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CONSTITUTION OF INDIA AND WOMEN EMPOWERMENT



Women are as important while of the creation as the man are regarded himself created women out of the stuff of the first man and women completed the human personality. That is reason why Hindu call the wife as "ARDHANGNI". The Status of women changed according to the change of social outlook status.

In early matriarchal society women enjoyed dignified and respectful status. By and by developed with superiority of man over woman, Biological construction of man gave them economic dominance and by and by women become dependent on man so as to be relegated to the position bondage. The real of woman turned- restricted to the four wall of their home and domestic affairs.

Gender discrimination, with a difference of degree, is a worldwide phenomenon. Women have been neglected and are being neglected a recent study conducted by K.S. Reddy " STREE PURUSHA ASSAMNTA SAMASYALU" several that of the 700 million people who suffer due to malnutrition in the world today, 460 million are woman of the 900 million illiterates, more than 600 millions are women 75 percent of the population below the poverty line are women. Women are victims of the deadly & courage, AIDS etc.

The Indian women tried to brooked the image as precarious. That the women is not independent. In her childhood she is depend upon her father, in youthness she is depend upon her husband and in the old age she depend on her sons. Women have no single identity in society but the era become changed and she prove her capacity to face the all and earns her name and fame.

life is to get married and raise children. And it becomes a biggest responsibility of father to arrange Dahej and get her daughter married in right age to well do family.

According to The Dowry Prohibition Act, 1961, prohibits the request, payment or acceptance of dowry, "as consideration for the marriage". Dowry is defined as a gift demanded or given as a precondition for a marriage. According to the Act, the giving or taking or abetting the giving or taking of dowry is a punishable offence. An amendment brought in 1984 to the Dowry Prohibition Act of 1961 made women's subjection to

cruelty a cognizable offence. The second amendment brought in 1986 makes the husband or in-laws punishable, if a woman commits suicide within 7 years of her marriage and it has been proved that she has been subjected to cruelty. Also a new criminal offence of 'Dowry Death' has been incorporated in the Indian Penal Code.

As per Hindu law, no portion of the parental property was allowed to be shared by female children hence, as a part of compensation dowry was given when daughter gets married. But the issues that really concerns here is that do the money or valuable securities remains under the hands of daughter as a Stridhan throughout her life? Has she in a position to utilize her Stridhan in her own ways? Over a period of time it gets institutionalized as dowry. The beautiful institution of the union of two souls, the marriage, became a business. The pious thought behind the dowry is forgotten. It is no longer treated as security now as in the past but as a "free" wealth given to the good dowry becomes disqualified to approach for well-to-do husbands no matter how qualified or efficient or caring they are. And gone are those days, when the basic purpose of Kanyadan's was to earn virtue (punya).

The Indian judiciary has played privatal real in establishing the equality of status to women protecting them from exploitations sexual or otherwise.

Indian judiciary has refused to fallow the old view that the permanent destiny and mission of women are to fulfill the noble and benign offer of wife and mother that women physical structure requires different real expectations.

Mr. Justice Kirshina Iyer agrees in his human rights and the law (1986) that " If there can be a Rani of Jhansi or Phoolan Devi, Queen Elizabeth I, Madam Curie, Queen Victoria or Indira Gandhi, there can be Army General and Police Chief, " he argue that women may not be limited to soft and pretty occupations as they can work as hard as man and as intelligently, Imaginatively fact fully (The Supreme Court direct the payment of equal remuneration to women for equal work to men and people).

In the case:-

**Union for Democratic Rights
Versus
Union of Indian
A.I.R.1982. S.C. 1483
AND**

M/s. Mackinon Mackenzie & Company Ltd.

**Versus
Auderg D.Casta
A.I.R. 1987 .S.C.1281**



The frames of our constitutions were well aware of the deplorable conditions of the women and therefore they made provisions for these conditions.

Articles 14, 15 and 16 guarantee quality to women and prohibits sex discrimination or imposing disability with repeat to access to public place and public employment.

Article 15(3):- Enables state to make special provisions for women.

Article 23:- Prohibits human trafficking and there by prohibits traffics in women for immoral purpose e.g. to make the Devdas.

Article 39(e) :- Secure health and strength of women like the men workers.

Article 42:- Provides for securing just and human conditions of work and for maternity live (relief).

Article 51(e):- Impose fundamentals duties on every citizen to renounce practices derogatory to dignity of women.

Article 325:- Prohibits imposing of any ineligibility for inclusion name in electecal real on the ground of sex.

Parliament has enacted many laws with a view to safe ground the interest of the women in general and women workers in particular. In addition to Hindu, Human rights to property Act, 1937 passed in pre-Independence Era, parliament has enacted a number of law to ameliorate the status of Hindu. Such law are Hindu Marriage Act, 1955, Hindu Minority and Guardianship

Act, 1956 commission of "Sate prevention Act, 1987". In addition of Girls Infanticide Act, 1869, Indian Divorce Act 1870, legal practitioners (Women) amendment Act, 1923 and child marriage restraint Act, 1929.

Parliament has enacted special marriage Act 1954 Dowry prohibition Act, 1961(amendment in 1986) etc with a view to ensure welfare of women. In the filed to industry female workers had always been discriminated and had suffered the lass jobs due to symptoms of pregnable they had to choose between the baby and the job.

The Employees State Insurance Act, 1948 and the maternity benefits Act, 1961 ensure job security and maternity benefits with salaried leave. The equal remuneration Act, 1976 ensures equal pay for equal work to women.

Earlier legislation in India have given the women power in respective fields but particularly so far as the torture, cruelty and harassment are concerned the provision of section 498(A) I.P.C.

The Dowry Prohibition Act, 1961 is a basic provisions, which is mentioned above.

Section 312 I.P.C.:- causing miscarriage with women consent whoever voluntarily cause a women with child to miscarry shall if the such miscarriage be not caused in gad faith for the purpose of saving the life of the women which is punishable with imprisonment of 3 years and fine or both



section 313 I.P.C.:- causing miscarriage without women consent, whoever commits the offense defined in the last preceding section without the consent of the women whether the women is quick with child or not, shall be punished with imprisonment for life, with imprison of wither description for a term which may extend to 10 Years and shall also be liable to fine.

Section 314, 315, 316 I.P.C:-are also relevant to death caused by act done intent to course miscarriages, with consent and without consent are punishable.

Section 375 I.P.C:- A man is said to commit "Rape" who, expect in the case her in after excepted, has sexual intercourse with a women under circumstances falling under any of the six following descriptions.

- First : Against her will.
- Secondly : Without her consent
- Thirdly : With her consent, when her consent has been abstaine by putting her or any person in whom she is interested in fear of death or of hurt.
- Fourthly : With her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.
- Fifthly : With her consent, when at the time of giving such consent, by reason of un soundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance she is unable to understand the nature and consequences of that to which she gives consent.
- Sixthly : With or without her consent when she is under sixteen years of age.

Punishment :

Section 376: Punishment for Rape

Whoever, except in the cases provided for buy sub- section (2), commits Rape shall be punished with imprisonment of wither description for a terms which shall not be less than 7 years but which may be for life or for a term which may be extend to ten years and shall also be liable to fine unless the women raped is his own wife and not under 12 years of age. He shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both.



Inter course by a man with his wife during reparation under section 376(A).I.P.C:

Whenever has sexual intercourse with his own wife, who is living separately from him under a decree of separation or any under any custom or usage without her consent shall be punished with imprisonment of wither description for a term which may extend to two years and shall also be liable to fine.

Domestic Violence Act 2005:-

The law itself becomes failure through not fully and it becomes necessity for enacting the special legislations. Perhaps these grounds national and international bounties compelled the Indian Government to enact the protection of woman form domestic violence Act of 2005 and effected from 26th October 2006 vide S.O.1776 (E), dated 17th October 2006, published in gazette of India , extra Pt.II, Sec.3(II) dated 17th October 2006 for making restructure provisions for earn family members for prohibiting harassment or any violence against women and Girls.

USE AND APPLICATION OF THE ACT OF PROTECTION OF WOMEN FORM DOMESTIC VIOLENCE, 2005 BY POLICE AND WOMEN

No doubt Indian has women specify and women related legislations both constitutional and laws.

Particularly section 304(B) and 498(A) of I.P.C., and provision of cr.p.c. and

Indian Evidence Act along with article 14,21 and 39(9) to protect the woman from different violence. The Act of 2005 specifically its preamble status that this Act, is to provide more effective protection of the right of women victims of violence of any kind occurring with in the family. It means the legislation was in used for Indian because through there are provisions under section 498(A) and 304(B) of I.P.C., the women are harassment and violence lead to member of acquittals. Hence at present level it can be said impact this act is need based enactment.

On the day of coming into force i.e. day of 26th month October years 2006 of this Act. The women abused in Domestic spree was reduced. A survey revealed the later after the act comes into force.

The first assets was made in the state of Tamil Naidu vide "TIMES OF INDIA", dated 29th Oct 2006 this new out just 2 days after its coming in to effect. The act fully protects the women from Violence by her husband. Further the wife of Pondicherry welfare minister has filed a case vide "Time of India" 3rd November 2006.

In Delhi on 6th November a case vide "TIMES OF INDIA" 7th November 2006 was filed by one Seema against her husband and in laws under section 12 of the Act and sought for protection order against them and monetary compensation for subjecting her to continuous domestic violence and



economic abuse. The magistrate Mr. Sunil Sharma has accepted the petitions for hearing.

Further on 9th December 2006 one Ms. Santosh filed the case vide "TIMES OF INDIA" 12th November 2006 under the protection from Domestic Violence Act seeking a protection order and alternative residence and maintenance from her husband.

From these current data it is revealed that this Act was in used for Indian women and girls.

The reducing features in the trend of increasing women society and organization constitution of national women commission and shift in judicial outlook. Women organization are themselves looking care of women's rights and lodging successful protest to put to task the rapist and other criminal committing atrocities on women. Parliament has amended the Indian penal code with a view to punish stringently the crime of rape in hospital or police custody.

The judiciary has adopted human right approach towards working women's problem and really enforces the norms laid down in international contentious.

In Appeal "Export promotion council".

Versus
A.K.Chopra
(1999)S.C.C.759

Dealing with the sexual harassment of women workers at their workplace, the

Supreme Court of Indian enforced the norms provided in conventions on the elimination all forms discriminations against women.

The Supreme Court of Indian (1999)2 Scc. 228 and pronounced that with respect to the guardianship of children, wife has equal right to the dignity to women. Something has been done and is being done for ameliorations of the status of the women and for saving them from exploitations and restoring their dignity equal to men, but much more is needed to be done. Legislative measures are not enough social awaiting, women economics independence and change in social outlook towards women can achieve the purpose of ensuring, equality, liberty and dignity of women.

In India the condition of the women is critical although the constitution and legislature has grouted much aid in different Acts and meantime different societies and commission has been instituted in reforms of the women. However our society has changed but the need of awareness is must .

The law and relief are available but this time the need to aware towards them.

