

EQUAL RIGHTS AND LEGAL PROVISIONS FOR GENDER EQUALITY

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Abstract

India is very famous country known for its cultural heritage, traditions civilization, religions, cultures, customs, rituals and geographical features from the ancient time. On the other hand, it is also popular as a male chauvinistic nation. Women are given first priority in India, however, on the other hand, they were always discarded from the betterment of life. They were kept unaware of their rights and duties in the society. People of India used to say this country ' Bharat - Mata' but practically we run away from the meaning of this dictum.

Key words- heritage, rituals, chauvinistic, cultural, rights, duties

In the Oldest & richest language of our country i.e. Sanskrit, the famous saying is used, "Yatar Naryastu Pujayante Ramante Tatr Devta" but it has not been proved successful because of gender discrimination. 'Gender Equality' is the burning and major issue in our Indian constitution since it was started i.e. January 26, 1950. There are lots of constitutional provisions by which women are ensured guarantee of equality in all spheres of life.

- Some articles known for equality are given place in our constitution. These are: 14, 15 (i), 16, 39 (A), 39 (D), 42, 46, 47, 51 (A), 243 D (3), 243 D (4) etc.
- Article 14: It assures us equality of law for women. No law is partial as per this article.
- Article 15: According to this article, the state does not discriminate any citizen on the ground of religion, sex, race, caste and place of birth.

- Article 16: This ensures us the equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state region.
- Article 39 (A): The state directs its policy for securing the men and women equality.
- Article 39 (D): This is meant for 'Equal pay - Equal work' for both - men and women.
- Article 42: This article is about maternity relief for women.
- Article 46: Under this article, the state has to promote the interest of the weaker sections for education and economical growth and to protect them from social injustice and exploitation.
- Article 47: It assures us about nutrition and the standard of living.
- Article 51 (A): It is meant for harmony, brotherhood & dignity of women.
- Article 243 (D): Not less than One - third of the total numbers of seats to be filled by direct election in every Panchayat to be reserved for women.
- Article 243 D (4): Nearly one - third of the total number of offices of chairpersons in the Panchayats at each level to be reserved for women.

Special Legislative Amendments :

There are two categories of these legal provisions:

(1) The Crimes Identified Under the Indian Penal Code (I.P.C) are:

- Rape (Sec. 376 IPC)
- Kidnapping & Abduction for different purposes (Sec.363-373)
- Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
- Torture, both mental and physical (Sec. 498-A IPC)
- Molestation (Sec. 354 IPC)
- Sexual Harassment (Sec. 509 IPC)
- Importation of girls (up to 21 years of age)

(2) The Crimes identified under the Special Laws (SLL) :

- The Employees State Insurance Act, 1948

- The Plantation Labor Act, 1951
The Family Courts Act, 1954
- The Special Marriage Act, 1954
- The Hindu Marriage Act, 1955
- The Hindu Succession Act, 1956 with amendment in 2005
- Immoral Traffic (Prevention) Act, 1956
- The Criminal Law (Amendment) Act, 1983
- The Factories (Amendment) Act, 1986
- Indecent Representation of Women (Prohibition) Act, 1986
- Commission of Sati (Prevention) Act, 1987
- The Protection of Women from Domestic Violence Act, 2005
- The Maternity Benefit Act, 1961 (Amended in 1995)
- Dowry Prohibition Act, 1961
- The Medical Termination of Pregnancy Act, 1971
- The Contract Labor (Regulation and Abolition) Act, 1976
- The Equal Remuneration Act, 1976
- The Prohibition of Child Marriage Act, 2006

SPECIAL INITIATIVES FOR WOMEN :

- National Commission for Women: In January 1992, the Government set-up this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary, etc.
- Reservation for Women in Local Self -Government: The 73rd Constitutional Amendment Act passed in 1992 by Parliament ensure one-third of the total seats for women in all elected offices in local bodies whether in rural areas or urban areas.

- The National Plan of Action for the Girl Child (1991-2000): The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child.
- National Policy for the Empowerment of Women, 2001: The Department of Women & Child Development in the Ministry of Human Resource Development has prepared a “National Policy for the Empowerment of Women” in the year 2001. The goal of this policy is to bring about the advancement, development and empowerment of women.

In addition to all of the provisions mentioned above, some practical steps should be taken into consideration for the balancing of gender equality as well as gender sensitivity in the society:

- Seminars/Conferences/ Lectures must be organized for the practical discussions as well as interactions with one-another:
- Debate, declamation & symposium should be held for such type of awareness.
- We should take care of family, class, community, society, creed, customs & rituals, so that values must be maintained.
- Human management is one of the best managements in life. So it must be managed and protected specially with love, care, Sympathy, empathy & sensitivity.
- ‘Understanding’ is the ‘be all & end all’ doctrine for maintaining the gender equality.
- Liberty, equality and fraternity, the slogan, propounded by famous French philosopher, Rousseau, is the need of hour.
- ‘Eloquency’ should be behaved and executed.
- Promote gender equality at home – It is important and essential to treat girls and boys equally. Parents are the first role models children have.

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