

SAFEGUARDS FOR WOMEN: CONSTITUTIONAL PERSPECTIVE

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Abstract

The women in our society play a vital role in the development of our country. She is not only a homemaker, she is a person who is the backbone of the whole family. She performs all household functions and along with this she fulfills all the obligations in her office being the employee of the office. Our society is developing day by day but still the mindset of the society members have not broadened up. They still think that the women in just meant for household works. But still a few ratio of people help in the upliftment and development of a woman's future. A woman plays many roles in her life for instance she plays a role of a daughter, wife, mother, daughter-in-law and after performing all her roles perfectly, she also works as an employee. Our Constitution provides equal opportunities for women and had made no discrimination between men and women. If male members are given more priorities than females, then it is against Fundamental Rights and thus it is declared as violation of Article 14 of Constitution. Both men and woman are getting equal treatment but still there are few places where women is still seen with a bad eyes and they don't think women capable to work efficiently as compared to men . They appreciate women not only because they encourage their work but because they want favors from women.

Harassment at workplace has become a wide issue which is very common globally and which leads in degrading the society. Women have become so modern and energetic in the fields of jobs and business. Many women's have proved it that they are not less than men still women is been harassed. Women are also free to live her life without any discrimination and continue her life with dignity. Generally men believe that they are superior to women but they have no reason to prove it. We all agree on the contention that a man also plays a very important role in the family as he handles all the financial matter and also acts as a protector for the whole family.

We cannot deny with the fact that the man is the head of the family but still a man alone cannot handle all the responsibilities including his job, handling household activities, nourishing the child and taking care of his parents even, so we can say that a man is incomplete without his wife and he cannot manage everything alone. He also needs a house lady who can handle him and can even take care of his family.

Thus, there should be a safe and positive environment in the working area so that a woman should work efficiently and ultimately help in the instant development of the organization rather than having a fear to safe herself from the bad intentions of the few male members who thinks a girl just as a product.

There are many laws provided by the Constitution acting as the safeguard for women and helping in their welfare and betterment. The Constitutional Safeguards for women are Right To Equality-Article 14, Life and Personal Liberty- Article 21, Right to Education- Article 21 A, Right against sexual exploitation- Article 23,24 ad Constitutional Remedies – Article 32, 35.

Key Words – Workplace, Harassment, Sexual Harassment, Woman

Right to Equality – Article – 14

Article 14 of the Indian Constitution specifies that every individual are equal in the eyes of law. It is duty of the State for making provisions for betterment of women and Children. For instance, The reservations are been allotted to the women in buses, trains, metro and in jobs also and it is constitutional. It was also held by the Supreme Court that reservations of some seats are there in colleges.

Section 497, Indian Penal Code

Adultery is an offence if it is committed by men but it will not be considered as an offence if it is committed by women. The women cannot be prosecuted for abettors. The special provisions for welfare and betterment of women are been made and is valid under Article-15(3) of Indian Constitution.

Section 437 , Code of Criminal Procedure,1973

There is a restriction on the release of accused person on a capital offence on bail except child under the age of 16 years or women or ill persons.

Life and Personal Liberty- article 21

Article 21 guarantees the right to life with dignity. Sexual Harassment of women has been held by the Supreme Court to be violative of Right to life.

Sexual harassment at a work place environment means the infringement of the ladies rights and she has the right to live her life. It also includes few acts which are not genuine, for instances physical contacts with the lady, a request or a demand for providing sexual favors, showing porn movies, saying something or acting in a way through which a lady becomes uncomfortable. A woman gets so uncomfortable with such unwelcome acts but still she do not take any action against the person who has a malicious intention because she need to save her job to earn her livelihood and to provide a good survival to her family and in result she has to survive in the negative environment.

Sexual harassment refers to the forceful pleasures demanded by male members from female employee which includes the mental and physical harassment of a female employee. It is illegal in the eyes of law which involves the exchange of sexual desires in return of job opportunities.

The employer offers a job and in return demands for a sexual pleasure and to please him which in result will lead to the upliftment of a woman. In past times, females were not employed as they were only meant to do their household work but now in the present era, women has become independent and has raised in every field for instance, a women has proved her talent in the fields of medical sciences, law, etc. She has proved that she is not less than a man. She started from riding an auto-rickshaw to flying a plane. Thus, the harassment of women at her workplace is termed

as “WORKPLACE HARRASMENT OF WOMEN”.

On one hand, a woman is been harassed by demanding sexual favors by her Bosses or her seniors and on the other hand she is given less remuneration for her work as compared to the male employees. There is a biasness done amongst the male and female employees regarding their salary which results to the gender inequality. A woman is been harassed at her workplace by listening to the various taunts, unpleasure acts, showing pornography, sending unpleasant mails and messages which makes the woman uncomfortable. It degrades the inner confidence of a woman and lowers down her strength and capabilities.

In the present era, many laws are been made for the protection of a woman at her workplace. It's the duty of an employer that a woman should get a safe working environment at her workplace and she should feel comfortable. Harassment directly have a negative impact on the woman's mental, physical and emotional health. After the enforcement of many laws for the protection of a woman, still she is been facing a number of issues at her workplace. This should be totally stopped and a man should think a woman as a respected personality that she handles both her household work and works in the office, rather than thinking her as a product.

Definition of workplace harassment

Workplace harassment is termed as threatening or torturing an employee or a group of employee on the workplace. Harassment at workplace includes both mental and physical torture.

Aggrieved person

A woman irrespective of any age, caste, married or not, employee of an organization or an outsider if harassed becomes a victim or an aggrieved person.

Right to education- Article 21, 21 a

Education is a basic ingredient for a child to develop his career. A person should be educated so that he can further touch the height in his future. Our law provides right to children for free and compulsory education till the completion of child's elementary education in his neighborhood school.

Equal work for both men and women-article 39(d)

Our law provides equal pay for equal work of both men and women. But still there many places wherein the discrimination between men and women is done in terms of their pay scale. People must get SALARY according to nature and capacity of their professional work.

Women are also capable to do all jobs and they are giving challenge to men that they are not less than them in any field. A women almost profess all profession. There are many works in which women bodies are little less competent to work as compared to men. For example industry work load . There are many corporate firms in which women is been promoted on their physical pleasures and few employers demands sexual pleasures from the women employee. We can move forward with

one more example i.e. Air Hostess. Physical appearances are one of the basic necessities to get the job

Maternity Relief -Article 42

The law has given a boom for the working ladies through which they can balance both their professional and personal life. Maternity benefits are been provided to the women who conceived. The maternity relief provided to the mother protects the infant and mother which is further beneficial to the mother and the infant in having a good health as Right To Health is also one Of the fundamental rights as right to health in included under Right to life. (Article 21)

Marriage – conditions for women

The Hindu Marriage Act, 1955 deals with the marriage provisions . The ingredients for a valid Hindu marriage that the bride and the bride groom must be Hindus. At the time when they enter into a sacrament i.e. marriage neither party should be of unsound mind , insane and nor be unfit for procreation of children. Both the bride and the bridegroom must have attained the age of majority and the bride must have completed 18 years of age and the bridegroom must have completed 21 years of age. The parties should not come in the degrees of prohibited relationship.

BIBLIOGRAPHY

❖ **BOOKS-**

- a) Indian Penal Code-
Author- S.N. Mishra
Publication- Asia Law House
- b) Constitutional Law of India
Author- Kailash Rao
Publication- Central Law Agency
- c) The Constitution Of India-
Author- JN Pandey
Publication- Central Law Agency
- d) The Code Of Criminal Procedure
Author – Ratanlal and Dhirajlal
Publication – Lexis Nexis

❖ **DICTIONARIES –**

- Blacks Law Dictionary , 7th Ed .,St. Paul , Minn., 1999
- P Ramanath Aiyer , Concise Law Dictionary , Wadhwa Company Nagpur 2004