

CRIME AGAINST WOMEN: NEED TO EMPOWERMENT

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Abstract: In ancient period women was Goddess in the society but later on, because of social, political and economic changes, women lost their status and Many evil customs and traditions stepped in which confined the women and tied them to the boundaries of the house.

When we studied the status of women then we shock to know that sex-ratio, health status, literacy rate, work participation rate and political participation among women has been declined. Gender basis crime is not new but various crime such as dowry deaths, child marriage, domestic violence, rape, sexual harassment, exploitation of women workers are uncontrolled in different parts of India. Humiliation, rape, kidnapping, molestation, dowry death, torture, wife-beating etc. have grown up over the years¹.

Introduction:

Meaning of Crime / Violence against Women: Crime against women means crime which direct or indirect physical or mental cruelty to women. It is called Violence against women also. Violence is also known as abuse of physical aggression or misbehaves. When violence is committed at home it becomes domestic violence and involves family members such as children, spouse, parents or servants.

The United Nations defined "Violence against Women" in 1993 in Declaration on the Elimination of Violence against Women. It defines it as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life².

As per the National Crime Bureau Record (NCBR), Assam ranks second in the country in crime against women³.

According to NCBR, India is still unsafe for women. A total of 2, 28,650 incidents of crime against women both under IPC and Special and Local Laws, were reported in the country in 2011 as compared to 2,13,558 incidents in 2010, thus recording and increases of 7.1 % during the year 2011⁴

Crime against women may be various types, women face many types of crime in her life stage which is discuss as under:-

stages	Types of crime against women
Pre-Birth	Abortion.
Infancy	Female infanticide, emotional and physical abuse.
Childhood	Child marriage, sexual abuse.
Adolescence	Rape, modesty, harassment and trafficking.
Elderly	Abuse of widows, physical and mental violence etc.

Constitutional And Legal Provisions: The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in

favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women's advancement in different spheres⁵.

Constitutional Provisions for women are as under:

- 1) Article 14, confers on men and women equal rights and opportunities in political, economic and social sphere.
- 2) Article 15, prohibits, discrimination against any citizen on grounds of religion, race, caste, sex etc.
- 3) Article 16, provides for equality of opportunities matters relating to employment or appointment to any office under the state.
- 4) Article 39(a) (d), mentions policy security of state equality for both men and women the right to a means of livelihood and equal pay for equal work for both men and women.
- 5) Article 42 directs the State to make provision for ensuring just and humane conditions of work and maternity relief.

Various legislation for safeguarding the women:

There are various legislation has been incorporated regarding the safeguarding of the women. Various Legislation for safeguarding crime against women, classified under two categories:

- 1) **The Dowry Prohibition Act, 1961:** Under the provisions of this Act demand of dowry either before marriage, during marriage and or after the marriage is an offence.
- 2) **The Child Marriage Restrain Act of 1976:** This act rises the age for marriage of a girl to 18 years from 15 years and that of a boy to 21 years.
- 3) **The Medical Termination of Pregnancy Act of 1971:** The Act safeguards women from unnecessary and compulsory abortions.
- 4) **The National Commission for Women Act, 1990:** The Commission was set up in January, 1992 to review the Constitutional and legal safeguards for women.
- 5) **The Protection of Human Rights Act, 1993:**
- 6) **Protection of Women from Domestic Violence Act, 2005:** This Act protects women from any act/conduct/omission/commission that harms, injures or potential to harm is to be considered as domestic

violence. It protects the women from physical, sexual, emotional, verbal, psychological, economic abuse⁶.

7) Protection of Women against Sexual Harassment at Workplace Bill, 2010: on November 4, 2010, the Government introduced protection of Women against Sexual Harassment at Workplace Bill, 2010, which aims at protecting the women at workplace not only to women employee but also to female clients, customer, students, and research scholars in colleges and universities patients in hospitals. The Bill was passed in Lok Sabha on 3.9.2012.

8) The Crime under Indian Penal Code (IPC):

- a) Rape (Section 376, 376-A, 376-B, 376-C, IPC)
- b) Kidnapping and abduction for specified purpose (Section 363-373 IPC)
- c) Homicide for dowry, Dowry death or their attempts. (Sec. 302/304-B IPC)
- d) Torture both mental and physical (Sec.498-A of IPC)
- e) Sexual Harassment (Sec. 509 IPC)
- f) Importation of girls (Up to 21 years of age) (Sec. 366-B IPC)

Another danger in India is that Rape i.e. sexual violence is one of the most common crime against women. But the criminal Law (Amendment) Act, 2013 can be called as must awaited law in relation to violence against women. In that Act various new offences has been defined and more harsh punishment have been prescribed for the crime against women.

It is popularly known as anti-rape Act, it amends sections 100, 228A, 354, 370, 370A, 375,376, 376A, 376B, 376C, 376D, and 509 of IPC 1860. It also inserts new sections such as 166A, 166B, 326A, 326B, 354A, 354C, and 354D IN ICP 1860. It also amends section 26,54A, 154, 160,161,164,173,197,273, 309,327 and first schedule of CRPC 1973. It also inserts new sections 375B and 375C of CRPC1973. It also amends sections 114,119 and 146 of Indian Evidence Act, 1872. It also inserts new sections 53A in Indian Evidence Act 1872. It also amends sections 42 of Protection of Children from Sexual Offences act 2012.

This law has been passed against the backdrop of the nationwide outrage over the tragic Delhi gang-rape, Nirbaya incident of 16th December 2012, forced the Government of India to drive the issue of violence against women to the centre-stage of political discourse. On 22nd December 2012, a judicial committee headed by J.S. Varma, a Former Chief Justice of India was appointed by the central government to submit report within 30 days to suggest amendments to criminal law to deal with sexual assault cases⁷.

International Measures For Women Empowerment:

The advancement of women has been a focus of the work of United Nations since its creation. The Preamble of UN Charter sets as a basic goal to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women. In 1946 the Commission on the Status of Women was established to deal with women's issues. The Universal Declaration of Human

Rights had affirmed the principle of inadmissibility of discrimination and proclaimed that all human beings are born free and equal in dignity and rights and rights and everyone is entitled to all rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex. However, there continued to exist considerable discrimination against women primarily because women and girls face a multitude of constraints imposed by society, not by law. It violated the principle of equality of rights and respect for human rights.

The General Assembly on 7th November 1967 adopted a Declaration on the Elimination of Discrimination against Women, and in order to implement the principles set forth in the Declaration, a Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted. This Convention is often described as an International Bill of Rights for Women. It has laid down a comprehensive set of rights to which all persons, including women are entitled, additional means for protecting the human rights of women. In addition to the above Convention, three Conferences were held during the U.N. sponsored International Women's Decade (1976-1985) in Mexico City (1975), Copenhagen (1980) and Nairobi (1985). The fourth conference was held at Beijing in 1995, have greatly enhanced international awareness of the concerns of women. Beijing Conference stated that Women's rights are human rights and it called for integration of Women's human rights in the work of different human rights bodies of United Nations. It considered the issue of violence against women in public and private life as human rights issues. The Conference called for the eradication of any conflict which may arise between the rights of women and harmful effects.

The UN General Assembly in 2000 convened a Special session on Women: Gender Equality, Development and Peace for 21st Century to assess the progress on women's issues. In February 2005, the Commission on the Status of Women at its 49th Session viewed the progress made on Women's Human Rights Agreement, known as Beijing Platform for Action. The Conference focused on many areas including poverty, environment, economy, education, human rights, power and decision making and girl child.

In 2005, twenty third Special Session of the General Assembly was reiterated as World Summit Outcome. The Summit resolved to promote gender equality and eliminate persuasive gender discrimination. U.N. Commission on the Status of Women met on March 14, 2011 in the Economic and Social Council Chamber to discuss the present scenario of gender violence in the world⁸.

Conclusion: Only legislation and law enforcement agencies cannot prevent the incident of crime against women. There is need of social awakening and change in the attitude of masses, so that due respect and equal status is given to women. It is a time when the women need to be given her due. This awakening can be

brought by education campaign among youth making them aware of existing social evils and the means to eradicate same. Mass media can play an active role here as in the present days it has reached every corner of the nation. Various NGOs can hold a responsible position here by assigning them with the task of highlighting socio-economic causes leading to such crimes and by disseminating information about their catastrophic effect on the womanhood and the society at large.

Bare Acts:

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