

Indian Women Specific Legislation Act 1956 - A Study

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Abstract

The government of India had enacted both women specific and women specific and women legislations to safeguard the rights and Interests of women. The article drals with the mast commonly associated legislation is relation to cases to offence against women. The suppression of Immoral Traffic in women and Girls Act 1956. This is Act prohibits trafficking in women and girls for purposes of prostitutions as on organized means of living Government of India in the year 1950 ratified an International convention for suppression of traffic in persons and of the exploifation of the prostitution of others. Article 15 prohibits discrimination on the grounds of religious race, caste six or place of birth, or of any of them. Article 45 : Mares provision for free and compulsory education for children which are now well settled as a fundamental right to the children women continue to be victims of various forms of violence. Establish legislation and strengthen appropriate Mechanisms to handle criminal matters relating to all feorms of domestic violence.

Various legislative measures were designed to reinforce the provisions enshrined in the constitution. The government of India had enacted both women specific and women legislations to safeguard the rights and interests of women, besides protecting against social discrimination, violence and atrocities and also prevent social evils like child marriages, dowry, rape, practice of sati etc. the government has enacted 41 legislations having direct or indirect bearing on women. The government has reviewed and amended these Acts from time to take care of the interests of women in the changing situations and societal demands and obligations. This article deals with the most commonly associated legislation in relation to cases to offence against women. An attempt has been made to explain some of these laws and the protective legislations for victims. The Pre Independence Legislation, Post Independence Legislation, the Women Specific Legislations in India, Universal Declaration of Human Rights, the Dowry prohibition, the Indencent Representation of Women, the Commission of Sati and Protection of Women from Domestic Violence etc.

Legislation of Pre Independence India

- The Regulation No.XXI of 1795 and Regulation No. III of 1804 : These regulations declare the practice of infanticide illegal.
- Bengal Sati Regulation XVII of 1829: This resolution declares the practice of sati or self immolation of widows as illegal and punishable by the Criminal as culpable homicide.

- The Hindu Widow's Remarriage Act, 1959 (15 of 1959): This act legalizes the marriage of Hindu widows.
- Indian Penal code, 1960 (45 of 1860): It provides for punishment of various offences against women like abduction, rape, adultery, bigamy, remarriage during the life time of a wife, cruelty and cheating against women, etc.
- The legal Practitioners (Women) Amendment Act, 1923(23 of 1923): Under this Act no women can be disqualified from being admitted as a legal practitioner by reason of her sex.
- The child Marriage restraint Act, 1929 (19 of 1929): It fixes the minimum age of marriage at 18 years of boys and 15 years for girls.

Legislative measures for Independent India

- The Suppression of Immoral Traffic in Women and Girls Act, 1956
- The Dowry Prohibition Act, 1961
- Code of Criminal Procedure, 1973
- The Bonded Labor System (Abolition) Act, 1976
- The Equal Remuneration Act, 1978
- The Family Courts Act, 2000
- The Child Labor (Prohibition & Regulation) Act, 1986
- National Commission for Women Act, 1990
- The infant Milk Substitutes, Feeding Bottles and Infant Foods Act, 1992
- The Pre-Natal Diagnostic Technique Act, 1994
- The Domestic Violence Act, 2005

The Women Specific Legislations in India

The Immoral Traffic Act, 1956 : This is Act Prohibits trafficking in women and girls for purposes of prostitutions as on organized means of living. The Act was amended in 1978 and further amended in September 1986 with the objective of making the Penal provisions in the Act more stringent and effective. The amendment Act is re-titled as "The Immoral Traffic Act, 1986". The Salient features of this Act are widening the scope of Act to cover all Persons, whether male or female, who are sexually exploited for commercial purposes enhancement of period of imprisonment where offences are committed against minors and children, appointment of Trafficking Police Officers, who will have to powers to investigate inter-state offences, prescribing punishment as laid down for rape under the Indian Penal Code or the seduction of victims of trafficking while in custody, interrogations of women and girls removed from the brothers to be held by women police officers or in their absence in the presence of women social workers and setting up of special courts.

Government of India in the year 1950 ratified an International convention for suppression of traffic in persons and of the exploitation of the prostitution of others. There are many International conventions available in Indian Constitution.

Article

Article 1: (1) Procures, entices or leads away, for purpose of prostitution, another person even with the consent of that person. (2) Exploits the prostitution of another person, even with the consent of that person.

Article 2: (1) Keeps or manages, or knowingly finances or takes parts in the financing of a brothel. (2) Knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others.

Article 14: Provides for equality in general.

Article 15: Prohibits discrimination on the grounds of religious race, caste, sex or place of birth, or of any of them.

Article 15(3): Provides for special protective discrimination in favour of women and child relieving them from the moribund of formal equality. It states that, "nothing in this article shall prevent the state from making any special provision for women and children.

Article 16(1): Covers equality of opportunity in matters of public employment.

Article 23: Prohibits traffic inhuman beings and forced labour and make it punishable under Suppression of Immoral Traffic in Women and Girls Act, 1956 which is renamed in 1986 as the Immoral Traffic Act.

Article 24: Prohibits employment of children in any hazardous employment or in any factory or mine unsuited to their age.

Article 39: The state should direct its policy towards securing among other things a right to adequate means of livelihood for men and women equally and equal work their age or strength.

Article 39(f): Provides that the children should be given opportunities and facilities to develop in a healthy manner and conditions of freedom and dignity; and that childhood should be protected against exploitation.

Article 45: Makes provision for free and compulsory education for children which are now well settled as a fundamental right to the children.

Article 46: Directs that state to promote the educational and economic interests of the women and weaker sections of the people and that it shall protect them from social injustice and all forms of exploitation.

India has traditionally been a patriarchal society and therefore women have always suffered from social handicaps and disabilities, women continue to be victims of various forms of violence. Inadequate Understanding of the root Causes of all forms of violence against women and girls hinders efforts to eliminat violence against women and girls. Treat all form of violence against women and girls of all ages as Criminal offence Punishable by law, including violence based on all fermes of discrimination.

Endnotes

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