

## LAWS RELATED TO WOMEN IN INDIA

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### ABSTRACT

*The word 'women' differs from 'men' in the alphabet. But in reality, the word "woman" has a wide meaning, or the word "vast itself, because it plays several roles in her life, for example, mother, daughter, sister, and wife. First, she is protected by her father after marriage, and her husband takes care of her for the rest of her life, so it plays a very important role. Is she really protected? Is she really safe in society? No, she is not protected, and she also faces discrimination on the basis of her gender because our society is still male-dominated, so she is not equal to men or women and is not given the same position, status, freedom, and dignity that they deserve. But from time to time, the government takes action in favour of women by making laws and policies that are implemented. So we have different laws for the protection of women.*

**Keywords:** Woman, Laws, Constitution.

### INTRODUCTION

Women are oppressed and tortured in so-called patriarchal societies all around the world, but especially in Indian society. Women have historically been seen as the weaker members of society. They were always supposed to submit to the male gender. Social and cultural norms are expected to change as times change. Unfortunately, our society still sees women's freedom and the right to equality as one of the biggest threats, even in this modern age when bigger things are happening and there are bigger issues around the globe. They suffer discrimination based on gender as well as abuse, torture, and violence.

#### 1. Rights of Women under the Constitution

Women in India have rights under the constitution. There are many provisions that protect and develop the rights of women. Article 14: "The State shall not deny any person equality before the law or the equal protection of the laws within the territory of India". Article 15, especially 15(3), 16, and Article 39 If Articles 14, 15, and 16 are violated by anyone, the

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person has the right to move to the High Court and Supreme Court. Article 42 also provides protection for women. According to the provision, the state has a duty to secure just and humane conditions of work and maternity relief. According to Article 51-A (e), it is the responsibility of every Indian citizen to oppose behaviours that are disrespectful of women's dignity, and it is also provided under the Constitution of India that one-third of the total number of seats to be filled by direct election in every panchayat shall also be reserved for women, the same condition as provided in Sections 243D (3), 243D (4), 243 T (3), and 243 T (4).

## **2. Rights protected by the Indian Penal Code**

In this Act, there are many provisions for the safety of women. In simple words, there are many provisions that provide punishment to the wrongdoer who commits a crime against women, for example, acid attack (S-326A and S326 B), kidnapping and abduction for different purposes (S-363–373), murder, dour death, abetment of suicide (S-302, 304 B, and 306), cruelty by husband and his relatives (S-498A), outrage at the modesty of women (S-354), sexual harassment (S-354A), assault on women with intent to disrobe a woman (354B), voyage (S-354C), stalking (S-354D), words, gesture, or act intended to insult the modesty of women (S-509), and rape (S-375, 376A, 376B, 376C, 376D, and 378D). If the wrongdoer committed any crime against women, then the accused punished the wrongdoer.

## **3. Right to an equal portion of the father's property**

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The Hindu Succession Act of 1956 provides for an equal share in the property of her father. There is no discrimination between men and women. Section 14 of the act gives equal ownership of the property. She disposed of his property as she thought fit. She has absolute power over the father's property. It is also amended by the Hindu Succession Act of 2005.

## **Sexual Violence at the Workplace, 2013**

The main objective of this act was to protect women from sexual harassment. The government provides a safe and secure environment or atmosphere for those who are working or indulging in any work. The Protection of Women from Sexual Harassment Act 2013 was approved by the government of India.

This Act was introduced in the case of **Vishaka and others v. State of Rajasthan**.

### **5. Immoral Traffic Prevention Act, 1956**

In India, the prosecution is regulated. The Prosecution is not a crime. It is against the trafficking of persons, male or female. The main objective of this act is to prevent the sexual exploitation of people for commercial and domestic purposes. It is not a new concept that people, including males and females, are also transferred from one place to another as "slaves. It is also seen in the Mughal emperor. In 2006, the Ministry of Women and Children's Development proposed an amendment bill that has not been passed yet.

### **6. The Medical Termination of Pregnancy Act, 1971**

Abortion in India has been legalised since 1971. Medical termination of pregnancy, or abortion, is the termination of pregnancy before the foetus becomes viable. It is also called medical abortion. The pregnancy is terminated by taking medicines or by performing medical surgical procedures.

Most abortions are carried out before 24 weeks of pregnancy. If the pregnancy is 7-9 weeks old or earlier, it can be ended medically; otherwise, surgery is needed. In India, medical abortion is legal if the pregnancy is under 20 weeks long. It is a risk to the life of pregnant women; it can cause grave injury to their physical or mental health. Sometimes a pregnancy must be terminated due to a threat or because the person who provides a secure environment is not present.

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### **7. The Child Marriage Restrictions Act of 1929**

The Child Restraint Act was established to restrain child marriages. It is applicable throughout India. According to this Act, "child" means male or female, both if the male has not completed 21 years and the female has not completed 18 years. if both males and females are less according to the criteria fixed by the government of India. The person is punishable with simple imprisonment, which may extend to three months, and shall also be liable to a fine.

Minor means the person (male or female) who did not attain the age of 18 years of age. If the minor contracts in child marriage, whether parents or relatives promote the marriage of the child, they shall be punished by simple imprisonment, which may extend to three months, and shall also be liable to a fine. Children could not be expected to have developed mature

minds as well as psychological health for marriage. In order to bring reforms under the law, the Prohibition of Child Marriage Act, 2006 was enacted with an increase in the punishment of offenders.

### **8. Women's rights related to police**

She cannot be called to a police station or anywhere else for interrogation. She can be questioned about her residence in the presence of a family member. She also consulted her lawyer and explained the reason for her arrest and her right to bail. A female constable was present at the time of the arrest, and the female was arrested by the female constable only. She also takes one friend or relative along with her. A medical examination must be done within 48 hours while she is in custody. She also has to present or produce herself before a magistrate within 24 hours of arrest; if the police officer is not present within 24 hours, then the police officer has a duty to give the reason for the arrest.

### **9. Dowry Prohibition Act 1961**

According to this act, "dowry" means any property or valuable security given or agreed to be given either directly or indirectly. This dowry was provided at the time of marriage as a gift. It includes cash, money, furniture, electrical appliances, bedding, crockery, clothes, jewellery, and many other essential items that are required in a new wedding life. It is the demand of a husband's family members. Dowry is considered a token of love. It is performed in the majority of Indian weddings. It includes Hindus, Shia, Jain, etc. In Hindu law, the parents of the girls provided the dowry to the male parents. Dowry must be unlimited. But in comparison to Muslims, it is not practised in the Muslim community, and because of dowry, women face problems like torture, humiliation, sexual assault, and murder.

The act was amended in 1984 and 1989 to make the provisions of the law more stringent and plug loopholes. But according to the law, if the husband or relatives demand dowry, the strict procedure must be followed and also presented in front of the magistrate within 24 hours. A complaint can be filed under 498A for any physical or mental harassment. If the torture, harassment, and ill-treatment were not linked with dowry demands, if a financial or monetary demand takes place, then the person is charged with cruelty. The female has a right to be punished under both provisions, but according to the condition, an offence under 498 A was cognizable and non-bailable.

## **Domestic Violence Protection Act of 2005**

Domestic violence is violence committed by husbands and relatives. The term domestic violence is often used when there is a cohabitating relationship between the offender and victim. It includes senior abuse, child abuse, and honour-based abuse, such as honour killing, female genital mutilation, and all forms of abuse by her husband. According to Section 3 of the Domestic Violence Act, "any act, commission, omission, or conduct of a person that harms, injures, or endangers the health or safety of an individual, whether mentally or physically, amounts to domestic violence".

She has filed a suit under Order 6 Rule 1 of the Code of Civil Procedure in the family court. This Act provides protection and safety within the comfort of their own homes.

## **11. Minimum Wages Act, 1948**

It is provided to the person (male or female) who indulges in the factories. There is no discrimination between males and females. The wages are fixed for the labourer; for example, the employer provides two meals a day, shelter, education, etc. It is active in supporting workers, trade unions, and labour associations. It also provides a labour department in each state. The NGOs help raise awareness about the rights and benefits of this act.

## **12. Maternity Benefit Act, 1961**

The objective of this act is to provide the dignity of motherhood by providing complete and solid support to women and their children when they are not working. It states that a woman representative is eligible to receive maternity benefits if she has worked for an association for at least 80 days in the year prior to the date of her expected delivery. It includes maternity leave, nursing breaks, and so on.

## **13. The Factory Act, 1948**

The aim and object of the act are essentially to safeguard the interests of workers, stop their exploitation, and take care of their safety, hygiene, and welfare at their places of work. Maternity leave is for 12 weeks. Separate toilets and washing facilities for both males and females.

## CONCLUSION

The fact is that many laws are only on paper. We do not have an effective administrative system to implement the laws, and because of that, women are not aware of their rights. So it is necessary that the government make policies to implement the laws. Social workers or the media also play a very important role in making women aware of the laws.

Let's make an effort to change the scenario and make this world a better and safer place for women.



## REFERENCES

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5. Hindu Succession Act 1956

