

Indian Constitutional Provisions for the Safeguards for Women

Dr. V. P. Joshi*

ABSTRACT

Today women's position in India is not good in the arenas of socio-economic, educational and political spheres due to our religious and social conditions. This constitutes a huge challenge for the country to provide a good government to the common man and particularly to women. Crimes against women occur every minute in India, whether it is at public places or workplace or their homes. Legal protection system for the citizens of a country is the part of good governance. For the safeguards for women's rights, security and dignity in the society through Constitutional privileges, Legal Provisions, and, Special Initiatives our Indian law makers have been at the task of formulating laws and acts to protect equality of the fair sex. Here we present an outline of the main constitutional and legal protection system in India specially towards women.

Keywords: constitutional privilege, legal provision, IPC, special initiatives

INTRODUCTION

Since the times immemorial women were considered to carry out their duties as a home maker diligently, even though her efforts were never realised and therefore she was not blessed with the weapon of education. In the ancient times the brahmanas treated liquor and gambling's as evils along with it they considered women as the third evil of the society. In the old days, harassment and oppression of the women knew no bounds. The child marriages, in those days brought an adverse effect on the physical and mental growth of women.

In the middle ages the social evils such as Sati along with the tradition of veiling one's face was imposed upon the women. Even women became victims of Johar Vrat, which was at its pinnacle in the medieval age. In this dark and hopeless world for women one man came as a ray of hope i. e. the construction of the modern

*Assistant Professor, Department of Commerce, Municipal P.G. College Mussoorie, Affiliated to H.N.B. Garhwal University, Uttarakhand-248179.

world - Raja Ram Mohan Roy. Since the dawn of the realization of the women rights, many things have changed in favour of the women of India.

We have adopted the following measures for the safe guards for women's rights, security and dignity in the society through Constitutional privileges, Legal Provisions, and, Special Initiatives for women. The principle of gender equality represent in the Indian Constitution in its Preamble, Fundamental Right, Fundamental Duties and Directive Principles. The Constitution not only grants to women, but also empowers the state to adopt measures of positive discrimination in favour of women within the framework of 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.

CONSTITUTIONAL PRIVILEGES

1. Article 14 :- Equality before law for women
2. Article 15(i) :-The State not to discriminate against any citizen on ground only of religion, race, caste, sex, place of birth or any of them.
3. Article 15(iii) :- The State to make any special provision in favour of women and children.
4. Article 16 :- Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.
5. Article 39A :- 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 any reason of economic or other disabilities
6. Article 39(a) :- The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood.
7. Article 39(d) :- Equal pay for equal work for both men and women.
8. Article 42 :- The State to make provision for securing just and humane conditions of work and for maternity relief.
9. Article 46:-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.
10. Article 47 :- The State to raise the level of nutrition and the standard of living of its people.

11. Article 51(A) (e) :- 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.
12. Article 243 D (3) :- Not less than one-third (including the number of seats reserved for women belonging to Schedule Castes and Schedule Tribes) of the total number of seats to be filled by the direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat.
13. Article 243 D (4) :- Not less than one-third of the total number of offices of Chairpersons in the Panchayat at each level to be reserved for women.
14. Article 243 T (3) :- Not less than one-third (including the number of seats reserved for women belonging to Schedule Castes and Schedule Tribes) of the total number of seats to be filled by the direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality.
15. Article 243 T (4) :- Reservation Of offices of Chairpersons in Municipalities for Scheduled Castes, Scheduled Tribes and women in such a manner as the legislature of a State may by law provided.

LEGAL PROVISIONS

To endorse the constitutional instructions, the state has enacted various legislative measures indented 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 specially against women, are characterized as Crime against women. These Crimes are broadly classified as under :-

- (i) The Crimes indented under the Indian Penal Code, 1860
- (ii) The Crimes identified under the Special legislative Laws

The Crimes identified under the Indian Penal Code, 1860

1. Under section 376 of I P C :- Rape
2. Under section 363 to 373 of I P C :- Kidnapping and abduction for different purposes

3. Under section 302/304-B of I P C :- Homicide for Dowry, Dowry Deaths or their attempts.
4. Under section 498-A of I P C :- Torture, both mental and physical.
5. Under section 354 of I P C :- Molestation
6. Under section 509 of I P C :- Sexual Harassment.
7. Under section 366 B of I P C :- Importation of girls (up to 21 years of age)

The Crimes identified under the Special legislative Laws

Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed time to time and amendments carried out to keep pace with become known requirements. Some acts have special provisions to safeguard women and their interests are as under :-

1. The Family Courts Act, 1954
2. The Special Marriage Act, 1954
3. The Hindu Marriage Act, 1955
4. The Hindu Succession Act, 1956 with amendment in 2005 (Equal right to women in a joint ownership or coparcenary property)
5. Immoral Traffic (Prevention) Act, 1956
6. The Maternity Benefit Act, 1961 and amended in 1995
7. Dowry Prohibition Act, 1961
8. Indian Divorce Act, 1969
9. The Medical Termination of Pregnancy Act, 1971
10. The Contract labour (Regulation and Abolition) Act 1976
11. The Equal Remuneration Act, 1976
12. Criminal Law (Amendment) Act, 1983
13. Legal Service authorities Act 1987 (provides for free legal services to Indian women)
14. Pre-Conception and Pre -Natal Diagnostic Techniques (Prohibition of Sex selection) Act, 1994
15. The Prohibition of Child Marriage Act, 2006
16. Indecent Representation of Women (Prohibition) Act, 1986
17. Commission of Sati (Prevention) Act, 1987
18. The Protection of Women from Domestic Violence Act, 2005
19. The Protection of children from Sexual Offences Act (POCSO) 2012
20. Sexual Harassment of women at workplace (prevention, prohibition and Redressal) Act, 2013

SPECIAL INITIATIVES FOR WOMEN

1. **National Commission for women** : In January 1992, the center Government set-up this statutory body with a specific instruction to study and monitor relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary.
2. **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 local bodies whether in ruler areas or urban areas.
3. **The plan of Action for the Girl Child (1991-2000)** : The National 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. National Policy for Children -2013 was adopted by the Government of India on 26th April 2013. National Plan of Action for Children 2016 is in Draft Format.
4. **National Policy for the Empowerment of Women, 2001** : The Department of Women and 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. National Policy for Empowerment of Women, 2016 is under draft stage.
5. **International cooperation** :-The policy will aim at implementation of international obligation and commitments in all sectors on empowerment of women such as the Convention on All Forms of Discrimination Against women (CEDAW), Convention on the Rights of the Child (CRC) International Conference on Population and Development (ICPD+5) and other such instrument. International, regional and sub regional cooperation towards the empowerment of women will continue to be encouraged through sharing of experience exchange ideas and technology, networking with institutions and organizations.

Till the time a great change is not brought into the thought process of the society, all these laws are just a false oath towards women empowerment, safety and dignity.

Although there are several constitutional privileges, legal provisions and other legal rights available but the mindset of the people should be changed otherwise crimes against women cannot be stopped. Religious and social evils should be removed or minimize. Awareness programmes should be conducted in every forum regarding

the dignity of women. **Beti bacho Beti padao** is the best movement towards the dignity of a girl child. It is rightly said that

**“ Yatra naryastu pujoyante ramante tatra Deveta,
Yatraiaastu na pujoyante sarvaastatra falaah kriyaah”**

It is a famous sloka taken from Manusmruthi which means where Women are honored, divinity blossoms there and where women are dishonored all action no matter how noble remain unfruitful.

REFERENCES

1. The Constitution of India.
2. www.mospi.nic.in
3. All the Acts mentioned as above.