

Women's Rights in the Society

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Introduction

Today women's rights are given more importance than any other rights in the society. Women's rights are integral to Human rights. In ancient scriptures like Vedas, Epics, Manu Smritis, Dharmasastras etc refer the position of women and restrictions on their rights and privileges in India.

If we turn the pages of Indian History we come across the position of women in the society at various stages. The Greek invasion and the coming of Arabs and Turks further reduced the position of women in society. The medieval period witnessed the heart burning social evils like sati, child marriage, female infanticide, dowry system, prohibition of widow remarriage etc., and all these exhibited the pitiable position of women in society. Above all the Devadasi system and polygamy aggravated the women's position to the background.

The social and religious movements of 19th century provided an opportunity for the rehabilitation of Women. Yet their position was not improved satisfactorily. In 20th century series of steps were taken to create a sort of awareness of women and providing equal opportunities to them.

Notable ladies like Mrs. Annie Besant, Mrs. Sarojini Naidu, Durgabhai Deshmukh, Kasturiba Gandhi and Sister Nivedita became prominent in this sphere.

Besides independent Indian Constitution, Western system of education and the development of education in India helped a lot for the elevation of handful of women in various fields like administration, legislature etc. Sex determination test that prevailed in India created a havoc leading to female feticide. A number of women's movements took place in India after 1975 to create awareness in the minds of all. So a sweeping change takes place, in this field.

World Scenario

It is estimated that 80 million, women worldwide have undergone the female genital mutilation. It is practiced in one form or another in 40 countries, mostly in East, West Africa, some parts of Arabian Peninsula, North America and in some European countries too. Several countries have enacted laws forbidding this practice. Even in India in certain states like Bihar, Gujarat, Madhya Pradesh, Uttar Pradesh, Maharashtra and Gujarat such tests have been popular.

The UDHR provides general action against discrimination on the ground of sex and in matter relating to the status of women in general. The General Assembly of UN at its 9th session, dealt with the status of women in private law, customs, ancient laws and practices affecting the human dignity of women. Article 26 of the International Covenant on Civil and Political Rights provides that all persons are equal before the law and are entitled without any discrimination of the equal protection of the law.

The ECOSOC established a sub-commission on the status of women. The International Women's Year (1975) was a call to men and women everywhere to government and non-governmental organizations to exert every effort to promote equality of men and women, the integration of women in the development of their countries and the strengthening of world peace.

The Decade of women (1975-1985) denoted to the world plan of action to ensure their equality in society. Women are entitled to vote in elections, eligible for election to all publicly elected bodies and entitled to hold public office and exercise all public functions on equal terms with men.

India and other world countries have passed various Acts and enacted Rules with a view to mould the rights of women. Despite, society and almost all governments are male dominated.

Indian Context

Despite the growth of education and the other notable changes that had taken place in society, Indian women are still in darkness. The Sati Prevention Act, 1829 prohibited the custom of burning 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. During the British rule itself the Child Marriage Restraint Act was passed in 1929 to prevent the early marriage of girls in their tender age but the system of child marriage still persists in India.

Article 35 of the Indian Constitution provides for the welfare of women in matters relating to justice. This includes social, political and economic justice. Article 39 provides the citizens; men and women equally have the right to an adequate means of livelihood. It also provides for equal pay for equal work for both men and women. The Hindu Marriage Act of 1955 had brought for the first time, the right of divorce of women folk. Prior to this, normally a Hindu Woman could not even imagine about divorce from her husband.

The right of widow remarriage is also provided in this Act. Though there was already an act called the Hindu Widow Remarriage Act (1856), this could not stop the social humiliation faced by the Hindu widows.

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 in any form. This practice is considered as a social evil and a 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 1986. As such an amendment was made in Section 304-B of IPC by the Act 43 of 1986.

The property of women was divided in to two heads (a) stridhan, and (b) women's estate. Literally the word 'stridhan' means woman's property. In the entire history of Indian Law, women's rights to hold and dispose of property has been recognized. Stridhan includes mostly movable property such as ornaments, jewellery, dresses etc. Gift and bequests from relative, gift and bequests from strangers, property acquired by self-exertion and mechanical arts, property purchased with stridhan, property acquired by compromise, property by adverse possession, property obtained in lieu of maintenance, property obtained by inheritance and share obtained on partition enumerate woman's property. Dowry and traditional presents made to wife at the time of the marriage constitute her stridhan, and if the husband or her in law refuse to give it back to her, on her demand, they would be guilty c-f criminal breach of trust. The Hindu Woman's Right to Property Act, 1937 which has been repealed by the Hindu Succession Act 1956, recognized the widow's rights to property. For instance, if a Hindu dies leaving behind his separate property and his own widow, son's widow and grandson's widow, each of the widows will take one-third share in the property.

Any woman victim of suppression of immoral traffic can seek justice in the court against the offender under Immoral Traffic (Prevention) Act 1956 and also by the Act 44 of 1986. Further to protect the women and their dignity, Indecent Representation of Women (Prohibition)

Act was passed in 1986. India Constitution also provides special consideration for certain category of people-citizens, which reflected in the laws regarding Muslims. A Muslim divorcee is entitled to claim maintenance only for Adapt period three months after pronouncing Tamaqua. This right is provided under Muslim Women Protection of Rights on Divorce Act of 1986.

Until 1929, Hindu females have no right of inheritance or property right as per law. The Hindu Law of Inheritance Act, 1929 for the first time recognized the right of inheritance. The Hindu Women's Right to Property Act of 1937, introduced certain notable changes in the law of succession. The Hindu Succession Act introduced in 1956, recognized the right of Hindu daughters property right. As such a daughter is legally entitled to get equal share of property left by her 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 off husband's as well as father's property.

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