



# **BREAKING THE INVISIBLE HANDCUFFS:**

## ***THE NEED OF LEGAL EDUCATION TO ENSURE JUSTICE FOR WOMEN***

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### **Abstract**

Women are an important element of our society. She is an embodiment of unity, care, love, compassion and even more which makes her unique and special. In a society which is even now dominated by the strongest gender 'male', she still plays many vital roles. In spite of all these uniqueness she is still taken for granted by many sections of the society. Gone are the days where we considered '*Yatra naryastu pujiyante ramante tatra Devata*' and now the scenario is that we worship a lot of goddesses and on the other hand women are harassed, abused and ill-treated. Right from birth a woman faces a lot of disparity like gender bias, educational bias etc which extends throughout her life in forms like dowry, stalking, sexual abuse, bullying etc. It is high time that we must make concerted efforts to empower women in all aspects so that she can go hand in hand with men to transform the world into a better one. Empowerment of women is a high priority social mission which unfortunately is limping in its achievement. The complex task of educating, enabling and empowering millions of women who are voiceless and powerless in their homes, workplaces, offices and society is a task which cannot be accomplished by a single agency overnight, but should be the collective effort of people, agencies and Government authorities. A single antidote that can work miraculously by instilling attitudinal changes, confidence and bring gender equality and justice is unquestionably- Education. Education, to be precise legal education will help in creating legal awareness among the women which undeniably will help her to break the invisible handcuffs of slavery which she has been wearing since time immemorial. The current paper is intended to give an insight into the need of legal education for women with impetus on the relevance of understanding legal provisions for married women to save them from problems related to dowry, bullying, body shaming etc which every woman faces in her life after marriage and never reports thinking of the society and family statuses, making herself more vulnerable to even greater harassments.

**Key words:** *Women empowerment, Legal Education*

### **Introduction**

Women, who is always referred to as the 'Life Giver' is an embodiment of many virtues like love, care, compassion and care. She takes up a plethora of roles in her everyday life that to be of a daughter, wife, mother and so on. She is a diamond which when handled well, shines and spreads light to others while if not taken care of will reflect the malfunctioning of a society. Jawaharlal Nehru said 'You can tell the condition of a nation by looking at the status of its women' which is absolutely true- a society where women are respected and adorned will be healthy by all means and will show accelerated progress in all aspects. India is a country which, from the age immemorial, has given immense respect and care for women. She has given birth to many warrior women who have shown their excellence in various fields like politics, sports, space science, freedom struggles and the list is endless. In spite of all these, the condition of women in India is

still a question mark. They are often taken for granted and are mostly considered as a subordinate creature denying her rights and freedom. The scenario has been the same since generations and is rampant throughout the country. The main issue that acts as an impediment to their problems is the lack of awareness about their strength as women. The majority of people in India, especially the marginalized sections like women and children are still under the grip of poverty, illiteracy etc which is the major cause of ignorance of the laws that might be of rescue to them. The complex legal language and cumbersome legal procedures also stand as barriers for the situation. Hence there is a dire need to make the women legally aware through which we can empower them to the core. The net result of such an endeavour will last for generations as we often say that teaching women is equal to teaching a nation because that she is capable enough to propagate her knowledge in all arenas of life.

### **Legal Education: Need of the Hour**

Legal education refers to the education of individuals in the principles, practice and theories of the law system of a particular nation. Unfortunately many believe that it is the function and need of legal practitioners only, but as the Latin phrase says "*ignorantia juris non excusat*" which means ignorance of law is not an excuse that has to be taken into consideration. The basic knowledge about the legal provisions will help in two ways viz to abstain from unlawful activities and secondly to be safe from unlawful circumstances or activities. In India, women are subjected to violence and harassment both at home and workplace and owing to her innate character and fearing the ostracism from the society she suppresses her problems failing to realise that a bunch of laws are there to help her solve the problems assuring a safe and happy life. Only a sound knowledge in the legal aspects can rescue her during times of adversities in her life. The primary objectives of legal education can be summarised as follows:

- To educate women about their basic legal rights and remedies with the view of making them fit to face the adverse life situations
- To educate men about the rights of women
- To create awareness about the various organizations and legal machineries like the District Legal Services Authority, Free legal aids and Lok Adalats that are available for solving women related problems

### **Suffering in Silence: Is marriage turning out to be a wretched Institution?**

Indian women have made her impressions in almost all fields and are constantly trying to attain equality with men since time immemorial. One of the main areas where women still strive for justice is the institution of marriage. According to the Indian concept, marriage is the union of two souls who have been in a relationship since previous births and is also the union of two families. Over the years this concept has radically changed making it a status symbol and an event of extravaganza. Many wrong notions like dowry, luxurious rituals have entered the scenario. In the hustle buzzle what happens to the after marriage life of a girl and aspects like her will and wish for a partner, her career, education etc are never taken care off. Ironically in the cases of women in India, she enjoys freedom, love and care at her home during early stages and once she gets married, she almost gets caged making her starve for even basic rights as an individual. She loses her freedom of expression, movement and even relationship with her family and gets confined to the four walls of home abiding the commands of in-laws losing her individuality. Suppressed weeping of women can be heard from every household as a result of the fear of social ostracism and keeping up with family status. Situation may sound paradoxical in the 21st century but it is happening even now.

Violence's and criminal activities related to marriage are taking toll in India in recent years. It mainly occurs in the sections of the society who are still under the grip of illiteracy and poverty. People gets married off their sons with the intention of getting heavy dowry in form of money, materials, valuables etc and when they fail to receive the same, the problem starts. Greed, desire and anxiety are the major causes of these atrocities. Assaults often include physical, sexual and psychological harassment. The emotional violence in the form of maltreatment of her parents, abusive language use etc takes toll among all these as most women consider it as a part of married life and often suppresses it. 'Death by Dowry' has become an ominous ignominy for India. 2015 statistics of National Crime Records Bureau reveals that about 7,634 women died due to dowry harassment. Either they were burnt alive or they were forced to commit suicide or murdered. However such problems are comparatively less in educated and elite classes as they give more importance to humanity, education and above all they have clear ideas on the laws that can lock them behind bars in case of any issue. The purpose of this paper is to unleash the need for making women aware of their

rights to safeguard them from the violence's related to dowry, marriage, divorce etc so that no more 'accidental kitchen fire' happens in any household.

### **Know your Rights: Laws that Every Married Women Must Know**

In the traditional Indian concept home is considered as the treasury of love, care, happiness, togetherness, peace etc. Over the years the scenario has changed and now many of the homes are breeding grounds of hatred, violence, crime and illegal activities. It is high time that we must put a 'Full Stop' for such practices as it will lead the world to peril. Education is the only antidote to these problems. The legal provisions endowed to married women in India are as follows:

- Provision of Zero FIR: Supreme Court ruling states that a women victim can register a complaint at any police station other than the place of occurrence and the same will be forwarded to the concerned police station. This helps to save time and the offender can be booked early
- Free legal Aid: Women are entitled to get free legal aid as per Article 39A section 12 of Indian constitution. Women can either approach the Legal Services Authorities or can file a complaint online to avail this benefit.
- Women cannot be called to the police station for interrogation : According to Criminal Procedure Code(CPC) section 160 women cannot be called for interrogation to police station, instead can be interrogated by the police at her home in presence of family members or woman police constable
- Time of arrest and custody: Women cannot be arrested after the sunset or before the sunrise as this will cause her to face harassment in police stations during odd hours.
- Right to Virtual Complaints: Women if not possible to go to a police station can file a complaint via email or registered post which will be considered the same as the normal complaint.
- Masking of identity: The identity of a woman will be kept confidential in case of any complaint. No print media or online media is allowed to publish the name, instead they can be addressed as 'Victim'.
- Time doesn't matter: Women generally are hesitant to lodge complaints against wrongdoers. Even if time has elapsed after the event of molestation or rape, the police cannot refrain from accepting a complaint from woman on grounds of late reporting.

### **Indian Judiciary System as Saviour of Women**

Gender equality has been enshrined in the different parts of our Indian Constitution starting from preamble to fundamental rights, duties and directive principles of state policy. The Judiciary system of India serves as the watchdog of the Indian Constitution and plays a crucial role in ensuring that justice is delivered to every citizen in the nation. The law system comes in rescue of the woman in case of emergency by providing her legal aid and justice.

- Section 304B in Indian Penal Code says whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than 7 years or in certain cases life time imprisonment
- Section 312 of Indian Penal Code says Whoever voluntarily causes a woman with child to miscarry, shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.
- Section 366 of Indian Penal Code says Kidnapping, abducting or inducing a woman to compel her marriage or illicit intercourse be punished either description of a term as long as 10 years and with fine.
- Section 494 of IPC explains on bigamy as Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.
- Section 498A of IPC says husband or relative of husband of a woman subjecting her to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. It includes driving the women to commit suicide or coercing her or any of her relative in demand of more property and valuables.
- Dowry Prohibition Act 1961 states that demand or giving of dowry is prohibited and the offender can be imprisoned for a period of five years or fined as in the case may be.



- The Protection of Women against Domestic Violence Act 2005, helps in saving the women from domestic violence's which include physical and mental torturing by subjecting to manhandling and verbal abuse in the form of bullying, humiliation. Name calling etc.

The Indian Judicial system always serves as a rescuer for women. Other than the laws and legal provisions to women, the judiciary has constituted certain organisations that act as nodal agencies serving justice to people like District Legal Services Authority (DLSA), State Legal Services Authority (SLSA) and other Lok Adalaths where the cases filed by women are dealt with immediate effect. Even after the enactment of all these laws and authorities, the atrocities against women continue to take place. Even if a girl is well educated and financially independent, the family has to arrange heavy dowry to marry her off. The social stigmas and orthodox values attached to divorce retract the women from taking a strong decision to break free from slavery.

### Imparting Legal Literacy through Educational Institutions

Indian Constitution and the other documents such as Indian Penal Code (IPC) and Criminal Procedure Code (CPC) and the state laws are furnished to ensure that justice is served to each and every citizen of India. Ironically, the majority of the people consider it as the sole property of Legal fraternity and show very little interest in learning laws until and unless a situation arises in their life. A legally literate person can always take advantage of the situations and can always claim for his rights and will exercise his duties towards the nation. Often lack of awareness of beneficiaries is the common reason for the legislation to be ineffective in its execution and Women should never face injustice in her life due to ignorance of law and hence to educate them the basic legal laws and provisions is the need of the nation. Educational institutions can act as nodal agencies in accomplishing the task. Educating girls about their rights will help them to face the problems with bravery and on the other hand boys will get knowledge about how to respect and treat a woman in his life ensuring her equality in all realms. Pointing out suggestions:

1. Legal Literacy Clubs can be formed in the Schools and Colleges availing the services of DLSA and SLSA with the view of imparting knowledge to students about constitutional rights, duties and legal obligations. Legal Literacy clubs also help the students and people concerned with them to avail benefits from the various Governmental schemes.
2. Workshops can be conducted involving the service of resource persons, representatives, retired and serving judicial officers and panel lawyers of SLSA. The topics can include issues like laws related to female foeticide, child marriage and dowry prohibition, protection against sexual offences, protection of women rights etc.
3. Legal Awareness Campaigns can be organised in the schools and colleges.
4. Participating students in programmes related to laws and distribution of pamphlets and visit of Legal awareness mobile vans in schools can also help in imparting legal awareness in students.
5. Organising essay, painting, drawing, drama, mime and puppet shows with topics related to law.
6. Devoting at least half an hour to Legal literacy classes or three hours per week can also be of help to the people. Law students can take up this as an internship programme.

### Conclusion

Legal system guides us to solve problems and achieve better living conditions. Women are jewels in the world, they shine with glory and can never be tarnished by the grease of violence and criminal activities. Equality is the watchword of Indian culture and the authorities are striving their best to achieve the same especially in the case of gender. Though biologically and psychologically men and women are different, it can never be a hindrance to the serving of equal rights among them. Even in the 21<sup>st</sup> century the atrocities against women haven't shown a decline and contrarily is multiplying at a faster rate. Violence's and criminal acts that she faces after marriage is exorbitant which includes both physical and mental torturing which leads to even death. The single antidote towards abating all these problems is Education, especially legal education. Considering the current scenario, the authorities must take a decision on war footing to introduce legal awareness classes in the present curriculum. However no matter how much the judiciary can help women to overcome the difficulties faced by her, the mental agony and breakdown she has suffered can never be cured. Hence as in the book A Doll's House written by Henrik Ibsen that explains the inner voice of a woman. Helmer tells Nora—*"First and foremost, you are a wife and mother."* Nora replied—*"That I don't believe any more. I*

believe that first and foremost, I am an individual, just as much as you are' every woman in this century wants to be treated not even as equals but at least as human beings with their own individuality, wishes and dreams which should never be overpowered by male dominance.

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