

SIKKIM STATE LEGAL SERVICES AUTHORITY

in celebration of
WOMENS DAY ON MARCH 8, 2013
OBSERVES "LEGAL SERVICES WEEK FOR WOMEN"
FROM MARCH 8, 2013 - MARCH 14, 2013

IMPORTANT CONSTITUTIONAL PROVISIONS FOR WOMEN IN INDIA	LEGAL PROVISIONS	A. DOMESTIC VIOLENCE
The principal of gender equality is enshrined in the Indian constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitutional not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio-economic, education and political disadvantages faced by them. Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibitions discrimination against any citizen on grounds of religion, race, caste, sex or place of birth within the framework of a democratic policy, our laws, development policies,	<p>To uphold the Constitutional mandate, the State has enacted various legislative measures indented to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support services especially to working women. Although women may be victims of any of the crimes such as 'Murder, 'Robbery', 'Cheating' etc, the crimes, which are directed specifically against women, are characterized as 'Crime against Women'. These are broadly classified under two categories:</p> <p>I <u>Crimes Identified Under the Indian Penal Code (IPC)</u></p> <p>1. Rape (Sec. 376 IPC)</p>	<p>Any act of violence or abuse against a single woman, sister, widows, mothers, daughters or even women in live-in relationships amounts to domestic violence. Women can seek protection under the Protection of Women under Domestic Violence Act, 2005.</p> <p>B. EVE TEASERS BEWARE</p> <p>Any indecent act including lewd comments-cats calls, or whistles, touching, groping indecent exposure that degrades the dignity of women comes under sexual and mental harassment. The offender is punishable by a maximum jail term of two years.</p>

<p>Plans and programmes have aimed at women's advancement in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women</p>	<p>2. Kidnapping & Abduction for different purposes (Sec. 363-373)</p> <p>3. Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)</p> <p>4. Torture, both mental and psychical (Sec. 498-A IPC)</p> <p>5. Molestation (Sec. 354 IPC)</p> <p>6. Sexual Harassment (Sec. 509 IPC)</p> <p>7. Importation of girls (up to 21 years of age)</p>	<p>C. DISCRIMINATION AT WORK PLACE</p> <p>A major problem faced by the working women is <u>sexual harassment at the work place</u>.</p>
<p>Constitutional Provision for Women:-</p> <p>i. Equality before law for women {Article 14}</p> <p>ii. The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them {Article 15(1)}</p> <p>iii. The State shall not be prevented to make any special provision in favour of women and children {Article 15(3)}</p> <p>iv. Equality of opportunity in matters relating to employment or appointment to any office under the State {Article 16}</p> <p>iv. The State to direct its policy towards securing for men and women equally, the rights to an adequate means of livelihood {Article 39(a)}; and equal pay for equal work for both men and women {Article 39(d)}</p>	<p>II. The Crimes identified under the Special Laws (SLL) . Although all laws are not gender reviewed periodically and amendments carried out to keep pace with the emerging women and their interests are:</p> <p>1. The Employees State Insurance Act, 1948</p> <p>2. The plantation Labour Act. 1951</p> <p>3. The Family Courts Act, 1954</p> <p>4. The Special Marriage Act, 1954</p> <p>5. The Hindu Marriage Act, 1955</p> <p>6. The Hindu Succession Act, 1956 with amendments in 2005</p>	<p>A majority of working women continue to be denied their right to equal pay, under the Equal Remuneration Act, 1976 and are underpaid in comparison to their male colleagues.</p> <p>The Hon'ble Supreme Court has laid down certain guidelines in Vishaka vs. State of Rajasthan (1997) 6 SCC 241 and has further laid down directions to be implemented by the State of Sikkim in Seema Lepcha vs. State of Sikkim & Other in Civil Appeal No. 1632/2012 with regard to Sexual harassment of women at workplaces.</p> <p>D. WOMEN CAN CLAIM MAINTENANCE</p> <p>A woman's legal right to claim maintenance from her husband is recognized under section 125 of the Criminal Procedure Code. Section 24, of the Hindu Adoption and Maintenance Act, 1956, entitles</p>

<p>v. To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme 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 39A}</p> <p>vi. The State to make provisions for securing just and humane conditions of work and for maternity relief {Article 42}</p> <p>vii. The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all the forms of exploitation {Article 46}</p> <p>vii. The State to raise the level of nutrition and the standard of living of its people {Article 47}</p> <p>viii. To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women {Article 51(A) (e)}</p> <p>ix. Not less than one-third (including the number of seats reserved for</p>	<p>7. Immoral Traffic (Prevention) Act, 1956</p> <p>8. The Maternity Benefit Act, 1961 (Amended in 1955)</p> <p>9. Dowry Prohibition Act, 1961</p> <p>10. The Medical Termination of Pregnancy Act, 1971</p> <p>11. The Contract Labour (Regulation and abolition) Act, 1976</p> <p>12. The Equal Remuneration Act, 1976</p> <p>13. The Prohibition of Child Marriage Act, 2006</p> <p>14. The Criminal Law (Amendment)</p>	<p>a woman to claim maintenance from her estranged husband. Also, the claim for maintenance is extendable to her minor children. Further, these laws provide that maintenance can be claimed even prior to divorce, during separation.</p> <p>E. SAY NO TO ECONOMIC ABUSE</p> <p>Women are entitled to monetary help from spouses, parents or guardians in case of natural emergencies like treatment. Husbands cannot dispose of jewelery or dowry without consent of his wife. If he does he is guilty of economic abuse.</p>
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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** to be reserved for women and such seats to be allotted by rotation to different constituencies in a **Panchayat** {Article 243 D(3)}

x. Not less than one-third of the total number of offices of Chairpersons in the **Panchayats** at each level to be reserved for women {Article 243 D(4)}

xi. 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** to be reserved for women and such seats to be allotted by rotation to different constituencies in a **Municipality**{Article 243 T(3)}

A woman is entitled to free legal aid u/s 12(c) of the Legal Services Authorities Act, 1987. Hence any women in need of legal aid and services may contact the office of Sikkim State Legal Services Authority, near Power Sub-Station, Sichey, East Sikkim or at the following numbers – 03592 – 284753/Fax – 03592 – 284753.

Issued by
SIKKIM STATE LEGAL SERVICES AUTHORITY
NEAR POWER SUB-STATION, SICHEY,
EAST SIKKIM