

Attention Women: Know About Your Rights First!

Neelam*

Research Scholar, Kurukshetra University, Kurukshetra,
Haryana, India

Abstract—

In this paper I want to strengthen the position and status of women by awaring them with several legislations passed by our Government. There are so many rights granted to women for safeguarding them. But all these rights are of use only when they are in knowledge of each and every women. In today's world women are showing their caliber in every field. Keeping in mind about the safety and proper working environment for women, Sexual Harassment of Women at Workplace Act, 2013 is passed. Under this Act, women are provided with safer working environment so that they can easily and smoothly concentrate on their work only. I will try to mention all the relevant rights granted to women. I also focuses on the point that woman herself is the best guard of her rights. If she really wants to be in top positions all the way, so she should definitely know her rights first.

Keywords— Legislation, Caliber, Sexual Harassment, workplace

I. INTRODUCTION

Since the older times, women have been treated as second rate citizens of all across the globe. Women have been relegated to secondary position despite the fact that they numerically constitute about half the world population today. The need for women's empowerment arises from the subordinate position they have been accorded for a long time. The empowerment has been felt as a tool to bring about changes in their socio-economic condition. It has been felt on the part of nation as well as individual that no society can progress till women, a major constituent of society, lag behind.

Empowerment of women needs to begin with her participation in a great determinant in this regard. To achieve empowerment women have to be educated to be aware of their rights and privileges in a modern society. It is education which can bring about awareness in them related to their social status, injustice and differentiation meted out to them. Women have been advancing , progressing and have proved that they can beat men in any sector they are in be it sports, arts, science, politics, she has stood at par with what a man could do. After seventy years of Independence, if we talk about the freedom and liberty of women, most of the women have the right to take their decision on their own. In various sectors like Art, Education, Games, Health, corporate etc. the women are performing very well. They don't have lack of opportunities. In every field they have many options which they can opt according to their own wishes and choices. No doubt, women are enjoying various good positions in their life. In spite of this fact, they are not aware about their rights guaranteed by law. There are so many laws which deals with various heinous offences like domestic violence, female foeticide, sexual harassment at workplace, dowry prohibition etc. But the irony is that the women are not aware of their legal rights.

To be a strong and independent lady, a woman should not only think about her independence and safety, but she should also know her legal rights so that she would be protected by the cover of law.

II. PROTECTION OF WOMEN AT WORKPLACE

In the 21st century, we have educated and confident women in India. We have women who are building India; taking it to newer heights of achievements and glory. In every filed of work women are shining. However, it is quite unfortunate that women at most of the workplaces are facing sexual harassment which is in substance an attack on their dignity. They do not get an environment which is free from fear and sexual harassment. The Constitution of India gives us the right to life. The Constitution also bestows upon us the right to equality. Right

to life includes the right to live with dignity. Sexual harassment of woman at the workplace is an infringement of the constitutional rights of a woman in India. It is a violation of the human rights. The Supreme Court of India in the judgement given in August, 1997, in the case of Vishaka and others Vs. State of Rajasthan and others, AIR 1997 SC 3011 interpreted gender equality of women in relation to work, and held that sexual harassment of women at the workplace is clear violation of the rights under Articles 14, 15 and 21 of Constitution. It is also the violation of the victim's fundamental right under Article 19 (1) (g) 'to practice any profession or to carry at any occupation, trade or business'. The Hon'ble Supreme Court of India laid down various guidelines to prevent sexual harassment at workplace, and to be followed by establishments in dealing with complaints about sexual harassment. The court stated that these guidelines were to remain binding until suitable legislation was passed to deal with the issue.

To tackle the menace of sexual harassment at work place, the Indian Parliament has passed the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. This Act states in clear words that 'No woman shall be subjected to sexual harassment at any work place.' This Act came into force on 9th December 2013.

In simple words, workplace means the place of working. In today's arena, as we all know that women are performing in various sectors. So, it is very important that their workplace should be very comfortable to them. Under the said Act., any type of oral/verbal sexual violence, unwelcome remarks against a woman etc. are made punishable. It means law has provided a legislation which would definitely reduce this evil.

Following are the objectives of the Act :-

- a) Protection against sexual harassment of women at workplace.
- b) Prevention of sexual harassment at workplace.
- c) Redressal of complaints of sexual harassment; and
- d) To deal with the matters connected therewith or incidental thereto. Sexual harassment is constituted if a man

Commits any of the following acts :-

- (i) Physical contact and advances involving unwelcome and explicit sexual overtures; or
- (ii) A demand or request for sexual favours; or
- (iii) Showing pornography against the will of woman; or
- (iv) Making sexually coloured remarks.
- (v) Any other unwelcome physical, verbal or non verbal conduct of sexual nature.

Sub Section (2) of section 3 of the Act provides that the following circumstances, among other circumstances, may also amount to sexual harassment if such circumstances are connected with or are related to any act or behavior of sexual harassment.

- (i) Implied or explicit promise of preferential treatment in her employment; or
- (ii) Implied or explicit threat of detrimental treatment in her employment; or
- (iii) Implied or explicit threat about her present or future employment status; or
- (iv) Interference with her work or creating an intimidating or offensive or hostile work environment for her ;
or
- (v) Humiliating treatment likely to affect her health or safety.

Working women are provided with the benefit of maternity leave by the Maternity Benefit Act, 1961. Maternity benefits are not merely a privilege of the working woman, they are a right. The Maternity Benefit Act ensures that the new mother does not suffer any loss of earnings following a period of twelve weeks after her delivery, allowing her to rejoin the workforce. Under this Act, the woman employee is granted with the leave of 3 months (6 months in government organizations) with salary. She can also take the leave of more three months, but without salary. If the child of the woman is aborted and her health is not good, so on the basis of medical report, she will get the leave of extra one month.

Women are also entitled to get equal benefits and salary with men on same post according to Employment Act.

Right to Property :-

Earlier According to Hindu Marriage Act, 1954 women were not entitled to claim partition but now with an amendment in the law, they can claim their share in the property under the coparcenary right.

The woman (Whether married or not) is equally entitled to claim the right in her father's property.

If the father has not make any will of his self acquired property, in that case also, a daughter is entitled for her share as that of her brother and mother. This right is available after her marriage also. She can sell her share to any other else also.

A husband is not only a life partner but also a caretaker of his wife. So, after the death of the husband, her widow is entitled for her share. But that share is only in the self acquired property of her husband. According to Sec. 27 of the Hindu Marriage Act, 1955, the wife can claim partition of the property of both husband and wife. She had an absolute right over her stridhan. If the husband and wife do not want to live together, in that case according to sec. 125 of Crpc, the wife can claim maintenance for herself and children. If the matter goes in the court for divorce, then according to Sec.-24 of the Hindu Marriage Act., claim amount is decided which is based on the salary and property of the husband.

The Hindu Succession Act allows women and men equal share in inheritance, thereby setting new rules and regulations.

Right against Domestic Violence :-

The Domestic Violence Act, primarily looks to protect a wife, a female live-in partner or a woman living in a household like a mother or a sister from domestic violence t the hands of a husband, male live-in partner or relatives. She or anybody on her behalf, can file a complaint.

According to Sec. 498-A of I.P.C., a woman can file a complaint against domestic violence. Not only physical torture but mental and economical torture also comes under domestic violence. Throwing the woman out of the house, taking her salary forcefully or taken into custody any of the documents belonging to woman without her permission, all these instances comes under domestic violence. This is also applicable in live in relationships. Woman facing domestic violence can directly approach to the court, there is no need to bring the matter through an advocate in the court.

Right to anonymity :-

Victims of sexual assault have a right to anonymity. To ensure that her privacy is protected, a woman has been sexually assaulted may record her statement alone before the district magistrate when the case is under trial, or in the presence of a female police officer.

Right to free legal aid :-

All female rape victims have the right to free legal aid, under the legal services authorities Act. It is mandatory for the Station House Officer (SHO) to inform the legal service Authority, who arranges for the lawyer and provide free legal aid to her.

Right not to be arrested at night :-

A woman can't be arrested after sunset and before sunrise, except in an exceptional case on the order of a first class magistrate. This right of women is exercised only in presence of female police officer.

Protection of her dignity and self-respect :-

If any woman is taken into the custody of the police, only woman police officer can take her. No woman is arrested after sunset and before sunrise. However in special cases, only after the order of the magistrate she can be arrested. A woman can be arested only by a female police officer. If a woman is arrested without a warrant, the reason of arrest is necessary to mention. It is the responsibility of the police to inform woman. It is also a right of sexually exploited woman that her name should not be published in any newspaper or magazine. There is also a provision to give free legal assistance to the victim of rape recently, Delhi police had made a new rule that a woman can file a complaint through an e-mail also. Handcuffing is also banned for a woman culprit. It is permitted only after the order of magistrate.

Other Right :-

Under Sec. 498-A I.P.C., if a married woman is exploited for dowry, it is an offence and the punishment is extended upto life imprisonment. A woman can also file a petition for divorce in the court. Abortion is an offence. No woman is forced to abort her child. But if there is a danger/threat to the life of the mother in that case, the abortion is allowed. After the divorce, the woman is entitled for maintenance, custody of child, stridhan etc. But all these rights are subject to the evidences brought in the court.

III. CONCLUSION

After discussing about the rights of a woman provided by law in detail, I came to conclude that a woman in today's world has created a distinct place for herself. Therefore, our efforts should be directed towards the all around development of each and every section of Indian women. Empowerment of women accelerates development. Discrimination against women hinders development. So it is very essential that for a nation to progress, a woman should also be progressed. In today's world, Women is free to opt any work of her choice. She is not suppressed or forced by anyone. It is must to protect their chastity, modesty and dignity and also to ensure their dignified position in society. The task is not too difficult to achieve. If lots of women aware about their rights, then they can easily make their life smooth and easy. In daily course she has to deal with many situations, law has given a protection of several legislations for her benefit. Our Government has passed so many legislations in this regard. But most importantly a woman is bound to aware about these safeguards so that she can easily avail them.

Lastly, I only want to say that these legislations give their best fruits to the women only when their implementation are very strong and proper.

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