



Crimes against women and their constitutional and legal safeguards in India

¹ V Nivedha, ² Dr. Neelam Pandey

¹ Ph.D Research Scholar, Department of Pol. Sc. & Pub Admin, Annamalai University, Chidambaram, Tamil Nadu, India

² Assistant Professor, Department of Pol. Sc. & Pub Admin, Annamalai University, Chidambaram, Tamil Nadu, India

Abstract

Crime is an act of wrong doing by voluntary and intentionally. It is very dangerous to the individual and the society. Generally, it involves the violation of social law, moral law and country's law with the objective to cause harm or injury to other. Presently Indian women are facing toughest time as far as their routine personal and life is concerned. Mental and physical torture of women has become quite common and their safety is at stake. The problem of crime against women in Indian society is not new. They have been the victim of suppression and exploitation. After a long struggle for her rights Indian women got the constitutional grants like women empowerment right to participate in social, economic, political affairs etc. The constitution of India not only grants equality to women but also empowers the state to adopt measures of positive discrimination in favor of women for neutralizing the cumulative socio economic and education.

Keywords: legal safeguards, socio economic

Introduction

The status of women in India has been subject to many great changes over the past few millennia. In modern India, women have held high offices including that of the President, Prime Minister and Speaker of Lok Sabha, leader of opposition, union minister, chief minister and governor. Women's rights are secured under the Constitution of India mainly, equality, dignity and freedom from discrimination, further, India has various statutes governing the rights of women. As of 2011, president of India, the speaker of Lok Sabha and leader of opposition in Lok Sabha were women. However women in India continue to face numerous Problems, including violence victimisation through rape, acid throwing dowry killing and forced prostitution of young girls. This presentation is going to point out about crime against women and their legal safeguard in India.

Crimes against women

Police records in India show a high incidence of crimes against women. The National Crime Records Bureau reported in 1998 that by 2010 growth in the rate of crimes against women would exceed the population growth rate. Earlier, many crimes against women were not reported to police due to the social stigma attached to rape and molestation. Official statistics show a dramatic increase in the number of reported crimes against women^[1].

Acid throwing

A Thomas Reuters Foundation survey says that India is the fourth most dangerous place in the world for women to live in. Women belonging to any class, caste, creed or religion can be victims of this cruel form of violence and disfigurement, a premeditated crime intended to kill or maim permanently and act as a lesson to put a woman in her place. In India, acid

attacks on women who dared to refuse a man's proposal of marriage or asked for a divorce are a form of revenge. Acid is cheap, easily available, and the quickest way to destroy a woman's life. The numbers of acid attacks have been rising^[2].

Child Marriage

Child marriage has been traditionally prevalent in India and continues to this day. Historically, child brides would live with their parents until they reached puberty. In the past, child widows were condemned to a life of great agony, shaved heads, living in isolation, and being shunned by society. Although child marriage was outlawed in 1860, it is still a practice. The Child Marriage Restraint Act, 1929 is the relevant legislation in the country. According to UNICEF's "State of the World's Children-2009" report, 47% of India's women aged 20-24 were married before the legal age of 18, rising to 56% in rural areas. The report also showed that 40% of the world's child marriages occur in India^[3].

Domestic Violence

Domestic violence in India is endemic. Around 70% of women in India are victims of domestic violence, according to Renuka Chowdhury, former Union minister for Women and Child Development. Domestic violence was legally addressed in the 1980s when the 1983 Criminal Law Act introduced section 498A "Husband or relative of husband of a woman subjecting her to cruelty". The National Crime Records Bureau reveal that a crime against a woman is committed every three minutes, a woman is raped every 29 minutes, a dowry death occurs every 77 minutes, and one case of cruelty committed by either the husband or relative of the husband occurs every nine minutes. This occurs despite the fact that women in India are legally protected from domestic abuse under the Protection of Women from Domestic Violence Act.

In India, domestic violence toward women is considered as any type of abuse that can be considered a threat; it can also be physical, psychological, or sexual abuse to any current or former partner. Domestic violence is not handled as a crime or complaint; it is seen more as a private or family matter. In determining the category of a complaint, it is based on caste, class, religious bias and race which also determine whether action is to be taken or not. Many studies have reported about the prevalence of the violence and have taken a criminal-justice approach, but most women refuse to report it. These women are guaranteed constitutional justice, dignity and equality but continue to refuse based on their socio cultural contexts. As the women refuse to speak of the violence and find help, they are also not receiving the proper treatment^[4].

Dowry

In 1961, the Government of India passed the Dowry Prohibition Act, making dowry demands in wedding arrangements illegal. However, many cases of dowry-related domestic violence, suicides and murders have been reported. In the 1980s, numerous such cases were reported. In 1985, the Dowry Prohibition (maintenance of lists of presents to the bride and bridegroom) Rules were framed. According to these rules, a signed list should be maintained of presents given at the time of the marriage to the bride and the bridegroom. The list should contain a brief description of each present, its approximate value, the name of who has given the present, and relationship to the recipient. However, such rules are rarely enforced. A 1997 report claimed that each year at least 5,000 women in India die dowry-related deaths, and at least a dozen die each day in 'kitchen fires' thought to be intentional. The term for this is "bride burning" and is criticised within India itself. Amongst the urban educated, such dowry abuse has reduced considerably. In 2011, the National Crime Records Bureau reported 8,618 dowry deaths. Unofficial estimates claim the figures are at least three times as high^[5].

Female infanticide and sex-selective abortion

In India, the male-female sex ratio is skewed dramatically in favour of males, the chief reason being the high number of females who die before reaching adulthood. Tribal societies in India have a less skewed sex ratio than other caste groups. This is in spite of the fact that tribal communities have far lower income levels, lower literacy rates, and less adequate health facilities. Many experts suggest the higher number of males in India can be attributed to female infanticides and sex-selective abortions. Ultrasound scanning constitutes a major leap forward in providing for the care of mother and baby, and with scanners becoming portable; these advantages have spread to rural populations. However, ultrasound scans often reveal the sex of the baby, allowing pregnant women to decide to abort female fetuses and try again later for a male child. This practice is usually considered the main reason for the change in the ratio of male to female children being born. In 1994 the Indian government passed a law forbidding women or their families from asking about the sex of the baby after an ultrasound scan (or any other test which would yield that information) and also expressly forbade doctors or any other persons from providing that information. In practice this law (like the law forbidding dowries) is widely ignored, and levels

of abortion on female fetuses remain high and the sex ratio at birth keeps getting more skewed. Female infanticide (killing of girl infants) is still prevalent in some rural areas. Sometimes this is infanticide by neglect, for example families may not spend money on critical medicines or withhold care from a sick girl. Continuing abuse of the dowry tradition has been one of the main reasons for sex selective abortions and female infanticides in India^[6].

Honor Killings

Honor killings have been reported in northern regions of India, mainly in the Indian states of Punjab, Rajasthan, Haryana and Uttar Pradesh, as a result of people marrying without their family's acceptance, and sometimes for marrying outside their caste or religion. In contrast, honor killings are rare to non-existent in South India and the western Indian states of Maharashtra and Gujarat. In some other parts of India, notably West Bengal, honor killings completely ceased about a century ago, largely due to the activism and influence of reformists such as Vivekananda, Ramakrishna, Vidyasagar and Raja Ram Mohan Roy. In 2010, the Supreme Court of India issued notice in regard to honor killings to the states of Punjab, Haryana, Bihar, Uttar Pradesh, Rajasthan, Jharkhand, Himachal Pradesh and Madhya Pradesh.⁷

Rape

Rape in India has been described by Radha Kumar as one of India's most common crimes against women and by the UN's human-rights chief as a "national problem". Since the 1980s, women's rights groups lobbied for marital rape to be declared unlawful, but the Criminal Law (Amendment) Act, 2013 still maintains the marital exemption by stating in its exception clause under Section 375, that: "Sexual intercourse or sexual acts by a man with his own wife, the wife not being under fifteen years of age, is not rape". While per-capita reported incidents are quite low compared to other countries, even developed countries, a new case is reported every 20 minutes. New Delhi has the highest rate of rape-reports among Indian cities. Sources show that rape cases in India have doubled between 1990 and 2008^[8].

Sexual Harassment

Eve teasing is a euphemism used for sexual harassment or molestation of women by men. Many activists blame the rising incidents of sexual harassment against women on the influence of "Western culture". In 1987, The Indecent Representation of Women (Prohibition) Act was passed to prohibit indecent representation of women through advertisements or in publications, writings, and paintings or in any other manner. Of the total number of crimes against women reported in 1990, half related to molestation and harassment in the workplace. In 1997, in a landmark judgement, the Supreme Court of India took a strong stand against sexual harassment of women in the workplace. The Court also laid down detailed guidelines for prevention and redressal of grievances. The National Commission for Women subsequently elaborated these guidelines into a Code of Conduct for employers. In 2013 India's top court investigated on a law graduate's allegation that she was sexually harassed by a recently retired Supreme Court judge. Recently, The

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 came into force in December 2013, to prevent Harassment of women at workplace^[9].

Trafficking

The Immoral Traffic (Prevention) Act was passed in 1956. However many cases of trafficking of young girls and women have been reported. These women are either forced into prostitution, domestic work or child labour^[10].

Constitutional Safeguard and Women's Safety Law

The Constitution of India guarantees to all Indian women equality (Article 14), no discrimination by the State (Article 15(1)), equality of opportunity (Article 16), and equal pay for equal work (Article 39(d)). In addition, it allows special provisions to be made by the State in favour of women and children (Article 15(3)), renounces practices derogatory to the dignity of women (Article 51(A) (e)), and also allows for provisions to be made by the State for securing just and humane conditions of work and for maternity relief. (Article 42)^[11].

1. Guardians & Wards Act, 1890
2. Indian Penal Code, 1860
3. Christian Marriage Act, 1872
4. Indian Evidence Act, 1872
5. Married Women's Property Act, 1874
6. Workmen's compensation Act, 1923
7. Indian Successions Act, 1925
8. Immoral Traffic (prevention) Act, 1956
9. Dowry Prohibition Act, 1961
10. Commission of Sati (Prevention) Act, 1987
11. Cinematograph Act, 1952
12. Births, Deaths & Marriages Registration Act, 1886
13. Minimum Wages Act, 1948
14. Prevention of Children from Sexual Offences Act, 2012
15. Child Marriage Restraint Act, 1929
16. Muslim Personal Law (Shariat) Application, 1937
17. Indecent Representation of Women (Prevention) Act, 1986
18. Special Marriage Act, 1954
19. Hindu Marriage Act, 1955
20. Hindu Successions Act, 1956
21. Foreign Marriage Act, 1969
22. Family Courts Act, 1984
23. Maternity Benefit Act, 1861
24. Hindu Adoption & Maintenance Act, 1956
25. Code of Criminal Procedure, 1973
26. Medical Termination of Pregnancy Act, 1971
27. National Commission for Women Act, 1990
28. The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994
29. Protection of Women from Domestic Violence Act, 2005
30. Sexual Harassment of Women at Work Place (Prevention, Prohibition & Redressal) Act, 2013
31. Indian Divorce Act, 1969
32. Equal Remuneration Act, 1976
33. Hindu Widows Remarriage Act, 1856
34. Muslim women (protection of rights on divorce) Act, 1986^[12]

Conclusion

This research study clearly highlighted comparative aspect of crime against women. Regarding to Concluding remarks of comparative between present and past society especially safeguard of women in different state. Finding show in that present society is highly safeguarded by constitutional legal rights in India. Moreover Indian modern society is women are enjoying better legal safeguard against crime in India. Sati, Jauhar, Devadasi were in practice in ancient and medieval period. This practice has been abolished by social reformer. Raja Ram Mohan Roy's efforts led to abolition of sati under governor general William cavendish - Bentinck in 1829. In India states like Madhya Pradesh, Bihar, Uttarkhand, Himachal Pradesh, Andhra Pradesh, Chattisgarh, Jharhand, Kerala, Karnataka, Maharashtra, Orissa, Rajasthan and Tripura have implemented 50% reservation for women in Panchayat Raj Institution. Therefore the study reveals that the crimes against women have been decreased in India. Through constitutional safeguard measures women in India is gaining emancipation of power and compatible with enunciation of women empowerment in India.

Reference

1. Kalyani Menon-Sen, AK Shiva Kumar. Women in India: How Free? How Equal? United Nations. Archived from the original on 11 September 2006. Retrieved 2001.
2. Reuters Thomas. The World's 5 Most Dangerous Countries for Women: Thomson Reuters Foundation Survey. Retrieved, 2011.
3. Jyotsna Kamat. Gandhi and Status of Women. Retrieved, 2006.
4. Mahapatro Meerambika, Gupta RN, Gupta Vinay K. Control and Support Models of Help-Seeking Behavior in Women Experiencing Domestic Violence in India. Violence and Victims. 2014; 29(3):464-475.
5. Kitchen fires Kill Indian Brides with Inadequate Dowry, New Delhi, UPI, 1997.
6. India's lost daughters. Amelia Gentleman in New York Times. Retrieved, 2006.
7. Honour Killings in India. Daily Life in India. 16 June 2010. Retrieved 3 September 2010.
8. India: Rape Victim's Death Demands Action. Human Rights Watch. Hrw.org. Retrieved, 2013.
9. India Supreme Court investigates ex-judge for sexual harassment <http://www.bbc.co.uk/news/world-as-ia-india-24909511>, 2013.
10. The Immoral Traffic Prevention Act, 1956. Retrieved, 2006.
11. Kalyani Menon-Sen, AK Shiva Kumar. Women in India: How Free? How Equal? United Nations. Archived from the original on 11 September 2006. Retrieved, 2001.
12. https://www.iith.ac.in/other_links/pdf/Sexual%20Harassment%20of%20Women%20at%20Workplace%20Act%202013.pdf.