

SECURITY OF WOMEN – IS IT MYTH OR REALITY IN THE VICINITY OF CRIMINAL LAW (AMENDMENT) ACT,2013.

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Abstract: The position of women in ancient India was free and emancipated, and women were well educated and respected members of society. The position of women was far better than in other countries of ancient times.

Matrdevobhava: was the first Upanisadic exhortation to the young. As far as we know, Hinduism is the only religions whose symbolism places the Feminine on par with the Masculine in the profound concept of Siva Sakti culminating in the image of Ardhanari- Isvara. The Hindu has honoured his country as his Mother land- Bharat Mata and his nationalism has grown up from the seed mantra – Vande Mataram.

Everyone needs to take part in the effort to reduce violence against women and girls. If we don't collectively address these issues, and women's rights are not improved.

Introduction: “Yatrnariyastu poojayante remante tatr devah”

Where woman is worshipped, Gods preside there. The Rig veda, which places women on a high pedestal of sublimity.

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In ancient India, women occupied a very important position, in fact a superior position to men. It is a culture whose only words for strength and power are feminine. "Sakthi" means "power" and "Strength". All male power comes from the feminine. Literary evidence suggests that kings and towns were destroyed because of a single woman was wronged by the State. For example, *valmiki's Ramayana* teaches us that Ravana and his entire clan was wiped out because he abducted Sita. *Veda Vyasa's Mahabharata* teaches us that all the Kauravas were killed because they humiliated Draupadi in Public. Elango Adigal's *Sillapathigaram* teaches us Madurai, the capital of Pandyas was burnt because King Pandyan Nedunchezhiyan mistakenly killed her husband on theft charges.

Louis Jaccoliot The Celebrated French Author Of The Bible in India :

Hindoo origin of Hebrew and Christian Revelations said: "India of the Vedas entertained a respect for women amounting to worship; a fact which we seem little to suspect in Europe when we accuse the extreme East of having denied the dignity of women, and of having only made her an instrument of pleasure and of passive obedience " He also said; " what ! Here is a civilization, which you cannot deny to be older than your own, which places the women at a level with the man and gives her an equal place in the family and in

society".¹

Therefore in the ancient period Indian women held a high place of respect in the society as mentioned in Rig-Veda and other scriptures. Many books & articles can be written about the status of our women and their heroic deeds from the Vedic period to the modern times. But later on because of social, Political and economical changes, women lost their status were relegated to the background².

The official statistics showed a declining sex-ratio, health status, literacy rate, work participation rate and political participation among women. While on the other hand the spread of social evils like, rape, sexual harassment, sexual violence domestic violence, dowry death, and child marriage, exploitations of women workers are rampant in different parts of India. Humiliations sexual violence, kidnapping, molestation, dowry death, torture, wife - beating etc. have grown up over the years³.

Meaning of Violence against Women:

The semantic meaning of 'violence against women' is direct or indirect physical or mental cruelty to women. Violence which are directed specifically against women and which only women are victims are characterised as "violence against women"⁴

Violence is also known as abuse and includes any sort of physical aggression or misbehave. According to United Nations which defines in 1993 in Declaration on the Elimination of violence against 'women violence against women' means 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 deprivations of liberty, whether occurring in public or private life⁵.

According to The World Health Organisation (WHO) Sexual violence means " any sexual act or an attempt to obtain a sexual act, unwanted sexual comments, or advances, acts to traffic or otherwise directed, against a person's sexuality using coercions, by any person regards less of their relationship to the victims in any setting including but not limited to home and work."⁶

Interpersonal violence whether it is sexual or non-sexual remains a major problem in large parts of the world. Sexual violence against children and women brings with

it long – term sequelae, both psychiatrically and socially. Apart from sexual gratification itself, sexual violence against women is often a result of unequal power of equations both real and perceived between men and women and is also strongly influenced by cultural factors and values. Within sociocentric and ego-centric cultures, the roles and representations of genders and attitudes towards sexual violence differ. Cultures which are described as feminist provide equal power to both men and women. sexual violence is likely to occur more commonly in cultures that foster beliefs of perceived male superiority and social and cultural inferiority of women.⁷

Isobel Coleman, Senior Fellow and director of the civil society, markets and democracy initiative high lights three things to know about large issue of violence against women in the country. In her speech on women and foreign policy program which was held on January 8, 2013.

Gender Inequality at the Root: 'In India girls are valued less than boys, which results in many inequalities in society'.

A culture of complicity:

Culturally, there's not enough exposure and convictions against those who are pre-petrating acts of violence against women, she cited some of the example like police officers have pressured victims to keep silent or even marry their rapists to avoid prosecution; Coleman said there is " a culture of complicity around violence against women "

Opportunity of change:

Lastly she said that the recent demonstrations are unprecedented in India, and could mark a turning point; it could in fact result in some substantive changes for women. In particular for violence against women, but more broadly throughout society⁸

Sexual violence in conflict knows no geographical borders, it know no age limits from 6 months to and women as old as 70 years have been victims.⁹

International scenario:

The advancement of women has been a focus of the work of the United Nations since its creation. the preamble of the charter of the United nations 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. Further more Article 1 of the charter proclaims that one of the purposes of the United Nations is to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for the people without distinctions as to race, sex, language or religions.

As early as in 1946 the commissions on the status of women was established to deal with women's issues. The universal Declaration of Human Rights had affirmed the principle of the inadmissibility of discrimination and proclaimed that all human beings are born free and equal in dignity and rights and that

every one is entitled to all the rights and freedoms set forth the rein, without distinctions of any kind, including distinction based on sex.¹⁰

International treaties are important as they set standards for National legislation and provide a level for local groups to campaign for Legal reforms. Among the relevant treaties that relate to sexual violence and its prevention include,

The Convention on the Elimination of All Forms of Discrimination against Women (1979)

The Convention on the Rights of the Child (1989) and its optional protocol on the sale of children, Child prostitution and Child Pornography (2000)

The Convention against Trans-national Organized Crime (200) and its supplemental protocol to prevent suppress and punish Trafficking in persons, especially women and children (2000)

The Convention against Torture and other cruel inhuman or Degrading Treatment or Punishment 1984.

A huge number of international agreement set norms and limits of behaviour, including behaviour in conflicts that necessitate provisions in national legislation.¹¹

Developing the International protocol on the documentation and investigation of sexual violence in conflict is upcoming international Protocol going to be discuss in global summit on preventing sexual violence in conflict in June 2014 host by UK¹²

Constitutional and Legal provisions for Women:

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 measure of positive discrimination in favour of women for neutralizing the cumulative socio, economic, education and political disadvantage faced by them. Within the frame work of a democratic policy of our laws, development policies, plans and Programmes have aimed at women's advancement in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women.¹³

Constitutional provisions for Women:

Article 14 confers on men and women equal rights and opportunities in political, economic and social sphere.

Article 15 prohibits discrimination against any citizen on grounds of religion, race, caste, sex, etc.

Article 15 (3) provides special provisions to Women and Children.

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.

Article 42, Direct the State to make provisions for ensuring just and humane conditions of work and maternity relief.

Legal Provisions

Factories Act, 1948; under this Act, a women cannot be

forced to work beyond 8 hours and prohibits night – work.

Maternity benefit Act, 1961

The Dowry prohibition Act, 1961

The Equal Remuneration Act, 1976

The Child Marriage Restrain Act of 1976

The Medical Termination of pregnancy Act of 1971, 73 and 74th constitutional Amendment Act reserved 1/3 rd seats in Panchayat and Urban Local bodies for women.

The National commission for Women Act, 1990

The protection of Human Right Act, 1993

Protection of women form domestic violence Act, 2005

Protection of women against sexual harassment of workplace Act.

The most relevant act directly deal with sexual violence against women in Indian Penal code.

Section 354 Assault - or Criminal force to a woman with intent to outrage her modesty.

Section 509 word, gesture or act intended to insult the modesty of women.

Sections 375 to 376 deals with regard to sexual offences
Section -375 Definition of rape.

Section.376 (1) deals with punishment for rape.

Section. 376 (A) Inter course by a man with his wife during separation.

Section. 376 (B) Inter course by public servant with women in his custody.

Section. 376 (C) Inter course by superintendent of Jail, remand home etc.¹⁴

In spite of above said penal provisions for sexual violence against women in India are not free from the violence against women which one can say with authentication which was happened on December 16th 2012 in capital of the country very heinous crime i.e., gang-rape. In spite of the agitation by women association and public, shocking incidents are happening on women and girl child, like sexual abuse, sexual harassment, acid attacks by youth, father, step father, principal, teachers and watchman etc.,

On Tuesday 19 March 2013 the Lok Sabha passed the Criminal Law (Amendment) Bill and on 21 March, 2013 the Bill was passed with certain changes from the provisions in the ordinance. The Bill received presidential assent on 2 April 2013 .and came into force form 3rd April 2013.This new Act has expressly recognised certain acts as offences which were dealt under related laws. These new offences like, acid attack, sexual harassment, voyeurisms, stalking have been incorporated into the Indian penal code. The changes made in the Act as follows.

Section 326A Acid attack: the fine shall be just reasonable to meet medical expenses for treatment of victim, while in the ordinance it was fine up to Rupees 10 lakhs .

Section 354 A Sexual Harassment: “Clause (v), Discuss that any other unwelcome physical, verbal or Non-Verbal conduct of sexual nature” has been removed. punishment for offence under clause (i) and (ii) had

been reduced from five years of imprisonment to three years. The offence is no longer gender- neutral, only a man can commit the offence on a woman.

Section. 354 C Voyeurism: The offence is no longer gender neutral, only a man can commit the offence on women.

Stalking: the offence is no longer gender- neutral, only a man can commit the offence on a woman. The definition has been reworded and broken down into Clauses. The sentence ‘ or watches or spies on a person in a manner that results in a fear of violence or serious alarm or distress in the mind of such reason, or interferes with the mental peace of such persons, commits the offence of stalking’ has been removed from the exclusion clause. Punishment for the offence has been changed. A man committing the offence of stalking would be liable for imprisonment up to three years for the first offence, and shall also be liable to time and for any subsequent convictions would be liable for imprisonment up to five years and with fine.

Trafficking of person: “Prostitution “has been removed from the explanation clause.

Rape: The most important changes that has been make is the change in definitions of rape under IPC. The word sexual assault has been replaced back to rape. The offence is no longer gender – neutral, only, a man can commit the offence on women. The clause related to touching of private parts has been removed.¹⁵

Certain changes has been introduced in the Criminal Procedure Code and Evidence Act, like the recording of statement of the victim sexual intercourse is proved and victim states in the court that there has been no consent etc.,

After the strong comments by several human rights and women’s rights organisations The Criminal Law (Amendment) Act, 2013 came in to force to protect and safeguard the women. Is this strongly amended Law is giving any security to the women has become million dollars of question by seeing the recent cases reported in the Times of India.

16 Years Jail term for man who raped daughter:January 21, 2014-01-31 CHENNAI: “A court here has awarded an exemplary punishment of 16 years rigorous imprisonment to a 39 years old man who sexually harassed his daughter for five years before finally raping her.

Shirva town shuts down after minor sexually harassed: January 20, 2014, MANGALORE : Shira town, about 65 km from here, bore the brunt of a bandh called by pro- Hindu organisations on Monday following alleged sexual harassment of a 13 years old girl by a middle-aged person on a bus on Sunday night.

Sex for promotions: Man forces wife to be gang raped for 12 years,Sept 7, 2013. BHOPAL: This is a sordid tale of sexual exploitation of a woman by her husband, who forced her to be repeatedly gang- raped by his bosses for a promotion at the work place. Her monster husband, Bhupendra Nimada, put her on the torture wrack for 12

years, suffering out- all vestige of resistance by forcing her to swallow sleeping pills.

Man held for assaulting, sexually harassing women: January 16, 2014 CHANDIGARH: The Police has arrested a man for assaulting and sexually harassing women.

Older Men Harassing Young Women On Public Transport: JANUARY 16, 2014-01-31

A recent study by Gujarat University revealed that 80 % girls who use public transport have experienced the harassment like rubbing, groping and masturbating. What's more 69% of the girls said they were harassed by men over the age of 70 unfortunately, things are no different in other cities, and towns.

The 20 years old was gang raped by 13 persons – all of whom arrested – following a dictat by a Kangaroo Court after her family expressed their inability to pay the fine imposed on her for an alleged affair with a boy from another community.¹⁶

By observing all these cases which were reported after the amendment of Indian Penal Code, One can say that we got strong amendment Criminal law, to what extent this amended law is giving security to the women. Is it myth? In fact why the laws are imposing the punishment of fine to create fear in the minds of the people who do not any crime and violence, but what

happening in the society, why this failure. Is it a fault in enactment or in implementation or in people's mentality. These types of heinous Crimes are occurring in this divine land.

Conclusion: Everyone needs to take part in the effort to reduce violence against women and girls. If we don't collectively address these issues, and women's rights are not improved. To improve women's status and to make security of women reality all should take part, and regulations we should follow.

First and foremost is that we should teach ethics, morality, human to students in addition to the regular studies.

The govt. should do screening for some of the website in the internet which provoke the people.

Women should not suffer with the problem and should face bravely in solving the problem.

Speedy disposal of the cases by the courts.

Courts should see criminal should not escape from the liability.

People should change their attitude and give respect to the new amendment Act, 2013 which will surely protect and safeguard the women against sexual violence, at the same time strict implementation of Act is very essential.

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