



An Analysis of Problems of Women, Legal Remedies and Welfare Measures

M.S. Sudhadevi¹, Prof. (Dr.) B. S. Reddy²

¹Principal, Saraswathi Law College, Chitradurga, Karnataka

²Principal, R.L. Law College, Davanagere, Karnataka

¹sudha.princi@gmail.com

Abstract-- India is a country which is on the high path of success. But still the life of Indian women is struggling for her survival and dignity from her birth to death. Presently the women are facing the problems like Rape, Dowry, Child marriage, Gender bias, illegal abortions, Female feticide, Mal Nutrition, Discrimination in equal pay for equal work, Lack of Education, Sexual Harassment at working place, Domestic violence, Surrogacy and many more problems contained. While women Goddess are being worshipping with a great devotion in India, but many doors are shut tight for the birth of female child. Killing of girl child, Disparity in Education, Lack of Love and Affection and some evil practices are the causes of problems in women's life in India. But some of the Legislation in India and Government welfare measures are trying to bring out the women from these problems. These Laws and policies are required to be implemented properly as remedies to solve the problems.

Keywords: Women, Welfare Measures, Legal Remedies, Commissions, Problems.

INTRODUCTION

On one face of the coin India feel proud because our Nation had first women Prime Minister Late Smt. Indira Gandhi, the first women president Hon'ble Smt. Prathibhadevi Patil, Arundhati Roy, Latha Mangeshkar are the popular women personalities in different fields. Sania Mirza and Saina Nehwal in sports are the names of some of the women who are at the top position in India. In economic growth of the country the role of Jyothi Nayak, president of Lijjathpapad, Kiran Mujumdar of Balco, Ritu Kumar of Escolife, Roshni Nadar Executive Director of HCL. These are some of the Pioneers in different fields. Nowa days women are participating in all Spheres like business, sports, education, science and technology, politics, Art and culture. But the other side of the coin is the hard path of Indian society. Women are being discriminated and exploited and neglected from childhood to old age. As a result the Malnutrition, Limited opportunity in Education, Ill Health, Child labour, Domestic violence, Female feticide and Illegal abortion, less participation in politics, Sexual harassment, Child marriage and early marriage problems arises. Most of the women are suppressed of their own rights and freedom. The problems of women starts with their birth and continues throughout their lives. The problems of Sati, Child marriage, Prohibition of Widow remarriage, Devadasi, Purdha system etc. have almost abolished and disappearing in the society. The Indian women now a days feel that they too have individuality, self respect, talent, capacity and efficiency. But still women are facing many problems like Dowry, Rape, Child marriage, Domestic violence, Health and malnutrition, Female feticide, Sexual Harassment at work place, Acid attacks and Surrogacy issues etc.

Problems of women in the modern society: The women are struggling for the demand of her rights in then modern society due to the problems facing by her, some of the problems of women in the modern society are:

Rape: Rape is a crime against women still exists as a problem in modern society in India. In every 60 minutes two women will be the victim of Rape and among one quarter of the victims are minor girls. 75% of the culprits are known persons to victims and 10% are the relatives. Apart from these sexual abuses in public places like eve teasing, indecent gazes, brushes and passing unwanted comments in trains, buses, temples, fairs, malls and restaurants etc. have become popular apparatus for criminals. There is a need for drastic change in attitudes and mind set towards such incidents. The poor investigations in the offence of rape, harsh cross examinations of victim, sense less adjournments in the cases and furnishing of evidence by victim in the presence of the offenders are the areas that need some reforms.

Dowry: The Dowry is yet another social problem of women even today in India. The Dowry Prohibition Act of 1961 defines that the practice of giving and taking dowry is punishable offence. However it is very much ridiculous to see that the Dowry practice persists even in highly educated families. The ornaments, cash and other kind of movable and immovable property given as dowry are proudly exhibited as a symbol of high



status. Women should be more economically empowered and she should be educated for refusal to dowry based marriages. The women must also be educated about the legal provisions to eradicate from Indian social systems. In 1961, the Government of India passed the Dowry Prohibition Act, making the dowry demands in wedding arrangements illegal. However, many cases of dowry-related domestic violence, suicides and murders have been reported. In the 1980s, numerous such cases were reported. In 1985, the Dowry Prohibition rules were framed. According to these rules, a signed list of presents given at the time of the marriage to the bride and the bridegroom should be maintained. The list should contain a brief description of each present, its approximate value, the name of those whoever has given the presents and his/her relationship to the person. However, such rules are hardly enforced. The 1997 report claimed that at least 5,000 women die each year because of Dowry deaths, and at least a dozen die each day in 'kitchen fires' thought to be intentional. The term for this is "bride burning" and is criticized within India itself. Amongst the urban educated, such dowry abuse has reduced considerably.

Domestic violence: Another major problem of women in India is domestic violence. Most of the house wives are facing the harassment, physical violence and beating wife by her own family members and by her own husband is a common and prevalent form of violence against women and it is a general problem of domestic discord. According to the National crime report bureau out of 1.5 lakhs of crime reported nearly 50,000 crimes are related to domestic violence against women in the family. The Domestic Violence Act 2005, provides for the woman's right to reside in the matrimonial or shared household, whether or not she has any title or rights in the household. This right is secured by a residence order, which is passed by a Court. These residence orders cannot be passed against anyone who is a woman. Even if she is a victim of domestic violence, she retains right to live in 'shared homes' that is, a home or homes she shares with the abusive partner. The law provides that if an abused woman requires, she has to be provided alternate accommodation and in such situations, the accommodation and her maintenance has to be paid for by her husband or partner. The law, significantly, recognizes the need of the abused woman for emergency relief, which will have to be provided by the husband. The Protection of Women from Domestic Violence Act (or the Domestic Violence Act) is a laudable piece of legislation that was enacted in 2005 to tackle this problem. The Act in theory goes a long way towards protection of women in the domestic setup. It is the first substantial step in the direction of vanquishing the questionable public/private distinction traditionally maintained in the law, which has been challenged by feminists time and again. Admittedly, women could earlier approach the Courts under the Indian Penal Code (IPC) in case of domestic violence. However, the kinds of Domestic violence contemplated by this Act, and the victims recognized by it, make it more expensive in scope than the IPC. The IPC never used the term domestic violence to refer to this objectionable practice. In fact, the only similar class of offences addressed by the IPC dealt with cruelty to married women. All other instances of domestic violence within the household had to be dealt with under the offences that the respective acts of violence constituted under the IPC without any regard to the gender of the victim.

Child marriage: Child marriage is still a practice in some places though there are enforcing laws to prevent it. Even now in India, 47% of the Indian girl before 18 years are getting married. 40% of world's child marriages occur in India. Child marriage has been traditionally prevalent in India and continues till today. Historically, young girls would live with their parents until they reached puberty. In the past, the child widows were condemned to a life of great agony, shaving heads, living in isolation, and shunned by the society. Although the child marriages are affecting the society at large. The child marriage was outlawed in 1860, but it is still a common practice. A woman during her minority faces the problems of child marriage which are detrimental to the health and even dangerous to their life the Child Marriage Restraint Act was passed in 1929 and subsequently the child marriage act amended in 2006, the act restricts the marriage of girl below 18 years of age.

Female infanticide: India has a highly masculine sex ratio, the chief reason being that many women die before reaching adulthood. Tribal societies in India have a less masculine sex ratio than all other caste groups. This in spite of the fact that tribal communities have far lower levels of income, literacy and health facilities. It is therefore suggested by many experts, that the highly masculine sex ratio in India can be attributed to female infanticides and sex-selective abortions. All medical tests that can be used to determine the sex of the child have been banned in India, due to incidents of these tests being used to get rid of unwanted female children before



birth. Female infanticide (killing of girl infants) is still prevalent in some rural areas. The abuse of the Killing of female baby at birth or aborting female foetus amounts to imbalance in the sex ratio in India. The poor families in India some time resort to kill female baby at birth to avoid unwanted burden on family resources. Strong preference is given to birth of male children. A sex selective abortion is adopted and it has become a common problem in preference to male child persists.

Female feticide is one of the most heinous crime on Earth; perhaps what is detestable is that the people who commit crime belong to the educated class. This is due to our ancestral and biased view about male child, lack of education, ever increasing population and Dowry. Some measures and their enforcement have to happen immediately. The ineffectiveness of the Pre-Natal Diagnostics Techniques (Prohibition of sex selection) Act 1994 is very much evident. Hence there is a need for quick reformation in the attitude of people to look beyond the legacy and transform this world as a better place to live in.

Illegal abortions: Getting male child and aborting the female child is another problem in India. Most of the families in rural areas, uneducated, poor families and also slum dwelling women of India are not aware of the Medical termination of pregnancy Act 1971. Section 312 of the Indian Penal Code read with the Medical termination of Pregnancy act, 1971 where all the restrictions imposed therein, including the time limit of 20 weeks, other than the ones to ensure good medical conditions, infringe the right to abortion and the right to health, which emanate from right to life as guaranteed by Article 21 of the Constitution. Any law forbidding an abortion under good medical conditions is immoral and in addition is unconstitutional, it violates her right to her body as well as her life, liberty and happiness. The Medical termination of pregnancy act which allows legal abortion and as well as there is a punishment for forced and illegal abortions under the act. Hence the forced and illegal abortions are continued by incompetent persons which results in abortions related mortality and morbidity as serious problems and this is an effort to prevent illegal abortions which is considered as crime. The abortionist or any other person induces or forced for abortion could be punished. In order to save the health, life and strength of pregnant women.

SEXUAL HARASSMENT OF WOMEN AT WORKING PLACE

During recent years women is becoming an important 1/3 of labour force in our country. There is an increase in number of women working the home give economic support to the family. The problem of working women outside the home are sexually harassed in the workplace refers to the basic violations of individual rights of women. Sexual harassment of women at work place is a big and common problem in India as well as in foreign countries, this attitude of men amounts to indecent treatment to women workers by violation of all norms of modesty. The continuous staring of women, making and cutting vulgar and dirty jokes, repeated invitations to meals and outings, offer to drop them home, passing unwanted comments about dress, making and unwanted accidental touches and dashes, and making them to stay even after the working hours. Relating to the issue of Harassment at the Workplace, the Supreme Court has laid down the necessary guidelines and norms in *Vishaka v/s State of Rajasthan*, for the protection of the fundamental rights of women, violated, as a result of Sexual Harassment at Work place. The Court has emphasized that the guidelines and norms being laid down by it had to be duly observed at all work places. As a result the legislation is enacted which is called as Sexual Harassment of Women at Workplace (Prohibition and Redressal) Act 2013. for the purpose of creating free environment to work peacefully and to prohibit the sexual harassment against a women at work place. These guidelines are in accordance with the recommendations and conventions of various international organizations.

DISCRIMINATION IN PAY FOR EQUAL WORK

In India Economic exploitation in an unorganized sector still persists, women worker are paid less wages for much work. Their wages will not be equal even though the women does the same work which is equivalent to men's work. The equal pay for equal work remains a slogan only. There is need of awareness to claim equal pay under the Equal Remuneration Act of 1976. There may be few instances of such inequality in organized sectors also. Due to fear of losing jobs women bear all the exploitations and do not protest. There are many instances where the minimum wages is also not being paid to women. There is a urgent need of improving the economic status of women who are the fundamental to the process of economic development of the country.



SURROGACY

Surrogacy is another aspect which could arise practical problems to assarrogate mother. Although the surrogacy is helpful to those women who are not in a position to become the mother, and it is problematic and risky for surrogate mother who is also a women. After the child's birth the surrogate mother cannot claim the maternal right over the child and cannot be called as natural mother., she is only a biological mother even some times her own eggs are used for fertilization , she cannot possess the custody of child after the birth of the child. In India there is no specific laws are regulations which governs the surrogacy. This is now based on the contractual laws of India. Most of the surrogate mothers are not provided the copy of the agreements which is signed by the recipient's parents and surrogate mother, some surrogate mothers are not aware of the clauses of contract. On the other hand if the recipient parents neglected the pre-natal care she may be at risk of losing life of both mother and the child and fear of losing her payment.

After an agreement in surrogacy if there may be of unhealthy pregnancies the doctor has to terminate the pregnancies. The government needs to monitor such surrogacy clinics. The Problem of surrogacy may causes Genetical diseases which is due to sperms or eggs donors for IVF. No specific laws are enacted in Surrogacy still few contractual laws are observed in this regard. There is a need of laws on surrogacy as it has become a commercial transaction between the surrogate mother and recipient parents.

ACID THROWING AND ACID ATTACKS

The survey says that India is the 4th most dangerous country in the world for acid attacks against Women. Few women of any community becoming the victims of cruel form of violence and disfigurement by acid attacks. This is happening mainly on the reason of refusal to men's proposal to marry or asking for divorce, or rarely for a form of revenge, Acid attacks acid is cheap and easily available and quicker way to destroy women's life. The number of acid throw and Acid attacks are increasing day by day.

India's top court ruled that authorities must regulate the sale of acid. The Supreme Court's ruling on July 16, 2013, came after an incident in which four sisters suffered severe burns after being attacked with acid by two men on a motorbike. Acid which is designed to clean rusted tools is often used in the attacks can be bought across the counter. But the judges said the buyer of such acids should in future have to provide a photo identity card to any retailer when they make a purchase. The retailers must register the name and address of the buyer. In 2013, section 326 A of Indian Penal Code was enacted by the Indian the Parliament to ensure enhanced punishment for acid throwing.

LEGAL REMEDIES AND WELFARE MEASURES

- Some of the following provisions under Constitution of India which ensures the welfare of women such as under Fundamental Rights Article 14 – equal rights and opportunities for men and women in the political, economic and social sphere Article 15- prohibition of discrimination on the grounds of sex, religion, caste etc Article 15(3) - empowers the State to take affirmative Measures for women Article 16- provides for equality of opportunities in the matter of public appointments.

- In the Directive principles of state policy under Article 39 - enjoins the state to provide an adequate means of livelihood to men and women and Equal pay for equal work. Article 42 - State to ensure the provision for just and humane condition of work and maternity relief. Fundamental duties Article 51v (A) (e) - fundamental duty on every citizen to renounce the practices derogatory to the dignity of women. Financial Accountability Article 151- reports relating to the accounts of the Union and states to be prepared and placed before the Parliament and State legislatures respectively. The Participation in Decision making Processes Representation and Reservations on decision making bodies 73rd and 74th Amendments to the Constitution providing for reservations of seats for women in Panchayats and Municipalities.

- The strict and actual implementation of labour Laws like Equal Remuneration Act, 1976 -Equal opportunity, equal treatment and equal wages Maternity Benefit Act, 1961, Women specific provisions in the labour laws The Factories Act, 1948 – Section 34 provides that the State government can lay down rules prescribing weights that may be carried by men and women. Labour (Abolition and Regulation) Act and Rules -



separate provision of utilities for women and fixed working hours for women. If those laws have proper implementation mechanisms, there is no provision for monitoring the effect of these laws on women.

- Prohibition of Child Marriage Act, 2006 Marriageable age for the groom to be 21 years Marriageable age for the bride to be 18 years “A groom, his parents, relatives and priests involved in a marriage with a minor girl to get 2 years imprisonment and Rs. 1 lakh of fine.” Section 13 (A) of the Act prohibits mass child marriages on certain days. It states that ‘district Magistrate shall be deemed to be the probation officer for child marriage

- Under the Domestic Violence - Protection of women From Domestic Violence Act, 2005 , provides the Recognition of the right to residence Provision for the appointment of Protection officers and the recognition of Service Providers. Trainings for Protection Officers and Judges.

- In Sexual Violence and Sexual Harassment, the Sexual harassment act at work place Act 2013 has enacted and strict implementation of this act is required. And also There is a urgent need for Institution of mechanism to address instances of sexual harassment and training of functionaries appointed.

- There is a need for change in rape laws especially with regard to recording of evidence and the provision of efficacious justice so that victims are encouraged to report such offences. And need for a law to redress the victim of rape.

- Dowry Prohibition Act, 1961 is thereto prohibit dowry and Dowry deaths and the Dowry System in India .

- Indecent Representation of Women (Prohibition) Act, 1986 to take action against sexist portrayal of women in the audio-visual print and electronic media. Prevention of Immoral Traffic (in women and children) Act, 1987 to crack down on Prostitution.

- The Pre-Natal Diagnostic Techniques Amendment Act, 2002 to stop sex selection at pre-conception stage as well as of an unborn foetus. Also provides Measures to prevent and strict enforcement of relevant Laws .

- Women must have easy access to legal aid under legal services authority, and insists the women groups to participate in free legal aid camps and legal literacy and awareness programmes.

- The proper Implementation of laws, Appointment and empowerment of statutory authorities at the central and state levels. Preparation of policy statements by such statutory authorities enclosing clear guidelines on the manner of implementation of the law such as code of conduct to be followed by functionaries, provision of best practices, etc. Evaluation and auditing the effectiveness of particular laws and the periodic publication and submission of compliance reports with a central statutory authority. Upgrading the quality of statistics maintained on women. Each statutory body to conduct yearly surveys in their particular field.

- Implementation of laws, building capacity of the functionaries appointed under the law such as statutory authorities, police personnel, health personnel, counselors, etc by conducting regular trainings on the law including aspects of gender sensitization. Introducing mechanisms to ensure quicker and simpler procedures for women to obtain legal redress to their problems. This would include the provision of legal aid, assistance at the time of registering complaints, making applications, provision of information on the legal options available to the women etc. Raising awareness of the services and support available to women facing discrimination, from both governmental and nongovernmental sources. Ensures adequate representation of women in statutory advisory bodies/ policy making bodies.

- Need of women’s cells in police stations, to encourage women police stations, family courts, Mahila courts, counselling centers and Nyaayapanchayats will be strengthened and expanded to eliminate violence and Atrocities against women.

Apart from these legal measures the Govt. has taken special initiatives to build up confidence and self decencies across the women. They are:

(i) *National Commission for Women* is established in 1992-which is a statutory body with a specific mandate to study and monitor all matters related to constitutional and legal safeguards provided for women, Review the existing Legislations to suggest amendments whenever necessary.



(ii) *The National Plan of Action for Girl Child (1991-2001)* to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child

(iii) *The Policy for the Empowerment of Women (2001)* is to bring advancement development and empowerment of women in all spheres of life through creation of a more responsive judicial and legal system sensitive to women and mainstreaming a gender perspective in the development process. The strengthening and formation of relevant institutional mechanisms and implementation regional and sub regional level was another commitment.

(iv) *The National Human Right Commission* The NHRC was set up as per the provisions of Chapter II of the Protection of Human Rights Act, 1993 which mandated that 'the Central government shall constitute a body to be known as the NHRC was set up as per the provisions of Chapter II of the Protection of Human Rights Act, 1993 which mandated that 'the Central government shall constitute a body to be known as the National Human Rights Commission to exercise the powers conferred upon and to perform the functions assigned to it under the Act. The Human Rights also include the women's rights. The commission having been created as the apex body for the protection and promotion of the human rights in the country, the NHRC has been entrusted with the vast range of functions having a bearing on the enjoyment of the human rights by the people in its endeavours for protection and promotion of the human rights of those people who either suffer from some sort of social stigma or they are faced with the vested interest bent upon sabotaging the efforts of the Commission for the same. Hence, the problems pertaining to the child prostitution, prison reforms, rehabilitation of the persons displaced by the ongoing megaprojects, child labour, bonded labour, iron deficiency among pregnant women and problems of the mentally disabled etc. have been able to attract the attention of the Commission whose efforts would supposedly have gone in vain had it not received the insightful input and active support of the non-governmental organizations. These activities seemed to have given a philanthropic outlook to the functioning of the Commission.

CONCLUSION

'The Rome was not built in a single day' likewise the existing Women's problems in India cannot be solved in a day but it will be solved gradually year by year. The problem of women in modern society of our country would be solved by review and effective implementation of legislations.. The legislative measures taken by the identified department to implement the policy. The specific welfare measures required would be evolved through consultation process involving civil society, women and child Department, National commission for women. It is necessary to make appropriate changes in legislation, suitable authorities must be under take to implement the other measures. And also it is required to take the strict and effective machinery for proper implementation of all relevant legal provisions and the speedy Redressal of grievances must be ensured.

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