



Legal Aspects of Law-breaking against Women vis-à-vis Women's Right

Gemrex Breva*

Postgraduate Student in Elementary Program, State University of Surabaya, Indonesia

*Corresponding author

A. Aprianto

Indonesian Language Education, State University of Surabaya, Indonesia

Abstract

Crimes are public wrongs affecting the entire community. Crimes affect the lives of millions of women worldwide. Violence against women takes variety of factors. Despite various laws and amendments are made by the Indian constitution from time to time, women's right has not been fulfilled. At the international level, various conferences, conventions and declarations are made to improve the status of women which reaffirmed that the women rights. The empirical survey of crimes against women brought into focus the pathetic condition of law enforcement agencies and the ineffectiveness of the protective laws to curb the growing incidents of crime against women. Increasing instances of crime against women has become matter of great concern in the society. Now some developments have amendments in law and new offences are made for the crime against women.

Keywords: Crimes, Women's right, Status of women, Constitutional provisions

1. Introduction

Crimes are public wrongs affecting the entire community. A crime is deemed harmful to society in general through its immediate victim is an individual. Crimes affect the lives of millions of women worldwide, in all socio-economic and educational classes, its cuts across cultural and religious barriers impeding the right of women to participate fully. Violation against women takes a dismaying variety forms, from domestic abuse and rape to child marriage and female circumcision. All the violations of the most fundamental human rights like most offences, crime against women is steadily on the rise throughout the world. Violence against women has manifold. Each day passes with shocking incident ranging from rape to bride burning. Victims are the innocent and helpless women. Violence continues to flourish in various forms. Broadly speaking these are: eve-teasing, rape, bride burning and sexual harassment at work place which apart from poisoning, a serious threat to law and order have afflicted the very existence of our society until and unless these are eradicated from the root and branches, the society in general and women in particular are not going to live in peace. While there is no single solution to the problem it has to be attack on several fronts like –legislation, social opposition and such publicity as would make it increasingly difficult for the culprits to live a normal life after committing atrocious crimes. An attempt is made to critically evaluate the present legal position and study various options to facilitate fair and expeditious justice to women in general and working women in particular. Today in rapidly changing social and economic environment, women are exposed to non-traditional tasks to share the burden of male members in the family. Even to maintain a reasonable minimum standard of living, many women are driven to the necessity of leaving the home and turn as working women. At different levels of employment, the working women are exposed to the two dimensional problems. On the one hand they have to face adverse publicity and problem of adjustment in family due to lack of time. Women represents the half of the world population are subjected to violence, humiliation, discrimination throughout the world. A majority of women suffers from social, and economical in equality which adds upto political inequality also. Women who were respected and worshipped as incarnation of shakti, are today the targets at crimes and are victimized in their own family, own community and in their own society from womb to tomb. Women are exposed to various types of violence like pre-birth elimination of females or female infanticide, differential access to care, nutrition, health care, education, child marriage, rape, sexual harassment in work place, prostitution, molestations, trafficking, domestic violence, dowry related abuse and in old age abuse of the elderly women and abuse of widows etc. In addition of all these women face inequality in work areas, many women are still struck in the lowest paying jobs in agriculture and service sectors and receive less money than there male counterparts for the same task with insufficient legal protection, little or no social protection and a high degree of insufficiency. Women all over the world not

only suffers with socio-economic sanctions but also face many psychological consequences and in many cases deprivations and abuse causing emotional disturbance to them.

2. Legal Status of Women in India

Women in India has the equal right with civil and legal matters including contracts, administering property, practicing in the law courts or administering justice. Women also serve as assessors, receivers and Jurors. Any man or woman in India can sue or be sued in his / her name. India woman enjoyed equal status with man in all fields of life, she received the same education like man. The legal status of women was determined by the National Commission for Women with the responsibility of overseeing the working of constitutional safeguards for women.

3. Constitutional Provisions

In order to protect women from violence and to safeguard their rights many National and international standards are laid down to provide and promote social justice to women and to protect their private and civil life. At the international level, various conferences, conventions and declarations are made to improve the status of women which reaffirmed that the women rights. The empirical survey of crimes against women brought into focus the pathetic condition of law enforcement agencies and the ineffectiveness of the protective laws to curb the growing incidents of crime against women. Comprehensive survey of the general crimes and the celebration of womenhood on international women's day every year on a global scale and the exposure by the media of innumerable cases of crimes against women specially the growing incidents of heinous crimes like rape, bride burning and domestic violence had forced the law makers, governments statistics to reexamine the laws on crimes against women and to find out the reasons for the failure to protective legislation. It also compelled them to think more seriously about the socio-legal problem and to devise better ways of combating this evil. The Constitution of India not only grants the equal rights to women, it empowers state to adopt measures of positive discrimination in favour of women for socio-economic, education and political disadvantages faced by them. The Constitution of India give specific importance to the following Articles 14, 15, 15 (3), 16, 39 (a), 39(b), 39 (c) and 42.

1. Quality before law for women (Article 14)
2. The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them [(Article 15 (i))]
3. The State to make any special provision in favour of women and children (Article 15 (3)).
4. Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article 16)
5. The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood (Article 39 (a)); and equal pay for equal work for both men and women (Article 39 (d)).
6. To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities (Article 39 A).
7. The State to make provision for securing just and humane conditions of work and for maternity relief (Article 42).
8. The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (Article 46).
9. The State to raise the level of nutrition and the standard of living of its people (Article 47).
10. To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women (Article 51(A) (e)).
11. Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat (Article 243 D (3)).
12. Not less than one-third of the total number of offices of Chairpersons in the Panchayat at each level to be reserved for Women (Article 243 D (4)).
13. Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality (Article 243 T (3)).

4. Legal Provisions Relating To Crime Against Women

Although the State has enacted with various legislative measures intended to ensure equal rights to counter social discrimination and various forms of violence and atrocities to provide support to the working women. There are different crimes such as 'Murder', 'Robbery', 'Cheating' etc. are various factors known as 'Crime against Women'. In spite of various laws are passed by the Indian Parliament from time to time affecting women significantly as these laws are reviewed periodically and suitable amendments carried out to keep pace with the emerging requirements. In order to safeguard the various constitutional rights and to provide free and fair justice, the state has

enacted many women specific and women-related legislations. These Acts are as follows in order to safeguard the interest of the women.

- 1.The Special Marriages Act, 1954
- 2.The Hindu Marriage Act, 1955
- 3.The Hindu Succession Act, 1956 with amendment in 2005.
- 4.Immoral Traffic (Prevention) Act, 1956
- 5.The Maternity Benefit Act, 1961 (Amended in 1995)
- 6.Dowry Prohibition Act, 1961
- 7.The Medical Termination of Pregnancy Act, 1971.
- 8.The Contract Labour (Regulation and Abolition) Act, 1976.
- 9.The Equal Remuneration Act, 1976.
- 10.The Prohibition of Child Marriage Act, 2006
- 11.The Criminal Law (Amendment) Act, 1983
- 12.The Factories (Amendment) Act, 1986
- 13.Indecent Representation of Women (Prohibition) Act, 1986
- 14.Commission of Sati (Prevention) Act, 1987
- 15.The Protection of Women for Domestic Violence Act, 2005.
- 16.Sexual Harassment (Sec. 509 IPC)
- 17.Importation of girls (Upto 21 years of age)
- 18.Indian Penal Code (1860)
- 19.Family Courts Act (1984)
- 20.Dissolution of Muslim Marriage Act (1939)
- 21.Muslim Women (Protection of Rights on Divorce Act (1986)
- 22.Commission of Sati (Prevention) Act (1987)

5. Various Agencies For Protection Of Rights Of Women

Many laws to protect women from violence; but these laws seem not adequate when the protective agencies are not serious about them. (i) National Human Rights Commission During the last few decades the concept of Human Rights has assumed importance globally and has international significance as every country is subject to international scrutiny by the world body which indicts member states for violations. While there is increasingly widespread concern for universal respect and observance of human rights, gross violation of internationally recognized norms continue unabated in almost all parts of the world. (ii) National Commission for women The Government of India has given special attention to women's problems and promotes equal opportunities to them. NCW is the first major step in the development of women. Like the UNO Commission on the status of women the NCW adopted a multi pronged strategy to tackle the problem of crime against women. (iii) State Commission for Women (SCW) The State Commission for Women is a statutory body constituted in January 1993 under the State Commission for Women Act, 1993 for protecting and safeguarding the rights and privileges of women.

6. Conclusion

Women are one of the pillars of the society and rights of women are very necessary. The above study shows that after independence many acts have been amended from time to time. Several policies and programmes have been implemented. Lots of provisions have been introduced in the Parliament through constitution for the dignity and self-respect of the women. Some statutory laws are implemented for the protection of the women by the constitutional provisions. The government of India make certain laws through Parliament for the strong enough to protect her from any kind of harassment and torture. The high incidence of crime in India as per the National Crime Records Bureau shows that the growth of crimes against women would be higher.

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