



ATTEMPT OF LEGISLATURE FOR PROTECTION OF WOMEN

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ABSTRACT

Women are always worst suffer of discrimination. From ancient period they were considered as commodity. Different personal laws for communities deal with family matters related to marriage, property right, succession etc. as a result the male dominated society exploits common in all expects which impact on the status of women. Considering all these conditions the Indian legislations have passed various laws from time to time to protect and promote the cause of women and to remove their disabilities and upgrade the status and lives of women.

Key words: Legislation, protection gender equality awareness

INTRODUCTION

The constitution of India provides certain provisions for the protection and development of women in every sphere of life and for the benefit of women. Even the preamble of the constitution also does not discriminate men and women. One of the important objectives of the preamble is to give equal status to men and women. Article 44 of the constitution of India directs to states to make uniform civil code throughout the territory of India. But the major problem in India is that the people of India belong to different religions and therefore governed by different personal and customary laws. Personal laws deal with family matter related to marriage adoptive, succession etc of a particular community. Therefore in India different personal laws are there for the people of Hindu, Muslim, Christian etc. Even the Britishers had not interfere with the personal law of India which were claimed to be of devine origins. Accordingly there was no socio legal change in prevailing legal system.

In 1941 the Hindu Law Committee fist recommended for codification and reformation of the Hindu law to establish a gender equality by which social progress and information can be possible. The personal law deals with the personal matter like marriage, maintenance, adoption, succession, minority and guardianship.

In 1945 the committee under the chairmanship of Sir Benegal Narsing Rau prepared the draft code dealing with Hindu personal matters like marriage, adoption, maintenance, succession etc. But no significant steps were taken after the submission of the draft code till after independence.¹

The underlying principle of Hindu Law in the pro-independence era was inequality, women were possessed inferior position in all matters governing personal law like marriage, adoption, maintenance, inheritance and guardianship, during that period women were dominated by the male, women were regarded only as a member of family but they had no their own identity. The legislation on the personal matters such as marriage, adoption, succession has a major impact on the status of women. To achieve quality of sexes substantive changes have been made in the Hindu sacramental law through these legislations relating to marriage, adoption, succession.²

Considering all these condition the Indian legislations have passed various laws from time to time to protect and promote the cause of women and to remove their disabilities. Many of such laws were enacted before independent as part of government efforts as social reform.

But after independence many important laws passed by the Indian Legislature to upgrade women lives and status.

Dowry Prohibition Act. 1961

To curb the social evil of dowry i.e. demand for property, valuable security at the time of marriage or just before marriage the Dowry prohibition Act was passed in 1961. The married women often subjected to domestic violence at her in laws house. As per section 3 of the Act both giving and taking or demand dowry either before marriage, during marriage and or after marriage is a criminal offense.

Dowry is a deep rooted social evil in the community at large. Initially the dowry system was prevailing only in the middle, upper middle class of the Hindu community.

In such cases women considers herself a burden and ultimately take a decision of ending her miserable life instead of running for a better life. As a result the law makers has tried several ways to tackle the problem of dowry deaths. The Indian penal Code, Evidence Act, criminal procedure code has been amended from time to time to prevent dowry death.

1. Kumar Raj, Women and Law 1st edn (2000), Anmol Publication Pvt. Ltd., New Delhi P.30.

2. Anand C.L. "Equality Justice and Reverse Discrimination" Edn 1987. Mittal Publication Page 321

3.4. The Commission of Sati (Prevention) Act 1987.

Sati is one of the oldest forms of domestic violence. The expression 'sati' means the burning or burying alive of widow along with the body of her deceased husband accordingly to section 2 of the commission of Sati Prevention Act 1987. The Act purport to effectively prevent commission of Sati and its glorification. It prescribes punishment for whoever may attempt to commit sati or abet the commission of sati directly or indirectly. Glorification of Sati or sati is also made punishable.

The Act ordains removal of temples where worship or ceremonies are performed with a view to perpetuating the honour of or to preserving the memory of any person in respect of whom sati has been committed. The Act also mandates establishment of special courts to take cognizance of offence committed under the act.

3.5. The Pre Natal Diagnostic Techniques (Regulations and Prevention of Misuse) Act, 1994.

Female infanticide or forced termination of pregnancy is a specific form of domestic violence. The Act regulates the forced termination of female fetus, it permits terminating of pregnancy only for medical purpose. There is an absolute prohibition on communicating the sex of the foetus to the women or her relatives.

Any contravention of those provisions can result in conviction and punishment. Every offence under the Act is cognizable, non-bailable and non-compoundable.

According to section 6 of the Act no genetic counselling centres or Genetic laboratories or genetic clinic or any person can conduct pre-natal diagnostic techniques including ultrasonography for the purpose of determining the sex of foetus. For the prohibition of determination of sex no person can cause or also to be caused selection of before or after conception. Thus the Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of sex selection) Act 1994 is intended to prohibit female foeticide across the country which has become constant evil in the society.

Domestic Violence Act:

Violence against women is not a new or recent phenomenon, women have been the victims of violence all through the ages, in all societies, cultures, regions or religious communities in the world. Humiliation, harassment, torture and exploitation of women is as old as the history of family life. Violence against women is a worldwide phenomenon. Fear of violence is a cause of women's lack of participation in activities beyond the home, as well as inside it. Within the home,

women and girls may be subjected to physical and sexual abuse as punishment or as culturally justified assaults. These acts shape their attitudes to life and their expectations of themselves. There are various forms of crimes against women.

Sometimes it begins even before their birth, sometimes in the adulthood and sometimes in other phase of life. In the Indian society, the position of women are always perceived in relation to the man, from birth onwards and at every stage of life, she is dependent on him. Violence against women both inside and outside of their home has been a crucial issue in the contemporary Indian society. Women in India constitute near about half of its population and most of them are grinding under the socio-cultural and religious structures. One gender has been controlling the space of the India's social, economic, political and religious fabric since time immemorial. For centuries past, women all over the world have not only been denied full justice, social, economic and political, but as a "weaker sex" they have been used, abused, exploited and then, discarded to lead immoral and destitute life till their death.

Violence against women locks women of different classes, castes and communities into multiple intersecting axes of inequality and discrimination that spread out over a wide range from social and economic life to political inequality tying women of different classes together through the similarity of their experiences.

The sexual harassment (Prevention protection and redressal) Act 2013.

With the growth of education women feel about their rights and they come forward to fight their right which are guaranteed by the constitution of India. Though theoretically the status of women and men may be equal in the eyes of law but in real life they are only subject of exploitation in every sphere of life. The root cause of this exploitation is women are not independent. So they are exploited physically psychologically economically and become the subject of domestic violence. Now a day to curls this situation women come forward to work in any area even in social work also. But it has been that sometimes they become victim of sexual harassment. If women raise hands for this or complain it in office or for moral support inform it to their parent, husband, brother then again they will become the subject of domestic violence. So helplessly they have found their own means for coping with sexual harassment either by laughing it or ignoring or wipe their tears silently. There was so codified law in regard to protect women from sexual harassment. The Supreme Court of India for the first time acknowledge and define sexual harassment of women at work place in case of Vishaka vs State of Rajasthan.³

In every stratum of Indian Society, many families still feel apprehension and anxiety when a girl child is born. The girl child is conceived to be an economic burden in many parts of India. It is true that much progress has been achieved through different legislation, India has made some progress in aspiring towards gender equality. But it is not sufficient. Economic empowerment, empowerment through political participation, empowerment through legislation etc. must be to mode to eradicate gender discrimination. Different awareness programme is must for both men and women and the most mindset of men as well as women should be changed to attain gender equality for implementation of legislation by the government.

