



# Legislations which sought to reduce the gender parity in India



The principle of Parity has always been the heartbeat of the constitution of India. The fortification of this principle has been possible due to the judiciary's brilliant track record in

coming out with certain landmark judgements which influence the course of social change by being the voice of women whose pleas and cried went unnoticed and unheard for a long time.

**Here are 5 judicial decisions which perambulate through time with regard to Rights of Women in India:**

## 1. Removing the condition Of Service Of Termination Of Service On First Pregnancy

The service condition which stated that there was to be a termination of services of air hostesses on first pregnancy was first challenged in Air India vs. Nergesh Meerza and the Supreme Court expressed that having made use of services for four years, to terminate the service on pregnancy amounts to compelling the air

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hostess not bear children and thus obstructing with the ordinary course of human nature. The apex court termed it a “callous and cruel act”, but also deemed it an open insult to Indian womanhood, the most sacrosanct and cherished institution. Thus it was not only manifestly arbitrary but exhibited naked despotism and is, therefore, was deemed clearly violative of Art 14. of the Constitution.

## 2. Sexual Harassment

To promote the contribution of women towards the development of the nation, the apex court became vigilant of the sexual harassment faced by them in the workplace and laid down the guidelines filling the vacuum in legislation in Vishaka vs. State Of Rajasthan. What was recognized by the judiciary way back in 1997, took the shape of legislation only in 2013, with the enactment of an Act in this regard. The apex court took cognizance of the rampant sexual harassment faced by women at their workplace and with the aim of boosting the contribution of women in nation building, laid down the guidelines against Sexual Harassment at Workplace in Vishaka vs. State of Rajasthan. The 1997 guidelines promulgated by the Supreme Court was superseded in 2013 by the Sexual Harassment of Women at Workplace Act, 2013.

## 3. Honour Killings and Right of Major Women to Espouse As Per Her Wish

The apex court in Lata Singh vs. State of U.P, while expressing its concern over the spate of honour killings throughout the country, recognized the right of the petitioner woman who has attained majority to marry anyone or stay with anyone she likes. The court directed the administration and police authorities to provide protection to the victims of such barbaric acts of caste-based discrimination, to ensure that if majors undergoing inter-caste or inter-religious marriage are not harassed by anyone nor subjected to threats or acts of violence, and anyone who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police



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against such persons and further stern action is taken against such persons as provided by law.

#### 4. Right to Maintenance of Muslim Women

The apex court came to the rescue of divorced Muslim women who have no means and are left to fend for themselves by applying S.125 CrPC to all, irrespective of the religion professed by them. It was held by the court in Mohd. Ahmed Khan vs Shah Bano Begum[6] that Clause (b) of the Explanation to section 125(1) of the same provision, which defines 'wife' as including a divorced wife, contained no words of limitation to justify the exclusion of Muslim women from its scope.

#### 5. Guidelines to Reduce Child Prostitution

In Vishal Jeet vs. Union of India, the Supreme Court emphasized the importance of children as assets of the nation and issued some prominent directions to the state governments and union territories, including steps for setting up of a separate Advisory Committee within their respective zones for making suggestions regarding the measures to be taken in eradicating child prostitution and the social welfare programmes to be implemented for the care, protection, treatment, development and rehabilitation of the young fallen victims namely the children and girls rescued either from the brothel houses or from the vices of prostitution. It also issued directions for taking steps in providing adequate and rehabilitative homes manned by well-qualified trained social workers, psychiatrists and doctors and also directed the Union Government for setting up a Committee whose main object is to evolve welfare programmes to be implemented on the national level for the care, protection, rehabilitation, etc., of the young fallen victims and to make suggestions for amendments to the existing laws or for enactment of any new law, if so warranted for the prevention of sexual exploitation of children.

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Som Nath Jindal 29 October 2018

Many of legislations passed to bring parity have created more disparity against men. All legislations passed to protect harassed women are misused but rarely used by those for which these were passed. Result more suffering, disputes and litigation causing large scale breaking of marriages. It is time to bring parity for men against women.



TGK REDDI 28 October 2018

2. Sexual harassment is committed overwhelmingly by women and is not even recognised. Though men rarely harass women sexually, it's thought that men often commit sexual harassment. 4. Why maintenance to women when they're equal to men?

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