

Indian Constitution and Women Rights: Special Reference to Violence

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Abstract

We know that in modern society, various steps and initiatives were taken by central government and state governments towards women empowerment. Educational institutions were also worked for women empowerment but Women still face discrimination and violence in our Indian society. To solve these issues, women should have the basic knowledge and information regarding their rights, constitutional provisions, legal provisions and special acts in the concern of present trouble time. This paper discusses about women rights in Indian constitution and also discusses violence and its reasons.

Keywords : Women Rights, Indian Constitution, violence.

INTRODUCTION:

The constitution of India is a document and also a framework which contains various provisions, fundamental rights and duties. During the time of drafting the constitution makers gave special emphases on the sensitive issues including women empowerment. They realized that the contribution of women for the development of nation is very important. The constitution makers also realized that they need to give special focus on the protection of social violence against women and to provide opportunity for education of women. That's why in the time of drafting the constitution, it gave due emphasis on issues like women empowerment. The constitution provides various rights to all Indian citizen such as fundamental rights, legal rights etc. which help to ensure equality of women.

However, in the case of women, due to various issues, they are not able to enjoy these rights in its true sense. Since independence, women are facing various violence such as rape, domestic violence, sexual harassment at the work place or educational institutions, child marriage, dowry and dowry related death, eve - teasing, acid attacks, trafficking, sex selective abortion etc. The reasons behind the violence are social issues, economic issues and educational issues. These can be overcome through proper education and social awareness.

India is a country where women are worshiped as *shakti*, on one hand while on the other they are ill-treated by the family and society. Indian women faced different type of violence such as child marriage, dowry, insecurity, assaults etc. for quite a long time, hindering their progress.

The road blocks for the progress of women are aptly pointed out by Harapriya Mohapatra

saying that “women in the name of religious and socio-cultural practices have been denied opportunities of growth” (Mohapatra, 2015). This means socio-cultural and religious practices hinders the progress of women in India.

However, the status of women in India gradually improved since independence. Favorable constitutional provisions, the supportive writings of enlightened thinkers and support of several feminist movements gave impetus to this gradual transformation.

THE RIGHTS OF WOMEN

The constitution of India has guaranteed some rights and opportunities for every citizen of India. Women are also the citizen of India and the constitution of India considered the equality of women. Even the preamble of the constitution started with these word ‘We the people of India’ it is not mentioned about only man or only woman, only about people of India. So rights and opportunities are provided by the constitution to each and every people of India. In the constitution there is also a positive and protective discrimination which is only for the empowerment of women. Artical14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 emphasize especially in this regard.

THE FUNDAMENTAL RIGHTS OF WOMEN

To be a citizen of India, women also have the six fundamental rights these are right to equality, right to freedom of religion, cultural and educational right, right to freedom, right to constitutional remedies, right against exploitation. (Bathija & Dandamudi, 2017)

Constitutional Provision Related to Women

Article 14: According to article 14 of the constitution of India all the citizen of India are equal including women.

Article 15(i): According to article 15, discrimination is prohibited on the basis of religion, cast, gender, race, sex, birth place etc.

Article 15(iii): Article 15(iii) ensure that the state have right to special provision for the welfare of women.

Article 16: Article 16 guaranties the equality of opportunity related to employment and also prevent discrimination in employment on the basis of cast, gender, race, religion, birth place, sex etc.

Article 21: There is a provision in article 21 (A) free and compulsory education to all children of India including girl children.

Article 23: Article- 23 deals with the prevention of immoral trafficking of women. In this article prohibit the human trafficking and force labor.

Article 24: Article 24 is for the prohibition of child labor and it also focus on girl child labor such as the girl child who is working as maid servant, work in a factory etc. with this article the child labor is prohibited.

Article 39: Article 39 ensure that the women have the right an adequate means of livelihood and it also secure that the women have to right equal pay for equal work.

Article 39(A): Article 39(A) provides the opportunity to equal justice, free legal aid, etc to the women.

Article 42: Maternity relief for working women is ensured in the article 42 of the constitution of India.

Article 45: Article 45 guaranties the free and compulsory education. The women have the right enjoy this facility.

Article 243D and Article 243T: For the participation in politics of women article 243D, Article 243T of the constitution of India provides reservation of seats in panchayats and municipalities. (Kumar, Mahathi, & Thirthala, 2016)

LEGAL PROVISIONS

There are varies legal provision for the women for the upliftment of women. These legal provision supports the women socially, prevent social discrimination and different kind of violence and violence. These legal provisions also help the working women. In this regard Sutapa Saryal argued that “Women may be victim of any the crimes such as murder, robbery, cheating etc. the crimes which are directed specially against women are characterized as crime against women.” (Saryal, 2014) These legal provisions are: Punishment for Rape (Sec. 376 IPC), Kidnapping and abduction for different purpose (Sec. 363- 367), Homicide for dowry, dowry deaths or their attempts (Sec.302/304IPC), Torture both mental and physical (Sec.498A IPC), Molestation (Sec.359IPC) and Sexual harassment (Sec.509 IPC), (Yunus & Varma, 2015) .

SPECIAL ACT FOR WOMEN

There are several special Act is passed in Indian parliament for women. These Acts are provides more effective protection of rights of women which are guaranteed in the constitution of India and also for the protection of women who are victims of different kind of violence within the family and society. Some women rerated acts are: The Dowry Provision Act 1961, The Immoral Traffic (Suppression) Act (SITA) 1965, The Provision of Women from Domestic Violence Act 2005, The Sexual Harassment of Women at Work place Act 2013, The Equal Remuneration Act 1967, The Maternity Benefit Act 1961, The medical Termination of Pregnancy Act Commission Sati Act 1987, (Ahamad & Mishra, 2016)

VIOLENCE

It is true that the constitution of India guaranteed the equal opportunity of women but till now Indian women are facing various types of violence in the society and in the family also. These violence are such as:

Dowry death: Dowry death is a common news in our society, most of the time we seen that the women are torture and killed by her husband or by her in laws for dowry.

Domestic violence: Domestic violence with women is another problem. In this regard sutapa saryal give view and describe the reason behind the domestic violence in her article that “A major scale of violence that is a woman is subjected to in India is linked to the domain of domesticity”.

Rape: In our society rape cases are significantly increases, now a day's not only women are the victim of rape but also very young girl are the victim of rape.

Sexual harassment: Women are sexually harass in workplace, educational institution etc by their higher authorities or colleague. For this sometimes women are bound to live their job or study.

Child marriage: Child marriage is another problem which cause several diseases and destroy the growth and development of women.

Sex selective abortions: Girl child abortion is another problem. The tradition of dowry is one of the main reasons of female infanticides and sex selective abortion in India.

Trafficking: Women are force for domestic work, prostitution, child labour through trafficking.

Eve-teasing: Eve-teasing is another problem which harm body, space and life respect.

Acid attacks: Acid such as sulphuric acid which is used to killed women or disfigure women.

REASONS OF VIOLENCE:

The reasons of violence of women in India depend on these three basic reasons such as: social reason, economic reason and educational reason.

Social issues: In our society some tradition, thinking, treats of family member which are consciously or unconsciously responsible for the violence of the women. These are: conservative thinking, inferior status of women in family as well as in the society, male dominated family, preference of son, acceptance of domestic violence by the women, broken relationship, physical strength of male, social prejudices, discrimination of upbringing of girl and boy child by the family, tradition of dowry, drug addiction etc.

Economic issues: Economic dependency of women on male is another important reason of violence of women. Most of the women are economically dependent on their father or husband or other male family member. Sometimes it makes possibilities of violence against women.

Educational issues: Lack of moral and spiritual education is another reason of violence. Lack sex education and in the educational institutions of the adolescence child is also a reason of violence. Sometimes for their curiosities of sex they involve with rape, eve-teasing and acid attacks etc.

SOLUTION

These are some way through which we can overcome from violence or the violation against women. These are: proper utilization of the constitutional provision, change the mindset of people, equal treatment of the child in the family, provide moral and spiritual education in the educational institutions, give respect to women in the family, social awareness by the government and NGOs to remove prejudices from the people, provide sex education to the adolescence child in the school to remove curiosity of sex from their mind, provide special care of adolescence child by family and school etc.

CONCLUSION:

The constitutional provision is the way of providing rights of women and safeguards the rights of women. The constitution of India is declared several fundamental rights, legal rights etc. It also provides equal opportunity as man. But the rights which are provided by constitution of India is not fully enjoyed by the women because several violence. These violence can be removed through education, proper utilization of constitutional provision, change the mindset of people etc. after the elimination of the violence women can enjoy their rights which are guaranteed by the constitution of India.

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