

DE JURE NEXUS LAW JOURNAL

Author:

Rahul Chachan

Amity Law School, Kolkata

4th Year, B.com; LL.B. (Hons.).**DEVELOPMENT OF LAWS TO PROTECT WOMEN IN INDIA****ABSTRACT**

Bharat Ratna, Dr. APJ Abdul Kalam, former President of India was a great admirer of women's qualities. The status of modern Indian women is a kind of inconsistency. There are many women who become very successful in their life and at the same time there are also women who are being going through violence, discrimination, torture, exploitation, etc. They are also human being like men and also enjoy the same right and duties as like them but in today's society they don't get that. 73 years of independence have passed but still the violence, discrimination, torture, exploitation towards women are still same. In India despite various laws and government rules and regulation for their development, education and empowerment, the conduct of bad elements of society towards women and girls is unacceptable. There is widespread violence faced by women. It is a shame that in many places the women and girls are sexually harassed, socially abused and sometimes their dignity, choices and freedom are brutally attacked. This paper asserts, besides laws and efforts of governments the women's development, education, protection and safety are a sacred duty of society as a whole. In this society everybody must respect the right of women to equal opportunities and a dignified life. We have a collective responsibility to create a social system that ensures the safety, security and dignity of women in society. Making of law towards the safety, security and dignity for women is as important as making the law for the Country. Government must look into this matter and take all necessary steps to make it happen.

INTRODUCTION

Rightly did Swami Vivekanand say, ‘Just as bird an not fly with one wing only, a nation an not march forward if the women are left behind’. Men and women are two holes of a perfect whole. Strength is borne of their union their separation results in weakness. Each has what the other dies not have. Each completes the other, and is completed by other. Basically, the word ‘woman’ mean – half of man. Therefore the women ought to be respected.

Women are always a backbone of the family and society. A lot of things depends on them. So if any women is not treated equally, then the family or society cannot run its functioning smoothly and cannot fully contribute its contribution to the society. When both husband and wife live together in harmony and peacefully they become family full of love, peace, and prosperity.

According to me Women form the foundation of a prosperous society. Every human being should respect men and women equally and discrimination should not be done. The society that provides respect and dignity to women always shines with prosperity. And a society who does not provide women respect and dignity that they deserve does not shine and always face failures. They always enlighten the home. The women are called ‘Gharki Laxmi’ or ‘Goddess of Fortune in Home’ in India even in the present society.

The problems of women like discrimination against girls child, increasing violence against women, Trafficking in women, their health and nutrition problems , harassment at work place and hardships due to divorce, desertion and dowry etc. still exist in the society. Added to all these things, the process of ‘Globalization’ let loose more in the beginning of 21st century and increasing impact of social media has brought for females new opportunities, and at the same time, it created new anxieties, fears and challenges. We have to fight collectively to find social and legal remedies and effective solutions to women’s problems.

LAW JOURNAL

Discrimination against women in society

Women are discriminated in almost every society of the world. Women are never treated as men are treated. Men are always given preferential over women in the society.¹ It implies that men are superior than women. It seems they are more stronger, sharper than women and they are very different as compared to each other. Women always faces hatred, bitterness, disgraceful in the society.

Gender discrimination resulted into many crimes against women in the society. T²hese are - Female Foeticide, Female Infanticide, Selling of girl children, Girl Child Prostitution, and Sexual abuse of Girl Children

- (a) Female Foeticide - It is an atrocity against a girl even before she is born. It is a forced abortion of unwanted pregnancies and it has been present in all societies in one form or the other since ages. Female foeticide is a sex selective abortion. This is the most unfortunate way of preventing birth of daughters through sex determination test in which greedy doctors are involved. Though the Indian government has passed Pre-Conception and Pre-Natal Diagnostic Techniques Act (PCPNDT) in 1994 to ban and punish prenatal sex screening and female foeticide, it is carried on secretly.
- (b) Female Infanticide - This refers to the practice of killing female babies as soon as they are born. It is reported to be in existence in parts of Haryana, Rajasthan, Bihar, U.P., West Bengal and Tamil Nadu. A few districts of Tamil Nadu have been notorious for this heinous crime. The practice of female infanticide that is killing a girl child is found perhaps in two countries in Asia, namely China and India. Due to poverty, traditional belief and pressure from the male members of family, women of some tribal communities practice infanticide. In a society where women have in actuality limited rights, the problem can be solved through awareness building, education and removal of poverty.
- (c) Selling of girl children—After Female Foeticide and Female Infanticide, Selling of Girl Children is one of the major issue in present's world. Now, the shortage of women is generating a dangerous demand for brides among men desperate to marry, especially in states like Haryana, which has one of the country's worst gender ratios. The children are sold because they are girl and for few amount of money girl children are still sold to men in today's present world.
- (d) Girl Child Prostitution- In many countries across the world, young people are being increasingly exposed to 'raunch culture', where sex and sexual desire become commodities.³In India nearly 1.2 million sex workers are below the age of 18 with about 40 underage girls being forced into prostitution on a daily basis. With the 8 % of increase in the flesh trade, India has become one of the prominent name in child prostitution.

¹David Jary and Julia Jary: 'Collins Dictionary of Sociology', HarperCollins Publishers, New York, 1991: Page:58

²VirBala Aggarwal in 'Status of women in Modern India' –Edited by S.B. Verma, Deep & Deep Publications, New Delhi, 2005: pp. 4-8.

³Feminists in anti-raunch culture revolt, The Australian, available at: <http://www.theaustralian.com.au/news/nation/feminists-in-anti-raunch-culture-revolt/story-e6frg6nf-1225840212908>

(e) Sexual abuse of Girl Children - Girls children often become the victims of sexual abuse. Sexual abuse refers to the forced involvement of children in sexual activities who are immature to understand or enjoy sex. Most of them become the victims of it at about 14 years of age or a little above that age. Around 20% of the girls suffer from it in one way or another. Girl children are abused at home, neighbourhood, school, hospital and such other places. In more than 65% of the cases, they become the victims at hand of employers, co-workers, tenants, neighbours and acquaintances. It is shameful that recently, there have been wide spread news from different parts of India about sexual assault on children. The Central government has increased minimum punishment in case of rape of women from 7 years to 10 years, extendable to life imprisonment. In case of gang rape of a girl below 12 years, punishment will be life imprisonment or death sentence.⁴



Inequality of rights to women than men in india

Gender Inequality, in simple words, may be defined as discrimination against women based on their sex. Women are generally considered by the society as weaker sex. Woman has been accorded a subordinate position to men. Her rights are exploited, degraded, violated and discriminated both in their homes, work place and in outside world. This peculiar type of discrimination against women is prevalent everywhere in the world and more so in Indian society.

There are several types of problems faced by women are –

1. Dowry and bride burning, and the worst casualty in this is the dignity of the young woman as well as her family due to non fulfillment of demands. It sometimes spells death for the woman.
2. Domestic violence in which women are often subject to violence within the Family, a place which is expected to protect their dignity and assure their safety. It refers to a pattern of violent abusive and coercive behaviour through which one member tries to gain power and control over another person inside the family. The domestic violence includes crimes such as 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, inducing female members of the family to resort to sex-trade, female genital mutilation, abusing female servants of the family, and so on. However, "Protection of Women from Domestic Violence Act, 2005" gives some protection to women against domestic violence mentioned above.
3. Violence against women outside the family or Social violence which includes kidnapping, raping and murdering women. These are very serious offences. Crimes and violence committed against women like compelling women for abortion and to undergo tubectomy operation, eve-teasing, kidnapping girls of premature age and forcing them to marry, Sexual harassment of women employees at workplace, immoral trafficking in women, forced prostitution, mutilating the organs (such as hands, legs, ears, nose etc.) of female children to use them for the purpose of begging, resorting to forcible religious conversion of young women, female genital

⁴FE online updated 21 April, 2018: <https://www.financialexpress.com/india-news/what-is-pocso-act/1140766/>

mutilation,⁵blackmailing of women, throwing acid at the faces of young women who refuse to marry, even in some cases the police and jail personnel committing sexual crimes against female prisoners, the people deployed in boarder areas for security purpose committing sex crimes against the female citizens, and so on.

4. Disparity in Education in the matter of admitting children to school at elementary level, female children are discriminated against male children. Low female literacy rate means an overall sluggish growth of India, as it impacts every arena of the development. India is struggling hard to stabilize its growing population through family planning programs. But if females are illiterate, then this has a direct and negative impact on these initiatives. As per the census of 2011, an effective literacy rate for men was 82.14% whereas for women it was 65.46%. Though there has been seen a substantial increase in the number of literate women and this gap is narrowing, it still persists. Among such figures, there exists a ray of hope as well. According to the 2011 census, since year 2011, 110 million additional women had become literate as compared to 107 million men; it means that the number of literate women is increasing. Nevertheless, it is a matter of concern that girls in rural India are being discouraged to go for higher education that is, college and university level education and also for professional and technical education. There are regional imbalances, and gender bias in the school curriculum is witnessed. Our syllabus system, text books, classroom teaching, co-curricular activities are still not free from gender bias.
5. Problems of healthcare and nutrition of women are not properly taken care of in the society. Due to gender prejudice, health care of women and girls is neglected though needs of women's health care and nutritious food at all stages of the life-cycle are very important to improve their status in the society.

Important Laws

Crimes against women occur every minute in India. Women are not safe, whether it is in their houses, public places or at the workplace. Given the number of crimes that are committed against women, it is pertinent that women should be aware about the laws that are in place to protect them.

Remember knowledge is power. As a parent, wife, daughter, employee and a woman these are rights set in place to protect us and it is important that we are aware about these.

Here are 10 laws that women should know:

1. The Prohibition of Child Marriage Act, 2006

According to the International Research Centre for Women, almost 47 percent of girls are married before the age of 18. Currently, India ranks 13 in the world when it comes to child marriages. Since child marriage has been steeped into the Indian culture and tradition since centuries, it has been tough eliminating it. The Prohibition of Child Marriage Act was made effective in 2007. This act defines child marriage as a marriage where the groom or the bride are underage, that is, the bride is under 18 years of age or the boy is younger than 21 years. Parents trying to marry underage

⁵The cruel practice of female genital cutting or female genital mutilation (FGM) is not happening only in far away Africa. It's not just being practised in tribal societies. Young girls aged six and seven are regularly being cut right here, in India. Mumbai abounds with untrained midwives who continue to scar young girls from the Bohra community, a Shia sub sect³, Source: India's Dark Secret – by Harinder Baweja, An article published in Hindustan Tiems, Please see- <https://www.hindustantimes.com/static/fgm-indias-dark-secret/>

girls are subject to action under this law. Since the law makes these marriages illegal, it acts as a major deterrent.

2. **Special Marriage Act, 1954**

The objectives of this act is to provide – a special form of marriage in certain cases, provide for registration of certain marriages and, to provide for divorce. In a country like India and with the diverse religions and cast, when people from different faiths and caste chose to get married they do it under the Special Marriage Act. Special Marriage Act, 1954 The objectives of this act is to provide – a special form of marriage in certain cases, provide for registration of certain marriages and, to provide for divorce. In a country like India and with the diverse religions and cast, when people from different faiths and caste chose to get married they do it under the Special Marriage Act.

3. **Dowry Prohibition Act, 1961**

According to this act, taking or giving of dowry at the time of the marriage to the bride or the bridegroom and their family is to be penalised. Dowry system, giving and taking of dowry, is a norm in India. Dowry is often asked of the bride and her family by the groom and his family. The system has taken strong roots because women after marriage move in with their spouse and in-laws. Also, over the centuries, the lack for economic independence of women and the taboo towards divorce has resulted in bride burning. When demands for dowry even after marriage are not met by the girl's families, many women are tortured, beaten and even burnt.

4. **Indian Divorce Act, 1969**

The Indian Divorce Act allows the dissolution of marriage, mutual consent, nullity of marriage, judicial separation and restitution of conjugal rights. Family Courts are established to file, hear, and dispose of such cases.

5. **Maternity Benefit Act, 1961**

This act regulates the employment of women and maternity benefits mandated by law. It states that a woman employee who has worked in an organisation for a period of at least 80 days during the 12 months preceding the date of her expected delivery is entitled to receive maternity benefits, which includes maternity leave, nursing breaks, medical allowance, etc.

6. **Medical Termination of Pregnancy Act, 1971**

The Act came into effect into 1972, was amended in 1975 and 2002. The aim of the Act is to reduce the occurrence of illegal abortion and consequent maternal mortality and morbidity. It clearly states the conditions under which a pregnancy can be ended or aborted and specifies the persons qualified to conduct the same.

7. **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**

To ensure women's safety at workplace, this Act seeks to protect them from sexual harassment at their place of work. Thirty-six percent of Indian companies and 25 percent among MNC's are not complaint with the Sexual Harassment Act according to a FICCI-EY November 2015 report.

Sexual harassment at workplace also includes – the use of language with sexual overtones, invasion of private space with a male colleague hovering too close for comfort, subtle touches and innuendoes.

8. Indecent Representation of Women(Prevention) Act,1986

This Act prohibits indecent representation of women through advertisement or in publications, writings, paintings, figures or in any other manner.

9. National Commission for Women Act, 1990

The National Commission for Women (NCW) is a statutory body of the Government of India, established in January 1992. Lalitha Kumaramangalam was appointed its Chairperson in 2014.

The NCW represents the rights of women in India and provides a voice for their issues and concerns. The National Commission for Women Act aims to improve the status of women and worked for their economic empowerment.

10. Equal Remuneration Act, 1976

This Act prevents discrimination in terms of remuneration. It provides for payment of equal recompense to men and women workers. It is necessary to know these and other laws in place to protect the interests of women. Only if you are aware of your rights can you fight against any injustice meted out to you at home, at the workplace, or in the society.

In today's present world each and every person should be aware of their rights and liabilities and that can only be done by knowing the various kind of Laws. One cannot overcome or fight against any kind of violation, inequality, discrimination, exploitation, etc till they know what kind of rights they have. So laws must be taught to each and every human in their college life.

Government efforts for empowerment of efforts

Indian Constitution provides for positive efforts to eliminate gender inequality; the Preamble to the Constitution talks about goals of achieving social, economic and political justice to everyone and to provide equality of status and of opportunity to all its citizens. Further, women have equal right to vote in our political system. Article 15 of the Constitution provides for prohibition of discrimination on grounds of sex also apart from other grounds such as religion, race, caste or place of birth. Article 15(3) authorizes the State to make any special provision for women and children. Moreover, the Directive Principles of State Policy also provides various provisions which are for the benefit of women and provides safeguards against discrimination.

Other than these Constitutional safeguards, various protective Legislations have also been passed by the Parliament to eliminate exploitation of women and to give them equal status in society. For instance, the Sati (Prevention) Act, 1987 was enacted to abolish and make punishable the inhuman custom of Sati; the Dowry Prohibition Act, 1961 to eliminate the practice of dowry; the Special Marriage Act, 1954 to give rightful status to married couples who marry inter-caste or inter-religion; Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Bill (introduced in Parliament in 1991, passed in 1994 to stop female infanticide. Besides these laws, Prime Minister Narendra Modi has stated, "The Sustainable Development Goals (SDGs) reflect our evolving understanding of the social, economic and

environmental linkages that define our lives.” India’s development mantra “SabkaSaathSabka Vikas” (Collective Effort, Inclusive Development) and the associated national programs closely track the SDGs. “Our country appreciates the focus on ‘Eradicating poverty and promoting prosperity in a changing world’. The SDGs address the root cause of poverty and are an elaborate exercise to help nations work towards a unifying agenda for development. While targeting economic growth, infrastructure development and industrialization, the country’s war against poverty has become fundamentally focused on social inclusion and empowerment of the poor. Several major programs have been implemented to address these priorities and meet the economic, social and cultural aspirations of a diverse people.”⁶

While much more progress remains to be made, a number of indicators pertaining to the status of women in India have moved in the right direction over the years. For instance, 68.4% of women were literate in 2015-16, as compared to 55.1% in 2005-06. Additionally, 53% of women were independently using a bank or savings account in 2015-16, which is a significant improvement from 15.1% in 2005-06. Numerous measures have been put in place for promoting gender equality. For example, the BetiBachaoBetiPadao (Save the Girl Child, Educate the Girl Child) initiative focuses on a comprehensive package of interventions for the girl child including those pertaining to education and protection. The Maternity Benefit Programme protects women from wage loss during the first six months after childbirth. Further, several programmes are being implemented for enabling greater participation of women in the work force.

Important Constitutional and legal provision for women in India

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 favour of women. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women’s advancement in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1993.

1. **Constitutional Provisions** - The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard.

Constitutional Privileges are

- (i) Equality before law for women (Article 14)
- (ii) 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))

⁶Arvind Panagariya Vice Chairman, NITI Aayog, excerpts from Opening Statement of India Voluntary National Review Report (India) on Implementation of Sustainable Development Goals -United Nations High Level Political Forum 2017. Please refer – <https://sustainabledevelopment.un.org/content/documents/15836India.pdf>

- (iii) The State to make any special provision in favour of women and children (Article 15 (3))
- (iv) Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article 16)
- (v) 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))
- (vi) 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)
- (vii) The State to make provision for securing just and humane conditions of work and for maternity relief (Article 42)
- (viii) 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)
- (ix) The State to raise the level of nutrition and the standard of living of its people (Article 47)
- (x) 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))
- (xi) 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))
- (xii) 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))
- (xiii) 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))
- (xiv) 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 (4))

2. **Legal Provisions** - To uphold the Constitutional mandate, the State has enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support services especially to working women. Although women may be victims of any of the crimes such as 'Murder', 'Robbery', 'Cheating' etc, the crimes, which are directed specifically against women, are characterized as 'Crime against Women'. These are broadly classified under two categories.

(1) **The Crimes Identified Under the Indian Penal Code (IPC)**

- (i) Rape (Sec. 376 IPC)
- (ii) Kidnapping & Abduction for different purposes (Sec. 363-373)
- (iii) Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
- (iv) Torture, both mental and physical (Sec. 498-A IPC)
- (v) Molestation (Sec. 354 IPC)

- (vi) Sexual Harassment (Sec. 509 IPC)
- (vii) Importation of girls (up to 21 years of age)

(2) The Crimes identified under the Special Laws (SLL)

Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. Some acts which have special provisions to safeguard women and their interests are:

- (i) The Employees State Insurance Act, 1948
- (ii) The Plantation Labour Act, 1951
- (iii) The Family Courts Act, 1954
- (iv) The Special Marriage Act, 1954
- (v) The Hindu Marriage Act, 1955
- (vi) The Hindu Succession Act, 1956 with amendment in 2005
- (vii) Immoral Traffic (Prevention) Act, 1956
- (viii) The Maternity Benefit Act, 1961 (Amended in 1995)
- (ix) Dowry Prohibition Act, 1961
- (x) The Medical Termination of Pregnancy Act, 1971
- (xi) The Contract Labour (Regulation and Abolition) Act, 1976
- (xii) The Equal Remuneration Act, 1976
- (xiii) The Prohibition of Child Marriage Act, 2006
- (xiv) The Criminal Law (Amendment) Act, 1983
- (xv) The Factories (Amendment) Act, 1986
- (xvi) Indecent Representation of Women (Prohibition) Act, 1986
- (xvii) Commission of Sati (Prevention) Act, 1987
- (xviii) The Protection of Women from Domestic Violence Act, 2005

3. Special initiatives for women

- (i) National Commission for Women : In January 1992, the Government set-up this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary, etc.
- (ii) Reservation for Women in Local Self -Government : The 73rd Constitutional Amendment Acts passed in 1992 by Parliament ensure one-third of the total seats for women in all elected offices in local bodies whether in rural areas or urban areas.
- (iii) The National Plan of Action for the Girl Child (1991-2000) : The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child.
- (iv) National Policy for the Empowerment of Women, 2001 : The Department of Women & Child Development in the Ministry of Human Resource Development has prepared a “National Policy for the Empowerment of Women” in the year 2001. The goal of this policy is to bring about the advancement, development and empowerment of women.

3. International initiatives for gender violence

The advancement of women has been a focus of the work of United Nations since its creation. The Preamble of UN Charter sets as a basic goal to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women. In 1946 the Commission on the Status of Women was established to deal with women issues. The Universal Declaration of Human Rights had affirmed the principle of inadmissibility of discrimination and proclaimed that all

human beings are born free and equal in dignity and rights and everyone is entitled to all rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex. However, there continued to exist considerable discrimination against women primarily because women and girls face a multitude of constraints imposed by society, not by law. It violated the principle of equality of rights and respect for human rights.

The General Assembly on November 7, 1967 adopted a Declaration on the Elimination of Discrimination Against Women, and in order to implement the principles set forth in the Declaration, a Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted. This Convention is often described as an International Bill of Rights for Women. It has laid down a comprehensive set of rights to which all persons, including women are entitled, additional means for protecting the human rights of women. In addition to the above Convention, three Conferences were held during the U.N. sponsored International Women Decade (1976-1985) in Mexico City (1975), Copenhagen (1980) and Nairobi (1985). The fourth conference was held at Beijing in 1995, have greatly enhanced international awareness of the concerns of women. Beijing Conference stated that Women rights are human rights and it called for integration of Women human rights in the work of different human rights bodies of United Nations. It considered the issue of violence against women in public and private life as human rights issues. The Conference called for the eradication of any conflict which may arise between the rights of women and harmful effects.

The UN General Assembly in 2000 convened a Special session on „Women: Gender Equality, Development and Peace for 21st Century to assess the progress on women issues. In February 2005, the Commission on the Status of Women at its 49th Session viewed the progress made on Women Human Rights Agreement, known as 15 Beijing Platform for Action. The Conference focused on many areas including poverty, environment, economy, education, human rights, power and decision making and girl child. In 2005, twenty third Special Session of the General Assembly was reiterated as World Summit Outcome. The Summit resolved to promote gender equality and eliminate persuasive gender discrimination. U.N. Commission on the Status of Women met on March 14, 2011 in the Economic and Social Council Chamber to discuss the present scenario of gender violence in the world.

Conclusion

There are varied legislative safeguards and protection mechanisms for women but the ground reality is very different. Despite all the legal provisions and government endeavours still women are not being treated as equal to men in our country. More often than not, men are treating them as an object to fulfil their carnal desires. Crimes against women are at alarming stage. The practice of dowry is still widely prevalent and female infanticide seems to be a norm in our society. There are wide spread news of sexual violence against women, incidence of rapes, dowry death, women trafficking, honour killing and domestic violence against women, in dailies, on TV and in social media which are disturbing the peace of mind of the people.

The formidable foe is the societal role perception of women. Economic empowerment, professional competence and integrity of women are not given due importance even in contemporary society. That is the reason why the numerous legislations passed to help women to occupy equal place in society often seem to be grading concessions they are rendered infructuous for they are not properly implemented. Enforcement of women and children legislations like Child Marriage Restraint Act, the Dowry Prohibition Act, Sati Prevention Act, Immoral Traffic Prevention Act, Domestic Violence Act, Pocso Act, Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act are glaring examples which are not being scrupulously implemented in letter and spirit. The patriarchal mindset, even in the 21st century of post modernization, is refusing to realize that women remain an integral part of the human community and that it will be impossible to consider socio-economic and societal transformation in isolation without women and men together playing their due developmental role.

There have been great and commendable contributions of women over the years in the building of our nation. We must thank them for the same. The bill for 33 percent reservation for women in elected bodies is a long pending issue that so far the country has not been able to achieve over 12 per cent representation. People in society have to make themselves effective with issues, facts and figures relating to women empowerment. Mere changes in the legal provisions, framing government programs/policies for gender equality will not suffice. Moreover we see some or the other changes keep happening in the structure. In order to reach our goal of women participation and their welfare and bring them in a leadership role, people should have the knowledge of the laws and schemes to develop an independent image as a public representative. We must make an attempt of building a dignified image of women in our country. Once the image of equality is established among people, it will last for long. You will see people accepting the ideas once these are thus established. In this respect Prime Minister Modi called upon the people “we must think beyond women’s development” and move towards “women-led development.”

I would be appropriate to conclude this paper with the words of wisdom of former President Pranab Mukherjee as he wisely said, “The rights of women to equal opportunities and a dignified life must be respected and the nation has a collective responsibility for creating the ecosystem to ensure their safety and dignity in society.”⁷This beautiful message was disseminated on the eve of International Women’s Day, when he graciously thanked all women for the contributions made by women folk over the years in the building of our national heritage. With a view to spread the gender sensitization among the society Mr. Mukherjee reminded the contribution made by several great women in India and abroad. He emphasized that women have always been given the highest level of respect in our country. Therefore, protection and safety of women and girls is a sacred duty of society as a whole.⁸

⁷ Ibid.

⁸Ibid.