

INTERNATIONAL JOURNAL OF LEGAL STUDIES AND SOCIAL SCIENCES [IJLSSS]

ISSN: 2584-1513 (Online)

Volume 3 | Issue 2 [2025] | Page 01 - 06

© 2025 International Journal of Legal Studies and Social Sciences

Follow this and additional works at: <https://www.ijlsss.com/>

In case of any queries or suggestions, kindly contact editor@ijlsss.com

WOMEN AND CHILDREN LAW

-Srinidhi R¹

ABSTRACT

This article throws light on the important laws during women and children development for the progress of a nation. Women and children empowerment is an important aspect of a developing country. Women being pioneer of the family and she is having the responsibility to lead the family, educating the children, maintaining financial condition and many more. Women have to face hurdles to achieve goal. Women and children empowerment is also refer to the social and economic development of a nation.

INTRODUCTION

“Yatra naryaste poojyante ramante thatra devathaha” which means where women are worshipped, divinity blossoms there. In India, women have divine place. She is participating in every area such as education, sports, art, politics, social service sectors, media, science and technology. Now she is not only confined to the four walls of house. The Constitution of India provides various privileges and ensures fundamental rights to women.

Children of today are tomorrow’s citizen. They play an important role in the development of a nation. Children are the human resources for the progress of the country. The Constitution of India provides basic facilities to its people from cradle to grave. Now a day’s boy and girl both are equal. Nurturing a child in a right way leads to the development of physical, emotional and mental health of child. Parents should provide moral value and culture beyond the academics and syllabus to their children.

“Children are something that can and should be protected. Children have the right to live, develop, be safe, and have a day in how their lives are formed”

-Rabindranath Tagore

¹ Karnataka State Law University, Hubballi

STATUS OF WOMEN IN ANCIENT PERIOD

Evolution of status of women has occurred from past years. The status of women was much better in the Vedic period as compared to other period. Women were encouraged towards attainment of knowledge. (kapoor, Status of Women in Ancient India, 2019)

They were allowed to participate in any religious, social or cultural ceremonies. There were many woman scholars in the Vedic period. These woman scholars composed poems and hymns.

By the end of Vedic period, women were deprived of social, economic and religious rights. The status of women was low compared to men. Gradually, the position of women declined. If a girl child was born in a family, it was regarded as misfortune. Whereas, boy was considered as asset. Because males promote the progeny and welfare of their family. There was a belief that only son provides mukti or moksha to their parents. According to Manu smriti, women were considered to merely perform the roles of wife and mother. She was responsible for overall progress of children.

The widow's remarriage were strictly prohibited in those days. Widows were deprived of various social, cultural and religious rights. They were considered as evils.

Child marriage is a big hurdle in the women development. Women experienced unfavorable effects as a result of child marriage. Child marriage has adverse effect on the education of child and they deprived of their valuable childhood activities. In some instance girl or woman faced abasement from their husband and in laws. As the women status was declined, there were practices of female infanticide and female feticide this leads to the decrease in the number of birth of girl child. Decrease in the girl child causes imbalance in the society. Sati system was one of the evil practices performed in ancient period. Sati system was burning of Hindu woman on the death of her husband in his funeral pyre. This practice was started voluntarily by Hindu women but continued as forced.

Savithribai Phule was a first female teacher, a modern feminist and social reformer of India. She strived for the upliftment of women in the field of education and literacy. She opposed the sati system and child marriage. She created awareness of women's rights among the people. (Jyothi, 2021)

LAWS RELATED TO WOMEN EMPOWERMENT

In present days, although the women get various opportunities, still she faces challenges and difficulties. Keeping on this mind, the government of India ensures rights to women. The safety

of women is more important in the society. The crimes against women occur every minute in India. (Diksha, p. 3)

EQUAL REMUNERATION ACT 1976

According to this act, women have the equal right to pay. This act provides equal remuneration for both men and women regardless of gender. Working women have the right to get equal payment for her hard work. After the implementation of this act, women are able to get equal pay as compared to men.

During covid pandemic, women performed the role of nurses, midwives community health workers, cleaners and launders. At large. Yet an average pay gap of around 28% exists in the health workforce.

PROHIBITION OF DOMESTIC VIOLENCE, 2005

Domestic violence refers to physical, emotional, sexual or financial abuse by husband and in laws to the women. The World Health Organization (WHO) estimates 1 in 3 of all women are subject to domestic violence in her lifetime. During covid pandemic, domestic violence is increased. Due to lockdown, as economic and social stresses rise, the instances of violence are to increase. There are various services, healthcare and justice system to help the women against the violence. Women are the victims.

SATI SYSTEM PREVENTION ACT 1987

Sati system was an ancient traditional practice. It has been part of Indian culture. Burning women alive is immoral and inhuman practice. An attempt to commit sati system has been offence under section 309 IPC. (Datta, 1988)

SEXUAL HARASSMENT OF WOMEN AT WORKPLACE ACT, 2013

The prohibition of the sexual harassment at Workplace ensures the safety of women. This act provides obligation to employer to create a safe working environment and initiate strict action against the accused for the misconduct.

DOWRY PROHIBITION ACT 1963

The dowry system creates financial burden on the bride's family. In some cases, it leads to the crime against women, emotional and physical abuse and injury to men death. The dowry has prohibited under this act and by section 304B and 498A of the Indian Penal Code.

MATERNITY BENEFIT ACT 1861

It states that a women employee who has worked in an organization is entitled to receives the maternity benefit which included maternity leave, nursing breaks , medical allowance.

WOMEN'S HUMAN RIGHT

As women are considered as vulnerable group, they have special status, privileges and protection in the United Nations. International human rights ensure the protection of women's rights in all spheres. Such as freedom to access education, participation in politics, right to property, safeguards from violence. The United Nations convention on the elimination of discrimination against women is a comprehensive treaty on the rights of the women . The main objective of this treaty is to ensure equal rights in political, social , cultural, economic and civil for women. It also concentrates on rural women's problem.

Women's and children's rights are coextensive. The interrelationship between mother's health and child's health is obvious. Preventing a mother's death during pregnancy and promoting good health is beneficial for child well-being in future.

LAWS RELATED TO CHILDREN EMPOWERMENT'

Every child is asset of a developing nation. According to recent census, there is approximately 444 million child population aged between 0-18 years in India. The Constitution of India guarantees fundamental rights to all the children.

RIGHT OF EDUCATION ACT, 2009

The state shall provide free and compulsory education to all the children of age six to fourteen years. As estimated 6.1 million children aged 6-13 remain out of school , while another 20 million children do not attend preschool.

PROHIBITION OF CHILD MARRIAGE ACT 2006

Child marriage robs the valuable childhood and education from the children. This act states that marriage between a girl below 18 years and a boy below 21 years is an offence and illegal . According to National Family Health Survey 4 held at 2015-16, the rate of number of child marriage is 27%. Adolescent girls experience multiple layers of vulnerability based on sex , age, caste, socio-economic status and geography in India. This also includes 40% are anemic and poor nutritional status , as well as issues related to reproductive health. (UNICEF, 2016)

CHILD LABOR: SMALL HANDS ,BIG BURDENS

According to article 24 of Indian Constitution, no child below the age of fourteen years , shall be employed to work in any factory or mine or engaged in any other hazardous employment. Supreme Court of India prohibited employment of children in hazardous jobs and taking precautionary and positive steps in improving the lifestyle of the children. (Basu, 2021)

Children pledging of labor act,1933 provides punishment for parent or guardian who employ child below 15 years of age for payment or reasonable wages. The child labor prohibition and regulation act, 1986 also prohibit the employment of children below 14 years of age.

THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCE ACT 2012

As per the National Family Health Survey, 1.5% of young women reported having experienced sexual harassment before the age of 18 in 2019-21. It is also called as child molestation. Now days , child sexual abuse can occur anywhere including house, school or in the places of child labor. The effects of child sexual abuse can include depression, psychological trauma, physical injuries and stress disorders

CONCLUSION

Generally women and children are considered as vulnerable group. Hence , it is necessary to make them safe from all the exploitation. Empowering the women economically, socially, politically and culturally lead to the development of nation. Women has to raise their voice against the exploitation , women has to be financially independent. We have to focus more on the problems of rural women. Employing women by providing knowledge and training new skills in agriculture, fisheries, dairying, husbandry, handlooms, handicrafts and village industry sector.

Children are like buds, they have to blossom. So it is everyone's duty to create safe and healthy environment for children's growth. We have to encourage and provide platform for the talented children. As the education is starts from the home, parents have to incorporate morality, culture and human values to their children.

UNICEF in India mainly focuses on the protection of children rights, preventing child marriage, child labor and discrimination based on gender. It works toward the overall development of the children. Empowerment of women and child leads to the progress of a nation.

There are many obstacles in implementing these laws. These challenges include lack of awareness, societal and cultural norms. By eliminating all these obstacles, women can exercise their rights without fear.

BIBLIOGRAPHY

Basu, D. D. (2021). Introduction to the Constitution of India. lexisnexis .

Datta, V. N. (1988). Sati Widow Burning in India. hyderabad : sangam books ltd.

Diksha. (n.d.). Women and law. Retrieved april 10, 2025, from legal services India:
<https://www.legalserviceindia.com>

Jyothi. (2021, january 3). remembering Savitribai Phule. Retrieved april 12, 2025, from Indian Express:
<https://indianexpress.com/article/opinion/columns/savitribai-phule-education-feminism-women-empowerment-7131478/lite>

kapoor, R. (2019, january). Status of Women in Ancient India. Retrieved april 13, 2025, from reasearch gate:
<https://www.reseachgate.net/publication/330220793-status-of-women-in-ancient-india>

kapoor, R. (n.d.). Status of Women in Ancient India. Status of Women in Ancient India.

UNICEF. (2016). national family health survey 4.