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SUFFERANCE OF WOMEN IN MODERN INDIA

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ABSTRACT

India is a country of culture, religion, and history. Women today are independent, confident, and fearless. Status of women has always been a universal topic whether it is about their equal rights, freedom, or safety. The question here lies that the women who are now recognised as strong powerful did they get such recognition easily, the answer is no. They get those rights as they are standing up and fighting for these rights daily. The status of the woman has gradually evolved over the years starting from the pre-independence period. But until now, the woman has to face a lot of difficulties. Irrespective of the increasing achievements of the woman, there is a simultaneous increase in the crimes against her which has now become a matter of concern.

INTRODUCTION

India is a country of culture, religion, language, heritage and history. Women today are independent, confident, and fearless. Status of women has always been a universal topic whether it is about their equal rights, freedom, or safety. India is one of the countries where the status of women has witnessed lots of transition. Today women are excelling in every field like politics, entertainment, fashion, sports, academic, activist, socialist they are setting a new example every day. The question here lies that the women which are now recognised as strong powerful did they get such recognition easily, the answer is no. They get those rights as they are standing up and fighting for these rights daily. They are now not waiting for someone to appreciate or to give them permission but they are doing things so brilliantly that they are shining like stars. As said by MUHAMMAD ALI JINNAH, “No nation can ever be worthy of its existence that cannot take its women along with the men”¹. History is evidence women have contributed equally. We have seen that through ages they have played an important part.

There are instances that India celebrated women's hoods. Ramayana and Mahabharata are two major Sanskrit epics of ancient India.

In the ancient period, the status of women was different. During the Early Vedic, society recognised women. They were given an education. They participated in all religious ceremonies.

¹ www.goodreads.com, accessed on 17th August,2020

There was no “PARDA” or “SATI” system. They were references that “SVAYAMVARAM” was practiced where brides can choose their husband. Girls got married after they had attended puberty child marriages were not there. Girls after marriage were considered “ARDHANGINI” that is one-half of her husband is being. Both husbands and wife performed religious ceremonies jointly. Remarriage of the widow was allowed there was the mentioning of a concept called “NIGOYA” where the closest relative or brother of the deceased husband can marry a widow with permission of elders. The practice of dowry was there but did not turn up as social evil. Some powerful female figures of this period were “GHOSHA”, “LOPAMUDRA”, “GARGI”, “KAKSHIVATI”. All these prove that women in this period enjoyed a primary position in society they were honoured and respected. They have plenty of rights in the social, political and religious fields. After such a glorious period, a sudden fall was witnessed. The rights that they enjoyed were no more there. The practice of “SATI”, “JAUHAR” was there. Education of girls was no more an important topic instead; they were married at an early age (CHILD MARRIAGES). Even the system of “SVAYAMVARAM” was abolished.

During British Raj or Rule, many reformers fought for the betterment of the status of women that was deteriorated in the medieval period. They tried to abolish “SATI”, “JAUHAR” and lead emphasis on the education of girl children and women. **Ishwar Chandra Vidyasagar** started a movement for the improvement of widows which led to widow remarriage act 1856. There were other reformers also like **Raja Ram Mohan Roy** and **Jyotirao Phule** are some of the more reformers who enhanced the status of women. They even tried to established girls’ schools for their proper education. This period also saw the rise of a women freedom fighter that fought for their nation. One of them was **Laxmi Bai**, the Queen of Jhansi, who led the famous Indian rebellion against the British in the year 1857. She is now considered a national hero.

Now a day’s woman does not fear inequality as she used to face during middle age. She is as competent to men in any field. Name any field and we will find the presence of women such as education, sports, politics, media, art and culture, service sectors, science and technology, etc. **INDIRA GANDHI**, who had served as Prime Minister of India for an average period of fifteen years, is the world's longest-serving woman Prime Minister. **MITHALI RAJ**, is the first woman to score a double hundred in Test Cricket (214* against New Zealand at Wellington, 2004). She is the first to achieve this landmark in the world. **PRATIBHA PATIL** was the first woman

President. **KALPANA CHAWLA** was the first woman to reach space. In addition, they are just a few of them to name. The list is endless.

Even the Constitution of India guarantees to all Indian men or women equality. This is a fundamental right, which is mentioned in ART 14 of the Indian Constitution. Thus, there cannot be any discrimination by the state (ART 15(1)). The constitution also guarantees equal opportunity in the workplace (ART 16) and equal pay for equal work (ART 39(d)). The Constitution has allowed that special provisions can be made by the State in favour of women and children (ART 15(3)).

In the famous case of **Vishakha and others v State of Rajasthan And Others**², Vishakha and other groups of women filed PIL against the of Rajasthan and UOI to enforce the Fundamental right as laid down in ART 14(right to equality), Art 191(g)(freedom to carry out any occupation, trade and commerce) and ART21(personal liberty) of the Constitution of India. This petition was filed after "BHANWARI DEVI" who was a social worker, was brutally raped because she wanted to stop the practice of child marriage.

The petition resulted in what is known as the **Vishaka Guidelines**. The judgment of August 1997 was given by a bench of **J. S. Verma (then C.J.I.)**, **Sujata Manohar** and **B. N. Kirpal**. They provided the basic definitions of sexual harassment at the workplace and provided guidelines to deal with it.

A new Act is known as The **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act**, 2013. It seeks to protect women from sexual harassment at the workplace. "**Vishaka**" Guidelines were replaced by this Act.

MAJOR STEPS TAKEN BY THE GOVERNMENT

Even the government today is trying to improve the status of women and support those women who have been neglected from society through its evil. They have launched various schemes in

²AIR 1997 SUPREME COURT 3011, (India)

order to implement this factor. These strategies have been helping women to become fearless and to achieve great heights. Some of the schemes are –

- **BETI BACHAO BETI BADHAO -**

It is one of the govt. most famous “YOJNA”, launched by “NARENDRA MODI”, on 22nd JAN 2015 from Panipat and Haryana. It was launched to improve the efficiency of the girl child. This was a big step which the govt took to up bring the status of girl child in the villages where they are brunt the moment they are born and the child sex ratio declined. The campaign mainly focused on the areas and regions with low CSR.³

- **RAJIV GANDHI NATIONAL CRECHE SCHEME –**

This was launched in the year 2012 but this scheme was improved and given a new structure in the year 2016. The scheme supported who go outside from their home to work. Women with children were provided with a nursery facility. This was another initiative by the govt. Many highly educated children after having babies have to resign from their job so that they can take care of their children. This step helped the women to work even after their babies.⁴

- **MAHILA E- HAAT –**

A scheme that was launched in the year 2016 on MARCH 7th, to support women. This campaign brought a huge platform for the woman to display there creativity and skills to the world. This gave women both respect and sources of earning and this increased the self- confidence of the women as they started believing that they can act as women-entrepreneurs.⁵

Apart from this, we have also noticed a remarkable change in the companies’ act of 2013, which have included a clause to help the women in upbringing their position in society. Companies act, initially enacted in the year 1956 and in the year 2013, it was repelled. Section 149(1) of The Companies Act 2013, along with subsequent guidelines led down by the Securities Exchange Board of India (SEBI) made it mandatory for all the companies, listed to have at least one woman

³ <https://wcd.nic.in/bbbp-schemes>, accessed on 17th August,2020.

⁴ https://wcd.nic.in/sites/default/files/Revised%20RGNCSScheme_210515.pdf, last accessed on 17th August,2020.

⁵ <https://www.goodreturns.in>, accessed on 17th August,2020

either as an executive or as a non-executive director before April 1st 2015. Such companies are listed companies and other public companies having paid-up capital of Rs. 1 crore or more and turnover of Rs. 300 crore or more.

Seeing an evolution from the ancient time until now, there has been a roller coaster-like changes in the women's place. One of the peak changes is that of the Adultery. Adultery is nothing but when a man had sexual intercourse with a married woman without the consent of his husband. It was initially a Criminal offence under S-497. However, the Supreme Court in 2017 decriminalised it. This law was considered to be against women. The women were considered to be their property and it treats them as no better than chattels. As women were considered the property of men, she could not be trespassed by any other man excepting her husband and she could have sexual intercourse by taking the consent of her husband. And here the only man would be held liable and both the wife of the man and unmarried women would be the victim of this male-dominated society.

The Supreme Court in the case **Sowmithri Vishnu VS. UNION OF INDIA**⁶, It was held by the court that no women is the property of her husband and she has her own identity. Thus, this law and this section were struck down so that the interests of women are protected and they can enjoy their fundamental rights equally as men do.

CHALLENGES FACED BY THE WOMEN

A knife is an important kitchen tool. Without it, no work can be done in the kitchen. But it has negative aspects as well. One can get hurt while cutting something or even it may be used for killing something. Similarly, irrespective of the fact that the status of women has risen to such an extent, they have to face various problems. A woman is one without which no work can be done but still they have to face many hurdles and crimes against them are rising day by day like rape, marital rape, dowry death. These are highlighted issues that one cannot avoid. Every day newspaper headlines are filled with these crimes, which scare souls of Nation.

⁶ 27th May, 1985

DOWRY DEATH –

The dowry system refers to the durable goods, cash, car, and real and movable property which is given by the bride's family to the groom's family. The system of dowry had been a long time back prohibited under some specific Indian laws including the Dowry prohibition Act 1961 and under S- 304A AND S- 498A of INDIAN PENAL CODE. S- 304A includes a maximum of 7 years to life imprisonment.

If the death of a woman is caused by burns or a bodily injury or occurs in any suspicious circumstances within 7 years of her marriage, and if there are evidence to show that before her death, she was subjected to cruelty or harassment by her husband or his relative regarding the demand for dowry, then the husband or the relative shall be deemed to have caused her death".⁷

Though dowry had been stopped and there are laws to prevent dowry and dowry deaths, but in some of the rural areas of India women still face this difficulty and have to bear the negative impact when the dowry is not given according to the terms of the marriage. Apart from bride burning, acid attacks, poisoning and strangulations are some of the ways in which the bride is subject to murder by the groom's family. In some cases, the groom's family does not cause instant death but leads to slow deaths. They torture her to the very extent that she goes into depression and attempts to suicide so that she can be saved from such tortures. Women who leave their homes for one man and his family, who sacrifice everything is treated with such cruelty is unacceptable. Protection of women from domestic violence act, 2005 passed in this context.

In a famous case **Kamesh Panjiyar V. St. of Bihar**,⁸ the body of the wife or the victim in this case, was found beside her brother, lying in veranda, in the appellant's house with blood percolating from her mouth, and there were marks of violence around her neck. It was clear from the scenario that the victim was murdered the previous night by strangulating her to death. It was evidentiary proved by the testimonies that it was a case of dowry death as it was not a death from normal circumstances.

⁷ S-304A

⁸ (2005) 2 SCC 388 (India)

The court in *Satvir Singh v. State of Punjab*,⁹ stated that there has to be a relation between the death and the dowry related assault and harassment, the time interval between the two should be fair and that would depend from cases to cases.

RAPES AND MARITAL RAPE-

Rape has become one of the most common crimes against women in recent times.

Rapes have tremendously increased from 2011. It increases by 3% every year. S- 375 OF IPC defines rape. It means penetration of the penis. After the most horrific gang rape of a Delhi girl, there was various amendment brought into this Section. Criminal Amendment Act 2013, stated that every rape should be reported and it now stated that penetration of a penis or anything into a women's body without her consent is rape.

Marital rape refers to having sexual intercourse by a man with his own wife without her consent by unlawful force or threat of force and physically abusing her.

After the 2013 amendment Act, Marital rape has been criminalised. S-375B of IPC,1860, having sexual intercourse with one's own wife without her consent is punishable with 2-7 years of imprisonment.¹⁰ We can't even state the age group for such a heinous crime. As the victims of rape in India is even a 5-month-old girl to 80 yrs. old woman. One of the most horrifying rape case is **Aruna Shanbaug case**. She was a nurse in a hospital. She was brutally raped by a cleaner of the hospital. She was strangled by mental chains and was left half dead by the victim. She survived, but it was hardly so. She was in a vegetative state and was not able to speak a word and was even unable to recognise anyone. She was in this state for about 39 years.

CONCEPT OF GLASS CEILING

India is a country of diversity but the status of women in each state is more or else similar or equal to each other. Glass ceiling refers to that invisible barrier beyond which a woman is never able to rise. It basically means that it prevents women or obstructs them from achieving great heights of

⁹ (2001) 8 SCC 633 : 2001 Cri LJ 4625 (India)

¹⁰ Indian Penal Code Book by P.S.A. Pillai

success. These invisible barriers basically act as a hurdle for those women who are more goal-oriented than other women.

According to Forbes magazine (2013) Female part-timers earned \$10 more in median weekly salaries than their male counterparts, according to the Bureau of Labour Statistics. Contrast this to full-time work, where men 15% more than women in overall median weekly earnings.¹¹

These barriers are present mainly in the corporate sector. The biggest barrier to women advancing into these positions is the internal process of the corporate houses. Women in the developed sector face more challenges as the developed sector has become the male dominating field.

Section 149(1) of The Companies Act 2013, along with subsequent guidelines led down by the Securities Exchange Board of India (SEBI) made it mandatory for all the companies, listed to have at least one woman either as an executive or as a non-executive director before April 1st 2015. Such companies are Listed companies and other public companies having paid-up capital of Rs. 100 crore or more and turnover of Rs. 300 crore or more.

Art 16 of the Indian Constitution clearly states that there must be an equal opportunity of employment for both men and women, but this Article has not been implemented properly and is different in the actual scenario.

According to some research works India ranks 26th globally in the presence of women in board rooms and the overall percentage is only 6.91%. In relation to other developing countries, the number of women in the Indian boardroom is lower.

The main reason for such kind of barrier is that women quit and drop halfway to take up the responsibility of the family. According to data from the International Labour Organisation, the age of Indian women working has dropped by 10% between 2014-2015.

According to the Securities and Exchange Board of India (SEBI) listing agreement: “The Board of Directors of the company shall have an optimum combination of executive and non-executive directors with at least one woman director and not less than fifty percent of the Board of Directors comprising non-executive directors”.¹²

¹¹https://www.researchgate.net/publication/277590269_EXISTENCE_OF_GLASS_CEILING_IN_INDIA, accessed on 17th August, 2020

¹² Clause 49 of SEBI listing agreement.

Now a day's women have been subject to heinous crimes. These crimes include rapes, marital rapes, acid throwing, dowry deaths and the list goes on.

According to NCRB¹³ of India crimes against women have increased by 6.4% in 2012.

IN 2011, there were greater than 228,650 reported incidents of crime against women, while in 2015, there were over 300,000 reported incidents, a 44% increase.¹⁴

CONCLUSION

To conclude, the status of women in India is in a fighting situation. They have been given rights, freedom but not completely. Today also in remote villages there is still no education for women and forced to married in a teenage. Today also if girls wear a short dress they are judged for that. Our society is changing and adapting new laws fast but this is not enough the thinking process needs to be changed. Society has to understand that women are the creation of “God” and they have the full right to choose how they want to live their life. A woman should not be judged by her clothes or the company she spends time with. Instead, they should be judged for their talent, achievement. There has been a steady transformation in the status of women in comparison to earlier periods. Women of today take part completely in areas such as politics, status, military sectors, economic, service, and technology sectors. Moreover, they have contributed wholly in sports too. Thus, they have occupied a dignified position in family and society.

However, ending crimes against women is still a challenge. We can prevent ills by ensuring women autonomy, also increased participation and decision making power in the family and public life both. If we really want to see India in the future as a country which is economically enriched, politically equipped, socially developed and culturally distinguished, then definitely we have to give women a leg up in all their respective spheres of activity. Dr Radhakrishnan the Late President of India, once said” The progress of our land towards our goal of democratic socialism cannot be achieved without the active participation of our mothers, wives, sisters and daughters”.

In addition to these, women acquire their status from their husbands, that they are socialized to think themselves as inferior, and they are physio-psychologically conditioned, to use the modern

¹³ National Crime Record Bureau

¹⁴ According to NCRB

term, they are programmed to be wives and mothers, non-competitive with men because they are less able to compete.

Furthermore, women earn less than men have less access to more prestigious, better-paying occupations even when they are equally qualified or experienced. Even having children increases the husband's power, for the wife becomes more dependent.