



Barriers to legal facilities for women in Indian society

(In perspective to sexual harassment of women at educational institutes.)

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Introduction:

Since seventh decade government, media and women herself have started to recognize various problems of women in world. Problems of women are been accepted internationally in various countries of the world. Discussion has been started on the life of women her problems and her current situations in various societies. It is true that women at present are placed much better than their mother were placed in past. The last few decades have seen remarkable progress in the status of women and girls. But macro level research studies conducted by institutions and individuals at micro level in different sectors however provide a different picture. It is found that women do not find much significant position in the society.

Even today, women occupy a devalued position in society. This is manifested in different forms of grave human rights violation such as domestic / sexual violence, sexual harassment at the workplace, identity based gender violence and sex selective abortions to name a few. These forms of violence and harassment results in the negation of equality rights of women.

Legal aspects and women in context to sexual harassment:

The provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. Some acts which have special provisions to safeguard women and their interest are:

1. Nari Adalat :

The concept devised 'By women for women'- the Nari Adalats is operational for legal justice in over 19 regions in Gujarat. Women jurists dispense justice in women's case of divorce, abandonment, violence, rape and dowry demands. These courts are set up for women empowerment and gender justice.

However these courts are helping rural women overcome problems encountered in the normal judicial system. Inaccessibility, cost, time, unfamiliarity with legal procedures, inadequate resources and a traditional disregard of the needs of women-all solutions get speedy, efficacy, and cost effective.

2. Sexual harassment:

Equality rights of women have to be recognized not only within the home but also in her interactions with the outside world. A women's right to a safe working environment is an essential pre-requisite for her engaging with economic processes that are not confined to the home. Hence legal aid against outraging the modesty of women, legal aid against sexual harassment at working place, criminal procedure code-1973, civil procedure code- 1908, Indian penal code- 1860, immoral trafficking act-1956, have been translated into the creation.

3. The national commission for women act- 1990:

The special national commission has been formed for women according to this act. This commission works for the protection of women, to report the government regarding the status of women in different states, to guide the government for the better schemes and programs for women, to analyses regarding the legal facilities for women and guide regarding its necessary changes.

4. Human right protection act- 1993:

According to this act human rights commission works for human rights and take legal steps for the contravention of human rights. Special lawyer has been appointed according to this act. Hence women's human rights are protected according to this commission.

5. Constitutional provision :

Article -14: equality towards law and Right to equal protection towards law

Article -15: prohibition against the discriminations for religion, caste, sex, or Birthplace

Article -16: equality towards publicized job.

Article -21: protection for life and physical independence.

Article-39: equality towards work wages and equal opportunities to proper Resources for job.

Article -42: state will facilitate for justice and humanist situation and will facilitate For pregnancy benefits.

Barriers faced by women to undergo for legal Rights.

1. Male Dominance:

Male dominance is still seen in every social, economic and political power fields. Indian society is patriarchal society. As per law theoretically women are equal towards man but the reality differs from that. In different offices of state and central level most key post are offered to male members. Key post of loksabha and vidhansabha are been handled by male members in majority in parliament of India. Women mostly work under guidance of male members in political field. Very few women can be seen independent in decision making in political field. It is very rarely seen that society see those women with respect and proud who demand for their opportunities and Rights. This dominance is a major obstacle for women to fight for Rights and use legal facilities given to them.

2. Illiteracy in women:

Illiteracy among women is the major factor which stops them to use legal facilities because they are unaware of that. Social awareness, mental development, and economic independence is related to education. There are various laws for protection for women against violence, sexual harassment etc. but due to lack of knowledge and illiteracy and economic dependence most of the women tolerate all this exploitation. It is very difficult for illiterate women to use laws for her protection because most of them are working in unorganized sector so they undergo through physical and economical exploitation.

3. Tradition:

According to Indian constitution men and women are equal but there is very acute difference between them from ancient period. According to traditional beliefs women have to be shy in nature, obey men and should have soft nature, should accept the power and dominance of men. In modern era this beliefs do not correlate with current laws. Laws have given equal rights to women in every field. But if women use these laws for her protection she faces the critics of society.

4. Lack of social Awareness:

75 percent of population of our country still locates in rural area. Ratio of illiteracy is high in rural India. There are slums areas in urban cities of our country in which acute illiteracy and unawareness has been deeply rooted. Women organization has failed to create proper legal awareness in these areas. Women organization have not been able to reach in community it solves individually various problems of women. Newspaper media publish different rights and facilities in laws for women but it has not created much attention among women.

5. Legal debility:

Due to legal enervation women faces difficulties to take benefits of their legal Rights. For examples there are many loopholes in dowry prohibition act, law to stop outraging etc. due to this loopholes many criminals are not punished for their bad deeds. This is an important obstacle for implication of legal facilities.

Legal processes are very convoluted. This long and convoluted legal process

Make Women to not take legal help. The system of family courts has not been organized yet Due to long process for justice and economic burden it is barrier for seeking to legal Facilities for women.

6. Vested Interests:

In this era many economic, social or political beneficiary have a mind set to oppose the change. Because they believe that their personal interest will not satisfy due to these changes. Indian society has male dominance. If women insist for legal help for her harassment she faces negative response. In many cases due to defame of family many women do not take legal steps and keep quiet for their harassment. Many women are forced to stop using legal help against their exploitation.

7. Defective system:

The facilities which are been established to solve women problems are imprecise. According to kiran bedi women's problems will not be solved by taking improper steps. Many women give up because they are not given proper guidance by different organization. Their problems should be solved through 'large roof' approach which may provide easy steps to get legal help.

8. Women's belief for themselves:

Due to the process of socialization women themselves maintain the difference between gender inequalities. They are been taught to tolerate in many conditions against violence or harassment. Some time they think that if they raise voice against sexual harassment their family members or society will blame them itself for what has happened which is a great barrier to take legal help.

Conclusion:

The laws formulated by government of India help the women to enforce their rights and can even take up legal actions to protect their rights. But due to various barriers they face difficulties to approach to laws and take its proper benefits. For the sustainable development of society every class have to give equal participation for its development. Women are half population of the country and so women are not been able to participate in development of country accomplished development is not possible. Hence there are several steps that can avoid the barriers to get legal help.

- To spread qualitative education among weaker sections of society.
- To create various organizations this spread awareness of legal Rights of women from village to district places.
- Different legal awareness camps should be organized so that they get proper guidance to solve their problems.
- More and more use of media which creates awareness for legal rights of women.
- Staffing of qualified and experienced people in various government and non-government organizations for speedy legal process.
- To make change in social norms and values of society this creates respect for women in society.
- Through new research in existence laws the loopholes should be solved by formulating new amendments in laws.
- Non-government organization can also perform good and effective role to solve the sexual harassment and violence problems of women.
- 5 to 10 percent of women take the disadvantages of laws given to them but because of that majority women who are facing genuine harassment problems should not be negatively justified.

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