

WOMEN AND LAW

Krishna Dhakad*

ABSTRACT

In this article, we are going to discuss women and law. Women occupy a strong position in every field whether we are talking about sports or education. Women overcame all obstacles in the process of achieving their goals. However, some issues are commonly encountered. We need to reduce them so as not to stop the qualities after women. This article describes these obstacles and how to overcome them. They need to be reduced so as not to stop the subsequent qualities of a woman. This article examines these obstacles and how to overcome them. Also, we are going to discuss the women who have never been backpacking but have always been an inspiration for many. This article is all about the status of women in society and politics. We are talking about the role of women in the stereotypical society like how they were treated in ancient times and how time has changed as women became leaders of nations. The discussion includes specific laws and plans devised by governments to empower women. This article includes days when women can work but still struggle at work. The main idea of writing these articles is to have a clear image of women in society, what problems were faced by women, how they were treated etc. Finally, it also presents a way to view the full discussion addressing the various issues of women of our time.

Journal of Legal Research and Juridical Sciences

Keywords: Women, Land, Status.

WOMEN

Swami Vivekanand said, "*As a bird cannot fly on one wing, a country cannot develop when women are left behind.*"

India is famous for its culture, tradition, diversity and numerous qualities, etc. And by developing all these qualities women not only serve their families but also serve their nation as a whole. Hence, this is not a time when girls are asked to marry at 14 but this is a time when women's made history. We can also call them the backbone of a progressing society, half of the population of the country is constituted by women so women should and must get

*FIRST YEAR, BALLB, NARSEE MONJEE INSTITUTE OF MANAGEMENT STUDIES, HYDERABAD.

equal rights to men. According to Hindu culture, women are considered 'Devi' and treated as goddesses. There are many examples in Hindu scriptures where women are considered stronger than a man like 'shiv shakti' where lord shiva was incomplete without his wife's shakti'. 'Shakti' is also known as 'Mother of the earth'. By looking at all these examples we can clearly say that when a man is educated he educates his family, but when a woman is educated she educates her whole generation. Therefore, we must respect women.

All beings in this universe, like women, are justly able to survive according to their deeds. Since ancient times, women have been revered as goddesses, but on the other hand, they are treated as prisoners. When you go to the sacred Ramayana, you see 'Mata sita' the wife of 'Sri Rama' who does not leave her husband and follows in her husband's footsteps and chooses the hardships of the forest, revered for the virtues of Lakshmi. However 'Mata Sita' was kidnapped by 'Ravan' and finally Ravan met a shameful end. There are many stories in Hindu scriptures such as Draupadi's humiliation and Sita's kidnapping, we see rudeness toward women leading to total annihilation. Bullying women is a common thing we hear almost every day. Leaving her house makes her uneasy, whether it is a park, road, or job.

SEXUAL HARASSMENT

"Harassment everywhere is a threat to morals everywhere". Before Article 14 of the Constitution of India provided for this provision, all were equal. And all these people (men as well as women) have the right to stand on their feet. Therefore, India's Palace of Knowledge (Indian Constitution) also grants women equal rights as men, preventing women from staying in any of the fields. But the act of sexual harassment deprives you of that right. Sexual harassment of women creates feelings of insecurity, immorality, and loss of trust wherever they are, whether at home or work. There are many instances of sexual harassment in the workplace that prevent women from participating in the workplace. Women were not allowed to work and study for fear of sexual harassment. In 2018-19 the average dropout rate for girls was 17.3% and 4.74% in secondary and primary education. Because sexual harassment is every father's concern.

As we illuminate the Vishakha and Others v. the State of Rajasthan case, we see the triumph of thousands of working women. In this case, the court held that "consideration of international conventions and norms has to do with the interpretation of the right to work with dignity and guarantee of gender equality in Articles 14, 15, 19(1)(g) and 21 of the

Constitution. And the guarantees against sexual harassment implied there."It was created to reflect all sexual harassment issues. Finally, in 1997 India passed a law prohibiting sexual harassment of female employees in the workplace. The 2013 Sexual Harassment (Prevention, Prohibition and Relief) Act for Women in the Workplace ("Sexual Harassment Act"), came into effect on September 3, 2013.

GOVERNMENT MEDIA

This law helps women by preventing sexual harassment in every workplace it can be public or private. Also, this will make everyone realize gender equality(where men and women are equal), the Right to life(Freedom), and equal working conditions everywhere. Feeling safe in the workplace improves the participation of women in work which helps in the growth of the country.

Many schemes were launched by the government of India for women:

- Beti Bachao Beti Padhao Scheme.
- Pradhan Mantri Matru Vandana Scheme.
- Kanya Kosh Scheme.
- Relief and Rehabilitation of women acid victims Scheme. Etc.

We can see that women are contributing equally to the country. One Day they will live freely through various opportunities and schemes provided by the government.

LEGAL RIGHTS

In ancient times we can see that, people were totally against her when she was a girl but they greatly welcomed him when he was a boy. But, in today's world with the advent of technology, people can easily know whether it will be a girl or a boy. Also, there are things like abortion known as 'Female Pesticide.'

FEMALE INFANTICIDE

- 1) According to a report mentioned by United Nations Children's Fund (UNICEF), we can see that approximately 50 million women and girls are missing from the Indian population.

- 2) Approximately 105 females are born to every man in the world.
- 3) In India, for every 100 men in the population, there are less than 93 women.
- 4) Approximately 2,000 girls every day are being illegally aborted in India.

The government saw this situation and made many laws and plans. They can be listed as follows:

- 1) Law favorable to the education of girls
- 2) Law favorable to women's rights
- 3) Law favorable to the equal distribution of property for daughters
- 4) Other schemes for girls

LAWS ON FEMALE FOETICIDE

- 1) The constitution of India, 1950.
- 2) Section 312 of IPC 1860 deals with the medical termination of pregnancy act, of 1971.

THE INDIAN PENAL CODE (IPC) 1860

- 3) Indian Penal Code Section 312-316 deals with miscarriage and the death of an unborn child.

Penalties (seven years of imprisonment and a fine to life imprisonment)

- 4) The Medical Termination of pregnancy act, 1971 (Women will decide the number and frequency of children).
- 5) Regulation and Prevention of Misuse Act, 1994.
- 6) Technologies (To stop female foeticide)
- 7) Here, we can see that many strict laws have been made to stop female foeticide but it is important to understand that men and women are equal.

CYBERBULLYING AND RIGHTS OF WOMEN

There are many rights provided by 'The Constitution of India' known as 'Fundamental Rights' that are made to establish equality among the people of India. There are rights deserved as citizens, as individuals, or as human beings. We can say that these rights are the backbone of the Indian constitution. However, this equality has been violated by humans since ancient times. Inequality comes in many forms, such as color, caste, beliefs, and gender. The funniest thing which can be seen is gender discrimination which we can see from colonial rule but did not end yet. We're talking about humanity, but what about women? Gender inequality has led to numerous protests and hatred. Feminist was felt among people. When girls were not allowed to receive an education.

We could see Sati Pratha. Women were not involved in the formation of government and not a single woman was allowed to work. But in our time right now, some women lead every field. Women contribute to national building, national defense, and politics. The states of Telangana, Andhra Pradesh, Chhattisgarh, and Odisha have tribal communities known as Koya. There is a culture in which people like women more than men, and even when they get married, the bride comes to her husband's house empty-handed and the groom is greeted with gifts and money. All this shows inequality among males and females that women are smaller than men.

SOME RIGHTS OF INDIAN WOMEN

- 1) Right to Equal pay.
- 2) Right against domestic violence.
- 3) Right against workplace harassment.
- 4) Right to dignity and decency.
- 5) Right to get free legal aid.
- 6) Right to keep identity anonymous.
- 7) Right not to arrest at night.
- 8) Right to ZERO FIR.

- 9) Right against being stalked.
- 10) right to register virtual complaints.
- 11) right against indecent representation.

CYBERBULLYING?

Cyberbullying is “aggressive and deliberate behavior or behavior performed repeatedly over an extended period by a group or individual in electronic contact with a victim who cannot readily defend himself/herself”.

TYPES OF CYBERBULLYING

- 1) Trolling.
- 2) Cyberstalking.
- 3) Hate Raids.
- 4) Abuse of electronic communication.
- 5) Behavior that is likely to cause harm.
- 6) Rumors, misrepresentation, and hateful speeches involve cyberbullying.

On the one hand, technology is developing day by day. On the other hand, it can be seen that crimes are also increasing at the same pace. And all these crimes are targeting women. There are various platforms where cyberbullying can be placed, for example, social networks, games, etc. Nature serves us in the best way but, human creation no matter how elegant is sometimes intimidating. According to a UN report, about 60% of women worldwide are victims of cyberbullying.

LEGISLATIONS

We can see that there is no specific law governing the provisions of cyberbullying, but Section 67 of the IT Act deals with cyberbullying to some extent. Article 67 provides for penalties for publishing obscene materials in electronic form.

Penalties: 5 years imprisonment and a fine of up to 50,000 rupees.

66E (IT ACT) - Punishment for violation of privacy.

SECTION 507 IPC - Gives punishment for Criminal intimidation from electronic communication.

PUNISHMENT - up to 2 years imprisonment.

WOMEN EMPOWERMENT AND LAWS

In a world where women don't even have basic rights like education, health, work, etc., raising women's self-esteem by allowing them to make decisions and make choices for themselves and society is seen as empowering women. Empowering women is essential to ensure the contribution of women in all areas, from law enforcement to legislation. A woman should be encouraged to come and find her educational and career opportunities. She needs to know her place in her society. SV Ramana said at an event recently hosted by a female lawyer at the CJI Supreme Court in India. "Millennial oppression is enough. It's time to ensure 50% representation of women in the judiciary. It's your right. It's not a matter of charity", and has a policy of reservation for women.), Justice Indira Banerjee, Hima Kohli, BV Judges Nagaratna, and Bela M. Trivedi are the current female judges in the supreme court. They are the highest ever in the court's history. This shows that empowering women's work is a miracle. At that time women were not part of Legislation or politics but this has changed and thanks to their unremitting efforts and courage they made it possible for everyone to participate and show their skills. And now they see themselves as supreme court judges. We can see that women's empowerment has become a burning topic everywhere and Women's day is getting momentum.

POLICY FOR EMPOWERMENT OF WOMEN, 2001

The Constitution of India not only guarantees women's equality but also empowers states to make decisions in their favor. All these things are combined in the constitution of India in its preamble, fundamental rights, fundamental duties, and guiding principles.

OBJECTIVES AND GOALS

- 1) The main objective of this policy was to develop and improve the status of women.

- 2) It helps women in realizing their worth and potential.
- 3) It helps women to enjoy their rights guaranteed by the constitution of India.
- 4) Growth in the legal system.

SPECIFIC LAWS

- 1) Equal Remuneration Act, 1976.
- 2) The Dowry Prohibition Act, 1961.
- 3) The Immoral Traffic (Prevention) Act, 1956.
- 4) The Maternity Benefit Act, 1961.
- 5) The Medical Termination of Pregnancy Act, 1971.
- 6) The Commission of Sati (Prevention) Act, 1987.
- 7) The Prohibition of Child Marriage Act, 2006.
- 8) The Pre-Conception & Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994.
- 9) The Sexual Harassment of Women at Work Place (Prevention, Protection and) Act, 2013.

OFFENSES AGAINST WOMEN

Anything that causes physical or emotional harm to another person is a crime. Although women are subjected to the same crimes as members of society, such as murder and fraud, they are specifically defined as women's crimes or women's crimes. These crimes generally fall under two categories.

CRIMES MENTIONED UNDER INDIAN PENAL CODE(IPC)

- 1) Section 372(IPC) - Rape.
- 2) Section 363 - 373 - Kidnapping and abduction for a specific purpose.

- 3) Section 302/304-B(IPC) - Homicide for dowry, dowry death, or attempt.
- 4) Section 498-A(IPC) - Torture both mental as well as physical.
- 5) Section 354(IPC) - Molestation.
- 6) Section 509(IPC) - Sexual Harassment.
- 7) Section 366-B(IPC) - Importation of girls up to 21 years of age.

SPECIAL AND LOCAL LAWS (SLL)

- 1) Immoral traffic act, 1956 (Prevention)
- 2) Dowry Prohibition act, 1961
- 3) Indecent Representation of Women (Prohibition) Act, (1986)
- 4) Commission of Sati prevention act, 1987

Crime against women is increasing day by day. Many cases cannot even be mentioned. These crimes cause anxiety for people. For safety reasons, women cannot go out alone at night. Not only is crime a problem, but justice has another problem that is just as important. First of all, the government must enact certain strict laws to make people tremble in the light of committing a crime. But unfortunately, when a crime is committed, the government must punish the accused in the meantime, not years later, as in the case of Damini, and sometimes not after the death of the victim (Delhi). Rape Incident 2012), the criminals were later punished for eight years of their death. So, it's very important to enact strict legislation so that every woman can fly like a bird.

HUMAN RIGHTS

Human rights are moral principles or we can say that it belongs to an individual or a group of individuals simply for being a human. There are many rights such as the right to freedom of thought, right to freedom of religion, right to freedom of life, etc. Human rights belong to each and everyone regardless of gender, class, caste, etc.

SOME OF THE BASIC HUMAN RIGHTS

- 1) Right to life.
- 2) Freedom from slavery and torture.
- 3) Freedom of opinion and expression.
- 4) Freedom of education and work etc.

The main objective of designing Human rights is to ignore discrimination. This gives women the freedom to enjoy their life physically and mentally such as the right to education, own property, vote, and get the same remuneration. Women face discrimination sometimes physically and sometimes mentally but here human rights work as a weapon for women.

POLITICAL PARTICIPATION

As we all know women had created history earlier. We have women like Rani Laxmi Bai and Razia Sultan who were female leaders and freely enjoyed their political powers. Political participation does not mean giving a vote only but it means that one should be the part of that vote. Now, we have a strong participation ratio of women in politics. The Indian ruling party (BJP) encourages women to participate in politics. The INC nominated the first woman to become the Lok sabha speaker in June 2009 and also supported the election of Pratibha Singh Patil. There are many parties where women play an important role like in BJP(BJP Mahila Morcha), INC(All India Mahila Morcha), etc.

The Constitution of India gives the right to women to participate in Indian politics. We can see that historically women were not able to participate in politics but now the time has changed and a large number of women participate in Indian politics. India ranks 20th from the bottom in terms of women's participation in the Indian parliament. After independence, there were only 2% women in the first parliamentary assembly. Many women worked very well in social welfare, politics, etc. We can see women like Masuma Begum (Minister of social welfare), Renuka Ray (social worker), Durgabai, Gandhi's veterans, radhabai subbaryan (First round table delegates), Rajkumari Amrit Kaur (Union health Minister, 1947). who proved themselves in the best way and showed that men and women are equal.

Vijaya Laxmi Pandit was appointed ambassador to the soviet union in 1947 (US) and was also elected as a president of the united nation general assembly in 1953. On the other hand, Sucheta kripalani had become secretary-general of congress in 1959, labor minister in UP in 1962, and chief minister from 1963 - to 1967 in the united province. And more recently Sushma Swaraj, Samriti Irani, Priyanka Gandhi, Sonia Gandhi, and others have contributed to Indian politics.

But still, women are facing many problems in many ways like:

- 1) Gender Discrimination.
- 2) Education.
- 3) Sexual violence.
- 4) Political Participation.

REASONS GIVEN BY UNICEF ON POLITICAL PARTICIPATION OF WOMEN

Women's participation can uniquely change society. "A man can build a house but a woman makes it a home", similarly a man can educate his family members but if a woman is given an opportunity she can educate the whole generation as a whole.

CONCLUSION

Recent discussions show that gender discrimination is still prevalent worldwide. This problem is not only for India, it is a problem for the whole world which has to be solved as soon as possible. In a country like India, where women are considered goddesses but people abuse them. It is shameful for us as well as for the country. Now, we have to make them feel safe whenever they are outside of their homes. So that they can feel like a bird and can fly high as much as they want. Strict laws against crimes against women should be enacted. So, that women can participate in political events and can prove themselves in a better way. Women's reservation bill should be passed soon which shows that 33% of women should be part of the Indian parliament. Government should focus on the communication and leadership qualities of women. Also, some laws should be enacted to help women at different levels of education. Finally, I would say that women should be allowed to fly in the open sky without any restriction so that they can one day build a house of clouds in the same sky.

REFERENCES

- http://www.legalservicesindia.com/articles/legal_research.html
- <https://www.globalfundforwomen.org/womens-human-rights/>
- [https://en.wikipedia.org/wiki/Sexual_Harassment_of_Women_at_Workplace_\(Prevention,_Prohibition_and_Redressal\)_Act,_2013#](https://en.wikipedia.org/wiki/Sexual_Harassment_of_Women_at_Workplace_(Prevention,_Prohibition_and_Redressal)_Act,_2013#)
- <https://www.godigit.com/guides/government-schemes/women-empowerment-schemes-in-india>
- <https://vikaspedia.in/social-welfare/social-awareness/female-infanticide#:~:text=Facts%20on%20female%20Infanticide,>
- https://en.wikipedia.org/wiki/Female_foeticide_in_India#
- <https://presidencyuniversity.in/specific-laws-for-women-empowerment-in-india/>
- <https://www.indianbarassociation.org/crimes-against-women-a-legal-perspective/#>
- https://en.wikipedia.org/wiki/Women%27s_political_participation_in_India#:~:text=Women%20turnout%20during%20India's%20parliamentary,chief%20ministers%20of%20various%20states.
- <https://lexlife.in/2020/05/21/law-regarding-cyber-bullying-in-india/>

