

LL.B. (3 years) Vth Semester
Optional Paper-VII- E
WOMEN AND LAW RELATING TO CHILDREN -I

UNIT-I

<u>Syllabus</u>	A Need Of Separate Study , International Concerns And Conventions, Social And Legal Inequality, Social Reform Movement In India, Position Of Women In Pre And Post Independence India
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LECTURE -1: A NEED OF SEPARATE STUDY

You Tube link: <https://youtu.be/jXkutRSiYJ8>

Previous year Questions

1. What is the need of separate study of the paper law relating to women and children?
(2013)(2014)(2016)

NOTES:

- Women hold a well built place in society. They have crossed every hurdle to reach their aims. But there are some challenges, they face commonly. These should be curtailed so as to not stop the succeeding qualities among women. This paper deals with those hurdles and how these problems can be solved.
- The Chapters in this paper revolve around the status of women in society whether its social, political.
- The discussion is mainly on the role of a woman in the society of stereotypes.
- This paper will take us to a journey how women were treated in ancient times and how the time has changed when a woman is the leader of the nation.
- The detailed analysis includes certain laws and schemes made by government to empower women.
- This paper outlines recent reforms and initiatives that have taken place in the present scenario to promote equal inheritance rights, ensure equal marriage and nationality rights and address violence against women and girls
- Now a days when a woman is allowed to work but still faces challenges at workplaces is also included in this paper. Likewise, several acts to protect the women are mentioned in this paper.
- The main idea to read this paper is to have a clear crystal image of woman in society and to develop an acumen to tackle various problems of women in modern times.

Assignment Questions

1. Which law was passed by the Indian Government on prevention of sexual harassment against female employees at workplace?

Ans.

2. Mention some of the schemes launched by the Indian Government for the welfare of women.

Ans.

3. Give some examples of women marginalization.

Ans.

4. Name some women who have sacrificed their lives for the nation.

Ans.

5. What is the importance of this paper? Give your opinion.

Ans.

LECTURE -2: INTERNATIONAL CONCERNS AND CONVENTIONS

You Tube link: <https://youtu.be/5RR4VXNX3jA>
<https://youtu.be/umETapJ4b8o>

Previous year Questions

1. What do you know about the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW)? (2014)(2015)(2016)
2. Discuss the salient features of Declaration on the Elimination of Violence against Women. (2017)
3. What privileges and protection of women have been recognised by the International Conventions? Discuss. (2018)

NOTES:

- There have been various conferences, meetings, conventions that took place specifically for the welfare of women. These took place because there are certain sections of our society who are weak and vulnerable.
- United Nations Charter has supported them and provided them with basic rights by propagating a beautiful message that everyone is equal and shall be not discriminated on any grounds unless specifically provided.
- But, to assure that they have equal rank in the Society, several Nations together have agreed and entered into agreements, conventions.

United Nations Charter

- It was adopted in 1945 and its Preamble itself sets a basic aim or an objective to reaffirm the faith in fundamental human rights, in the dignity of human being and in the equal rights of men and women.
- Article 1 of the Charter further provides that in order to achieve international cooperation among the Nation States, promotion and encouragement of respect towards human beings is necessary and essential without discriminating them on the basis of gender, sex, language or religion.

Universal Declaration of Human Rights (UDHR)

- It was adopted in 1948.
- It had reaffirmed the principle of the inadmissibility of discrimination and proclaimed that all the human beings have equal rights as they are born free and they shall never be discriminated on the grounds of sex.

Convention on the Political Rights of Women

- It was adopted on December 20, 1952 and came into force on July 1954.
- It was the first Convention which was adopted in order to provide equal status as to men and can also be identified as a recommendable step as it happened after the World War 2.
- This Convention basically stated that women shall be entitled to vote in all the elections taking place without any discernment.

Declaration on the Elimination of Violence against Women

- It was adopted in its resolution on 20 December 1993. The resolution is often seen as complementary to the Convention on the Elimination of All Forms of Discrimination against Women as it embodies similar principles.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

- It was adopted by the United Nations General Assembly on 18 December 1979. It was adopted in order to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women.
- Its concern is to achieve equal status of men and women. It provides that there shall be no discrimination between the women and men.

Assignment Questions

1. When was UN Charter adopted? What is its objective?

Ans.

2. What is the aim of UDHR? Which types of rights are mentioned in it?

Ans.

3. Mention the international conventions for the protection of women.

Ans.

4. What was need behind the adoption of CEDAW?

Ans.

5. Article 1 of the Declaration on the Elimination of Violence Against Women defines.....

LECTURE -3: SOCIAL AND LEGAL INEQUALITY

You Tube link: <https://youtu.be/JYxspCbwZVs>
<https://youtu.be/lk8-Pr48Myg>

Expected Questions

1. What do you understand by social and legal inequality? What are the provisions provided under Indian Constitution to achieve equality?

NOTES:

Social Inequality

- Social inequality results from a society organized by hierarchies of class, race, and gender that unequally distributes access to resources and rights.
- It can manifest in a variety of ways, like income and wealth inequality, unequal access to education and cultural resources, and differential treatment by the police and judicial system, among others.
- There are two main ways to measure social inequality:
 - Inequality of conditions
 - Inequality of opportunities
- Discrimination of an individual, community, and institutional levels is a major part of the process of reproducing social inequalities of race, class, gender, and sexuality.
- There are two main views of social inequality within sociology. One view aligns with the functionalist theory, and the other aligns with conflict theory.

Legal Inequality

- In every country, some form of legal inequality exists – either the law itself is sex discriminatory, the impact of the law is discriminatory, or laws are not effectively implemented.
- A country's laws set the tone for how it treats its people, and how its people treat each other. When its laws are unfair – when they discriminate on the basis of sex – cultural inequality and violence against women and girls are legitimized, and become endemic.
- This involves:
 - Urging governments and policymakers to enact and enforce laws that promote equal rights for all women and girls
 - Holding governments accountable to international human rights standards
 - Making the justice system works for women and girls
 - Elevating cases to national, regional and international courts and bodies
 - Inspiring people around the world to fight for equality
- In addition, constitutional equality is essential at the national level as constitutions are the highest law of the land.
- Equality and equal protection under the law are fundamental to creating a happier, fairer, more just, and more prosperous world for everyone.

Assignment Questions

1. What do you understand by social inequality?

Ans.

2. What are the two theories related to social inequalities?

Ans.

3. What are the factors responsible for social inequality?

Ans.

4. What is legal inequality?

Ans.

5. What are the provisions given in Indian Constitution to achieve legal inequality?

Ans.

LECTURE -4: SOCIAL REFORM MOVEMENT IN INDIA

You Tube link: <https://youtu.be/cM65Rjd1sq0>
<https://youtu.be/5zF6zaJqUqI>

Previous year Questions

1. Discuss the contribution of social reformers in the social reform movement in India during nineteenth century. (2018) (2021)

NOTES:

- The social reformers believed in the principle of individual liberty, freedom, and equality of all human beings irrespective of sex, color, race, caste, or religion.
- Though many of the reformers were mainly men, the reform movement aimed at improving the status of Indian women.
- Raja Ram Mohan Roy was one of the greatest social reformers of India. He was concerned about a number of evil customs plaguing the Indian society.
- These included Sati, female infanticide, polygamy, infant marriages, purdah, absence of education among women, and the Devadasi system.
- Ishwar Chandra Vidyasagar was another great social reformer who sought to improve the condition of widows by legalizing widow remarriages.
- He also pledged that if any of his daughters were widowed and they wanted to get remarried, he would allow them to do so. He was also against the prevalent custom of polygamy.
- Justice Mahadev Govind Ranade was instrumental in laying down the foundation of an all Indian organization to carry on the struggle for social reform—the Indian National Social Conference.
- He took up the problems of widow remarriages and was an active member of a society, which worked for widow remarriages.
- Gopal Krishna Gokhale started the Servants of India Society which took up such social reform measures as primary education, female education and depressed classes' upliftment.
- The spread of female education further led to the participation of women in the freedom struggle.
- A Dalit woman and a pioneer of the Indian feminist movement, Savitribai Phule championed the cause of education for women in India.
- Along with her husband Jyoti Rao Phule, Savitribai campaigned to abolish caste and gender discrimination and set up 'Balhatya Pratibandhak Griha' to prevent female infanticide.
- Ramabai Ranade decided to devote her life to the emancipation of women.
- She went on to establish Seva Sadan in Pune and Mumbai which focussed on teaching women various life skills.
- It is true that the recent events have shaken our hopes of a better tomorrow but it is not to be forgotten that these social reformers emerged during a time of grave darkness and with so many women coming forward to seek justice, there is no reason that, that cannot happen again!

Assignment Questions

1. What are social-religious reform movements?

2. What were the major issues of the socio-religious reform movements of the 19th century?

3. Who is called the father of Modern India?

4. What was the purpose of Satyashodhak Samaj?

5. What is the main aim of the social reform movement?

LECTURE -5: POSITION OF WOMEN IN PRE AND POST INDEPENDENCE INDIA

You Tube link: <https://youtu.be/kUH0ymIZ2PQ>
<https://youtu.be/W6a12DNd1tI>

Previous year Questions

1. Discuss the position of women in Pre and Post Independence India. (2017) (2021)

NOTES:

POSITION OF WOMEN IN PRE- INDEPENDENCE INDIA

- In the pre-independence period, the status of women within the country was in a deprived state.
- The major cause of this was, there was prevalence of male dominance. Due to this, the position of women was undermined.
- The major responsibilities of the women were dedicated towards the implementation of household responsibilities and they were not allowed to participate in the implementation of other tasks and activities, nor were they allowed to express their ideas and viewpoints.
- In addition, they were overwhelmed by the practices of polygamy, sati, child marriage, and female infanticide. Improvements came about in their conditions with the advent of Islam and they were given rights.

POSITION OF WOMEN IN POST- INDEPENDENCE INDIA

- The Constitution of India guarantees equal status to all citizens of India including women under article 14 and does not distinguish or discriminate between a man or a woman. Moreover, article 15 empowers the government to make special provisions for women.
- After Independence, the educational rights of women were promoted and they were made aware of the value of education.
- The Hindu Marriage Act, 1955 classified Hindu Marriages, determined the age for marriage, provided for monogamy and guardianship of the mother and permitted the dissolution of marriage under specific circumstances.
- The Hindu Succession Act of 1956 made provision for equal rights of the daughter in the property of the father.
- The Hindu Adoption and Maintenance Act 1956 allowed Hindu women to adopt a son or a daughter and to claim maintenance from the husband under certain circumstances.
- The Hindu Minority and Guardianship Act, 1956 provided for the guardianship of the mother over the daughter throughout her life and in the case of a son, for the first-five years.
- Several Acts have been passed to safeguard women. These include the Dowry prohibition Act, 1961, the Indecent Representation of Women (Prohibition) Act, 1956, the Commission of Sati (Prevention) Act, 1987, the Suppression of Immoral Traffic Act or SITA, 1956 etc.

Assignment Questions

1. What was the position of women in Ancient India?

2. What are the provisions made in the constitution for the welfare of women?

3. What are the laws under Hindu personal law which brought changes related to status of women in post independence India?

4. What was the position of women in Medieval India?

5. What measures should be taken for further advancement of women's status in society?