

**Feminism and Constitutional Remedies for Women in India**

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**Abstract:** India has an extensive history. Throughout the centuries its legal system has transformed to reflect the evolving social and cultural dynamics. However, women have historically faced disadvantages, under law. Unfortunately, some of the existing laws for women in India, continue to be discriminatory and detrimental. There has been a movement aimed at reforming Indian law to ensure fairness and equality for women. This movement has achieved progress in bringing about a lot of changes. Nevertheless, there still remains a lot of work to be done ahead. This article aims to provide an overview of the status of women's rights in India and the laws for women in India in place, to protect them.

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**Introduction:**

Feminism is a historical, social, and political movement founded by women to achieve gender equality and remove injustice. There are people who believe that we do not need feminism today, but nothing could be further from the truth. Women have struggled for equality and against oppression for centuries, and although some battles have been partly won - such as the right to vote and equal access to education - women are still disproportionately affected by all forms of violence and by discrimination in every aspect of life.

It is true that in some areas and on certain issues, there have been improvements. The concept of feminism reflects a history of different struggles, and the term has been interpreted in fuller and more complex ways as understanding has developed. In general, feminism can be seen as a movement to put an end to sexism, sexist exploitation, and oppression and to achieve full gender equality in law and in practice.

Around the mid-seventies, India witnessed the emergence of women's group and organizations which have taken up issues from a totally new perspective. Their activities were not restricted to merely passing resolutions or sending delegations to various authorities. These groups made serious attempts to articulate their thought on the roots of oppression of women.

The National Federation of Indian Women (which has ties to the CPI) was founded in 1954. This organization not only worked for poor women such as literacy classes, swing classes and employment generating projects. But also struggle to influence government decision making.

The All India Democratic Women's Associations (affiliated with CPM) provide free legal advice about dowry and family violence, anti dowry demonstration, public rallies to influence government policies regarding maintenance for divorced Muslim women and public denudations of the police the handling of cases of violence against women.

All India coordination committee of working women (which is the women's wing of (TTU) and Mahila Dakshata Samiti (which has ties to the Janta Party also worked for the emancipation of the women).

In 1967, the United national General Assembly adopted the declaration on the Elimination of Discrimination against Women. This declaration led in turn to 1975 being named the International Women's year, and the years between 1975 and 1985 being declared the Women's Decade.

In India the committee on the status of women was constituted in Sept. 1971 by the union government as part of its obligations as a signatory to the 1967 Declaration on the Elimination of Discrimination Against women. Committee released its report in May. 1975, and called for vigorous government action to improve the status of women.

The demography survey reported that despite the Child Marriage Restraint Act. the marriage of young girls was still common. Therefore the need for regulation dowry and more stringent measures of restraining child marriage was being felt, violence within marriage, including that which stems from exorbitant demands for dowry payment, became an important issue with the women's movement.

In response to the persistent demand of feminist of greater sensitivity to harassment of

women within marriage in order to prevent dowry murder, government made amendments in the Dowry prohibition Act. 1961

But this amendment could not satisfied women activities. So the parliament passed another amendment in 1986 to Dowry Prohibition Act. The new act allowed for his appointment of dowry prohibition officer's by the states. The new law raised the punishment for taking of dowry to a minimum of five years. Finally, the new bill has made dowry murder a crime listed in the Indian Penal Code.

Rape- Rape became in important issue for the women's movement during the early eighties. In December, 1983, the criminal law (Amendment) Bill was passed. The bill was focused almost solely on custodial rape and even here, most of the suggestion made by women's groups and law commission were ignored. In the Imrana and Priyadarshin Mattoo case women activities have played a significant role Santosh Singh, the accused was acquitted by a lower court seven years ago on ground of benefit of doubt but a sustained campaign activities only he got capital punishment by the court.

Imrana also got justice against Panchayat Verdict and Decoband Fatwa. Women activities raised voice against this verdict. A Muzaffnagar district court sentenced her father-in-law Ali Mohammad, to 10 years imprisonment and Rs. 10,000 fine for raping her.

The Family Court Act., 1984, In 1975, the committee on the status of women recommended that all matter concerning the "Family" should be dealt with separately. In 1984, the family court act was passed. This was intended to provide for the establishment of family court, and family affairs such as divorce, maintenance, guardianship and custody.

### **Women's Economic Empowerment**

Women's groups demanded that for the empowerment of women it was necessary to center on them property rights and other entitlements.

The National perspective plan for women 1988-2000 A.D. recommended the following changes in the laws with a view to containing additional propriety rights on women.

- a. (a) All matrimonial property should be registered in the joint names of husband and wife, where it is not in the joint names, the wife should have the right too ask for injection, until. The matter is settled, if the marriage breaks down.

- b. (b) Parents should be prevented from denying daughters their rightful share of property by making wills disinheriting them.
- c. (c) The right on the wife to the matrimonial have must be guaranteed. The NPP also recommended that the minimum amount maintenance should be calculated on the basis of basic needs of the women and OP, the basis of the earning of the spouse and courts should ensure timely and correct payment.

- a. *The Minimum Wages Act, of 1948* was enacted with the aim of the welfare of labourers. The Act secured a minimum wage for the labourers in certain employments to protect them from exploitation by the capitalists and earn a respectable standard of living.

- b. *The Equal Remuneration Act of 1976* was enacted to bring pay parity among men and women. The main objective of the Act was to eliminate discrimination in the workplace based on gender and provide equal remuneration for equal work to employees irrespective of their gender. The act was amended in 1987 to provide for more deterrent punishment and to prohibit discrimination not only initial recommended but also in any condition of service subsequent to recruitment such as promotion, transfer etc.

### **Domestic Violence Act**

The bill that came in force in October this years is a land mark in the achievement of gender equality for Indian Women. DVA provides civil law relief for domestic violence which is recognized a occurring for all sorts of reasons, across every class religion and cast, un rural areas and urban centers.

For the first time, marital rape is legally recognized as a form of domestic violence. Domestic Violence is not continued to wives, but included, daughters, sisters, Widows divorced women living in the income

The act is not confined to physical violence but also includes virtual emotional and economic violence. Verbal violence includes accusations against a woman's character or conduct or preventing her from taking up a job or forcing her to leave a job, or taking away her income insult for not having a male child, bringing dowry are extremely significant protections.

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