21A without being discriminated on the basis of the gender. It is also mentioned that state should facilitate steps to ensure the same. The same article also provided safeguards and measures regarding school environment with proper curriculum, qualified teachers, and working days. The article was against unnecessary imposition of fees, non-recognised schools, and hazardous environment near to schools. The Right to free and compulsory education act most importantly facilitates reservation of seats for women, and children belonging to weaker sections of the society. This article which is amended in 2002 via 86th constitutional amendment brought forth the right of children to free and compulsory education act which is ultimately enabling the right to education in India.

The right to education in India not just provides one with the sole right to avail free and compulsory education in not just public schools but also private schools. The act provides with the right to fundamental education, secondary education, vocational education, and technical education. The act also gives the right to the parent to choose their favourite educational institution if they are in support of any religious or minority educational institution for their child to get educated. Lastly, the right to education act ensures that state take steps to enable schools maintain and employ all the required standards.

Conclusion:

A developing country like India, in which half of the workforce comprising women and them possessing above said rights is not just enough. What additionally required is proper implementation of the above-said rights. This can be brought-in only through making girl children, and adult women aware of their existing legal, economical, social, and most importantly their educational rights. Awareness campaigns to make them vigilant of their rights can happen through use of various forms of modern-day technological advancements, and media. Not just implementing them, state governments should ensure and keep check on the implementation of rights relating to women and strict measures should be taken if anyone go against the given rights. It is thus important for all of us to understand that only if women on par with men take part of the economy it flourishes in an equal, and sustainable manner.

References:

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