

PROTECTION OF WOMEN RIGHTS IN INDIA: THE JUDICIAL PARADIGM

Dr. Nirmala Dorasamy*
Dr. Lovenita Sankhala**

ABSTRACT

Indian women were adored and admired as mother, liked as sisters, loved as a wife, and praised as Goddesses. But we cannot assure that women always got a respectful place in our society. Women should always be independent in order to enjoy further freedom and relaxation because once men realize their reliance upon them they tend to treat them as their means, hence women are deprived of their rights. The women of this country, each over the world, are still subordinated to unconscionable exploitation and suffer quietly and patiently, discriminative treatment from the contrary sex (Devi, 1996). Women in India have always suffered from discrimination at home, at plant, at the train, at the train etc. Women in India are allowed of as the manifestation of Goddess Durga, Saraswati and Maa Kali etc. But the hard reality is that they're the worst victims of injustice in the society executed in the form of child marriage, female infanticide, sati, sexual importunity, and dowry and so on. Today's India offers a lot of openings to women. They've been enjoying the status far better than they had. Now they've a voice in everyday life, the business world as well as in political life. But the society is still infected with manly dominated culture. Discrimination against women is still largely visible in pastoral as well as in civic areas. Then women are frequently seen as inferior and inferior to men. Thus, we should change our mindset. The indigenous guarantee for equal rights needs to be supplemented by strong public opinion for the protection of women from all feathers of discrimination in the lesser interest of the well being of the nation.

Keywords: Nation, Society, Women, Discrimination, Independent, Political, Manifestation, Protection.

Introduction

It has been obvious from this study that the women have been the victim of exploitation since long time in our country and have been dominated in every aspect and part of the society. Indian women are no exception to this which may be attributed to the tradition bound Indian culture that has always discouraged women to come to the fore- front to mileage equal occasion with their manly counterparts. Because of this they are socially and economically as well as physically exploited so much even from 1000 years. They have been exploited in various reasons such as religion, society or social differences or on any other ground. They have been hindered from long time and have not been allowed to promote themselves and develop their own identity. They have not been allowed to participate social and economical aspects of the country. The Constitution of India embodies significant provisions to insure equal openings for women for the protection of their rights and class. There have also been a lot of legal provisions as well as various public and transnational bodies not only to safe- guard the women from any feathers of violence and discrimination but also to promote their status in the society. In malignancy of all these developments, the verity remains that wide

* Professor Department of Public Management & Economics, Faculty of Management Sciences, Durban University of Technology Durban, South Africa.

** Guest Faculty, Department of Business Finance & Economics, Faculty of Commerce and Management Studies, Jai Narain Vyas University, Jodhpur, Rajasthan, India.

violations of women's rights continue to persist. Even after having various act in India women's in India is still far from having their all right in their life. Whenever there is a violation of her right she approach to a traditional system of justice for getting relief but where process is low and slow that she do not get justice. Thus, it requires further studies and scientific exploration to probe into the failures of the entire system that has been working till date and find out the applicable measures to insure equal rights and occasion to the women in the real sense of the term.

Dominance of Women – A Long Running Custom

If we look back into the history of the World we see that further efforts have been made towards establishing the supremacy and power of the male. In India also women have been governed by the men people throughout the ages. It's the prevailing traditional social culture and value system that has placed women in a position inferior to men especially in terms of social responsibility and decision making. There exist a number of discriminative practices in the society that gave rise to the question of liberation of women, now an important social issue each over the world. In India also women have to fight for their own rights particularly to achieve equivalency. Women must raise their voice and come forward to express their will to attain liberty and right to quality and respond to the call of hour and need of time. Equal participation of women is a must to make a change socially and overall development of a nation. Any struggle for a social reformation will be in vain until and unless equal participation of women isn't assured. We cannot hope for the genuine progress leaving behind half of the human race. Thus, we need to ameliorate the status of women for the betterment of the society by ensuring their full integration and participation in the task of public development. Discrimination against women in India isn't a recent miracle as it's easily set up in the age-old religious and artistic practices. During the ancient period women in India held equal status with that of men. The deprivation of women started in medieval period. During this period, the Patriarchal joint- family system, structure of property power, early marriage, tone-sacrifice of widows (sati) or state of endless widowhood, all came handicap to the development of women. In the 19th century and earlier period of 20th century when various social leaders and numerous others came forward to fight against those evil practices that redounded in the oppression of women. There were movements to bring about a reform in the society. The institutions like the Arya Samaj and Brahma Samaj came up and questioned the severity of Manu's Brahminical Hinduism.

The followers of these institutions pressed for equal rights of women that redounded in the preface and perpetration of some rules and regulations by independent India to shield the rights of women and ascertain their equivalency of status. There are many prohibitions on the women in Indian including the women in India are not allowed to take their decisions even. They are not allowed to even go out of the home alone. Their every decision is taken by their family members especially by the male members. Like in the childhood her father takes all the decision at young age her brother takes such decision. After the marriage her husband uses to control all her decisions. Because of male dominations in the country women do not use to have control over the assets or property of the house. They are even not able to take material decision of their life. Such male domination in the society, makes them handicap and this lead to various offences including rape, dowry deaths, gender discrimination and assault in the society. In the society the women's have been given an inferior place as compare to males and that is why their position is not improving. Their social status is largely depends upon the status enjoyed by them at the home. This makes their value low even within the home. This all need a severe improvement. This may be possible through any mode including the judicial upliftment and new advances and serious provision in the law. Sometimes the gender, class or regional rules are also the reason for sexual embarrassment of the women in the society due to which they are bound to put in the in a lower position. Yet on the other hand, the anticipated ideal part of a woman has remained unstable in the society. From time to time it has altered as per the transformations in the economical and political conditions of the society.

Obstacle to Women Empowerment – The Traditional Indian Custom

In India utmost of the discrimination cases be because of India's old tradition of dowry wherein the family of the bride has to pay money or property in order to make the bride and his family happy. Indeed in India dowries were made illegal in the time 1961 nonetheless, the law seems to play an impotent part in our society and the practice still continues in nearly every marriages. A worst system of dowry was started in the entire community including the community of weaker section of the society. It was started with the intention of making a family of bridegroom social and economically advance but at the cost of bride family money. The system was started with the intention to compensate the bride's future earning and her living cost which suppose to be borne by her husband and his family. So it was

expected from the bride's family to make compensation to bridegroom a handsome amount against such future expenditures. However soon the amount of dowry has increased even the family income of the bridegroom and if the son is unfortunate enough it keeps on adding annually therefore getting disastrous for the family having further than one son to feed. Similar cases also lead to the sad incidents of self-murder by a recently married bride which hinders a common man to bear. Our Constitution provides equal right to women's and men's but our society does not permit the same. Our society still govern by norms or customs made centuries ago. In such a vast country where lakhs of different regional norms are existing, lakhs of customs are existing. Every custom prevailing in India is against the women's and no custom allows ladies or women's to be socially strong and independent. The discrimination is prevailing in the country. Indian is still socially inclined towards gender basis discrimination and it is very cruel against women's still.

Constitutional Efforts to Improve Women Position

The women rights are nationally accepted and naturally guaranteed to uplift women through socio- economical and educational openings to satisfy the indigenous thing of equivalency and social justice for literal reasons. Their development over the once decades is being pursued through positive discrimination in their favour in education, employment, governance and other areas.

Though our constitution provide for free education to every child up to the age of 14 year's whether she is a girl or a boy. However still families in India do not think that education for their girls are necessary and they do not send them to school. They think that it is more important to teach them and make them expert about the home functions which they have to perform for their future husband and in laws. Another reason for not sending girls for education is protect their purity. The worst scenario in India is that a girl suppose to be pure while she is going to her husband's home, parents use to fear that if they will send their daughter to the school there might be possibility that she exposed to any threat of loose of purity which will impact the honour of girls family. This all results the lowest rate of literacy in India especially in the women's literacy, India is on the Top. That is why the literacy rate of women in India is 54.16 per cent against males whose literacy rates has been calculated as 75.85 per cent in 2001. This low literacy rates is obviously a indication of their backwardness. As a result of their backwardness women are helpless and day- to- day come victims of injustices both in and outside their homes. Despite to all facts and provisions of the law, every day we hear a lot of news about the crimes against women's where they suffer with lot of problems. This is not in rural areas only but also in urban areas.

In India still chauvinism is prevailing in India. The reason for all this is ignorance of the education among the women's in the country. After the 70 years of Independence still our women's are in dark. Still the women's are treated as sex toy for the male lust. In spite of higher education and important and landmark changes which has taken place in last 5 decades, Indian women's are not upgraded and their status is still same as before. For example there was a custom in India years ago to burn the widow bride during burial barrow of husband. This was actually ended by government in 1829 by making Sati Prevention Act, 1829. However still in the interior areas of rural various community is still following this. Government in 1987 has also came up with commission of sati prevention act. However still this is happening in our country. Child marriage was banned by child marriage prevention act 1929 just to protect girl child right of education and social life, but still such marriages persist and occur in India.

Conclusion

It's to be noted that women in India have been suitable to reach to the most prestigious position like the President of India, the loftiest office in the country. There's no dearth of women who have been enjoying better status in the society by virtue of their various capacities but still the position of the average women in India is no better than ahead. It's high time to look into the matter seriously and a methodical study is the need of the time to find out the cause of this social sickness and borrow applicable measures to bed out this wrong from the society. It's the crunches and loopholes in law that lead to its failure in furnishing effective deterrence to violence against women that shows a continuously adding trend. Deterrence in law is only the matter of the enactment book and a good number of cases remain indisposed in courts for times together and so the adage goes Justice delayed is justice denied". No doubt, the intention of the framers of law is good but it may not be so with the ministries involved in the perpetration of the same and so we can not anticipate the asked result. Thus, proper awareness on the legal provisions either amongst the people or the police is a must to bring about an anticipated social change in the society. Frequently poorly conceived and inadequately drafted legislations have numerous crunches and loopholes and therefore exposing crunches of the felonious justice system.

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