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WOMEN EMPOWERMENT: POLICY AND LEGAL FRAMEWORK

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Abstract:-Women empowerment is a complex process. It is also the relative concept. This process differs in various contexts. In Indian society though the women's status is considered as the secondary status, this process has the context of culture religion and the position of women in the family and in society. The literacy level is low, employment level is also low but their contribution in economy is substantial. Gender discrimination is the universal phenomena but it is predominant in Indian Society. Government is trying to empower women so that they can make more significant contribution in various walks of life. At family level her contribution is not only concerned with financial and economical support to the family but her contribution to care and rare the family members, to socialize the children, to take care of elders, to make the progress of their children and to maintain the good health- physically and mentally, such activities are not counted in terms of economy. Hence her contribution is observed to be at lower side as compared to male. Therefore, government of India is trying to maintain their status by enacting various policies, acts, rules and regulations. Constitution is the base for all such activities. The universal declaration of Human Rights has given equal status to women. However, at root level the gap remained as wider as possible in different corner of the nation. In this paper the constitutional provisions related to equal status are discussed in detail. The Directive Principles of State Policy which serves as a safeguard is discussed in this paper in detail. Various Acts and its social implications are explained in detailed. Among them Protection of women from domestic violence, Widows remarriage act, women's right to property, medical termination of pregnancy, Maternity benefit act, Family court act, SIT act, etc are very crucial which has to improve women's status by protecting her Rights.

Keywords: Constitutional provisions, women empowerment, social status, government policy, decision making process, constitutional amendment, domestic violence, economic development.

INTRODUCTION

The Constitution of India is one of the most rights based constitutions of the world. Drafted around the same time as the Universal Declaration of Human Rights 1948, the Indian Constitution captures the essence of human rights in its Preamble, and the sections on Fundamental Rights and the Directive Principles of State Policy. The preamble of the Indian Constitution clearly states "We, the people of India having solemnly resolved to constitute India into a sovereign, socialist, secular, democratic, republic and to secure to all its citizens:

JUSTICE, social, economic and political;
LIBERTY of thought, expression, belief, faith and worship;
EQUALITY of status and of opportunity; And to promote among them all
FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation"
Provisions Ensuring Women's Rights (Directly or Indirectly)

Article 14. Equality before law

The state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 15. Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth

1. The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth or any of them.
2. No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to:
 - a. Access to shops, public restaurants, hotels and places of public entertainment; or
 - b. The use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of general public.
3. Nothing in this Article shall prevent the State from making any special provision for women and children.

Section 16. Equality of Opportunity in Matters of Public Employment

1. There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.
2. No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

Article 21. Protection of life and personal liberty

No person shall be deprived of his life or personal liberty except according to procedure established by law.

Right to Life : The right to life with human dignity with minimum sustenance and shelter and all those rights and aspects of life which would go to make a man's life complete and worth living, would form part of the right to life.

Right to Health : Right to health is an integral to right to life, as such the Government has constitutional obligation to provide the health facilities to a Government servant.

Article 21-A. Right to education (Inserted by the 86th amendment in December 2002, but yet to be brought into force)
The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.

Article 23. Prohibition of traffic in human beings and forced labour

Trafficking in human beings and beggars and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Directive Principles of State Policy

Article 38. State to secure a social order for the promotion of welfare of the people

1. The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic, and political, security shall prevail to all the institutions of the national life.
2. The State shall, in particular, strive to minimize the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.

Article 39. Certain principles of policy to be followed by the State

The State shall, in particular, direct its policy towards securing:

- a. That the citizens, men and women equally, have the right to an adequate means of livelihood;
- b. That the ownership and control of the material resources of the community are so distributed as best to sub serve the common good;
- c. That the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;
- d. That there is equal pay for equal work for both men and women;
- e. That the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age or strength;
- f. That children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Article 39-A. Equal justice and free legal aid

The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

Article 42. Provision for just and humane conditions of work and maternity relief

The State shall make provision for securing just and humane conditions of work and for maternity relief.

Article 44. Uniform civil code for the citizens

The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.

Article 47. Duty of the State to raise the level of nutrition and the standard of living and to improve public health

The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

Reservation of Seats

Article 243-D. Reservation of Seats

1. Seats shall be reserved for:

- a. The scheduled castes; and
- b. The scheduled tribes,

In every panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that panchayat as the population of the scheduled castes in that panchayat area or of the scheduled tribes in that panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a panchayat.

2. Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the scheduled castes or, as the case may be, the scheduled tribes.

3. Not less than one-third (including the number of seats reserved for women belonging to the scheduled castes and the scheduled tribes) of the total number of seats to be filled by direct election in every panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a panchayat.

4. The offices of the chairpersons in the panchayats at the village or any other level shall be reserved for the scheduled castes, the scheduled tribes and women in such manner as the legislature of a state may, by law, provide:

Provided that the number of offices of chairpersons reserved for the scheduled castes and the scheduled tribes in the panchayats at each level in any state shall bear, as nearly as may be, the same proportion to the total number of such offices in the panchayats at each level as the population of the scheduled castes in the state or of the scheduled tribes in the state bears to the total population of the state.

Provided further that not less than one-third of the total number of offices of chairpersons in the panchayats at each level shall be reserved for women.

Provided that the number of offices reserved under this clause shall be allotted by rotation to different panchayats at each level.

5. The reservation of seats under clauses (1) and (2) and the reservation of offices of chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

6. Nothing in this part shall prevent the legislature of a state from making any provision for reservation of seats in any panchayat or offices of chairpersons in the panchayats at any level in favour of backward class of citizens.

Article 243-T. Reservation of Seats

1. Seats shall be reserved for the scheduled castes and the scheduled tribes in every municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that municipality as the population of the scheduled castes in the municipal area or of the scheduled tribes in the municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a municipality.

2. Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the scheduled castes or, as the case may be, the scheduled tribes.

3. Not less than one-third (including the number of seats reserved for women belonging to the scheduled castes and the scheduled tribes) of the total number of seats to be filled by direct election in every municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a municipality.

4. The offices of chairpersons in the municipalities shall be reserved for the scheduled castes, the scheduled tribes women in such manner as the legislature of a state may, by law, provide.

Acts Related to Women: A Brief Summary

The Protection of Women from Domestic Violence Act, 2005

Acclaimed by the civil society and social activists and organizations working on issues of gendered violence the Act was an outcome of consistent advocacy towards legislative and judicial reform. This is "an Act to provide for more effective protection of the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family and for matters connected." The Act states that "domestic violence is undoubtedly a human rights issue and serious deterrent to development. The Vienna Accord of 1994 and the Beijing declaration and the Platform for Action (1995) have acknowledged this. The United Nations Committee on Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in its General Recommendation No. XII (1989) has specified that State parties should act to protect women against violence of any kind especially that occurring within the family."

The Hindu Widows' Remarriage Act, 1856

This Act intended to remove all the obstacles that prevailed on the remarriage of Hindu widows, giving it the required legal sanction. The Act had a significant bearing on women's right to properties, as to the effect that "all rights and interests which any widow may have in her deceased husband's property by way of maintenance, or by inheritance to her husband or to his lineal successors, or by virtue of any will or testamentary disposition conferring upon her, without express permission to remarry, only a limited interest in such property, with no power of alienating the same, shall upon her remarriage cease". The Act also states that the widow shall not, by reason of her remarriage, forfeit any property or any right to which she would otherwise be entitled and that every widow, who has remarried, shall have the same rights of inheritance as she would have had, had such marriage been her first marriage.

The Hindu Widows' Remarriage (Repeal), Act, 1983

This Act repealed the Hindu Widow's Remarriage Act of 1856 because of the passing of four more Acts, in the century that followed viz. The Hindu Marriage Act, in the centuries that followed 1955, The Hindu Succession Act, 1956, The Hindu Minority and Guardianship Act, 1956, and The Hindu Adoptions and Maintenance Act, 1956.

The Hindu Women's Rights to Property Act, 1937

In traditional society, women had no property rights. In the eyes of the law, she was a minor or a ward. This Act recognized a widow of a deceased person as his surviving personality with the same right as his in the joint property. Thus through this Act, women in the Hindu society received the right to property to a limited extent.

The Medical Termination of Pregnancy Act, 1971

This is an Act to provide for the termination of certain pregnancies by registered medical practitioners and for matters connected therewith or incidental thereto. It legalized the termination of pregnancy on various socio-medical grounds. This Act is aimed at eliminating abortion by untrained persons and in unhygienic conditions, thereby reducing maternal morbidity and mortality.

The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 1994.

This is an Act to provide for the prohibition of sex selection, before or after conception, and for regulation of pre-natal diagnostic techniques for the purposes of detecting genetic abnormalities or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex-linked disorders and for the prevention of their misuse for sex determination. The Bill, inter alia, provided for prohibition of the misuse of pre-natal diagnostic techniques for determination of the sex of the foetus, leading to female foeticide; prohibition of advertisement of pre-natal diagnostic techniques for detection or determination of sex; permission and regulation of the use of pre-natal diagnostic techniques for the purpose of detection of specific genetic abnormalities or disorders; permitting the use of such techniques only under certain conditions by the registered institutions and punishment for violation of the provisions.

Amendment Act 14 of 2003

Certain inadequacies and practical difficulties in the administration of the said Act necessitated this amendment. The

amniocentesis and sonography were being found to be used on a large scale to detect the sex of the foetus and to terminate the pregnancy of the unborn child if found to be female. Techniques are also being developed to select the sex of child before conception. These practices and techniques are considered discriminatory towards the female sex and not conducive to maintaining/upholding the dignity of women. Therefore, the amendment provided for the enactment and implementation in letter and spirit, a legislation to ban the pre-conception sex selection techniques, the misuse of pre-natal diagnostic techniques for sex-selective abortions and to provide for the regulation of such abortions.

The National Commission for Women Act, 1990 (20 of 1990)

Successive commissions on women have noted the unequal status of women in every sphere of life in their various reports. They have suggested the setting up of an agency to fulfil the surveillance functions and facilitate grievance redressal of women. Several women activists and voluntary action groups have also been making persistent demands for setting up of a commission for women. The country cannot progress as long as this inequality persists with reference to half of its population. Having realized the importance of the issue, the Government decided to set up a commission for women, to be called the National Commission for Women, consisting of a Chairperson and six Members. The main task of the Commission was to study and monitor all matters relating to the constitutional and legal safeguards provided for women, to review the existing legislations and suggest amendments, wherever necessary. It also looks into the complaints and takes suo moto notice of the cases involving deprivation of the rights of women in order to provide support, legal or otherwise, to helpless women. The Commission also monitors the proper implementation of all the legislations made to protect the rights of women, so as to enable them to achieve equality in all spheres of life and ensure equal participation in the development of the nation.

The Act enables the Commission to look into the complaints and take suo moto notice of matters relating to deprivation of women's rights; non-implementation of laws enacted to provide protection to women and also to achieve the objective of equality and development; non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women; and to take up the issues arising out of such matters with appropriate authorities.

The Maternity Benefit Act, 1961

This Act is to regulate the employment of women in certain establishments for certain periods before and after child-birth and to provide for maternity leave and certain other benefits. Prior to the Act, maternity protection was provided under different State Acts on the subject and three Central Acts, viz., the Mines Maternity Benefit Act, 1941, the Employees' State Insurance Act, 1948 and the Plantations Labour Act, 1951. The legislation intended to reduce disparities in this respect. It applies to all establishments, including mines, factories and plantations, except those to which the Employees' State Insurance Act, 1948 applies.

Amendment Act 21 of 1972

The amendment remedied the situation that a woman, unless she fulfils the conditions laid down under section 50 of the Employees' State Insurance Act, 1948, is not qualified to claim any maternity benefit there under. Thus, she is deprived of maternity benefit under both the Acts. To remove this lacuna, the Maternity Benefit Act, 1961 was amended so as to provide that in the event of the application of the Employees' State Insurance Act, 1948 to any factory or establishment, maternity benefit under the Maternity Benefit Act would continue to be available to women workers therein, until they become qualified to claim similar benefit under the Employees' State Insurance Act.

Amendment Act 52 of 1973

The amendment extended maternity benefit to the women workers in the circus industry and assigned the administrative responsibilities related to the Act to the Central Government instead of the State Government.

Amendment Act 53 of 1976 - Statement of Objects and Reasons

It was brought to notice that the women employees employed in factories or establishments covered by the Employees' State Insurance Act, 1948 and in receipt of wages exceeding the amount specified in that Act are not in receipt of maternity benefit either under the Employees' State Insurance Act, 1948 or the Maternity Benefit Act, 1961. It was proposed to make the above mentioned category of women employees eligible for maternity benefit under the Maternity Benefit Act, 1961. The Muslim Women (Protection of Rights on Divorce) Act, 1986

Followed by the controversy aroused by the Supreme Court, in Mohd Ahmed Khan V. Shah Bano Begum A.I.R. 1985 S.C. 945, where the Court came to the conclusion that if the divorced wife is able to maintain herself, the husband's liability ceases with the expiration of the period of iddat. However, if she is unable to maintain herself after the period of iddat, she is entitled to have recourse to section 125 of the Code of Criminal Procedure, 1973. This Act specified the rights to which a

Muslim divorced woman is entitled. The Bill accordingly provides for a Muslim divorced woman to "be entitled to a reasonable and fair provision and maintenance within the period of iddat by her former husband and in case she maintains the children born to her before or after her divorce, such reasonable provision and maintenance would be extended to a period of two years from the dates of birth of the children. She will also be entitled to Maher or dowry and all the properties given to her by her relatives, friends, husband and the husband's relatives. If the above benefits are not given to her at the time of divorce, she is entitled to apply to the Magistrate for an order directing her former husband to provide for such maintenance, the payment of Maher or dowry or the delivery of the properties". Where a Muslim divorced woman is unable to maintain herself after the period of iddat, the Magistrate is empowered to make an order for the payment of maintenance by her relatives who would be entitled to inherit her property.

The Dissolution of Muslim Marriages Act, 1939

This is an Act to consolidate and clarify the provisions of Muslim law relating to suits for dissolution of marriage by women married under Muslim law. It also aimed to remove the doubts as to the effect of the renunciation of Islam by a married Muslim woman on her marriage ties. The Act specified the reason that there is no provision in the Hanafi Code of Muslim law enabling a married Muslim woman to obtain a decree from the Court dissolving her marriage. It may be because the husband neglects to maintain her, or makes her life miserable by deserting her or is persistently maltreating her or absconds without providing for her or due to certain other circumstances. The absence of such a provision has entailed unspeakable misery to innumerable Muslim women in British India. The Hanafi jurists, however, have clearly laid down that in cases in which the application of Hanafi law causes hardship, it is permissible to apply the provisions of the "Maliki, Shafi's or Hambali law". As the Courts are sure to hesitate to apply the Maliki law to the case of a Muslim woman, legislation recognizing and enforcing the above given principle is called for in order to empower countless Muslim women.

The Family Courts Act, 1984

Through this Act, the Government of India acknowledged that several organizations and individuals have urged, from time to time, that Family Courts be set up. These courts were meant for the settlement of family disputes where emphasis should be laid on conciliation and achieving socially desirable results the meaningless adherence to rigid rules of procedure and evidence should be eliminated. The Law Commission in its 59th Report (1974) had also stressed that, in dealing with disputes concerning the family, the court ought to adopt an approach radically different from that adopted in ordinary civil proceedings, and that it should make reasonable efforts at settlement before the commencement of the trial. The Code of Civil Procedure, 1908 was amended in 1976 to provide for a special procedure to be adopted in suits or proceedings relating to matters concerning the family. However, not much use has been made by the Courts in adopting this conciliatory procedure, and the courts continue to deal with family disputes in the same manner as other civil matters and the same adversary approach prevails. The need was, therefore, felt in the public interest, to establish Family Courts for speedy settlement of family disputes. The bill inter alia, seeks to provide matrimonial relief, including nullity of marriage, judicial separation, divorce, restitution of conjugal rights, or declaration as to the validity of a marriage or as to the matrimonial status of any person; the property of the spouses or of either of them; declaration as to the legitimacy of any person; guardianship of a person or the custody of any minor; maintenance, including proceedings under Chapter IX of the Code of Criminal Procedure, 1973.

The Dowry Prohibition Act, 1961

The Act states that 'the object of this Bill is to prohibit the evil practice of giving and taking of dowry. This question has been engaging the attention of the Government for a long time and one of the methods by which this social problem, a social one, was sought to be tackled was by the conferment of improved property rights on women by the Hindu Succession Act, 1956. It is felt that a law, which makes the practice punishable, and at the same time ensures that any dowry, if given does ensure for the benefit of the wife, will go a long way to educating the public and in the eradication of this evil'. The Act takes care to exclude presents in the form of clothes, ornaments, etc., which are customary at marriages, provided the value thereof does not exceed Rs. 2,000.

Amendment Act 63 of 1984

The Committee on the Status of Women in India pointed out that the educated youth is grossly insensitive to the evils of dowry and contributes to its perpetuation. The Joint Parliamentary Committee recommended that the definition of "dowry" contained in section 2 of the 1961 Act should be modified by omitting the expression "as consideration for the marriage" used therein on the ground that it is impossible for the giver to prove that anything given was in consideration for the marriage. The parents who are usually the victims would be reluctant and unwilling to set the law in motion. Therefore, the Act substituted the words "in connection with the marriage" with "as consideration for the marriage". Also the amendment made punishments more stringent and cognizable. The Act reduced to three months from one year, the time limit for restoring the dowry to the affected party (women).

Amendment Act 43 of 1986

The Dowry Prohibition Act, 1961 was further amended taking in to consideration the opinions expressed by representatives from women's voluntary organizations and others to the effect that the amendments made are still inadequate. The provisions of the Act were made further stringent and effective.

The Immoral Traffic (Prevention) Act, 1956 List of Amending Acts

In 1950, the Government of India ratified an International Convention for the Suppression of Immoral Traffic in Persons. Under article 23 of the Constitution, traffic in human beings is prohibited and any contravention of the prohibition is an offence punishable by law. Under article 35, such a law has to be passed by Parliament, as soon as may be, after the commencement of the Constitution. The Government observed that the legislation on the subject of suppression of immoral traffic existed only in a few States but the laws are neither uniform nor do they go far enough.

In the given circumstances, it was felt necessary and desirable that a Central law should be passed which will not only secure uniformity but also would be a sufficient deterrent for the said purpose. The Bill is generally on the usual lines with penalties sufficiently deterrent for the purpose, but a special feature of the Bill is that it provides that no person or authority other than the State Government shall establish or maintain any protective home except under a license issued by the State Governments.

Amendment Act 44, of 1986 - Statement of objectives and reasons

Despite the amendments of the Act in 1978, it was felt that the Act has not been effective enough to deal with the problems of immoral traffic in all its dimensions. Suggestions have been made to the Government by voluntary organizations working for women, advocacy groups and various individuals urging the enlargement of the scope of the Act, to make penal provisions more stringent and to provide for certain minimum standards for correctional treatment and rehabilitation of the victims. In view of the aforesaid suggestions, the amendment widened the scope of the Act to cover all persons, whether male or female who are exploited sexually for commercial purposes and also to include seducing or soliciting for purpose of prostitution and seduction of a person in custody.

The Indecent Representation of Women (Prohibition) Act, 1986

The Act states that the law relating to obscenity in this country is codified in sections 292, 293 and 294 of the Indian Penal Code. In spite of these provisions, there is a growing body of indecent representation of women or references to women in publications, particularly advertisements, etc. Indecent representation of women has been defined to mean the depiction of the figure of a woman, her form or body or any part thereof in such a way as to have the effect of being indecent or derogatory to, or denigrating, women or is likely to corrupt or injure the public morality or morals. It intends to prohibit exhibition, sale distribution and circulation of such literature containing indecent representation of women.

The Commission of Sati (Prevention) Act, 1987

The Act was prompted by the incident of the commission of Sati (burning alive the widow in along with the husband's dead body) in the village of Deorala in Rajasthan, its subsequent glorification and the various attempts made by the protagonists to justify its continuance on religious grounds. This had aroused apprehensions all over the country that this social evil, believed to have been eradicated long back, will resurface. Protests and demands were made throughout the country by the women's organizations and parliamentarians for the enactment of a strong Central law to prevent sati. Earlier only three laws in force in the States, including the Rajasthan Sati (Prevention) Act, 1987, The Bengal Sati Regulation, 1829 (Bengal Regulation XVII of 1829) and the Tamil Nadu Sati Regulation, 1830 (Tamil Nadu Regulation I of 1830) were in practice. It was, therefore, considered desirable to enact a Central law which would be applicable to the whole of India other than the State of Jammu and Kashmir.

The Act states that the offence of attempt to commit sati will be punishable with the same punishment as is provided for the offence of attempt to commit suicide under section 309 of the Indian Penal Code. Promoters of sati will be punishable with death or imprisonment for life and shall also be liable to fine; while any attempt to commit sati will be punishable with imprisonment for life and fine. The glorification of sati is punishable with a minimum imprisonment of one year and with a minimum fine of rupees five thousand. The Representation of the People Act, 1951 is being amended to provide for disqualification for contesting elections during the period of conviction for commission of sati or its glorification.

The Hindu Succession Act, 1956

On and from the commencement of the Hindu Succession (Amendment) Act, 2005, in a Joint Hindu family governed by the Mitakshara law, the daughter of a coparcener shall by birth become a coparcener in her own right in the same manner as

the son; have the same rights in the coparcenary property as she would have had if she had been a son; be subject to the same liabilities in respect of the said coparcenary property as that of a son, and any reference to a Hindu Mitakshara coparcener shall be deemed to include a reference to a daughter of a coparcener. The Act further states that any property to which a female Hindu becomes entitled by virtue of subsection (1) shall be held by her with the incidents of coparcenary ownership and shall be regarded as property capable of being disposed of by her by testamentary disposition.

Where a Hindu dies after the commencement of the Hindu Succession (Amendment) Act, 2005, his interest in the property of a Joint Hindu family governed by the Mitakshara law, shall devolve by testamentary or intestate succession. The coparcenary property shall be deemed to have been divided as if a partition had taken place and, the daughter is allotted the same share as is allotted to a son; the share of the predeceased son or a pre-deceased daughter, as they would have got had they been alive at the time of partition, shall be allotted to the surviving child of such pre-deceased son or of such predeceased daughter; and the share of the pre-deceased child of a pre-deceased son or of a pre-deceased daughter, as such child would have got had he or she been alive at the time of the partition, shall be allotted to the child of such pre-deceased child of the pre-deceased son or a pre-deceased daughter, as the case may be.

Before 1937, the "simultaneous heirs" of a male Hindu dying intestate comprised only the son, the son of a pre-deceased son and the son of a pre-deceased son of a pre-deceased son. The Hindu Women's Rights to Property Act, 1937, added to the list the widows of the first two as well as the intestate's own widow. Class I of the preferential heirs in the Schedule now adds to the existing list of simultaneous heirs, the daughter, and further seeks, as far as possible, to treat the other grandchildren of an intestate, whose parent has predeceased the intestate, on the same footing as the son of a pre-deceased son, except that in the former case the share to be divided among the children will be less than in the later case. The Joint Committee felt that there was no justification for treating the daughter differently from the son in the matter of the shares to be allotted to them.

The Rau Committee vested a Hindu woman with full rights over stridhana property and laid down certain rules of succession with respect to stridhana. The Select Committee on the Hindu Code incorporated the substance of all these provisions in a separate chapter titled "Woman's Property" and provided that after the commencement of the code, whatever property was acquired by a woman became her absolute property and devolved on her own heirs. Clause 16 of the Bill follows the Select Committee's draft and declares that whatever property is acquired by a Hindu woman after this law, it shall be her absolute property and the term "property" is defined as comprehensively as possible for the purpose.

In the opinion of the Joint Committee there is no reason why the Hindu woman's limited estate should not be abolished even with respect to existing properties. Clause 19 of the Bill has, therefore, been omitted and this clause [which was clause 16 in the Joint Committee stage corresponding to the present section 14] has been suitably modified.

The Act revised the order of succession among the heirs to a Hindu female and stated that the properties inherited by her from her father revert to the family of the father in the absence of issue and similarly property inherited from her husband or father-in-law reverts to the heirs of the husband in the absence of issues. At a partition in a joint Hindu family governed by the mitakshara law, the coparcenary property shall be so divided as to allot to a daughter the same share as is allocable to a son.

The Hindu Marriages Act, 1955

This Act prescribes the essential requisites for a Hindu marriage. The subsequent amendment ensured that until the bride attains majority, no marriage takes place without the consent of the guardian-in-marriage. Under the original Bill, consent of the guardian was required only if the girl was between the ages of 15 and 16, and once she attained her 16th year she could dispense with the consent of her guardian although she was still a minor. The Act has also laid down provisions and conditions for restitution, of conjugal rights, judicial separation, divorce, permanent alimony and maintenance as well as for the custody, maintenance and education of minor children.

The Protection of Human Rights Act, 1993

The Central Government constituted a body known as the National Human Rights Commission to exercise the powers conferred upon, and to perform the functions assigned to it under this Act. Section 12 specifies the Commission's functions as to inquire, suo motto or on a petition presented to it by a victim or any person on his behalf, into the complaint of (i) Violation of human rights or abetment thereof, (ii) negligence in the prevention of such violation, by a public servant; or (iii) intervene in the proceeding involving any allegation of violation of human rights pending before a Court with the approval of that court, (iv) to undertake research with regard to human rights, (v) study treaties and other international instruments on human rights and make recommendations for their effective implementation and (vi) to encourage the efforts of non-governmental organizations and institutions working in the field of human rights.

State Human Rights Commissions

Section 21 of the Act states that a state Government may constitute a State Human Rights Commission to exercise the powers conferred upon, and to perform the functions assigned to, a State Commission.

Human Rights Courts

Section 30 of the Act states that for the purpose of providing speedy trial of offences arising out of violation of human rights, the State Government may, with the concurrence of the Chief Justice of the High Court, by notification, specify for each district a Court of Session to be a Human Rights Court to try the said offences.

The Indian Divorce Act, 1869

The Act seeks to provide the grounds of dissolution of marriage. Existing provisions of section 10 of the Act make a distinction between the husband and the wife in the matter of grounds on which they could obtain dissolution of marriage. While adultery, without any other ground, is a ground for seeking dissolution of marriage by the husband, in the case of the petition by the wife, there is in addition another requirement that it should be incestuous adultery or bigamy with adultery or adultery coupled with cruelty or desertion for two years. Certain High Courts including the High Court of Kerala have struck down the words "incestuous" and "adultery coupled with" in section 10 on the ground of gender inequality. This clause seeks to substitute the said section 10 with a new section providing same grounds for husband and wife for seeking dissolution of marriage. However, a wife may also get divorce on the ground that the husband has since the solemnization of marriage been guilty of rape, sodomy or bestiality.

At present a petition for dissolution of marriage could be presented either to the District Court or to the High Court. It is proposed that the petition may henceforth be presented to the District Court only.

Section 10-A Dissolution of marriage by mutual consent: Subject to the provisions of this Act a petition for dissolution of marriage may be presented to the District Court by both the parties to a marriage together.

Section 27 Deserted wife may apply to Court for protection: Any woman to whom section 4 of the Indian Succession Act, 1865 does not apply, may, when deserted by her husband, present a petition to the District Court, at any time after such desertion, for an order to protect any property which she may have acquired, or may acquire, and any property of which she may have become possessed or may become possessed after such desertion, against her husband or his creditors, or any person claiming under him.

The Hindu Adoptions and Maintenance Act 1956

Section 18: Subject to the provisions of this section, a Hindu wife, whether married before or after the commencement of this Act, shall be entitled to be maintained by her husband during her lifetime.

Section 19: A Hindu wife, whether married before or after the commencement of this Act, shall be entitled to be maintained after the death of her husband by her father-in-law.

Section 20: Subject to the provisions of, this section a Hindu is bound, during his or her lifetime, to maintain his or her legitimate or illegitimate children and his or her aged or infirm parents.

Section 22: Subject to the provisions of Sub-section (2), the heirs of a deceased Hindu are bound to maintain the dependants of the deceased out of the estate inherited by them from the deceased.

Section 28: Where a dependant has a right to receive maintenance out of an estate and such estate or any part thereof is transferred, the right to receive maintenance may be enforced against the transferee if the transferee has notice of the right, or if the transfer is gratuitous; but not against the transferee for consideration and without notice of the right.

The Indian Evidence Act, 1872

Section 113-B Presumption as to dowry

death: When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the Court shall presume that such person had caused the dowry death.

The Equal Remuneration Act, 1976

Section 5 of the Act states that no employer shall, while making recruitment for the same work or work of a similar nature, or in any condition of service subsequent to recruitment such as promotions, training or transfer; make any discrimination against women except where the employment of women in such work is prohibited or restricted by or under any law for the time being in force.

The Beedi and Cigar Workers (Conditions of Employment) Act, 1966

Section 14 of the act provides for creches. In every industrial premises, where more than fifty female employees are ordinarily employed, there shall be provided and maintained a suitable room or rooms, for the use of children under the age of

six years of such female employees.

The Factories Act, 1948

The Act makes special provisions for separate enclosed accommodation to be provided for male and female workers and that "No woman or young person shall be allowed to clean, lubricate or adjust any part of a prime mover or of any transmission machinery while it is in motion, or to clean, lubricate or adjust any part of any machine if the cleaning, lubrication or adjustment thereof would expose the woman or young person to risk of injury from any moving part either of that machine or of any adjacent machinery".

Further by Section 27, no woman or child shall be employed in any part of a factory for pressing cotton in which a cotton-opener is at work. By Section 48, every factory wherein more than thirty women workers are ordinarily employed, there should be provision and maintenance of a suitable room or rooms for the use of children under the age of six years of such women. By Sec 66 no woman shall be required or allowed to work in any factory except between the hours of 6 a.m. and 7 p.m. Section 87 states where the State Government is of opinion that any manufacturing process or operation carried on in a factory exposes any person employed in it to a serious risk of bodily injury, poisoning or disease, it may make rules applicable to any factory in such ways specifying the manufacturing process or operation and declaring it to be dangerous; prohibiting or restricting the employment of women, adolescents or children in the manufacturing process or operation.

The Mines Act, 1952

Section 46 of the Act states no woman shall be employed in any part of a mine which is below ground and in any mine above ground except between the hours of 6 a.m. and 7 p.m. Every woman employed in a mine above ground shall be allowed an interval of not less than eleven hours between the termination of employment on anyone day and the commencement of the next period of employment and prohibits employment of any woman between the hours of 10 p.m. and 5 a.m.

The Employees' State Insurance Act, 1948

Maternity benefit Section 50: The qualification of an insured woman to claim maternity benefit, the conditions subject to which such benefit may be given, the rates and period thereof shall be such as may be prescribed by the Central government.

The Special Marriage Act, 1954

By Section 19, the marriage solemnized under this Act of any member of an undivided family who professes the Hindu, Buddhist, Sikh or Jain religion shall be deemed to have the effect of his severance from such family. By Section 36, during court procedures for separation if it appears to the district Court that the wife has no independent income sufficient for her support and the necessary expenses of the proceeding, it may, on the application of the wife, order the husband to pay to her the expenses of the proceeding. By Section 38, during such procedure the district Court may, from time to time, pass such interim orders and make such provisions in the decree as it may seem to it be just and proper with respect to the custody, maintenance and education of minor children. By Section 44, every person whose marriage is solemnized under this Act and who, during the lifetime of his or her wife or husband, contracts any other marriage shall be subject to the penalties provided in section 494 and section 495 of the Indian Penal Code.

PROVISIONS AND SECTIONS IN INDIAN PENAL CODE, CODE OF CRIMINAL PROCEDURE AND CODE OF CIVIL PROCEDURE

The Indian Penal Code, 1860

Section: 304-B Dowry death

Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death. Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.

Section: 312 Causing miscarriage

Whoever voluntarily causes a woman with child to miscarry, shall, if such miscarriage be not caused in good faith for

the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Section: 313 Causing miscarriage without woman's consent

Whoever commits the offence defined Section 312 without the consent of the woman, whether the woman is quick with child or not, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Section: 314 Death caused by act done with intent to cause miscarriage

Whoever, with intent to cause the miscarriage of a woman with child, does any act which causes the death of such woman, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if the act is done without the consent of the woman, shall be punished either with imprisonment for life, or with the punishment above mentioned.

Section: 366 Kidnapping, abducting or inducing woman to compel her marriage, etc.

Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and whoever, by means of criminal intimidation as defined in this Code or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid.

Section: 366-A Procuring minor girl

Whoever, by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine.

Section: 366-B Importation of girl from foreign country

Whoever imports into India from any country outside India or from the State of Jammu and Kashmir any girl under the age of twenty-one years with intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person, shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.

Section: 373 Buying minor for purposes of prostitution etc.

Whoever buys, hires, or otherwise obtains possession of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Section: 375 Rape

A man is said to commit "rape" who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions.

1. Against her will.
2. Without her consent.
3. With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt.
4. With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.
5. With her consent, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the

administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

6. With or without her consent, when she is under sixteen years of age.

Explanation: Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

Exception: Sexual intercourse by a man with his wife, the wife not being under fifteen years of age, is not rape.

Section: 376-A Intercourse by a man with his wife during separation

Whoever has sexual intercourse with his own wife, who is living separately from him under a decree of separation or under any custom or usage without her consent, shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

Section: 376-B Intercourse by public servant with woman in his custody

Whoever, being a public servant, takes advantage of his official position and induces or seduces, any woman, who is in his custody as such public servant or in the custody of a public servant subordinate to him, to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

Section: 376-C Intercourse by superintendent of jail, remand home, etc.

Whoever, being the superintendent or manager of a jail, remand home or other place of custody established by or under any law for the time being in force or of a women's or children's institution takes advantage of his official position and induces or seduces any female inmate of such jail, remand home, place or institution to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description a term which may extend to five years and shall also be liable to fine.

Section: 376-D Intercourse by any member of the management or staff of a hospital with any woman in that hospital

Whoever, being on the management of a hospital or being on the staff of a hospital takes advantage of his position and has sexual intercourse with any woman in that hospital, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

Section: 493 Cohabitation caused by a man deceitfully inducing a belief of lawful marriage

Every man who by deceit causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Section: 494 Marrying again during lifetime of husband or wife

Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Section: 495 Same offence with concealment of former marriage from person with whom subsequent marriage is contracted

Whoever commits the offence defined in the last preceding section having concealed from the person with whom the subsequent marriage is contracted, the fact of the former marriage, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Section: 496 Marriage ceremony fraudulently gone through without lawful marriage

Whoever, dishonestly or with a fraudulent intention, goes through the ceremony of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Section: 497 Adultery

Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punishable with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall not be punishable as an abettor.

Section: 498 Enticing or taking away or detaining with criminal intent a married woman

Whoever takes or entices away any woman who is and whom he knows or has reason to believe to be the wife of any other man, from that man, or from any person having the care of her on behalf of that man, with intent that she may have illicit intercourse with any person, or conceals or detains with that intent any such woman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Section: 498-A Husband or relative of husband of a woman subjecting her to cruelty

Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. Cruelty in this Section would mean (a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is because of failure by her or any person related to her to meet such demand.

The Code of Criminal Procedure, 1973

125 Order for maintenance of wives, children and parents
If any person having sufficient means neglects or refuses to maintain

- a. His wife, unable to maintain herself, or
- b. His legitimate or illegitimate minor child, whether married or not, unable to maintain himself, or
- c. His legitimate or illegitimate child (not being a married daughter) who has attained majority, where such child is, by reason of any physical or mental abnormality or injury unable to maintain himself, or
- d. His father or mother, unable to maintain himself or herself, a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, father or mother, at such monthly rate as such Magistrate thinks fit, and to pay the same to such person as the Magistrate may from time to time direct.

The Code of Civil Procedure, 1908

Section 132: Exemption of certain women from personal appearance

Women who, according to the customs and manners of the country, ought not to be compelled appear in public shall be exempt from personal appearance in Court.

Muslim Women's Property Rights

Indian Muslims broadly belong to two schools of thought in Islamic Law: the Sunnite and the Shiite. Under the Sunnite School (which is the majority and therefore largely practiced) there are four sub categories; Hanafis, Shafis, Malikis and Hanbalis. The vast majority of Muslims in India are Hanafis. The Shiites are divided into a large number of sub schools, the two most important of which, in the case of India, are Ismailis and the Ithna Asharis, but they form a smaller section of the Indian Muslim population than those of the Sunni sect. Till 1937, Muslims in India were governed by customary law which was highly unjust. After the Shariat Act of 1937 Muslims in India came to be governed in their personal matters, including property rights, by Muslim personal law as it "restored" personal law in preference to custom.

Broadly the Islamic inheritance is based on three key features, which are in contrast to the Hindu inheritance codes:

- i. The Koran gives specific shares to certain individuals
- ii. The residue goes to the agnatic heirs and failing them to uterine heirs and
- iii. Bequests are limited to one-third of the estate, i.e., maximum one-third share in the property can be willed away by the owner.

That is, unlike under the HSA, certain groups or sub-groups (which in practice generally constitute of women) cannot be arbitrarily excluded nor the same can be done through the provision of the absolute right to will. The main principles of Islamic inheritance law which mark an advance vis-a-vis the pre-Islamic law of inheritance and have significant bearing on the property rights of women, are:

- i. The husband or wife was made an heir
- ii. Females and cognates were made competent to inherit
- iii. Parents and ascendants were given the right to inherit even when there were male descendants and
- iv. As a general rule, a female was given one half the share of a male.

The newly created heirs were mostly females; but where a female is equal to the customary heir in proximity to the deceased, the Islamic law gives her half the share of a male. For example, if a daughter co-exists with the son, or a sister with a brother, the female gets one share and the male two shares.

The following 12 heirs constitute Class I heirs (Koranic Heirs):

- a. Heirs by Affinity - Husband and Wife
- b. Blood Relations - Father, True Grandfather (howsoever high), Mother, True Grandmother (howsoever high), Daughter, Son's Daughter (howsoever low), Full sister, consanguine sister, uterine brother, and uterine sister. Therefore while qualitatively women find larger representation under the Muslim law in terms of concrete and quantitative shareholding they are discriminated against their male counterparts.

Property rights through marriage

The Supreme Court of India has laid down that the mahr (dowry) ranks as a debt and the widow is entitled, along with the other creditors of her deceased husband, to have it satisfied out of his estate. That is, through her right, she is not entitled to a charge on the husband's property unless there be an agreement. The Supreme Court has laid down that the widow has no priority over other creditors, but that mahr as debt has priority over the other heir's claims. This right is known as the widow's right of retention.

Housing and land Rights of Christians and Parsi Women

The laws of succession for Christians and Parsis are laid down in the Indian Succession Act, 1925 (ISA). Sections 31 to 49 deal with Christian Succession and Sections 50 to 56 deals with Succession for Parsis (Pandey 2003; Singh). Prima facie the property rights of the Parsis are quite gender just. Basically, a Parsi widow and all her children, both sons and daughters, irrespective of their marital status, get equal shares in the property of the intestate while each parent, both father and mother, get half of the share of each child. However, on a closer look there are inherent discriminations: for example, a widow of a predeceased son who died issueless gets no share at all. The Indian Christian widow's right is not an exclusive right and gets curtailed as the other heirs step in. Only if the intestate has left none who are of kindred to him, the whole of his property would belong to his widow. Where the intestate has left a widow and any lineal descendants, one third of his property devolves to his widow and the remaining two thirds go to his lineal descendants. If he has left no lineal descendants but has left persons who are kindred to him, one half of his property devolves to his widow and the remaining half goes to those who are of kindred to him. Another anomaly is a peculiar feature that the widow of a predeceased son gets no share, but the children whether born or in the womb at the time of the death would be entitled to equal shares. Again we see that women are made dependent on the rest of the family and her children.

Tribal Women's Land Rights

Based on our examination of the main canons of law in the case of women differentiated by religion and region, we can say that this still leaves out a vast chunk of women like tribal women out of the present purview. These women are governed by customary practices and other state laws like the Indian Forest Act which have come to affect their livelihood in a gross way.

In the history of tribal women's land rights, the case of October 1996 is an important one. A mass meeting of adivasi representatives was organized in Ranchi. It was a protest meeting against a Supreme Court judgment. The members felt that the Supreme Court's judgment in determining tribal women's right over that of her family/community land was an attempt to create divisions in their society. Initiating a discussion on individual rights (whether male or female) was counter to their claim to community rights. They felt that women had better position, respect and autonomy in adivasi society, than in any other. So the issue of women's rights could not be examined separately from the overall social context. Similar concerns were voiced across the country by the various tribal communities and organizations.

Tribals do not consider their resources as wealth but rather as a means of livelihood. In most of the tribal communities it is generally felt that demanding rights in parental property would damage the bonds of love and pass it into the hands of the

wealthy. So while the adivasi leaders are now willing to consider joint titles in marital property, they continue to oppose the issue of women's rights to inherit land as daughters and sisters. In the case of tribal lands, the Land Acquisition Act is considered the most important influencing factor and also the most draconian. Through the impositions of this Act, the Government, in the name of preserving forest areas, moves into tribal lands and acquires their property. The compensation against these lands is minimal that remain only as promises. Even if the tribals acquire the land provided as compensation, it is so cut off from their area of residence that to make a livelihood out of it is next to impossible.

SUMMARY:

In this paper author has given a detailed framework and policies of the government of India for improving women's status in society. The equality before law, prohibition of discrimination, equal opportunity, Right to education, securing welfare are the constitutional provisions which are discussed in view of women empowerment. Various articles such as equal justice uniform civil code; reservation of seats, protection of women, and welfare of women has been discussed in detail. As a result since last 25 to 40 years one will find substantial increase in level of literacy and participation in monetary gain activities. This is an indication of women empowerment.

REFERENCES

1. The constitution of India, 1950
2. United Nations Universal Declaration of Human Rights 1948
3. Government of India- 73rd and 74th Constitutional Amendment Act 1997
4. The Protection of Women from Domestic Violence Act, 2005
5. Report of the Vienna Accord of 1994.
6. Report of the Beijing declaration and the Platform for Action (1995)
7. The Hindu Widows' Remarriage Act, 1856
8. The Hindu Widows' Remarriage (Repeal), Act, 1983
9. The Hindu Women's Rights to Property Act, 1937
10. The Medical Termination of Pregnancy Act, 1971
11. The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Amendment Act, 1994.
12. The National Commission for Women Act, 1990 (20 of 1990)
13. The Maternity Benefit Act, 1961
14. The Muslim Women (Protection of Rights on Divorce) Act, 1986
15. The Dissolution of Muslim Marriages Act, 1939
16. The Family Courts Act, 1984
17. The Dowry Prohibition Act, 1961
18. The Immoral Traffic (Prevention) Act, 1956 List of Amending Acts
19. The Indecent Representation of Women (Prohibition) Act, 1986
20. The Commission of Sati (Prevention) Act, 1987
21. The Hindu Succession Act, 1956
22. The Hindu Marriages Act, 1955
23. The Protection of Human Rights Act, 1993
24. The Indian Divorce Act, 1869
25. The Indian Evidence Act, 1872
26. The Equal Remuneration Act, 1976
27. The Beedi and Cigar Workers (Conditions of Employment) Act, 1966
28. The Factories Act, 1948
29. The Mines Act, 1952
30. The Special Marriage Act, 1954

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