



LEGAL EMPOWERMENT OF WOMEN AND HUMAN RIGHTS

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Abstract:

Human rights refers to "The basic rights and freedom to which all humans are entitled" Examples of rights and freedom which are often thought as human rights include civil and political rights, such as the right to life and liberty, freedom and expression and equality before the Law and social, cultural, economic rights, including the right to participate in culture, the right to work, and the right to education.

" All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood" Human rights are a concept that has been constantly evolving through human history. They have been intricately tied to the laws, customs and religions throughout the ages.

The condition of women in India is worse. Women in India are denied their rights and are subjected to many abuses. Bringing up a girl is considered a burden in India. In recent years several provisions have been made to combat gender discrimination and to protect the due rights of women.

KEY WORDS:

Victim Authority Law Mindset Discrimination.

.INTRODUCTION

Women occupy an important and vital place in the society. They are part and partial of every family. They should be protected and honoured in the society. In short, their role in shaping the family and moulding the society cannot be minimized or underestimated. Women rights are integral to human rights, although the battle may vary depending on diversant realities. The content of women's rights has changed dramatically since 1948, as have human rights more generally. These changes are the result of the activities of states and transnational organizations such as the United Nations and NGOs.

In this paper, an attempt has been made to highlight the ways in which women rights are protected in India through constitutional background.

LEGAL AIDS TO PROTECT WOMEN RIGHTS IN INDIA

Despite the growth of education and other notable changes that had take place in society, Indian women are still in darkness. The government of india has taken several steps to protect the women and facilitating for the welfare of women in matters relating to justice. Article 38 of the Indian constitution provides for the welfare of women in matters relating to justice.

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This includes social, political and economic justice. Different acts prevailing in India are;

1. The Sati Prevention Act 1869

This act prohibits the costume of burning the Hindu Widow alive in the funeral pyre of her husband. But unfortunately the practice is still in vogue among some orthodox Hindus. To put an end to this crime, the Commission of Sati Prevention Act was passed by the Government of India in 1987.

2. The Hindu Marriage Act 1955

This act was brought for the first time in India in the year 1955. The act provides the right of divorce of women folk. Prior to this normally a Hindu women could not even imagine about divorce from her husband. This act also abolished some of the unwanted traditional customs due to which the women folk suffered a lot in the name of marriage. The act also provides that a second marriage during the life time of first wife is illegal, a criminal offence and punishable under section 494 of Indian Penal Code.

3. The Child Marriage Restraint Act 1929

During the British Rule itself the Child Marriage Restraint Act was passed to prevent the early marriage of girls in their tender age, but the system of child marriage still persists in India.

4. The Dowry Prohibition Act 1961

The most remarkable Act that is welcome by the women folk and the rest in India is the Dowry Prohibition Act of 1961. This act prohibits giving dowry or taking dowry in any form. This practice is considered as a social evil and burning problem in our society. As dowry deaths and problems connected with dowry are increasing day by day, the government of India felt the need for amending the criminal law in section 304-B of IPC by the Act 43 of 1986.

5. The Hindu Women's Right to Property Act 1937

This Act recognized the Widow's rights to property. According to this act, if a Hindu dies leaving behind is separate property and is own Widow, son's widow and grandson's widow, each of the widows will take 1/3 share in the property.

6. The Hindu Widow Remarriage Act 1956

This Act provides right of widow remarriage in India.

7. The Immoral Traffic (Prevention) Act 1956

Any women victim of supuration of immoral traffic can seek justice in the court against the offender under Immoral Traffic (Prevention) Act.

8. Indecent Representation of Women (prohibition) Act 1986

This Act was passed to protect women and their dignity.

9. Muslim Women Protection of Rights on Divorce Act 1986

Indian Constitution also provides special consideration for certain category of people citizens which reflected in the laws regarding muslims. According to this Act, a muslim divorcee is entitled to claim maintenance only for Iddat period 3 months after pronouncing talaque.

10. The Hindu Succession Act 1956

This Act recognized the right of Hindu daughter's property right. A Hindu daughter is legally entitled to get equal share of property left by his father. This act also paved the way for a Hindu widow to become the sole owner of the property left by her deceased husband.

Muslim law also provides wife and daughter, the right to own property and inherit the share of husband's as well as fathers property.

11. Domestic Violence Act 2005

The Protection of Women from Domestic Violence Act 2005 differs from the earlier law, Section 498A of the Indian Penal Code; in that it explicitly defines domestic violence in addition to dowry-related cruelty Domestic violence is defined as follows:

1. For the purposes of this Act, any conduct of the respondent shall constitute domestic violence if he,—

- (a) habitually assaults or makes the life of the aggrieved person miserable by cruelty of conduct even if such conduct does not amount to physical ill-treatment; or
 - (b) Forces the aggrieved person to lead an immoral life; or
 - (c) Otherwise injures or harms the aggrieved person.
- Nothing contained in clause (c) of sub-section (1) shall amount to domestic violence if the pursuit of course of conduct by the respondent was reasonable for his own protection or for the protection of his or another's property

CONCLUSION

After analyzing the important provisions of the above mentioned Acts, it is quite clear that all these have contributed much to the establishment of legal rights of women. Despite all these, it has become the routine news in dailies and other magazines that women undergo a number of problems due to the crimes committed against them in one way or other. Even after 50 years of India independence, it is really unfortunate that women folk are still treated as sex lust for males. Main reasons for all these misdeeds are illiteracy, lack of awareness about the legal aids among women etc. therefore, to overcome all the above misdeeds there is a need to undertake awareness programmes for women and increase the literacy rate among them.

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