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Unit-VI
Women related act

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Introduction to Women's Rights

Women's rights in India have evolved significantly over the years. This presentation will explore the **legal frameworks** that support these rights, focusing on key legislation from the **Indian Penal Code** to the **Maternity Benefits Act**. Understanding these laws is crucial for promoting gender equality and protecting women's rights.



Indian Penal Code Overview

The **Indian Penal Code (IPC)**, enacted in 1860, serves as the primary criminal code in India. It includes provisions addressing **violence against women**, such as **rape** and **domestic violence**.

These laws are essential for safeguarding women's rights and ensuring justice for victims.



Protection of Women from Domestic Violence Act

The **Protection of Women from Domestic Violence Act (PWDVA)**, enacted in 2005, aims to protect women from **domestic abuse**. It provides a legal framework for women to seek protection and relief from violent partners, promoting their **safety** and **dignity** within the home.



Sexual Harassment of Women at Workplace

The **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**, aims to create a safe working environment for women. It mandates organizations to establish **complaint mechanisms** and ensures that women can work without fear of harassment or discrimination.



Maternity Benefits Act

The **Maternity Benefits Act, 1961**, provides maternity leave and benefits to women employees.

This legislation is crucial for ensuring **work-life balance** and promoting the health of both mothers and their children, thereby supporting women's rights in the workplace.



The Indian Penal Code, 1860

Introduction to the Indian Penal Code, 1860

- Definition: The IPC is the primary criminal code of India.
- Objective: To provide a comprehensive legal framework for criminal law in India.

Scope of the Indian Penal Code

- Applies to all offenses committed within India and to offenses committed by Indians abroad.
- Covers a range of offenses from murder to theft, and sexual crimes.

Key Provisions of the IPC

- **Section 299-377:** Offenses related to homicide, causing death by negligence, sexual offenses, and more.
- **Section 375:** Definition of rape and related offenses.
- **Section 498A:** Cruelty by husband or relatives (pertains to dowry harassment).

Women-Related Offenses in IPC

- **Section 354:** Assault or criminal force to woman with intent to outrage her modesty.
- **Section 376:** Rape.
- **Section 498A:** Dowry-related offenses and cruelty.

Amendments in IPC Related to Women

- **Section 376A, 376B, 376C, 376D:** Amendments related to aggravated sexual assault, rape, and gang rape.
- **Section 354B:** Assault or use of criminal force to disrobe a woman.

Important Case Laws under IPC

- **State of Rajasthan v. N.K. (2017):** Discussed the scope of section 498A and cruelty cases.
- **Vishaka v. State of Rajasthan (1997):** Established guidelines for preventing sexual harassment at the workplace.

The Criminal Law Amendment Act, 2013

Introduction to the Criminal Law Amendment Act, 2013

- Enacted in response to the **Nirbhaya rape case** to strengthen laws concerning sexual offenses against women.
- Objective: To ensure a more stringent response to crimes against women and minors.

Scope of the Criminal Law Amendment Act, 2013

- Introduces harsher punishments for offenses like rape, acid attacks, stalking, voyeurism, and more.
- Amendments to the IPC, Indian Evidence Act, and Code of Criminal Procedure.

Key Provisions of the Act

- **Section 376A:** Rape with severe injury.
- **Section 354B:** Assaulting a woman with intent to disrobe.
- **Section 354C and 354D:** Voyeurism and stalking.
- **Section 326A:** Acid attacks.

Important Case Laws

- **Nirbhaya Case (2012):** Prompted the introduction of stringent laws.
- **Rajesh Sharma v. State of U.P. (2017):** Discussed provisions under section 498A of the IPC, which is addressed by the amendment.

The Special Marriage Act, 1954

Introduction to the Special Marriage Act, 1954

- Definition: The Special Marriage Act provides a secular, civil form of marriage for individuals who are not governed by the personal laws.
- Objective: To facilitate marriage between individuals of different religions, castes, and beliefs.

Scope of the Special Marriage Act

- Applicable to any two individuals, regardless of religion or caste.
- Provides legal recognition to interfaith marriages.

The Prohibition of Child Marriage Act, 2006

Introduction to the Prohibition of Child Marriage Act, 2006

- Definition:** The Act prohibits child marriage and provides a legal framework for preventing and addressing child marriages in India.
- Objective:** To protect children from early marriages and their detrimental effects.

Key Provisions

- Section 3:** Punishment for child marriage.
- Section 9:** Marriage of a minor is not valid.
- Section 10:** Relief for victims of child marriage.

Women-Related Acts (Sexual Harassment Act, 2013 & Maternity Benefits Act, 1961)

Introduction to the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013

- Definition: The Act provides a framework to address sexual harassment at the workplace.
- Objective: To create a safe working environment for women, free from harassment and discrimination.

Scope of the Sexual Harassment Act, 2013

- Covers all workplaces, including government and private sectors.
- Protects women from any form of sexual harassment, whether physical, verbal, or visual.

Key Provisions of the Sexual Harassment Act

- **Section 4:** Employer's responsibility to provide a safe working environment.
- **Section 6:** Complaint mechanisms (Internal Complaints Committees, Local Complaints Committees).
- **Section 10:** Penalties for non-compliance.

Case Laws under the Sexual Harassment Act

- **Vishaka v. State of Rajasthan (1997):** Established guidelines for preventing sexual harassment at the workplace.
- **Medha Kotwal Lele v. Union of India (2013):** Case addressing issues with implementation of the Act.

Maternity Benefits Act, 1961: Introduction

- Definition: The Maternity Benefits Act provides maternity leave and benefits for female workers.
- Objective: To ensure women workers can take time off during pregnancy without loss of income.

Scope of the Maternity Benefits Act, 1961

- Applies to establishments with 10 or more employees.
- Covers all women employees working in factories, mines, shops, and establishments.

Key Provisions of the Maternity Benefits Act

- **Section 5:** Right to maternity leave (26 weeks).
- **Section 9:** Prohibition of dismissal during maternity leave.
- **Section 11:** Right to health and safety provisions for pregnant women.

Important Case Laws

- **Municipal Corporation of Delhi v. Female Employees (1992):** Ruled in favor of maternity leave rights.
- **Air India v. Nergesh Meerza (1981):** Highlighted issues of maternity benefits in the workplace.

Challenges and Gaps in Implementation of Women-Related Acts

- Lack of awareness and enforcement.
- Delays in justice and slow process in implementation.
- Cultural resistance in certain regions regarding women's rights.

The Indian Penal Code, 1860 (IPC)

Introduction to the IPC, 1860

- Enacted in 1860, the IPC serves as India's primary criminal code.
- The Act defines various offenses and prescribes punishments.
- It lays out the framework for criminal law in India.

IPC's Scope

- **General Scope:** It applies to all individuals and addresses all kinds of offenses, from murder to theft to defamation.
- **Women-Specific Offenses:** Sexual offenses, cruelty, trafficking, and others are dealt with under various sections.



Conclusion and Future Outlook

While significant progress has been made in **legal frameworks** for women's rights in India, challenges remain. Continuous efforts are needed to strengthen these laws and ensure their effective implementation, fostering a society where **gender equality** is a reality.