

Millennium's Laws For Women

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The twentieth century has been remained mixed result oriented for women in male dominating society. In twentieth century, specially in its second half, whereas exploitation and cruelty events increased, at other side, several laws were made for upliftment and improvement of women's conditions. From the point of view of legal decision, the second half of twentieth century has been very fruitful for women. Though the laws for women welfare had come into existence during nineteenth century when ,in 1860 Indian Penal Code had been constituted. But after this , not amendment were done in previous laws but also new laws were made according to circumstance, time and country .

The laws made in twentieth century, we start from Indian Constitution. So many special provisions have been made for women in Indian Constitution which came into existence on 26 January 1950. Under article 15(1) ,(2), provisions have been made for prohibition of discrimination on the basis of religion, race, cast, sex and place of birth. On the other hand, there has been special provision for women in article 15(3). This provision was made keeping in view of critical condition of women. This has been challenged in the case of Abdul Yusuf Aziz V/S State Of India(A.I.R 1954.S.C.321), saying that it is unconstitutional to recognize irresponsible to women in the matter of flatterring but the supreme court has rejected this verdict on the plea that this arrangements have been made for women not only on sex basis but due to special condition of women. State can make special

laws for women. In public employment , there is prohibition of discrimination on the basis of religion, race , cast, sex and place of birth under the article 16 of constitution. It means like male, women have been given equal opportunity in public employment. The main thing is that applying the principle of equal wages for same work , has been given as safeguard in public employment. Supreme Court has categorically said that there should be no difference in wages for the same work for women in the case of Ullara Khand Kalyan Mahila Parisad v/s state of U.P. (A.I.R. 1992 S.C. 1965). In the same way , under the Art (23) (24), traffic in human being ,slave system, unemployment , forced labour and bonded labour etc have been prohibited. Article (21), also has made applicable through judgment which gives opportunity for women to live a honorable life. In 1992 a special provision has been so that the women can equally participate in politics. Women have given one- third reservation in Gram Panchayat and local Government institutions by amendments of 73rd and 74th of Constitution. There was special provision of reservation for women belonging to SC/ST. It is pleasure that one - third places are going to be reserved in Parliament and State Assemblies.

Although several provisions already have been made in Indian Penal Code in 1980, for safeguard of women against crime, but some more provision have been added to safeguard the women against crime. A new Act 498 has been added in 1983 for abolition of cruelty against women. There is provision of imprisonment up to 3 years to the person

who commits cruelty with any female. This provision have been made peculiarly to stop cruelty against women for dowry. In the case of Pawan Kumar V/S State of Haryana (A.I.R. 1998 SC 958) it was clarified that giving mental harassment, misbehave and using unbearable words to daughter-in-law will be treated as cruel behavior. In the case of Akula Rabindra V/S State of Andhra Pradesh (A.I.R. 1991 SC 1142) asking dowry and torture to wife by husband was termed as cruel behaviour by Supreme Court. In The same way a new Act 304B was added in 1986 in Indian Penal Code. This has the provision regarding dowry death. In this it has clarified that if within 7 years of marriage if there is unnatural death of bride due to her husband or relatives and if it is proved that the wife was tortured due to dowry demand, the case will be treated as dowry death. In the case of Mrs Shanti V/S State of Haryana (A.I.R. 1991 SC 1226), Supreme Court under Sec 304B, clarified that demand of dowry, harassment of wife by her husband and her death within 7 year will be treated as dowry death. The arrangement in this regard has been made under sub Act 113B, evidence Act 1872 which was added in 1986.

Though there is already provision for destruction of virginity, kidnapping, rape, unnatural sex in Indian Penal Code. But in the changing scenario of 20th century, some more provisions have been added by amendment in 1983, by adding Sec 376A, 376B, 376C, 376D it was made strict punishment for public persons who are called as caretakers of women honours if they commits rape. In case of State of Maharashtra V/S Prakash (A.I.R 1992 SC 1257) the Supreme Court has taken note of rape of female labour by police personnel .

So many cases of sexual harassment came into light in 20th century. Though there is

provision in Act 354 of Indian Penal Code for sexual harassment but it could not become effective. The Supreme Court has issued special note in the case of Vishaka V/S State of Rajasthan (A.I.R.1997 SC 3011) and Cloth Export Organization V/S AK Chopra (A.I.R. 1999 SC 625), was directed to the Government to make strict rule to stop sexual harassment of working women. The best example of such case is Rupam Deol Bajaj V/S K.P.S Gill (A.I.R 1996 SC 309). In this case Supreme Court took seriously the molestation of Mrs Rupam Deol Bajaj, senior administration, by Punjab Police Director-General K.P.S Gill. A special of 20th century is that Supreme Court in the case of State of Punjab V/S Gurmeet Singh (A.I.R 1996 SC 1393) has recommended that rape cases be heard by lady judges.

Now we come to livelihood. The main problem with women has been livelihood. The problem of livelihood came as major problem when the passed glory of women has faded away and she has become neglected by men. To overcome this problem, the provision has been made of rupees 5000/- per month as livehood for such ignored women. But condition is that would not be characterless and would not live separately without any possible reason. If man marries another girl, either he is eunuch or behaves brutally with his wife then wife can get livehood after living separately from her husband. In the case of Dr. Ranjit Kumar Bhattacharya v/s Smt. Savitri Bhattacharya (AIR 1996 SC 301) Supreme court has said till here that any man living as husband with any female can not deny saying that she is not his married wife. Supreme court , in the case of Shahabano Begam accepted that even divorcee muslim women can also be eligible to take live hood from her husband. But it is unfortunate that this decision of supreme court could not

accepted by few people and due to their objection, a separate law for divorcee muslim women had to bring which was known as Muslim Woman Act(Protection of rights after divorce) had been passed. Their such rights had been limited only for certain period according to article (3). This provision did not think suitable in the case of A.A.Abdullah v/s A.B Mohmuna Saiyad Bai(AIR1988 Gujarat 141) . Of course, this provision was hard and painful for divorcee muslim woman. So it is necessary to review it. Even it is expected to increase livelihood amount according to time , circumstances and nation.Though under Hindu Marriage Act 1955 (Art 24 and 25) there is provision of sufficient livelihood provided to divorcee wife.

In 20th century, the events of “Bulgar show of Women” has been increased. Females have been used as advertisement commodity and presented in half nude at the name of beauty compition. To stop this trend, in 1986, Mahilao Ka Ashist Rupan(prohibition) act has been passed. Under this act, the presentation of women in bulgur poison in books, textbooks,papers,slide in article, film, art and images etc.has been announced as punishable crime. Alongng with this , bulgur show of women’s bodies at the name of beauty compition should be stop. In the case of Chandra Kumari v/s Commissioner of plice Hyderabad (AIR1998 Andhra Pradesh302) in the context of beauty compition, the direction was released by high court. It has been remarked that women is not only person but also a power. Her feminism shows in the from of motherhood. The honour and respect of women have been protected under art(21) of the constitution. The exhibition of beauty is not bad . In fact beauty show is applicable too. But if the beauty show is organized in unconditional

manner, it is would become the subject of punishable crime.

In this connection, human traffic in the context of women has been the subject of consideration.in 20th centurycentury. Due to effort of materialism, and weakness of poor people have enhanced the prostitution. The matter of having sex with girls and women has become a general issue. Therefore, to overcome this serious problem in 1956 human traffic (Prohibition)Act has been issued. According to this act, to prostitute, to run prostitution etc have been considered as punishable crime. In this act, several powers have been given to administration to take action against this evils. It can close prostitution; to remove prosecutes from prostitution and keep them under protection etc are duties of administration. But this provision has been declared unconstitutional in the case of State of Uttar Pradesh v/s Kaushilya devi (AIR 1964 SC416).

In the case of Kamala Bai Jaimal v/s State of maharatra (1962 SCR 632) it has been said that under this act, for the removal of this crime , any youth should not be appointed by police authority .

Now we come to the point of burning issue ‘Dowry’ and ‘Child marriage’ Both are social evils. They are still in the existence even in 20th century. Dowry system has become a part of society . The outcome of this has been remained very serious issue for long times. One side, several women have been becoming the victim of unnatural death due to dowry, it is proved as curse for poor people on other side. Therefore, to overcome this problem, in 1961, dowry prohibition act came into light. Under this act, give and take of dowry , demand of dowry and also to give advertisement in this connection have considered as punishable crime. In the case of Smt. Prakash Kaur v/s Harjinder Pal

Singh (AIR 1992 Rajasthan 46) Rajasthan high court has said that dowry is such a evil which continuously demand brings divorce and prolong marriage relationship breaks. Therefore, it is expected to put restriction on it. Another serious issue is child marriage. In our village area, the root of child marriage is strong even in today, the system of marriage of milk feeding child has been still prevailing and negative outcome is our before. Therefore to abolish this evil , in 1929 , child marriage prohibition Act has been passed. Under this act, contributor of child marriage, performer of child marriage and the guardian of child marriage all are considered as partner of punishment. According to this provision, boy turned as male in the age of 21 and girl turned as female at the age of 18. To stop such marriage, under the art (12) of this act the application can be applied. In the case of Gajara Narayan v/s Kundi Kuvar Bhai Parvat (AIR 1997 Gujrat 185) child marriage is considered as punishable crime. But such marriage is not invalid. There is another bad system exists in India known as Sati system prevailing specially in Rajput society. After the death of husband ,wife sacrificed at the alter of her husband and it was considered as part of religion. The event like Dilvara has been taken place here. To abolish this evil , in 1987 parliament has passed Sati (prohibition) Act. According to this act, if anybody encourages sati system, try to be set and to push anyone for it are considered as punishable crime. For election it has been declared as incapable. The laws related to sati, were challenged in the case of Omkar v/s state of Rajasthan (1987 RLR 957). But this law had been declared by court as unconstitutional while rejecting this challenges.

Now we think over the civil rights of women. In the civil rights, the most

important right of women is right of succession. After issuing the Hindu succession act 1956 , now women has a right to take property in joint family. If any person dies incidentally, along with sons, daughters are also authorize to take their part in property. According to Art(14) of this act, women has given secular right in this context. Now women are also impartial owner of property whatever come under her which was achieved befoe or after the existence of this act. In the case of Veni Bai v/s Raghubir Prasad(AIR 1997 SC1147), Supreme court has proved this provision.

In the present scenario, several important laws have been made for the welfare of working women. Among these , Delivery convince Act 1961, is very important. In this , the provision of delivery leave has been provided with payment scheme. In the case of Randheer v/s Union of India (1988 L.L.J 344) the concession related to the subject of delivery has been declared constitutional. Similarly, there is provision of separate latrine for women, restriction imposed upon women not to go inside the mine, prohibition on the work done by women in the night and milk feeding to child and rest facilities have been made under Mine act, Factory act and etc.

The safeguard has been provided to the women in the context of marriage and divorce. The basis of divorce for women has been also provided equally under the art (13) of the Hindu Marriage act 1955. Not only this, special four basis of divorce have been given to women under the art 13(2). In the same way, The right to divorce are given to Muslim ladies by Muslim divorce Act.

Overall, several important laws have been made and previous laws have been amended in twentieth century. Time to time, courts have issued several important directions in the context of women welfare.

Indeed, supreme court has proved the capability of women as natural protector of young children. Country has entered in 21st century and in this century women have great expectation and desires. Now it is

assumption of the structure of such society in which women could breath freely in open environment without taking the help of laws and revolution.

What are some of the problems facing the women in India?

The problems Indian women faces are same as those faced by their counterparts in other nations. Additionally, there are some unique problems in India for women.

1. **The Dowry system** prevalent in India calls for a large sum of money to be paid to the groom at the time of marriage. Brides that cannot meet the husband's expectations are sometimes harassed after the wedding.
2. **Desire for male progeny** has caused natural imbalance and numerous problems for women.
3. **Unwanted touching of women in public places** — this problem is known as **Eve teasing** in India.
4. **Unequal share of inheritance** — in most Hindu families, only the sons inherit the wealth of the parents as married girls are considered no longer part of the family.
5. **Lack of public toilets** — this is more of a hygiene problem of India, but making even more difficult for women to get out of the house.
6. **Ill treatment of widows** — many families blame the untimely death of a husband to the misfortune of the woman. In extreme cases, the widow is made to wear only unattractive clothing and shave her head, although this practice is on the decline.

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