

# Social - Legal Issues Pertaining to Women Related Problem

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## Abstract:

This paper attempts to focus on the Social - Legal Issues pertaining to Women related problems and highlights the Social Issues in general and Legal Issues in particular and Challenges of Women Empowerment. In present day World the empowerment of women has become one of the most serious and important concerns of 21st century. But practically women empowerment is still an illusion of reality. Practical observation in our day to day life how women become victimized in the name of various Social Evils. Women Empowerment is the vital instrument to expand women folk capacities and capabilities with their will power and ability to have resources and to make strategic life choices. Empowerment of women is to be given highest priority for upliftment of Socio - Economic and Political status of women, and specially down trodden and the traditionally underprivileged ones, in the modern society. It is the need of protection and safeguarding female gender right from tender age against all forms of violence. The facts based on real incidents and atrocities on women of India proven that still that maximum percentage of women in remote and rural areas are disempowered and they are leading insignificant status than that of male gender in spite of many efforts and Reforms and Legal Policies implications undertaken by Government. Even after attaining advanced scientific awareness and improvement in literacy rate and their health but acceptance of unequal gender norms by women are still prevailing in the society. The women at national and international still struggling to reach the heights at par with opposite gender in their life.

**Key Words:** Social - Legal Issues, Women Empowerment, Education, Health, Socio-Economic Status, Atrocities, Reforms and Policy implications

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## Introduction

Atrocities against women in India refers to physical or sexual violence committed against female gender, typically by society not just by men. Regular type violence against women in India include domestic abuse, sexual assault, and murder. In order to be considered violence against women, the act must be committed solely because the victim is female. Most typically, these acts are committed by families having gender bias in particular and some cases because of men as a result of the long-standing gender inequalities present in the country. Violence against women in India is a serious problem right from ages than it may appear at first glance, as many evidences of atrocities are not considered as crimes, or may

otherwise go unnoticed, unreported or undocumented due to Indian customs, traditions, cultural values and beliefs. These reasons all contribute to India's Gender Inequality Index rating of 0.524 in 2017, putting it in the bottom 20% of ranked countries for that year.

"Table 5: Gender Inequality Index". *hdr.undp.org. United Nations Development Programme. Retrieved 9 December 2018.*

HDI Rank	Country	Value	Rank	(Deaths per 100,000 women live births)	(Births per 1,000 women ages 15–19)	(% held by women)
130	India	2017 0.524	2017 127	2015 174	2015-2020 23.1	2017 11.6

Source: United Nations Development Programme

### **Human Development Reports**

According to the National Crime Records Bureau of India, reported incidents of crime against women increased 6.4% during 2012, and a crime against a woman is committed every three minutes. According to the National Crime Records Bureau, in 2011, there were greater than 228,650 reported incidents of crime against women, while in 2015, there were over 300,000 reported incidents, a 44% increase. Of the women living in India, 7.5% live in West Bengal where 12.7% of the total reported crime against women occurs. Andhra Pradesh is home to 7.3% of India's female population and accounts for 11.5% of the total reported crimes against women.

In the name of pseudo traditions male dominated society in India of more than 50% conditioned and illusion mindset and family environment believe that female right from tender age should be trained to tolerate domestic violence in order to keep their family together, and most of the women in a silent mode throughout their life under unavoidable situation not having moral and ethical support from their own family members suffering both physically and mentally harassments. In January 2011, the International Men and Gender Equality Survey (IMAGES) Questionnaire reported that 24% of Indian men had committed sexual violence at some point during their lives.

Exact statistical facts and figures and authentic informative official data on rarest rare severe cases are very difficult to obtain, as a maximum number of cases go unreported. This is because due to scare of the civil society large part to the threat of ridicule or shame on the part of the potential reporter, as well as an immense pressure not to damage the family's honour. For similar reasons, law enforcement officers are more motivated to accept offers of bribery high level corruptive practices of some officials from the family of the accused, or perhaps in fear of more criminal consequences, in the name of Honour Killings.

Female infanticide is a serious problem and has become a common practice not only the ignorant and illiterate families but today even unfortunately highly educated families showing discrimination between male and female gender bias by killing of a newborn female child or

the termination of a female foetus through sex-selective abortion. In India, there is incentive to have a son, because of imbibing a false notion and belief that only male gender in the offer protection and security to the family in old age and are able to conduct rituals for parents and ancestors. In contrast, daughters are considered to be a social and economic burden because still the dowry a social evil is prevailing. The fear of not being able to pay an acceptable dowry and becoming socially ostracised can lead to female infanticide in the case of economically underprivileged communities.

Scientific advanced research and medical technology main purpose is to take precautionary measures in taking care for newly formed foetus i.e right from infant stage responsibility of both mother and medical practitioners but not to misuse for identifying gender which is a legal crime because the sex of a child to be determined while the child is still a foetus. Once these modern prenatal diagnostic techniques determine the sex of the foetus, families then are able to decide if they would like to abort based on sex. Research study found that 7,997 of 8,000 abortions unfortunately were of maximum female foetuses. The foetal sex determination and sex-selective abortion by medical professionals is now a R.s 1,000 crore (US\$244 million) industry.

In India females are discriminated and neglecting in the fields of Health, Education And Work Places. According to **National Crime Records Bureau (Ministry of Home Affairs) Government of India National Highway**, Even in 21st century maximum percentage of female babies are aborted, abandoned, deliberately neglected and undernourished simply as they are girls. This is worst in the state of Rajasthan. But now there is a great change in this direction. In some states like Haryana where girl child ratio is very low, the government has taken out many schemes to promote education of girls. Reservation of jobs for women and even six months maternity leave is provided to them besides many others.

The World Bank Document, "A New Agenda for Women's Health and Nutrition" (Washington 1995) estimates that in developing countries, 450 million adult women have their development problems due to lack of protein input during their childhood. In many communities, women and girls are given poor and under nourished quality food compared to male. When their health condition is needed to be taken care off but they are neglected or receive meagre attention only when the disease becomes extremely serious. There is ample evidence at the global level of disparity in health status between men and women and their access to medical services. In a majority of the countries, literacy rate for women is significantly less than that for men. In 66 countries, the gap between the male and female literacy rates is estimated to be larger than 10 percentage points and in 40 countries, it is larger than 20 percentage points in the age group of 6-11, which corresponds to primary level education.

At present though there are growing instances of women folk excelling in the field of Education and Social Practices but still conditioned mind sets though the family traditions, customs and culture having scientific principles still giving highest importance for sons than daughters, who are often viewed as an economic burden. This attitude of the society also stands in the way of the girl child being able to achieve her full potential.

A recent report on the girl child makes the following observations: “Girls are the world’s most squandered gift. They are precious human beings with enormous potential, but across the world, they are generally the last to have their basic needs met and first to have their basic rights denied.”.

Incidents of rape (and other crimes against women) have risen sharply over the last few years. The latest National Crime Records Bureau data reflect how incidents of rapes have gone up by 12-15%, while other crimes have risen by 3-5%.

The above authentic figures clearly shows that the problem understanding the degree of violence in our society remains further compounded by the institutional inertia seen in the response to rising violence. Political parties and the local Judicial system giving negligible confidence to women (and their families) to report cases and with evidences seek justice.

Addressing any crime over the long term judicial delay in giving verdict requires firm responsibility of Social Intervention from Public Institutions and Legally registered Private Agencies by the State Governments at three levels i.e Incentive, Opportunity and Consequences. In present situations many research studies in the field of Sociology identified the prevailing severity of the crime insisted the importance about initiating social awareness and legal remedies (via severer punishments etc.) for necessitating changes in social attitude to address gendered perceptions. Educational Institutions organising National, International Seminars, Conferences and Workshops in collaboration of NGOs and also Social Organizations are organised to deliberate and explore alternatives for improving public infrastructure systems to reduce the opportunity aspect of crimes against women and girl child.

The thrust and faith in India’s democracy rests on facilitating a legal and public institutional system that actively encourages and supports the agency of women and their freedom.

The following are the precautionary measures of Acts and Articles Amendments made by Constitutional Provisions:

### **Violence against Women and Girls**

To address the issue of women’s safety and gender based violence there is a proposal to set-up One Stop Centers in 660 locations across the county, as a single point access to facilitate effective handholding of women affected by violence and to provide them medical assistance, police assistance, psycho-social support, legal aid and counselling, temporary shelter and video

conferencing to facilitate Police and Court proceedings. Further the Women Helpline, which is sought to be universalized, would be a toll free service accessible to women in distress anywhere, anytime in the country through a single universal number (181).

### **Victim Compensation Scheme 2015**

A new Section 357A has been inserted in the Code of Criminal Procedure 1973 through the Code of Criminal Procedure (Amendment) Act, 2008, which provides for compensation to victims of crime. Under this, a Victim Compensation Scheme is required to be framed by the State Governments/Union Territories in co-ordination with the Central Government. Government of India is overseeing the notification and implementation of Victim Compensation Scheme (VCS) in the States/UTs.

### **Article 39 of the Constitution 2014**

Violence against women > Constitutional provision

Article 39 of the Constitution amended in 2014 includes the following provisions: The State shall, in particular, direct its policy towards securing that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

### **Web Portal on Anti-Human Trafficking 2014**

#### **Institutional mechanisms - Trafficking**

A Web Portal on Anti Human Trafficking was developed by Ministry of Home Affairs and launched on 20th February 2014. The Portal is a vital IT tool for sharing of information across all stakeholders, States/Union Territories and civil society organizations for effective implementation of Anti-Human trafficking measures more so relating to its criminal aspect and promoting best practice in this area. This web portal will enhance cooperation between law enforcement agencies, and concerned government departments as well. One of the major advantages of this web portal is that nodal officers of all States and UTs are interconnected with each other and are provided a login ID through which they can access this web portal and upload real time statistics and success stories and other case studies. This will help in tracking large number of cases having inter-state ramifications. The portal acts as one stop information repository on issues relating to trafficking. Details of trafficked persons can be uploaded on the web portal and other relevant contents regarding Anti Human Trafficking have also been uploaded for the convenience of the user. It provides an important link to National Portal on Missing Children, 'Track Child' which is operational in many States.

### **Article 23 of the Constitution 2014**

Violence against women > Constitutional provision



Article 23 of the Constitution amended in 2014 includes the following provisions: Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

### **National Adolescent Health Strategy 2014**

Policies > Inclusion of violence against women in other national plan strategy, Health > Protocols and guidelines, Prevention > Awareness-raising Campaigns, Education > Formal education

By emphasizing on establishing the 'continuum of care', which includes integrated services delivery in various life stages including the adolescence, pre-pregnancy, child birth and post natal period, childhood and reproductive age, the Rashtriya Kishore Swasthya Karyakram brings focus on life skills, nutrition, injuries and violence (including gender based violence).

Under adolescent health programme, some of the strategic priorities on health and violence are as follows:

**Community based Institutions-** Awareness and skills to challenge gender stereotypes, discrimination and injuries/violence incorporated in life skills focused AEP in schools, including residential school and other educational institutions and during Adolescent Health Day'

### **Regional Forum (India-Brazil-South Africa Women's Forum) 2013**

#### **Regional Initiatives**

The India-Brazil-South Africa Women's Forum organized two-day consultations which was segregated into six sessions with eminent experts deliberating on priority areas such as ending violence against women, empowering rural and marginalized women and as well as strengthening the ongoing efforts on gender budgeting. The stakeholders' consultations were followed by several rounds of intensive dialogue during the officer level meeting on 15 May 2013, concluding with the Forum reaffirming its commitment towards ending violence against women, women's empowerment and gender equality issues. The forum also made key recommendations such as on developing a comprehensive action plan to end all forms of violence against women and girls in all arenas.

### **Nirbhaya Fund 2013**

#### **Budgets > Government allocation**

As per information provided by the National Crime Records Bureau (NCRB) there has been rise in number of registered cases of crimes against women and children in Delhi and NCR in recent times. The Union Budget in 2013 made provision for a corpus called 'Nirbhaya Fund'. This is to support initiatives towards protecting the dignity and ensuring safety of women in India. The fund is administered by Ministry of Finance. In pursuance of the aforesaid, approval has been accorded for an integrated Computer Aided Dispatch platform for supporting Geographical Information System Based Call Taking and Global Positioning System based

Police vehicle dispatch function that helps to improve efficiency in responding to distress calls and provide speedy assistance. Distress/emergency alarms generated by landlines/mobiles and more specifically generated by women through mobile phone applications or individual devices pioneered by the Dept. of Information Technology would be tracked. The proposed system is to be implemented in the 113 identified cities which includes 53 cities having a population of more than million and which are headquarters of the State/Union Territory as well as headquarters of 41 highly crime prone districts. The cost of the project is Rs 3216.9 million.

### **Standard Operating Procedure to Handle Trafficking of Children for Child Labour 2013**

#### **Justice > Protocols and guidelines**

##### **Trafficking**

Government of India has issued various comprehensive advisories to all States/Union Territories for preventing and combating crime of human trafficking. A Standard Operating Procedure (SOP) to handle trafficking of children for child labour was issued to all States/UTs on 12th August, 2013, wherein measures to be taken for rescue of trafficked child labourers' and action against the traffickers/employers have been advised. These advisories/SOP are available on Ministry of Home Affairs' official website and on Web Portal on Anti Human Trafficking . A compendium of these advisories has been prepared and is being used as resource material in various seminar/conference and meetings on Human Trafficking.

#### **Criminal Law (Amendment), Act 2013**

##### **Violence against women > Legislation**

In consonance with the recommendations made by the Justice Verma Committee, in order to prevent violence against women comprehensive amendments were introduced in the Indian Penal Code, 1860, Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872 through the Criminal Law (Amendment) Act, 2013. The amendments sought to make provisions relating to violence against women more stringent. The key features are as follows:

- New offences like acid attack, sexual harassment, voyeurism, disrobing a woman, stalking have now been incorporated into the Indian Penal Code. Enhanced punishment for crimes like rape, sexual harassment, stalking, voyeurism, acid attacks, indecent gestures like words and inappropriate touch etc. has also been added.
- Definition of rape has been widened to include non-penetrative sex as well.
- Provisions for aggravated rape expanded to include rape committed by a person in a position of dominance, by a member of the armed forces deployed in an area, rape committed during communal or sectarian violence or on a woman incapable of giving consent.
- Increased penalty for gang rape and causing serious injury to the victim resulting her to remain in a vegetative state.
- Increased sentence for rape convicts, including life-term and death sentence.

- Insertion of a new provisions casting a duty on all hospitals public, private run by the Central Government or State Government to provide first aid or medical treatment, free of cost to victims of any offence defined under Section 326, 375 ad 376 ( acid attack and rape).
- Further, Section 370 and 370A IPC provides for comprehensive measures to counter the menace of human trafficking including trafficking of children for exploitation in any form including physical exploitation or any form of sexual exploitation, slavery, servitude, or the forced removal of organs.

### **Access to Safe Public Transport 2013**

#### **Institutional mechanisms**

In order to ensure that women have access to safe public transport, the Government of India came out with urban bus specifications for the first time in India so as to replicate metro experience on the city bus and to upgrade the quality of public transport so that it can be sold in public as a 'Branded Product'. As part of the "Urban Bus Specifications", important component has Intelligent Transport System i.e. LED Sign Board, 'Audio-visual Passenger Information System, Multiplexing, two cameras on the bus with two days of recording facility, GPS/GPRS, integrated controller and Automatic.' GPS GPRS and on-board cameras are important safety and security features which are now being considered for installation on all public transport vehicles in the light of aftermath of the 2012 case of rape inside the bus. Government has been emphasizing that all the states/ cities / State Road Transport Undertakings implement these Intelligent Transport System specifications on all the 15260 buses for urban transport sanctioned under Jawaharlal Nehru National Urban Renewal Mission.

### **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**

#### **Violence against women > Legislation**

##### **Sexual harassment**

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 provides a safe and secure environment to women at the workplace. The Act covers all women, irrespective of their age or employment status and protect them against sexual harassment at all workplaces both in public and private sector, whether organized or unorganized. The domestic workers has also included under the ambit of the Act. The law provides for a mechanism in the form of Internal and Local Complaints Committee to provide Redressal in cases of sexual harassment. It also casts a duty on employers to sensitize employees by carrying out various awareness generation programmes and workshops.

### **Conference on Crimes against Women 2013**

#### **Prevention > Awareness-raising Campaigns**

##### **Violence against women and girls**



Government of India convened a daylong conference of Chief Secretaries and Director Generals of Police on crimes against Women and atrocities against SCs/STs wherein the representatives deliberated on various measures of crime prevention, women safety, changes on law, organization, investigation processes and expeditious trials to improve safety and security of women and children.

## **Protection of Children from Sexual Offences Act 2012**

### **Violence against women > Legislation**

#### **Sexual violence**

To deal with child abuse cases, the Government has brought in a special law, called the Protection of Children from Sexual Offences Act 2012. The Act came into force with effect from 14th November, 2012. The Act provides protection to children, from the offences of sexual assault, sexual harassment and pornography. The Act incorporates child-friendly procedures for reporting, recording of offences, investigation and trial of offences. The Act provides for stringent punishments. The extent of punishments under the Act range from 3 years to life imprisonment along with fine, depending on the gravity of the offence. It provides precise definitions for different forms of sexual abuse, including penetrative and non-penetrative sexual assault, sexual harassment.

Our Constitution gives equal rights to both men and women in every field. Today, women enjoy voting rights, right to inheritance and property. In fact, the Constitution lay down that the government should promote with special care the interests of the weaker sections of the people. Several laws have been passed since independence to promote the interests of women. These laws relate to marriage, inheritance of property, divorce, dowry, etc. In 1976, the Equal Remuneration Act was passed to provide for equal remuneration to men and women for similar work. Recently, the government has started a scheme for the protection of girl child. However, in spite of these provisions, we find a lot of discrimination against women.

#### **Conclusion**

#### **Assault on Women in India – 2016**

Whatever may be the political party the government in the power is always against the assault on women but the miscreants in the society whether they are anti - social elements, terrorists, common civilians or politicians, employees or corporate managements are a little percentage in all these sections whether they are men or women are harassing weaker women this became true even in the personal families. Majority of men today supporting Women's Rights. Still not only in India but also in the World as a whole *Violence against women and girls* are happening.

The proof is as follows based on authentic information published in the 64th edition (since 1953) of the “Crime in India” for the year 2016. This publication provides information about all the FIRs registered under the Indian Penal Code and Special & Local Laws by the

police of 36 States/UTs along with their disposal. (Source: National Crime Records Bureau (Ministry of Home Affairs) Government of India National Highway)

#### **A. Crime in India – 2014 to 2016 SNAPSHOTS (States/UTs)**

- A total of 48,31,515 cognizable crimes comprising 29,75,711 Indian Penal Code (IPC) crimes and 18,55,804 Special & Local Laws (SLL) crimes were reported in 2016, showing an increase of 2.6% over 2015 (47,10,676 cases).
- During 2016, IPC crimes have increased by 0.9% and SLL crimes have increased by 5.4% over 2015.
- Percentage share of IPC was 61.6% while percentage share of SLL cases was 38.4% of total cognizable crimes during 2016.
- Uttar Pradesh accounted for 9.5% of total IPC crime reported in the country followed by Madhya Pradesh (8.9%), Maharashtra (8.8%) and Kerala (8.7%).
- Delhi UT reported the highest crime rate (974.9) under IPC crimes followed by Kerala (727.6) against national average of 233.6.
- Kerala has reported highest number of cases of SLL crimes (24.1%) followed by Gujarat and Tamil Nadu (15.5% each) of total SLL crimes reported in the country during 2016.
- Kerala reported highest SLL crime rate of 1,252.7 in the country during 2016 followed by Gujarat (457.1) against national average of 145.7.

#### **B. Offences Affecting the Human Body**

- A total of 8,97,171 cases of offences affecting the human body were reported which accounted for 30.1% of total IPC crimes during 2016, out of which causing simple & grievous injuries due to rash driving (3,48,914 cases) accounted for maximum cases i.e. 38.9% followed by cases of causing death by negligence (1,40,215 cases) and grievous hurt (89,039 cases) accounting for 15.6% and 9.9% respectively.
- Maximum number of cases under offences affecting the human body were reported in Uttar Pradesh (11.2%) followed by Madhya Pradesh (9.2%) and Maharashtra (8.9%) during 2016.

#### **C. Violent Crimes**

##### **C.1 Murder**

- A total of 30,450 cases of murder were reported during 2016, showing a decline of 5.2% over 2015 (32,127 cases). Uttar Pradesh (4,889 cases) reported the highest number of cases of murder accounting for 16.1% followed by Bihar with 8.5% (2,581 cases) and Maharashtra with 7.6% (2,299 cases) during 2016.
- Personal vendetta or enmity (5,179 cases) was the motive in highest number of murder cases followed by property dispute (3,424 cases) and gain (2,270 cases).

##### **C.2 Kidnapping & Abduction**

- A total of 88,008 cases of kidnapping & abduction were reported during 2016, showing an increase of 6.0% over 2015 (82,999 cases).
- A total of 89,875 (23,350 male and 66,525 females) were kidnapped or abducted, out of which maximum number of persons were kidnapped or abducted for the purpose of marriage (33,855) during 2016.
- Uttar Pradesh (15,898 cases) reported the highest number of cases of kidnapping & abduction accounting for 18.1% followed by Maharashtra with 10.6% (9,333 cases) and Bihar with 8.3% (7,324 cases) during 2016.
- During 2016, a total of 69,599 kidnapped or abducted persons (18,974 males and 50,625 females) were recovered of which 69,274 persons were recovered alive and 325 persons were dead.

#### **D. Offences Against Public Tranquillity**

- A total of 72,829 cases of offences against public tranquillity were registered under various sections of IPC during 2016, out of which rioting cases accounted for 85.1% of total such cases.
- Maximum number of cases under offence against public tranquillity were reported in Bihar (18.4%) followed by Uttar Pradesh (12.0%) and Maharashtra (11.9%) during 2016.

#### **E. Crime Against Women**

- Majority of cases under crimes against women were reported under 'Cruelty by Husband or His Relatives' (32.6%) followed by 'Assault on Women with Intent to Outrage her Modesty' (25.0%), 'Kidnapping & Abduction of Women' (19.0%) and 'Rape' (11.5%).
- Uttar Pradesh reported 14.5% (49,262 out of 3,38,954 cases) of total cases of crimes against women followed by West Bengal (9.6%) (32,513 cases) during 2016. Delhi UT reported the highest crime rate (160.4) compared to the national average rate of 55.2. [Table – 3A.2(i)]

#### **F. Crime against Children**

- In percentage terms, major crime heads under 'Crime Against Children' during 2016 were kidnapping & abduction (52.3%) and cases under the Protection of Children from Sexual Offences Act, 2012 (34.4%) including child rape.
- Maximum number of cases under crime against children were reported in Uttar Pradesh, Maharashtra and Madhya Pradesh, (15.3%, 13.6% and 13.1% respectively). [Table – 4A.1]

#### **G. Crime against Senior Citizens**

- State/UT wise comparison revealed that the maximum number of cases under crime against senior citizens were reported in Maharashtra (4,694 cases) followed by Madhya Pradesh (3,877 cases) and Tamil Nadu (2,895 cases), these States/UT accounted for 21.9%, 18.1% and 13.5%, of total such cases respectively.

#### **H. Economic Offences**

- Out of four specified category of economic offences viz. criminal breach of trust, cheating, forgery and counterfeiting, cheating accounted for maximum such cases, with 1,09,611 cases, followed by criminal breach of trust (18,708 cases) and forgery (13,729 cases) during 2016.

## I. Cyber Crimes

- Maximum number of cases under cyber-crimes were reported in Uttar Pradesh (2,639 cases) (21.4%) followed by Maharashtra (2,380 cases) (19.3%) and Karnataka (1,101 cases) (8.9%) during 2016.
- During 2016, 48.6% of cyber-crime cases reported were for illegal gain (5,987 out of 12,317 cases) followed by revenge with 8.6% (1,056 cases) and insult to the modesty of women with 5.6% (686 cases).

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