

# CONSTITUTIONAL PROVISIONS AND LEGISLATIVE MEASURES FOR THE SAFETY OF WOMEN

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**Abstract:** Violence against women is one of the most wide-spread violations of human rights. It can include physical, sexual, psychological and economic abuse, and it cuts across boundaries of age, race, culture, wealth and geography. It takes place in the home, on the streets, in schools, the work place, in farm fields, refugee camps, during conflict and crisis. Violence against women in India isn't just a current issue, but rather has deep seated traditional roots in the culture. In India, the problem of violence against women is a result of a long standing power of imbalance between men and women. Men have control over access to property and resources. There is also a sexual division of labor in India that results in female exploitation—physically, mentally and commercially. The constitution of India provides that irrespective of their sex, men and women are treated equally before the law and are accorded equal protection of laws. Article 15 of the constitution prohibits discrimination against any citizen on the grounds of religion, race, caste, sex etc. However, Article 15(3) makes a special provision enabling the state to make affirmative discriminations in favor of women. The concern for women is also reflected in the Directive Principles of State Policy. Article 39 (a) lays down that state shall direct its policy towards securing to all its citizens, men and women, equally the right to means of livelihood, while Article 39 (c) ensures equal pay for equal work. The discrimination and violence against women starts even when she is in mother's womb. It continues in her day-to-day life in the shape of molestation, kidnapping, rape, dowry, harassment at home and work place. But, the constitution, religious laws and moral principles imposes duty on the citizens of this country to give away such practices which are derogatory to the dignity and honor of the women. Media that includes television, radio and newspapers can play a positive role in creating awareness about the pitfalls of violence against women.

**Keywords:** Human Rights, Race, Culture, Geography, Constitution Of India, Directive Principles, Media.

**Introduction:** Nowhere in the history of human life were men and women treated alike and assigned statuses/roles alike. Women have not been able to lead a life exactly on par with men in spite of their urge for equality. Although great strides made by the international women's rights movements over many years, women and girls around the world are still married as children or trafficked into forced labor and sex slavery. They are refused to access to education and political participation, and some are trapped in conflicts, for instance in Gaza, Manipur and Kashmir, where rape is perpetrated as a weapon of war. Around the world, deaths related to pregnancy and childbirth is needlessly high, and women are prevented from making deeply personal choices in their private lives. Human Rights Watch is working towards the realization of women's empowerment and gender equality—protecting the rights and improving the lives of women and girls on the ground. In a male dominated country like India violence against women are unfortunately increasing at an alarming rate. Such violence can be categorized into two groups' violence against women within the family and violence against women outside the family.

**Violence against Women within the Family:** Women are often subject to violence within the family, a place which is expected to protect their dignity and assure their safety. This type of violence includes crimes such as—dowry related harassments including death, wife-battering, marital rape, sexual abuse of female children and women of one's own family, deprivation of sufficient food to female members, committing incestuous offences, including female members of the family to resort to sex-trade, female genital mutilation, and abusing female servants of the family and so on.

**Violence against Women outside the Family:** Kidnapping, raping and murdering women are very serious offences. The society at large itself is to be blamed for many types of violence's that are committed against women especially outside the family. Such violence's include, compelling women for abortion and to undergo tubectomy operation, eve teasing, kidnapping girls of pre-matured age and forcing them to marry, sexual harassment of women employees in work place, immoral trafficking in women and girls, forced prostitution, resorting to forcible religious conversion of young women, throwing acid at the faces of girls who refuse to marry, the police personnel committing sexual crimes against female prisoners and so on.

Most of the Indian families are patriarchal. Therefore, the philosophy of equality of sex is not acceptable to them. Domestic works such as – cooking, looking after children, washing clothes and vessels, keeping the house neat and clean, looking after the domesticated animals, serving family members are branded as ‘women’s work.’ Very rarely men do these works. But when the question of exercising power comes, it is always the man who dominates. His decisions are final and his orders are ultimate. The women’s voice is invariably suppressed. Studies have revealed that women in India are neglecting their own health. Usually, Indian women consume less food and spend more energy on work. Women toil for the good of the family and children even at the cost of neglecting their own health. Women rarely complain about their ill-health because of their virtue of ‘self-denial.’

Women workers are paid less than the male workers for the same type of work. Much labor is extracted from women by giving them very minimum wages. In matters of giving treatment, promotion, increment, etc. discrimination is made. Excepting film actresses and politicians, in all other fields, women are not given importance on par with men. Government officials/bureaucrats also practice this discriminatory treatment in dealing with the people. Sexual harassment of women at workplace is another major problem women have been facing since decades. The sexual harassment at work place includes, staring at women, making women the target of lewd remarks, dirty jokes, offers to drop them home, making unwanted comments about dressing etc. Many women workers have complained of such harassments during the recent times. Social reformers and social thinkers believe that in a nation like India giving education to women in as large a number as possible can prove to be a panacea for many of the problems of women. But unfortunately, it is found that girls are (still) being discouraged to go for higher education and also for professional and technical education. Further, the mass media such as radio, T.V., newspapers, weeklies, and monthlies play a crucial part in social change and social development especially in the modern societies. But sadly, the media has not been playing a positive in the case of women. The media is even condemned of exploiting and misrepresenting women. Advertisements whether in newspapers or T.V. play no less an important role in debasing women. Advertisement firms also make use of female body in a cheap manner to get publicity for things.

During the recent past, cases of desertion and divorce are increasing making the lives of many women very miserable. Divorce damages the social image of the wife. It becomes a perpetual stigma in her life. Dowry is another major problem associated with the Indian marriage. Dowry can be anything from cash to gifts. It is not only given before the wedding but the husband’s family expects to be given gifts even after wedding. This places heavy financial strain on the bride’s family. This is a violation of the women rights in India for it gives them financial burdens. Eve teasing, bride-burning, female foeticide, rape, are other major problems women in India faces day-in-day-out.

**Constitutional Provision for The Welfare of Women:** The independent Indian government has undertaken a number of measures with a view to promote the development and welfare of women. The improvement in the status of Indian women especially after independence can be analyzed in the light of major changes that have taken place in areas such as legislations, education, economic and employment sector, political participation and awareness of their rights on the part of women etc. The Constitution of India in its attempts to provide equal rights and opportunities to women and to ensure protection and justice has made the following provisions.

- Equality before law for women (Article 14).
- The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them (Article 15 (i)).
- The State to make any special provision in favor of women and children (Article 15 (3))
- Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article 16).
- The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood (Article 39(a)); and equal pay for equal work for both men and women (Article 39(d)).
- To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme 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).
- The State to make provision for securing just and humane conditions of work and for maternity relief (Article 42).

- The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (Article 46).
- The State to raise the level of nutrition and the standard of living of its people (Article 47).
- To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women (Article 51(A) (e)).
- 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 to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat (Article 243 D(3)).
- Not less than one- third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women (Article 243 D (4)).
- 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 to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality (Article 243 T (3)).
- Reservation of offices of Chairpersons in Municipalities for the Scheduled Castes, the Scheduled Tribes and women in such manner as the legislature of a State may by law provide (Article 243 T)

**Legislature Measure to Safeguards to Check The Abuse against The Women:** The government of independent India undertook a number of legislative measures to safeguard the interests of women. Some of them are as under:

- The Family Courts Act, 1984, seeks to provide justice to women who get involved in family disputes.
- The Special Marriage Act, 1954, provides rights to women on par with men for inter-caste marriage, love marriage and registered marriage. The act has also fixed the minimum age of marriage at 21 for males and 18 for females.
- The Hindu Marriage Act, 1955, prohibits polygamy, polyandry and child marriage and concedes equal rights to women to divorce and to remarry.
- The Hindu Succession Act, 1956 with amendment in 2005, provides for women the right to parental property.
- Immoral Traffic (Prevention) Act, 1956, gives protection to women from being kidnapped and being compelled to become prostitutes.
- The Maternity Benefit Act, 1961 (Amended in 1995) declares the taking of dowry an unlawful activity and thereby prevents the exploitation of women.
- The Medical Termination of Pregnancy Act, 1971, legalizes abortion conceding the right of a woman to go for abortion on the ground of physical and mental health.
- The Equal Remuneration Act, 1976, provides equal remuneration for men and women employees.
- Indecent Representation of Women (Prohibition) Act, 1986, prohibits indecent representation of women through advertisement or in publications, writings, paintings, figures or in any other manner.
- Commission of Sati (Prevention) Act, 1987, seeks to prevent Sati practice or the voluntary or forced burning or burying alive of widows.
- The Protection of Women from Domestic Violence Act, 2005, protects women from domestic violence.

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 grants equality to women, but also empowers the state to adopt measures of positive discrimination in favor of women. Within the framework of a democratic polity, our laws, development policies, plans and programs have aimed at women's advancement in different spheres. India has also ratified various international conventions and human rights to secure equal rights of women.

**Conclusion:** Historically, women have been regarded as constituting a weaker section. They have often been treated as 'second-class citizens.' They continued to suffer from one or the other kind of disability. They have been pictured and presented as 'home makers' who are good in household chores. This image of women has been changing everywhere. Extensions of the voting right to women brought about a series of changes in the status of women. A big country like India cannot afford to ignore the role of women in the national development. It is in this context the process of empowerment of women has assumed importance. Indian

women are not very much after equality with men. But they expect a change in the attitude of men towards them and their status.

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