
EMERGING THE CHALLENGES OF INDIAN WOMEN AND WOMEN'S SAFETY STANDARDS IN INDIA

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ABSTRACT

My friend and I used to talk about a specific case in the past. It was about a minor girl having physical intimacy with a 25-year-old man. At the time, she was 17 years old. In this case, the Bombay High Court ruled in 2019. The family of a minor girl was accused of the man who had physical intimacy with their daughter. The girl inquired about the issue with the judge at the prosecution court. She explained that he wasn't forcing me to have a physical interaction. It was done out of love. The girl was under the age of 18. The judge who was involved in the case permitted the 25-year-old man to leave. Section 4 of the Pocso Act is designed to safeguard children from sexual offences. The purpose of this act was misled by this case. The perpetrator has the potential to manipulate the victim's mind. Maternity cannot be determined solely by age. That issue had on me so I opted to write an article about women's problems or standards.

Key words: physical intimacy, minor, prosecution, POCSO, manipulate.

INTRODUCTION

In India, it is commonly believed that women rely on others for their daily lives. What does it mean to be a woman? Women's is a term used to describe a girl who aims to achieve success. They have their own way of doing things, including ideas, implementation, and achievement, but they cannot accomplish them by themselves. Due to society's acceptance of male dominance. So women are slaves for men. The orders of men will be followed by them. Everyone thinks women only depend on men for their entire life. The women were not in favor of being like that. They are made like that by society. Some women are able to overcome the criticism they receive from their family members. But they couldn't survive the society's criticism. Words have the power to make things higher or lower because they are the most powerful weapon in the world. Society was affecting women through their words. The most painful thing for them is this. In this article, we learned about some issues of having women in their day-to-day lives and how to prevent those.

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EVOLUTION OF WOMEN'S RIGHTS IN INDIA

Before independence women's are, participated in the freedom movements. At that time some women are being brave with their actions. They not afraid of the criticism. Because they know that when they overcome with their comfort zone it will make them more independent. So they all conquer their social challenges. So that we have an inspiration of women's warriors like Velu Nachiyar, she is a prominent figure in Indian history known as the first queen to actively oppose British colonial rule in India. She is also called "Veera mangai" and Indira Priyadarshini Gandhi was an Indian politician and stateswomen who served as the Prime Minister of India from 1966 to 1977 and again from 1980 until her assassination in 1984. These women are role models for every Indian girl. Some women are becoming like them and achieving their goals like them. But some women are want to become like them but they couldn't do that. Because in recent times women have so many problems in their everyday lives. Like sexual and mental, they are affected by society and family. They have so many restrictions on what they are doing. If any woman were overcome with those restrictions, they couldn't survive for long on their own. Because they want someone who consoles them in their hard times, they will trust them, but that someone is not worth their trust. They also try to affect them badly. The trust is the biggest mistake made by women. When they try to face the challenges on their own, they will achieve their goals enormously. Then no one stops them.

PROBLEMS FACED BY WOMEN

In India women have so many challenges in their day to day lives. It will make them feel lower physically and mentally. When society prevents male dominance then women are becoming brave and more independent. The challenges are like inequality, discrimination, family restrictions, and criticism by others. These are the most dangerous parts of their lives. Every woman has to defeat these through their own. Society has to accept the things done by women. Because comparatively women are more intelligent than male. And they are responsible for what they have done. So in that scenario we have accepted that women are also human beings; they are not slaves anymore. When society is changed like this, then women are in every profession, they will kill the challenges which were a barrier to their achievement.

Sexual offences

The most painful part of women's lives is conquering sexual offences. Some males think that women are always slaves, so they could do what I say. Numerous women are facing this problem in their lives. Sexual offences mean the physical interaction was done between a man and a woman without the consent of women. It was done in so many places, like at the workplace, at home, sometimes in public transport. Sexual offences involve unwanted non - consensual sexual acts or contact. They encompass a range of behaviors including rape, sexual assault, sexual harassment, and child sexual abuse, among others.

Inequality

Everyone has to be treated equally before the law. So women are human beings they have to be treated by equally

Family restrictions

If any woman was doing something that they wanted to do, their family wouldn't allow it. They will have some restrictions for women. It will affect them so badly. They're telling a woman like you are a woman so you can't do this and you are not allowed to do that. It will affect women's career and decision making process. Because their family was n't aware of women's standards of importance.

CONSTITUTIONAL FRAMEWORK FOR WOMEN

The constitution was made for all people who live in India. And who the people were controlled by the Indian Government. They will have a remedy under the Constitution. It was introduced in 1949 and implemented in 1950. It's also considering women's rights, so it will have some remedy for them. The 73rd and 74th constitutional Amendment Acts (1992) provide for the reservation of seats for women in local bodies (panchayats and municipalities). The constitution also protects women from Trafficking and forced labour. The National Commission for Women (NCW) is a statutory body established to protect and promote women's rights

Fundamental rights²

² The constitution of India 1950, Art 14,15,16,21,39(a),39(d),42.

Article 14: Ensures that all citizens, including women, are treated equally under the law, and the state cannot deny equal protection under the law.

Article 15: Forbids discrimination based on sex, among other grounds, but also allows the state to make Special provision for women and children.

Article 16: Guarantees equal opportunity for all citizens in matters of public employment.

Article 21: Protects the right to life and personal liberty, which includes a woman's right to make reproductive choices.

Directive Principles of State Policy

Article 39(a): Directs the state to ensure that men and women equally have the right to an adequate means of livelihood.

Article 39(d): Directs the state to ensure equal pay for equal work for both men and women.

Article 42: Directs the state to make provisions for just and humane conditions of work and maternity relief

EFFECTIVE LEGAL STATUTES FOR WOMEN

The Pocso Act -2012³

The protection of children from sexual offences Act, is a comprehensive law in India designed to protect children from sexual assault, sexual harassment, and pornography. It defines a "child" as anyone under the age of 18 and provides a legal framework for addressing these offences, including establishing special courts for trials. The Act is gender- neutral, meaning it protects both boys and girls from sexual offences and holds both males and females accountable for committing such offences. The purpose of the Act was aims to safeguard children from sexual abuse and exploitation, recognizing the vulnerability of children and the need for specific legal provisions. The Act prescribes punishment based on the severity of the offences, ranging from imprisonment to fines. Section 4 of this Act speaks about punishment for committing penetrative sexual assault which amounts to imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable for fine.

³ The POCSO Act 2012,sec 4,6,8,10,12,14.

And section 6 speaks about a punishment for committing aggravated penetrative sexual assault, shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of the natural life of that person and shall also be liable for a fine or with death. And sections 8,10,12,14 also ensure a punishment under this Act. The National Commission for Protection of Children's Rights (NCPCR) plays a role in monitoring the implementation of the Act and disseminating Information to the public about its provisions.

The Posh Act -2013⁴

The sexual harassment of Women at Workplace (Prevention Prohibition And Redressal) Act, 2013, is a law in India designed to protect women from sexual harassment at their workplace. It aims to prevent and address complaints of sexual harassment and ensure a safe working environment for women. If any employer found in violation of section 26 of this Act can be fined up to fifty thousand rupees. If any employer is previously convicted of an offence under the Act and commits the same offence again, the penalty may be doubled up to the maximum prescribed for the offence. And sections 17,25,29 provided further provisions for accountability and enforcement of this Act.

The Maternity Benefit Act – 1961⁵

The Maternity Benefit Act, 1961, regulates the employment of women before and after childbirth, and provides for maternity benefits and other related benefits. It applies to mines, factories, circuses, plantations, and shops and establishments with ten or more employees. The Act was amended in 2017, extending the duration of maternity leave to 26 weeks for the first two children. Women are entitled to a medical bonus of Rupees 10,000 if prenatal, confinement and postnatal care are not provided free of charge by the employer.

Criminal laws for women

The Bharatiya Nyaya sanhita- 2023⁶

⁴ The Posh Act 2013, sec 26, 17, 25, 29.

⁵ The Maternity Benefit Act 1961.

⁶ The Bharatiya Nyaya sanhita 2023.

The Bharatiya Nyaya Sanhita (BNS) has several sections addressing issues related to women. These include offences like rape, sexual harassment, and assault, as well as those related to human trafficking and the protection of children, specifically, sections 65,67,70,74,75,85,143, and 144 of the BNS are rely to women. Section 65 outlines punishment for rape, with harsher penalties for rape of a woman under the age of 16. Section 75 defines sexual harassment, including unwelcome sexual advances, requests for sexual favors, sexually colored remarks, and word, gesture, or act intended to insult the modesty of a woman. Section 85 addresses cruelty inflicted on a woman by her husband or his relatives. Section 143 provides provisions for strict punishment including life imprisonment, for the offense of human trafficking

Case laws

Satish v State of Maharashtra ⁷

This case involves a man named Satish who was convicted under the protection of children from sexual offences (POCSO) Act for sexually assaulting a minor girl. The case highlights the application of POCSO, which provides special protection to children against sexual assault and harassment, beyond the provisions of the Indian penal Code. The victim, a minor girl, was allegedly sexually assaulted by Satish, who was a Head master at her school. The case proceeded through investigation, medical examination, and eventually, a trial where Satish was convicted. The special court convicted Satish under sections 342,254,and 363 of the IPC and section 8 of the POCSO Act. He was sentenced to imprisonment.

Vishaka v State of Rajasthan ⁸

This case was a landmark judgement by the Supreme court of India that addressed sexual harassment of women at the workplace. It established the “Vishaka Guidelines”, which served as the precursor to the sexual harassment of women at workplace (prevention, prohibition, and Redressal) Act , 2013. The case arose from a petition filed by women’s groups following the brutal gang rape of Bhanwari Devi a social worker, for her efforts in preventing child marriages. The Vishaka Guidelines were instrumental in shaping the 2013 Act. Which provides a legal framework for addressing workplace sexual harassment. The Vishaka Guidelines emphasized the employer’s

⁷ Satish v State of Maharashtra, 15 oct 2024.

⁸ Vishaka v State of Rajasthan, AIR 1997 SC 3011.

responsibility to create a safe working environment and address complaints promptly. The POSH Act, influenced by the Vishaka judgement, introduced specific penalties for sexual harassment, including both disciplinary actions by employers and potential criminal proceedings.

Kavita Yadav v Secretary, Ministry of Health and Family welfare ⁹

In this case the Supreme Court ruled that contractual employees are entitled to full maternity benefits under the Maternity Benefit Act, 1961, even if the benefits extend beyond the form of their contract. The court held that the Act's provisions would prevail over any contractual forms that deny it offer less favorable benefits. This landmark decision ensures the temporary workers receive the same maternity protection as permanent employees, reinforcing the constitutional commitment to gender justice and labour rights. The court's decision clarified that if a woman fulfills the eligibility criteria under the Act, she is entitled to the full maternity benefits, regardless of whether or not the contract expires during that period. The judgement of the case is now a binding precedent for all courts and organizations in India.

MISLED BY WOMEN

Sometimes any woman was affected by any problem. We consider a man as a problem creator because somewhere men are innocent. So we should change our way of thinking. We might investigate the thing broadly then we could prefer a conclusion for that. It will make our legal system more trustable for the public. Illustration for that is one minor girl was having a physical intimacy with a twenty five year old man. It is done by them out of love. He didn't force her. But everyone and her Family members thought he was done on his own and he was forced to like her. But the truth is he was innocent. So whatever the things are, we could do the investigation properly and make a decision for it.

AUTHOR SUGGESTION

In India, there are so many legislations for women. But the implementation of the laws is not great. So we could raise awareness among the people by conducting a programme to spread the news that we have numerous laws for women in India. Then we also organize a session or event about the topic of sex education at colleges and schools like those. It will make the students

⁹ Kavita Yadav v Secretary, Ministry of Health and Family welfare 2023,1 SCC 421.

more obedient. And they will know what they do. They should be responsible for their social actions.

CONCLUSION

When the society was changed then the women flew with their freedom. In India we had freedom in 1947. But women haven't gained freedom until now. Somewhere people were thinking and treating women like slaves. But they were not like that. Because they are also human beings. So they have their own way for what they want to do in their lives. So we just have to accept the things done by women. The best example for that is in recent times, we have had a war with Pakistan, the operation sindoor was done great by women. So we should trust them. They will make a world for them. Because they hold the power to do that.

