iJRASET
International Journal For Research in Applied Science and Engineering Technology



INTERNATIONAL JOURNAL FOR RESEARCH

IN APPLIED SCIENCE & ENGINEERING TECHNOLOGY

Volume: 12 **Issue:** IV **Month of publication:** April 2024

DOI: https://doi.org/10.22214/ijraset.2024.61224

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International Journal for Research in Applied Science & Engineering Technology (IJRASET)
ISSN: 2321-9653; IC Value: 45.98; SJ Impact Factor: 7.538
Volume 12 Issue IV Apr 2024- Available at www.ijraset.com

Authentic Commas Made by Audacious Women

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Abstract: ***This study delves into the courageous commas women continue to make every day in their day to day life on this planet. Over time, women have raised their voices, leading to mass movements and protests. In modern times, women have achieved legal, political, civil, social, economic, and cultural rights. The Indian Constitution guarantees fundamental rights to all citizens, emphasizing equality. However, women in India still encounter discrimination, injustice, and dishonour. Education plays a crucial role in addressing inequalities and promoting respect for individual human beings. There are remarkable courageous stories exhibited by women who have made a significant impact in various fields. Here are some inspiring women who have left their indelible mark on our country through struggles and traumas and still made viable to create a new society through the help of the legislations.***

Keywords: Women, legislation, courageous acts, cases, women empowerment.

I. INTRODUCTION

As I gaze down the centuries I could see the substantial convergence of lights and shadows of the women that paved the history either shone light on it or were placed under the doormat of various factors of the society. Even hidden in the darkness, faced with struggles and turmoil courageous women always contributed somethings for the development of the world, more specially for the growth of India in particular. I strongly affirm the saying of Malala Yousafzai "There are two powers in the world; one is the sword and the other is the pen. There is a third power stronger than both, that of women."[1] There were many dreamers among women community in India who were dare enough to imagine huge and high. Women had visions for a day, when it will be possible for woman to love not in her weakness but in strength, not to escape herself but to find herself, not to abase herself but to assert herself – on that day love will become for her, as for man, a source of life and not of mortal danger. In the meantime, love represents in its most touching form the curse that lies heavily upon woman confined in the feminine universe, woman mutilated, insufficient unto herself."[2] I am here to represent the struggle of women and the legal remedies that they could utilize to create an atmosphere where every person in the country could see women not as maker of generations for the family but as co-Journee on this planet in creating development, changes and new era in socio, economic and political life of the humanity.

II. THE COMMAS MADE BY THE AUDACIOUS WOMEN IN THE INDIAN HISTORY

I get light from the landmark cases that have been imprinted in the times past and made huge changes at every decade in the life of women community in India. The verdict in the following cases, which were fought to provide justice to one woman, continue to bring hope to several women facing circumstances that undermine their dignity and their fundamental right to equality.

Bhanwari Devi, a social worker from Rajasthan, was brutally gang-raped by five men for preventing a child marriage. Determined to seek justice, she decided to go to court. In a shocking decision, the trial court acquitted all five accused. Vishaka, a Group for Women's Education and Research, took up the cause of Bhanwari Devi. It joined forces with four other women's organisations, and filed a petition before the Supreme Court of India on the issue of sexual harassment at the workplace. On August 13, 1997, the Supreme Court commissioned the Vishaka guidelines that defined sexual harassment and put the onus on the employers to provide a safe working environment for women. (***Vishaka Vs State of Rajasthan***[3]***)*** The determined mind coupled with reasoning capacity of Bhanwari Devi was not be appreciated by the people around her but it later got contagious to the other women like Vishaka groups who used the space of the supreme court through the eyes of the laws diligently and intelligently and were causes for implementing new legislation called The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (commonly known as the POSH Act)

Women were always made to be dependent on men, as Manu's Script would portray women to be at the receiving point to the father in childhood, to the husband by marriage and to the son in her old age.

[1] Quote of Malala Yousofzai
[2] Simone de Beauvoir quotes on women
[3] AIR 1997 SC 3011

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Critically analysing the life of woman and the way society built customs not to give her the right to property of the father, uprooting her from her familiar situation (father's household) to the unknown background, culture, people (matrimonial family) keep the women to be always at the control and governing of the male society. There was fresh air and new thinking was brought by Mary Roy who could challenge what seem to be impossible for her. Women from the Syrian Christian community in Kerala were prevented from inheriting property due to patriarchal traditions. This decree was challenged by Mary Roy, a woman's right activist and educator. After the demise of her father, she filed a case against her elder brother when she was denied equal share in the family's inheritance. Though the plea was rejected by the lower court, the Kerala High Court overruled the previous judgment. In 1986, the Supreme Court delivered a landmark judgment that granted Syrian Christian women the right to seek an equal share in their father's property. (***Mary Roy Vs State of Kerala***[4]***)*** Today a reasonable change of mind-set in the society with regard to gender bias due to the hard labour of Mary Roy who could legally affirm the women race to foot themselves on a levelled ground with men by the right to property of their father.

Women were filled with the charisma and aligned themselves in line with the thinking of the constitution and contributed very much to uphold the spirit of it in their every day's struggles and challenges. Lata Singh was an adult when she left her family home to be joined in matrimony with a man from a lower caste. Her brothers, who were unhappy with the alliance, filed a missing person report, and alleged Lata had been abducted. This resulted in the arrest of three people from her husband's family. In order to get the charges dropped, Lata Singh filed a petition which resulted in the landmark judgment by the Supreme Court that allowed an adult woman the right to marry or live with anyone of her choice. The court further ordered that the police initiate criminal action against people who commit violence against those who decide on inter-religious or inter-caste marriages. (***Lata Singh Vs State of Uttar Pradesh***[5]***)*** The fearlessness and the inner courage of Lata Singh open the door for the inter-caste and inter-religious marriages in a country like India where caste and gender are not mutually exclusive constructs.

Roxann was involved in a bitter child custody battle with her estranged husband. A court in Goa granted her interim custody of their child, but Arun Sharma whisked their son away and refused to let Roxann meet the child. She filed a case against him, which led to the landmark judgment pronounced by the apex court regarding children caught in a legal battle between parents. The Supreme Court ruled that when estranged parents are involved in a legal tussle over the custody of a child who is under the age of five years, the custody of the child will remain with the mother. (***Roxann Sharma Vs Arun Sharma***[6]) The judiciary had always understand and accept the genius feminine nature and the life it brings to the society.

We are living in a hustle bustle world, where everything is instantly given, use and throw culture prevails all morality and customs and the contemporary forces impacts the life style of women in particular. Technological growth is misused and abused. The modern women have to be wise and courageous to face the reality. I recall Miss. Suhas Katti of Tamilnadu case led to the first conviction under the Information Technology Act, 2000. The victim was being harassed by the accused, Suhas Katti, when she refused to marry him. He would send defamatory and obscene messages to her online in a Yahoo message group. To add to her agony, she began to receive phone calls from unknown people soliciting sex work. The victim filed a complaint in February 2004, and within seven months the accused was convicted. In an age of merciless trolls and other forms of online harassment, this judgment acts as a tool that woman can use to safeguard their dignity. (***Tamil Nadu Vs Suhas Katti***[7])

There is another courageous comma was made by Laxmi, who could unveil the inner strength of the women by removing the mask of fear. In 2006, Laxmi, an acid attack victim, filed a petition seeking measures to regulate the sale of acid and provide adequate compensation to the victim. Taking cognizance of the number of cases relating to acid attacks against women on the rise, the Supreme Court imposed stringent regulations on the sale of acid in 2013. The ruling banned over the counter sale of acid. Dealers can sell the acid only if the buyer provides a valid identity proof and states the need for the purchase. It is mandatory for the dealer to submit the details of the sale within three days to the police. It also made it illegal to sell acid to a person below 18 years. (***Laxmi Vs Union Of India***[8]***)*** women can, knowing and experiencing the tragedies in life regulate and organise the society in an intelligent and smart way. The way ahead for the women at this juncture is to form the male community in the childhood itself imprinting and embedding in their hearts the dignity of humanity includes the dignity of women.

Society is created by women. There is no any alternative for that, so much to say the sustenance and the continuous journey of the humanity on earth depends on the women by their capacity to create another human being, in fact with the co-existence of men.

[4] Mrs. Mary Roy Etc. Etc vs State Of Kerala & Ors on 24 February, 1986
[5] Lata Singh vs State Of U.P. & Another on 7 July, 2006
[6] Roxann Sharma vs Arun Sharma on 17 February, 2015
[7] State Of Tamil Nadu vs Suhas Katti (2004)
[8] Laxmi Kant Pandey vs Union Of India, AIR 198

However women have the ability to bring through her sacrifice death and risen experience, the ultimate decision on the man. It is the man or his household who decide the option of the child, whether it is male or female. If it's female, they are willing to murder the fetus in the womb itself for which they follow many methods. But there came an end to this cruel acts of the people with a petition to the Supreme Court and brought a legislation with the purpose to save the female children in the country. The Centre for enquiry into Health and Allied themes, with the advent of pre-natal diagnostic techniques that could determine the sex of a fetus, the growing trend of aborting female fetuses was observed. In a bid to curtail female feticide, the government of India issued the PNDT Act in 1996. The provisions of the PNDT Act, however, were not being effectively implemented by the state and central government. The Centre for Enquiry into Health and Allied themes filed a petition which led to the Supreme court directing the Central and State governments to enact the provisions of the act immediately, and banned all advertisements relating to pre-natal sex determination techniques. (CEHAT & Ors Vs Union of India[9])

Termination of 24-week old pregnancy permitted on account of abnormal fetus The petitioner, a rape survivor, who wished to remain unidentified, approached the Supreme Court seeking permission to abort her 24-week abnormal fetus. The petition challenged the 46-year-old Maternal Termination of Pregnancy Act that does not permit abortion of a fetus after 20 weeks. The Supreme Court ruled in favour of the petitioner after the medical board submitted a report stating that continuing with the pregnancy would put the mother's life at risk[10].

The women in the history continue to create changes in the lives of people either by sacrificing for the right cause or fighting with consisting efforts coupled with knowledge of law and the society they belong. Every woman did their best and left the comma for others to continue the good work. There is always hope for the best to come out from every comma that they left behind. It is the responsibility of the state and juris to affirm the women community to stand erect to make many more commas in the history responding courageously for all the struggles that the women community face in their day today life.

III. WAY FORWARD TO STRENGTHEN THE AUDACITY OF WOMEN

Below are the some of the ways the independent India aimed to reinforce the capacity of women India through its Constitutional and especially Fundamental Rights that are already enshrined in the Indian Constitution.

Theme- Economic Empowerment of Women

4.9 Creating Empowerment: Steps in India

Below are some of the steps taken at the legal level at the constitution of India (IOSR Journal of Business and Management (IOSR-JBM) e-ISSN:)

1) Constitutional Provisions for Empowering Women in India Equality before law for all persons (Article-14)[11].
2) Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth (Article 15(I)). However, special provisions may be made by the state in favors of women and children Article 15(3)[12].
3) Equality of opportunity for all citizens relating to employment or appointment to any office under the state (Article 16)[13]. State policy to be directed to securing for men and women equally the right to an adequate means of livelihood (Article 39(a) (v) equal pay for equal work for both men and women (Article 39(d)[14].
4) Provisions to be made by the state for securing just and humane conditions of work and maternity relief (Article 42). Promotion of harmony by every citizen of India and renouncement of such practices which are derogatory to the dignity of women Article 51A(e)[15].
5) Reservation of not less than one-third of total seats for women in direct election to local bodies, viz; Panchayats and Municipalities (Articles 343(d) and 343 (T)[16].

These rights of women and its expression in many other legislations have to be taken serious way to implementing them. The penalties and punishments noted there should be realistic but seen to be done which will enhance the audacity and courage of women to come forward to contribute to the country in their fullest way possible.

[9] CEHAT & Ors. v. Union of India, (2003) 8 SCC 412.
[10] https://yourstory.com/2018/01/8-landmark-judgements-that-changed-the-course-for-women-in-india
[11] Indian Constitution
[12] Ibid,
[13] Ibid,
[14] Ibid,
[15] Ibid,
[16] Ibid,

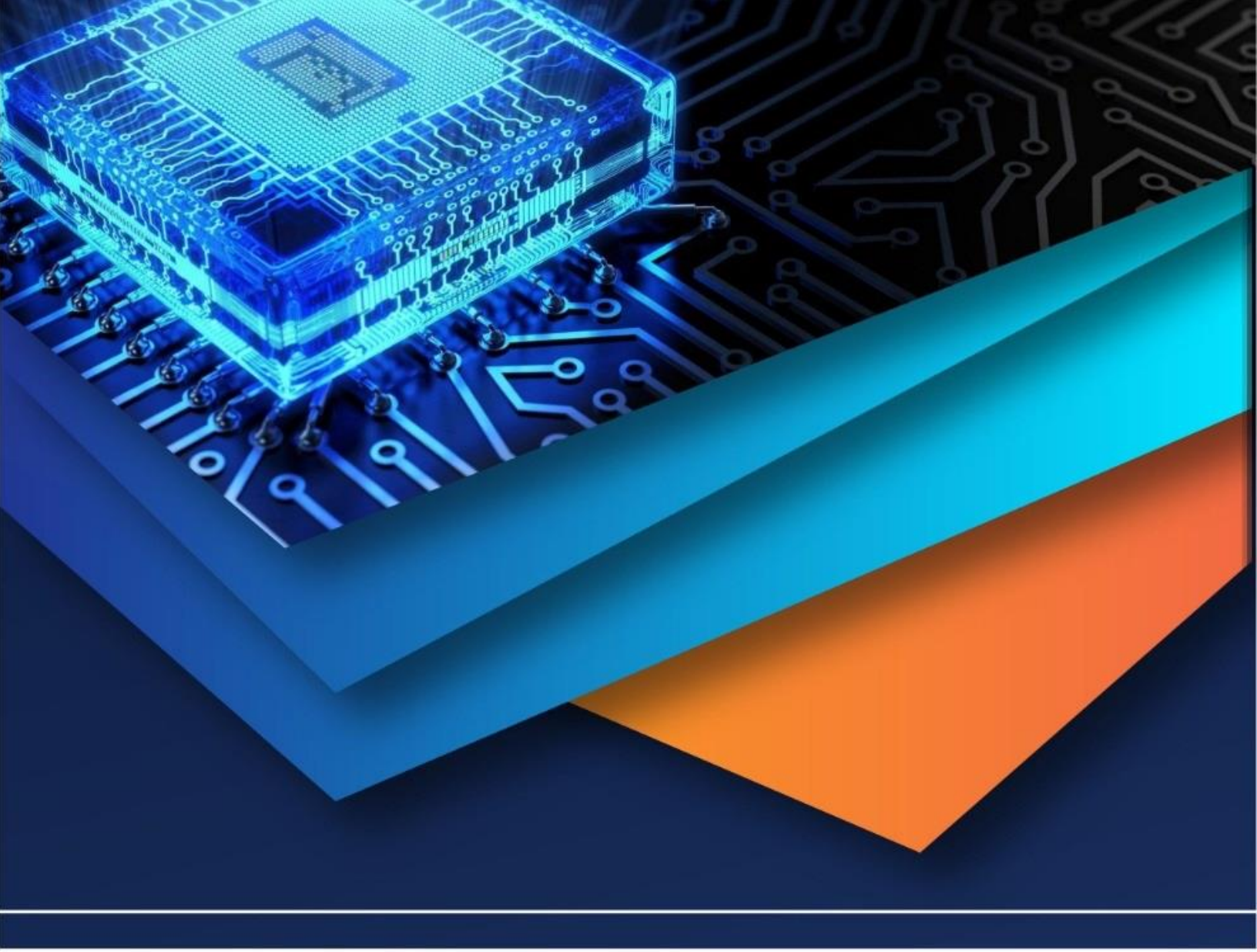
IV. CONCLUSION

Investing in women's empowerment is intrinsic to achieving the Sustainable Development Goals. It sets a direct path towards gender equality, poverty eradication, and inclusive economic growth. Yet despite the important progress that has been made in these areas, large gender gaps in economic opportunities and outcomes still remain across our country and regions[17]. The Panel, comprised of influential leaders from various fields of government, business, academia, and civil society, made action-oriented recommendations on how to improve outcomes of women's courageous contribution in fields of legal, economic, social and political empowerment. promoting women's leadership in driving growth of all areas, and galvanizing political will power.

END NOTES

[1] https://asiapacific.unwomen.org/en/digital library/publications/2020/10/in-roadmap-for-womens-economic-empowerment-in-india
[2] Indian Constitution
[3] https://yourstory.com/2018/01/8-landmark-judgements-that-changed-the-course-for-women-in-india
[4] (2003) 8 SC 412
[5] AIR 1997 SC 3011
[6] 2006 AIR SCW 3499
[7] AIR 2015 SC 2232

[17] https://asiapacific.unwomen.org/en/digital-library/publications/2020/10



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