



SIKKIM STATE LEGAL SERVICES AUTHORITY
in celebration of
“INTERNATIONAL WOMEN’S DAY” ON MARCH 8, 2024
OBSERVES “LEGAL SERVICES WEEK FOR WOMEN”
FROM MARCH 8, 2024 – MARCH 14, 2024

IMPORTANT CONSTITUTIONAL PROVISIONS FOR WOMEN IN INDIA	LEGAL PROVISIONS	A. DOMESTIC VIOLENCE
<p>The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only guarantees equal rights to women, but also empowers the State to adopt measures of positive discrimination in favour of women to make efforts to bring them at par in the cumulative socio economic, education and political fields. Fundamental Rights, amongst others, ensures equality before the law and equal protection of law, prohibits 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, plans and programmes have aimed at women’s advancement in different spheres. India has also ratified various international conventions and human rights instruments to secure equal rights of women.</p> <p>Constitutional Provision: - Article 14: The State shall not deny to any person equality before the law or the equal protection of the laws. ii. The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of</p>	<p>To uphold the Constitutional mandate, the State has enacted various legislative measures intended to ensure equal rights, to counter social discrimination various forms of violence and atrocities and to provide support services especially to working women. Although women may be victims of any crime 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> <ol style="list-style-type: none"> 1. Punishment for Rape (Sec. 376 IPC) 2. Kidnapping and Abduction (Sec. 362-369, IPC) 3. Trafficking (Sec. 370-373, IPC) 4. Dowry Death (Sec.304-B IPC) 5. Cruelty, both mental and physical (Sec. 498-A IPC) 6. Criminal force with intent to outrage the modesty of a woman (Sec. 354 IPC) 7. Sexual Harassment, Assault with intent to disrobe, Voyeurism, and Stalking (Sec. 354-A, B, C & D IPC) 8. Importation of girls (up to 21 	<p>A. DOMESTIC VIOLENCE</p> <p>Any act of violence or abuse against a single woman, sister, widow, mother, daughter or even women in live-in-relationships amounts to domestic violence. Women can seek protection under the “Protection of Women from Domestic Violence Act, 2005”.</p> <p>B. EVE TEASERS BEWARE</p> <p>Any indecent act including lewd comments, cats call, or whistling, 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 which may extend to three years (Sec. 509, IPC).</p> <p>C. DISCRIMINATION AT WORK PLACE</p> <p>A major problem faced by the working women is <u>sexual harassment at the workplace</u>.</p> <p>The Hon’ble Supreme Court has laid down certain guidelines in Vishaka & Ors. vs. State of Rajasthan & Ors. (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 &</p>



<p>them {Article 15 (1)}</p> <p>iii. The State shall not be prevented from making any special provision in favour of women and children {Article 15 (3)}</p> <p>iv. Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State {Article 16 (1)}</p> <p>v. 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>vi. To promote 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 39 A}</p> <p>vii. The State to make provisions for securing just and humane conditions of work and for maternity relief {Article 42}</p> <p>viii. The State shall promote with special care the education and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and Scheduled Tribes, and shall, protect them from social injustice and all forms of exploitation {Article 46}</p> <p>ix. The State shall raise the level of nutrition and the standard of living of its people {Article 47}</p>	<p>years of age) (Sec. 366 -B)</p> <p>II The Crimes identified under the Special Laws (SLL). Although not all laws are gender specific, however, they are reviewed periodically and amendments carried out to keep pace with the times viz;</p> <ol style="list-style-type: none"> 1. The Employees State Insurance Act, 1948 2. The Plantation Labour Act, 1951 3. The Family Courts Act, 1954 4. The Special Marriage Act, 1954 5. The Hindu Marriage Act, 1955 6. The Hindu Succession Act, 1956 with amendments in 2005 7. Immoral Traffic (Prevention) Act, 1956 8. The Maternity Benefit Act, 1961 (Amended in 1955) 9. Dowry Prohibition Act, 1961 10. The Medical Termination of Pregnancy Act, 1971 11. The Contract Labour (Regulation and Abolition) Act, 1976 12. The Equal Remuneration Act, 1976 13. The Prohibition of Child Marriage Act, 2006 14. The Criminal Law (Amendment) 	<p>Other in Civil Appeal No. 1632/2012 with regard to sexual harassment of women at workplaces.</p> <p>A majority of the 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>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 Code of Criminal Procedure, 1973. Section 18 of the Hindu Adoption and Maintenance Act, 1956 entitles a woman to claim maintenance from her husband. Also, the claim for maintenance is extendable to her minor children. Further, these laws provide that maintenance can be claimed 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 jewellery or dowry without consent of his wife. If he does, he is guilty of economic abuse.</p> <p>F. Any person who subjects a woman to domestic violence can be restrained from dispossessing or disturbing the possession of the woman from the shared house.</p>
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| <p>x. To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practice derogatory to the dignity of women {Article 51 (A) (e)}</p> <p>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 Panchayat shall be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat {Article 243 D (3)}</p> <p>xii. 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 to be allotted by rotation to different constituencies in a Municipality {Article 243T(3)}</p> | | |
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A woman is entitled to free legal aid u/s 12 (c) of the Legal Services Authorities Act, 1987. Hence, any woman in need of free legal aid/services or for any queries may contact the following:

Sikkim State Legal Services Authority, Development Area, Gangtok. Phone No. 03592-205377 E-mail: sikkim_slsa@live.com
District Legal Services Authority, East, Sichey, Gangtok District. Phone No: 03592-284462
District Legal Services Authority, North, Pentok, Mangan District. Phone No: 03592-234694
District Legal Services Authority, South, Namchi District. Phone No: 03595-264654
District Legal Services Authority, West, Kyongsa, Gyalshing District. Phone No: 03595-250010
Taluk Legal Services Committee, Soreng, Court of Civil Judge-cum- Judicial Magistrate, Soreng, Soreng District. Phone No: 03595-253000

National Legal Services Authority (NALSA) Helpline No: 15100

**Issued by
SIKKIM STATE LEGAL SERVICES AUTHORITY,
Development Area, Gangtok, East Sikkim.**