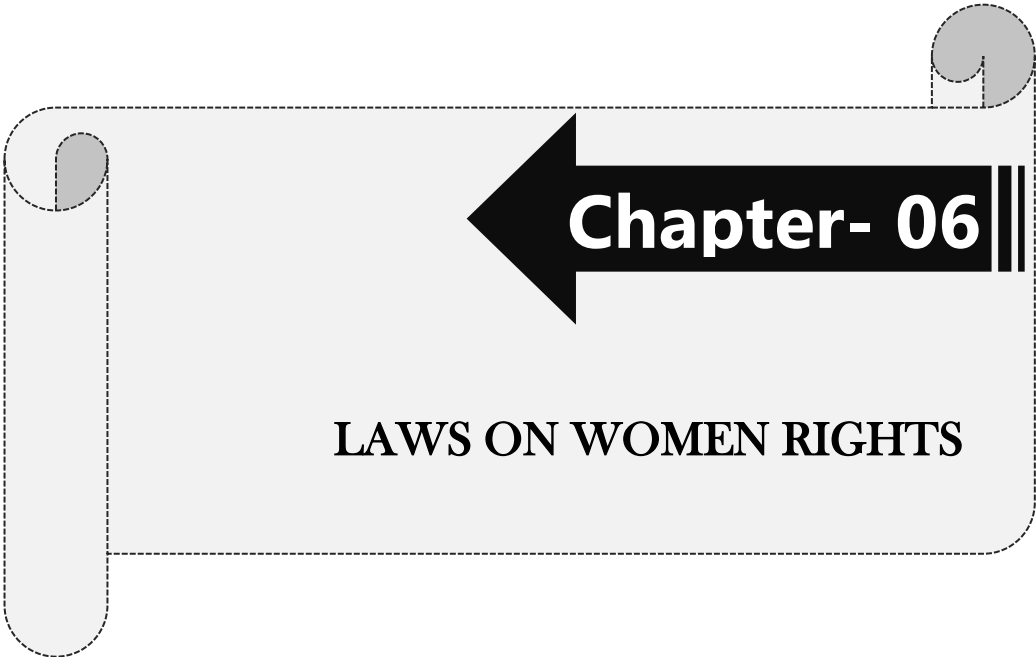




Chapter- 06

LAWS ON WOMEN RIGHTS

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INTRODUCTION

Society which is good for some and ordeal for other, have facets which are subjective to their environment and circumstances. The destitute tries, to find refuge in laws, but to no avail, as no one comes for his succor. The reason for sufferance may be the lack of resources, in this inadaptable system. Women's faces resistance on various fronts in the society, at house, outside house, in-laws, workplaces etc. Whatever may be the reason, the creator of society should be treated with respect. This is the another front, where the laws are evolving but needs to be further evolved.

RIGHTS OF WOMEN

1. Imagine a situation, where a husband is sitting outside the hospital, and his wife has been taken for the delivery, what could be going inside the mind of a husband, in case of a child which he is going to have after the delivery. Most probably, his thought must be spinning around, the boy , who will liberate him from the sacrament or custom of paternal debt. Or will shoulder his responsibilities at home, or will keep the path open for his next generation. On the contrary if he gets a girl child, she will be a burden on him, in various ways. This mindset needs to be evolved. We cannot say that it has not has not declined, but very little, and still, will take time.

This change is only possible by education and by changing societies , cultural and moral values. Girls have time and again, proved to be better than the male child, and have taken care of the family. Only thing is that the society needs to be more educated, liberal and supportive. Alas, but the incident of " female- foeticide", incidents of "molestation and rape", honor killing , kidnapping or abduction, acid attacks etc , gives the jerk to this evolving society. Again the growing mind of the people shifts back to the old school thought of female liability. Legal Luminaries and Administration care²², have time and again taken care of the intellects of society. They have been instrumental in passing of various laws, i.e from female protection to her property rights.

Some of the Protective Laws are:

1. Immoral Traffic Prevention Act , 1956
2. Dowry Prohibition Act, 1961
3. Domestic Violence Act, 2005

²² Laws from legislative authorities.

4. Sexual Harassment at Workplaces act 2013
5. Indecent Representation of Women's Act, 1986
6. Maternity Benefit Act , 1961
7. Medical termination of pregnancy act(1971) and Its Amendments
8. Pre-Natal, Pre Conception Diagnostic techniques Act 1994.
9. Muslim women Protection of rights on divorce 1986 Act.
10. Hindu Succession Amendment Act, 2005
11. Minimum Wages Act 1948
12. Child Labor Amendment Act 2016
13. Mines act of 1952 and Factories Act 1948
14. Posco Act 2012
15. Right to maintenance under 125 crpc .

Apart from above specific Rights have been given under constitution, IPC, CRPC and family laws.

1. Constitutional Provisions for Women : Article 15 provides for right to equality and reservation in govt. jobs. Article 16(2) and article 39 (a), (d), (e), & 42 provides her right to equal treatment with men and livelihood. Article 243 provides them opportunity in election at Panchayat and Municipal Level. Then the various judgments' under 21 and other provisions, rights have been enormously discussed and improved²³.
2. Under CRPC & IPC: Criminal law provide various safeguards:
 - (a) No Arrest after Sun-Set and before Sunrise except under exceptional circumstances and that too by lady police officer.
 - (b) Right to Privacy and Identity if victims of molestation.
 - (c) Right to Maintenance under 125 Crpc.
 - (d) Rights under IPC 354 and 376 and 100.

²³ Judgments' like Air India vs Nargis Mirza, Vishkha vs State of Rajasthan etc, are noteworthy here.

3. **Family Laws:** There are separate laws which deal with matrimonial disputes and maintenance. The right to inherit has also been amended in 2005 giving equal rights and parity with the male child.

The Efficacy of these laws:

The laws passed are futile if it does not help the victim. These laws have been passed after deliberations and, where they require, essential changes, can be done by daily experience, from the victims. Although this study may require an empirical research work but from natural experience of our environment, there can be certain perceptions.

Immoral Traffic Prevention Act , 1956, Indecent Representation of Women's Act, 1986 , Posco Act 2012, Sexual Harassment at Workplaces act 2013, Sec 100 IPC, 354 and 376 IPC .The current report of NCRB shows approximately 2000 cases of Human Trafficking is being done per year. The crimes varies from physical crimes to Bonded labour.etc. Inspite of all efforts these laws have not been able to curb the menace. There is continuous Indecent representation of women on the media. This obviously give rise to prurient interest, of the aberrant people, consequently, increasing the number of cases. The police administrative system needs to be evolved and trained in this respect. Women help desk needs to be more efficient and awakening regarding this needs to be done. However, the administrative system has to identify the traffickers and the human poachers and fix them at their places.

Similarly, regarding the Prenatal detection, continuous diagnostic centre's needs to be monitored. Erring diagnostic centre's should be immediately closed and the punitive orders should be given against them. Domestic Violence laws, though, have been enacted to deal with household violence issues but again proper monitoring needs to be done at Thana and Court level. In case of Property rights hardly, the administrative authorities have to see whether the female coparcenaries are receiving their share in family inheritance. Although the law is passed but hardly any active execution is seen at ground level. This needs to be improved.

CONCLUSION

Howsoever, the good law may be, it is bound to fail if not implemented properly and effectively. The exact problem comes when those who are entrusted with the execution and final implementation are not able to comprehend the true nature of the act. Therefore, along with passing of any law it is necessary that its implementation is properly done.