

## HUMAN RIGHT OF WOMAN IN INDIAN CONSTITUTION

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### Introduction:

The Human Rights Commission was established on December 10, 1948. Its main objectives were to protect, preserve and nurture the freedom of citizens, the status of women and human rights. Human rights testify that all human beings in the world have equal rights and will not be discriminated against on the basis of gender, region, language or race. The drafting of the Indian Constitution also began on December 09, 1946 with the first meeting of the Constituent Assembly. The Drafting Committee of the Constitution of India commenced its work on December 9, 1946. So, while the human rights debate was going on globally, the Constituent Assembly was debating what rights should be given to the Indian people in India. His constitution gave equal status to all, regardless of ownership, taxation, sex, religion, race, caste, wealth and educational status. The Constitution of India provides the following fundamental rights to the citizens of India. The right to equality, the right to freedom, the right against exploitation, the right to freedom of religion, the right to culture and education, the right to judicial protection are all aimed at creating justice, freedom, equality and brotherhood. The purpose of the Human Rights Commission is also to protect the rights enshrined in the Indian Constitution. We will review what provisions are there in the Indian Constitution to protect the human rights of women.

### 1. The status of pre-constitutional women in Indian society: -

In Indian society, women did not have the right to earn money, to get an education, to own property. After coming to British India, they enacted some laws that changed the lives of women. Some social reformers started a movement to change the lives of Indian women. The contributions of Raja Ram Mohan Roy, Ishwarchand Vidyasagar, Dayanand Saraswati, Maharshi Anasaheb Karve, Mahatma Phule, Savitribai Phule, Anandibai, Pandita Ramabai, Ramabai Ranade, Mahatma Gandhi are noteworthy. But these reforms only benefited women from certain classes and geographies. But after the drafting of the constitution, women all over India benefited from the rights enshrined in the constitution. We will look at the following information about the rights of women in our constitution.

### 2. Indian Women and Gender Equality: -

In India, women are divided into many religions and caste groups. Similarly women have many social, economic strata. Therefore, it was very difficult to establish equality among Indian women as a whole. Similarly, different religions have different restrictions on women. Bringing them to a level was a very difficult task. But in the Indian Constitution,



women from all over India were brought to the same level without any discrimination. Indian women, like men, were given the right to reside in any province, to communicate anywhere, to accept any religion, and to have an equal share in the property of their parents. So Indian women are seen to be successful in many areas of life.

### **3. Indian Women and Panchayat Raj: -**

In India, the scope of women's work is limited to children and grandchildren. Women belonging to the Scheduled Castes and Scheduled Tribes did not even have the freedom to turn to local bodies. Therefore, in order to increase the participation of women in the political process and to enable them politically, socially and economically, a provision of 33% reservation for women in local bodies was made in 1993 by the 73rd and 74th Amendments. In March 2011, the Maharashtra government decided to have 50 per cent reservation for women in local bodies. The reservation of women liberated women from thousands of years of slavery and Indian women became leaders in the political arena along with men. Today, with 33 per cent reservation in the state panchayat system, there are 10 lakh women MPs and 1 lakh women members in Maharashtra gram panchayats.

### **4. Constitutional protection for Indian women: -**

The Indian Constitution does not discriminate between men and women. This means that the Indian Constitution does not support men and does not oppose women. Therefore, according to the Indian Constitution, men and women are equal. Even so, Indian women needed special constitutional protection to bring women on par with men. With this in mind, you can see that the Government of India has empowered women whenever necessary to empower them. We will look at the laws made for the development of women under the Indian Constitution as follows.

1. Equal Suffrage Act for Women Act 1952
2. Prevention of Duality Act 1956
3. Inheritance Rights Act 1956
4. Divorce Act 1956
5. Alimony Act 1956
6. Prohibition of Prostitution Act 1956
7. Widow Remarriage Act 1956
8. Prevention of Unethical Human Trafficking Act 1956 - 1986
9. Abortion Act 1971
10. Amnesty Examination Act 1988
11. Dowry Prevention Act 1983
12. Rape Prevention Act 1983
13. Equal Pay Act 1976
14. Maternity Benefit Act
15. Sati Prevention Act
16. Muslim Divorce Act
17. Film Act 1952
18. Prevention of Female Pornography Act 1978
19. Maternity Benefit Act 1961



20. National Commission for Women Act 1960
21. Prenatal Gender Diagnostic Techniques and Prevention of Abuse Act 1994
22. Protection of Women from Domestic Violence Act 2005
23. Prevention of Harassment Act 1978
24. Three Divorces Act 2019.

#### **4. Maternity Benefit Act - 1961: -**

According to this law, a woman working in any management, government, private, semi-government or factory can get maternity benefits. The Act has 30 sections and its provisions were amended in 1970, 1972, 1973, 1976, 1988 and 1995 to give more effective benefits to women. According to the new amendment in the law, this leave is six months back from the day of childbirth i.e. 180 days back and also gets full pay for that period. If a woman dies, she can receive maternity benefits up to the date of her death. If the child is alive behind her, the maternity benefit can go to that child or to the person or heirs mentioned in the application.

#### **5. Medical Abortion Act - 1971: -**

The law has been enacted to provide medical abortion to a registered doctor and other related matters. This allows women of all faiths, all castes in India, whether married or unmarried, to have an abortion at will. At the time of legal abortion, she gets six weeks' leave from the date of abortion under the Maternity Benefit Act.

#### **6. Equal Pay Act - 1976: -**

Article 39 of the Indian Constitution sets out guidelines for states. Accordingly, women should be paid the same as men. So the Equal Pay Act was enacted in 1976. This Act is applicable to all establishments and is included in the definition of the term salary, other incremental allowances, allowances paid in the form of cash or services, pay as per Section 2 (h).

#### **7. Hindu Heritage Act - 2005: -**

This law came into force in 1956. It was amended on September 9, 2005. His daughter was recognized as the heir of a Hindu man under Section 23 of the 1956 Act. But her rights were limited. With the omission of sections 23 and 24 of the original law in 2005, a woman also has the right to claim a share in the case of an ancestral home. The daughter, virgin, married, divorced or widowed, will be entitled to equal rights to the house, and the divorced woman will receive property from the first husband even if she remarries.

#### **8. Prohibition of Pornography of Women Act 1986: -**

It is a law that prohibits advertisements, publications, writings, paintings, paintings, movies or any other form of obscene and degrading display of women. The law was passed by the Central Government on December 23, 1986. The offense under this Act is punishable by a fine of up to Rs. 2,000 for the first two years and a fine of Rs. 10,000 to Rs. 100,000 for the second offense.



**9. Domestic Violence Act - 2005: -**

This law has been enacted to protect and protect the rights of women from various forms of violence and domestic violence. The definition of domestic violence under Section 2 Section 3 of this Act is very elaborate. This includes physical abuse, beatings, threats, abusive language as well as sexual harassment of any woman, verbal or verbal abuse, emotional abuse, mental abuse, financial abuse. The law empowers judges to issue protection orders in favor of the victim in the event of such offenses against women. This order prohibits the defendant from domestic violence. Violation of the order passed by the court under this Act carries a penalty of one year imprisonment or a fine of Rs 20,000 or both.

**10. Three Divorce Act - 2019: -**

The law outlaws the practice of three divorces. If a Muslim man divorces his wife three times orally, in writing or by any other means, he will be considered a criminal. After three divorces, a woman can file a case in court by herself or her close relatives. Under the Protection of Women's Rights Act 2019, it is an offense to grant three divorces at a time. For this, the police can imprison the divorcing husband without a warrant. He could then face both a sentence and a fine of up to three years. The judge cannot grant bail to a husband who has granted three divorces without hearing the victim's statement. After three divorces, the husband has to pay for the wife and children. After three divorces, the care and upbringing of the child is with the woman. The law also provides for the option of compromise. But the settlement is accepted before the judge and under certain conditions.

**11. Domestic Labor Bill 2008: -**

Legislation was demanded to bring harmony in about 35 types of household chores like washing dishes, sweeping. The law included provisions to set up a board to promote the welfare of domestic workers and to create funds to provide them with financial benefits. It was decided that this board would consist of domestic workers, homeowners and representatives of the state government as well as representatives appointed by the government. Along with this important bill, another important bill was passed in the Lok Sabha. It is a social security bill for workers in the unorganized sector. According to the Act, all unorganized men and women below the poverty line are entitled to a pension of Rs. 400 per month, health insurance, etc.

**Conclusion: -**

Various provisions have been made in the Constitution of India for the welfare of women, Scheduled Castes, Scheduled Tribes, OBCs and workers in India and a concerted effort has been made to form a government committed to the establishment of social justice. In addition to these human rights provisions in the Constitution, Parliament has passed the Human Rights Protection Act 1993 for the protection of human rights, which provides for a National and State Human Rights Commission. The Government of India has also set up a Women's Human Rights Commission. Similarly, many legal provisions have been made for the protection of women. Due to all these human rights, women have got the same status as men, leaving aside the norms and traditions. This has helped in eliminating gender inequality.



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