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Status of Women in India and Women Rights in the Constitution of India

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Abstract:

Women of India today faced with new situations trapped by new problems and encountered with many challenges. The traditional male dominant Indian society has posed some problems to women which are really challenging for them to achieve equality. Gender discrimination is one of the manifestation of gender inequality. Indian society also men and women are never treated on par. Women are always discriminated against. This is due to traditional practice of gender discrimination. The practice of giving social importance to the biological differences between men and women is there everywhere. In some societies these differences are very much pronounced in others. Discrimination against women reflect the practice of giving preferential treatment and importance to male child. But in reality it has weakened not only the strength of the female community of India but also Indian society in general.

1. Introduction

The practice of female foeticide, female infanticide, child marriage, child labour, sale or trafficking in young girls, abduction of girl children, sexual exploitation and sexual abuse of girl children, girl child prostitution, neglect in respect of providing and health facilities and opportunities of decent life etc. Reflect the discriminatory practices against women. In our socialization process female children are becoming victims of discrimination. In the social context even today male preference and female negligence has almost become a working policy especially in the rural area. Discrimination between male and female children is made in matters relating to dress, health care, education, domestic work etc. In India due to predominance of patriarch values, mothers show preference for male children.

According to Kamala Bhasin, Gender refers to the socio-cultural definition of man and woman, the way societies distinguish men and women and assign them social roles.

According to Anna Oakley, who was among the first few feminist scholars the first few feminist scholars use this concept says the following, Gender is a matter of culture, it refers to the social classification of men and women into masculine and feminism. she said gender has no biological origin that the connection between sex and gender are not really natural at all.

2. Objectives

This paper tries to focus-

- i. Some major problems of Indian Women.
- ii. Women rights in the constitution of India.

Women are often subject to violence within the family, a place which is expected to protect their dignity and assure their safety. Violence is taking place inside the family which is also known as domestic violence refers to a pattern of violent abusive and coercive behaviour through which one members tries to gain power and control over another person inside the family. At every stage in their social life women in India come to feel that they are given only secondary place in society. According to theoretical aspect men and women are equal but the practical aspect is totally different the status of women is not equal to status of men. Several factors are responsible:

1. Rape: - Rape incidents are increasing day by day. These incident are increasing all over India. The govt. and the society find themselves helpless in doing something in this sphere. It is one of the manifestations of women oppressions and an expression of male chauvinism. The very incidents of rape reveal that women and girl children are still being treated as sex objects for satisfying the lust of men. Rape is no doubt a great social evil.
2. Dowry: - The dowry system is like a cancer in Indian society. Several cases of death of women come daily in this regard. The life of a women is not safe due to dowry. The dowry refers to the property which a man receives from his wife or her family at the time of his marriage. Dowry is generally understood as money, goods, ornaments or any kind of wealth that a woman brings to her husband at the time of marriage. It is unfortunate that the age old practice of dowry has now assumed the form of social evil because the bride family is compelled to give some dowry as a price for marriage.
3. Foeticide: - The tendency of foeticide is increasing in India there the difference of ratio between men and women increasing continuously if it will continue for the long time it will give birth to sex pollution.

4. Marriage: -The article 16(2) of UDHR says that marriage shall be entered in to the only with the free and full consent of the intending spouse. But in India parents arrange the marriage of their children without their consent

2.1. Regarding Women Rights in the Constitution of India

Human rights refer to all those rights which are common to all human being. These rights were slowly incorporated into society in different parts of the world. For example, the right to life, the right to food, the right to shelter, right to health, right to education, socio economic and cultural rights etc. Human rights as the very term indicates represent the right of all human being of both the sexes, men and women. No discrimination is allowed or imposed in the exercise of these rights. It is a fact of history that women have been denied equal rights for centuries.

The Preamble to the constitution of India promises to secure for its citizen –Justice, social, economic and political, liberty of thought, expression, belief, faith and worship and equality of status and opportunities. Independent Indian govt. has undertaken a number of legislative measures with a view to promote the welfare of women and to safeguard their interest. Some of the legislations which were undertaken during British periods were-

1. The Hindu Widow Remarriage Act 1856
2. The Indian Divorce Act 1869
3. Sati prevention Act 1929
4. The child Marriage Restraint Act 1929

The constitution of India in its attempt to provides equal rights and opportunities to women and to ensure protection and justice has made the following provisions:

- i. Article 14: Constitution assures equality to all its citizen including women.
- ii. Article 15(1): ensures that no discrimination be made against its citizen on the basis of caste, class, creed, race, sex, place of birth etc.
- iii. Article 15(2): Does not deny or impose sanctions or conditions on its citizens to make use of any public place or institution on the basis of sex, race, caste, religion etc.
- iv. Article 15(3): Recommends the state to make certain special arrangement in order to provide protection to women and children and to promote their welfare.
- v. Article 16: No discrimination be made by the state against its citizens including women while providing jobs.
- vi. Article 39(a) to pursue a policy of providing the minimum necessities of life to the citizen without discriminating between men and women.
- vii. Article 42: to provide human conditions for the citizen to fulfil their occupational obligations. The state shall take it as its responsibility to provide maternity benefits for its women employees.
- viii. Article 51(A) and (e): promoting harmony and fraternity among people and doing away with all humiliating customs in respect of women.
- ix. Article 243D (3) 1/3 Reservation for women in the Panchayats: Reserving not less than 1/3 of the total number of seats for women in the Panchayats (including the women belonging to the SCs and STs) for which direct election are held.

2.2. Some of the Legislations Undertaken for the Protection of Women Are

1. The Special Marriage Act, 1954 which provides rights to women on par with men for inter caste marriage, love marriage and registered marriage. The Act has also fixed the minimum age of marriage at 21 for males and 18 for females.
2. The Hindu Successions Act, 1956 according to which not only a daughter is given a right in her father property equal to her brother but a widow also gets a share in her deceased husband property equal to her sons and daughters.
3. The Hindu Adoption and maintenance Act 1956 which gives a childless woman the right to adopt a child and to claim maintenance from the husband if she is divorced by him.
4. The Maternity Benefit Act, 1961 which gives maternity benefits such as two months leave with salary to the married women workers in the organised sector.
5. The Dowry Prohibition Act 1961 which declares the taking of dowry an unlawful activity and thereby prevents the exploitation of women.
6. The Equal Remuneration Act 1976, which removes wage discrimination between male and female workers.
7. The Criminal Law Amendment Act, 1983 which seeks to stop various types of crimes against women.
8. The Family Court Act, 1984, which seeks to provide justice to women who get involved in family disputes.
9. The National Commission for Women Act, 1990: As per the provisions of this Act the National Commission for Women was set up on 31 st Jan 1992 to ensure better legal protection for women.
10. The Medical Termination of Pregnancy Act, 1971 which legalise abortion conceding the right of a woman to go for abortion on the ground of physical and mental health.

Women in India are not yet equal to men. But there is no legal or constitutional barrier to equality. There is only the social barrier. Women in India want to have a respectable and meaningful social status which is free from all sorts of exploitation. No doubt Indian cherish equality with men. But more than that they expect a change in the attitude of men towards them and their positions and problems. They expect greater freedom, better education, self-dependence, decent jobs, a proper and respectable treatment by menfolk and a socio –economic environment free from all types of exploitation.

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