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JUSTICE FOR WOMEN – A CRITICAL STUDY

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Justice for Women – A Critical Study

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Abstract – Women are the builder and moulder of nation's destiny. Though soft, delicate and polite they have nobler ideas than man. Gandhi ji once said – "when you educate a man you educate a man but when you educate women you educate a family." Men and Women are two wheels of a cart of life. Our scriptures, holy books glorified the role of women in the life of man. But now-a-days the position of women in our society is suffered. There conditions are very pitiable. There are several burning problems prevailing in society. Now newspapers are full of reports on gender inequality, domestic violence, sexual harassment, bride burning and dowry deaths. These evils existed in our country since a very long time.

Keywords : Human Society, Physical causing, Middle Class, Women's Rights.

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INTRODUCTION

Women are the builder and moulder of nation's destiny. Though soft, delicate and polite they have nobler ideas than man. Gandhi ji once said – "when you educate a man you educate a man but when you educate women you educate a family." Men and Women are two wheels of a cart of life. Our scriptures, holy books glorified the role of women in the life of man. But now-a-days the position of women in our society is suffered. There conditions are very pitiable. There are several burning problems prevailing in society. Now newspapers are full of reports on gender inequality, domestic violence, sexual harassment, bride burning and dowry deaths. These evils existed in our country since a very long time. But these have assumed menacing proportions only during the past few decades.

GENDER INEQUALITY

Gender Inequality throughout the world is among the most all pervasive, though deceptively subtle forms of inequality. Gender equality concerns each and every member of the society and forms the very basis of a just society. Human rights issues, which affect women in particular, play a vital role in maintaining the peace and prosperity of a just society. It is an established fact that women represent very kernel of the human society around which social change must take place. Today as we stand at the threshold of the 21st century, we are still unable to boast of a society where there is total gender equality of gender equity. Justice Krishan Iyer, in 'Law and life' decries the lopsided view of gender-justice. He says : The fight is not for women's status but for human worth. The claim is not to end inequality of women but to restore universal justice. The bid is not for loaves and fishes for the

forsaken gender but for cosmic harmony which never comes till women comes.

DOMESTIC VIOLENCE

Domestic violence in all its forms has increasing over the last two decades been recognized nationally and internationally as a serious problem- traditionally it has been ignored or condoned, because it occurs between close relation in the privacy of their homes. In the protection of Women from Domestic violence Act, 2005, domestic violence is a state of things which gives rise to a cause of action for the aggrieved women for anybody on her behalf to commence proceeding under the act against the respondent. Anything done which violates the right to life of a Women comes within the scope of this Act. It may be oral offending her sensibilities, it may be physically causing injuries to her body. It may be threats to do any of these things. It may also be the deprivation of the women of the necessities of her life and of her children on one side and similar acts or threats against persons in whom the women is interested with a view to coerce her to submission. Further such Acts may be with a view to secure dowry. Selling away any property of a Women or the responded to deprive the women of her rights and privileges come within the scope of domestic violence. More important of all these are acts which amount to sexual harassment. In substance, anything done or threatening to cripple a women physically and mentally amounts to domestic violence.

SEXUAL HARASSMENT

Now-a-day so many cases are being reported relating to sexual harassment of women at their working place and elsewhere. It is well known fact that ours

is a male dominating society but in this Twenty-First Century women are working in various field of life, some of them are working as Doctors and others are working as Pilots in the sky. In so many banks, Life insurance and others corporations are also engaged literate ladies and have been selected for various posts. The question arises what is meant by sexual harassment. The reply is very simple that “Any act or gesture whether directly or by implication, aim at or has tendency to outrage the modesty of female employee must fall under the general concept of the definition of sexual harassment”

DOWRY SYSTEM

In these days newspaper are full of reports on bride burning and dowry deaths. The evil of dowry has existed in our country since a very long time. But it has assumed as a menace only during the past few decades. The reasons are not far to seek. Ever since independence there has been a growing increase in the number of people belonging to the middle class. They include those who are commonly termed the newly rich. Among them can be seen the keenest desire to acquire material wealth through unscrupulous means together with a complete deterioration of moral values. It is this fact which has made dowry problem much worse than that it was in the past.

INTERNATIONAL LAW ON WOMEN'S RIGHTS

At the International Level, prohibition against sex discrimination was first articulated in the United Nations Charter of 1945 and later reiterated in the Universal Declaration of Human Rights of 1948. Since then, virtually all human rights instruments have reinforced and extended protection against discrimination. The International Covenant on Civil and Political Rights approved in 1966 guarantees equal protection to both sexes. International Covenant on Economic, Social and Cultural Rights also approved in 1966 promises women equality status. The Fourth World Conference on Women, held at Beijing just a few years back, has brought us further forward reaffirming gender equality as a fundamental pre-requisite for social justice. The platform for action the Beijing Conference addressed eleven substantive areas of concern, poverty, education, health, violence, armed conflict, economic structures and politics, decision-making, mechanisms for the achievement of Women's human rights, mass media and the environment. The conference also attempted to strike a balance between local customs, tradition and cultures and indeed, Beijing went even so far as to demand that religious and cultural values should contribute to the realization of women enjoying full equality. Perhaps the most important conceptual advance in the international law of the women's rights is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), effective 1981, which provides that Women be given right equal to those of men on equal terms. The preamble maintains that “the full and complete development of a country, the welfare of the world and the cause of

peace require the maximum participation of women of equal terms with men in all field”.

NATIONAL LAW ON WOMEN'S RIGHTS

In this country “WE THE PEOPLE” gave to ourselves a constitution, which guarantees justice, social, economic and political. In the matter of equality Article 14 confers on men and women equal rights and opportunities in the political, economic and social spheres. Article 15 prohibits discrimination against any citizen on the grounds of religion, race, caste, sex etc. Article 15(3) makes a special provision enabling the State to make affirmative discriminations in favour of women. Similarly, Article 16 provides for equality of opportunities in matter of public appointments for all citizens. Article 42 directs the state to make provision for ensuring just and humane conditions of work and maternity relief. Above all, the constitution imposes a fundamental duty on every citizen through Article 51A(e) to renounce the practices derogatory to the dignity of women. In various provisions of the Constitution, the state has enacted much women-specific and women-related legislation to protect women against social discrimination, violence and atrocities and also to prevent social evils like child marriage, dowry, rape, practice of sati, etc. The Equal Remuneration Act of 1976 for equal pay to men and women for equal works. The Hindu Marriage Act of 1955 amended in 1976 provides the right for a girl to repudiate a child marriage before attaining maturity whether the marriage has been consummated or not. The Immoral Traffic (Prevention) Act of 1956 as amended and renamed in 1986 makes sexual exploitation of male or female, a cognizable offence. An amendment brought in 1984 to the Dowry Prohibition Act of 1961 makes 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 on the presumption that she must have been subjected to cruelty. Under criminal laws all violent acts affecting the body and mind of a person are offences under the Indian Penal Code for which the offender can be prosecuted and punished, except those which are too trivial. They also come under what is called in law a tort for which the relief claimable monetary damages. The latter is civil action under the general law of torts on which subject there is no legislation as such.

The act makes a particular reference to Sec. 498A of the Indian Penal Code and to Dowry prohibition Act. Both these enactments are concerned with dowry. In a case coming under Dowry Prohibition Act the mere demand for dowry as condition of marriage made at or before the time of marriage or subsequently, there is an offence committed which is punishable with an imprisonment for a term which shall not be less than five years and with fine. The punishment is mandatory and the punishment shall not be less than the period prescribed unless some special reasons for sentencing the accused for less than five years are

recorded. In the case of Sec. 498A Indian Penal Code where harassment is to such extent is to lead the women to attempt committing suicide the punishment provided is three years and fine. In the Protection of women from Domestic Violence Act, 2005 mainly perpetrator of domestic violence against women is the male. Such person may be female if she is related to her husband. If the husband commits act of domestic violence through his female relatives or through his male relatives, it is deemed that there is domestic violence for which the husband and his relative can be responsible. The order of the Magistrate may issue will bind them all and any violence of the magistrate's orders committed by any or all them amounts to offence punishable under Section 31.

CONCLUSION

For the emancipation for women in every field, economic independence is of paramount importance. Along with independence, equal emphasis must also to be laid on the total development of women and creating awareness among them about their rights and responsibilities and the recognition of their vital role and the work they do at home. If necessary, a social system must involve. The society must respond and change its attitude. Awakening of the collective consciousness is the need of the day. Change of heart and attitude is what is needed. If man were to regain his harmony with others and replace hatred, greed, selfishness and anger by mutual love, trust and understanding and if women were to receive education and become economically independent, the possibility of these evils dying a natural death may not a dream only. The legislature, realizing the gravity of the situation has amended the laws and provided for stringent punishments in such cases. But laws are not enough to combat the evil. A wider social movement of educating women of their rights, to conquer the menaces, is what is needed more particularly in rural area where women are still largely uneducated and less aware of their rights and fall an easy prey to their exploitation. The role of courts, under the circumstances assumes greater importance and it is expected that the courts would deal with such cases in a more realistic manner.

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