



FACULTY OF JURIDICAL SCIENCES

COURSE: LLM TWO YEARS Constitutional & Administrative Group /Criminal group/ corporate & business group

Semester-II

SUBJECT: Law and social transformation in India

SUBJECT CODE: LLM-221

NAME OF FACULTY: DR. SHIV KUMAR TRIPATHI

Lecture-12



Women's Commission.

National Commissions:

The National Commission for Women was established in January 1992 under the 1990 National Commission for Women Act. The National Human Rights Commission was established in 1993 under the Protection of Human Rights Act, 1993. The Protection of Human Rights Act, 1993 provides for the constitution of a National Human Rights Commission and State Human Rights Commission for better protection of Human Rights and enforcement of the same. The National Human Rights Commission (NHRC) was set up in October 1993. It is empowered to deal with all cases of human rights violations by public servants. The powers of NHRC include inquiry into violations of human rights or their abetment, review of constitutional and legislative safeguards for the protection of human rights to ensure their effective implementation; undertaking research in human rights; visiting jails and other places of custodial detention under the supervision of Government; reviewing factors including terrorism which inhibit the enjoyment of human rights; recommending remedial measures and encouraging non-Governmental organizations and institutions working for human rights. The NHRC has the powers of a civil court to summon persons and record evidence and investigate both suo motu and individual complaints and violations of human rights. Every proceeding before the Commission is a judicial proceeding under the law.

Empowerment of Women: Constitutional and other legal provisions.

In ancient India, The women enjoyed equal status with men in all fields of life. Women were educated in the early Vedic period. Rigvedic verses suggest that the women married at a mature age and were probably free to select their husband. Scriptures such as Rigveda and Upanishads mention several women sages and seers, notably Gargi and Maitreyi. However, later (approximately 500 B.C.). The status of women began to decline with the Smritis (esp. Manusmriti) and other religious texts curtailing women's freedom and rights.

Sati: Sati is an old, largely defunct custom, in which the widow was immolated alive on her husband's funeral pyre. Although the act was supposed to be a voluntary one on the widow's part, it is believed to have been sometimes forced on the widow. It was abolished by the British in 1829. There have been

around forty reported cases of Sati since independence in 1987, the Roop Kanwar case of Rajasthan led to The Commission of Sati (Prevention) Act,

Child Marriages: Earlier, child marriages were highly prevalent in India. The young girls would live with their parents till they reached puberty. In the past, the child widows were condemned to a life of great agony, shaving heads, living in isolation, and shunned by the society, although child marriage was outlawed in 1860, it is still a common practice in some underdeveloped areas of the country and ban on widow remarriages became part of social life in India. Among the Rajputs of Rajasthan, the Jauhar was practiced. Jauhar refers to the practice of the voluntary immolation of all the wives and daughters of defeated warriors, in order to avoid capture and consequent molestation by the enemy. The practice was followed by the Rajputs of Rajasthan, who are known to place a high premium on honour. In some parts of India, the Devadasis or the temple women were sexually exploited. Devadasi is religious practice in some parts of southern India, in which women are "married" to a deity or temple. The ritual was well established by the 10th century A.D. in the later period, the sexual exploitation of the devadasis became a norm in some parts of India.

Constitutional Provisions

The Muslim conquest in the Indian subcontinent brought the purdah¹⁷ practice in the Indian society. Polygamy was widely practiced especially among Muslim and Hindu Kshatriya rulers in many Muslim families, women were secluded to Zenana, by and large, the women in India faced confinement and restrictions. In spite of these conditions to our amazement we find many women excelled and found a niche in the fields of politics, literature, education and religion for themselves.