

## MEANING OF VIOLENCE AGAINST WOMEN

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### **ABSTRACT**

Women have always been on the margins of society, regardless of what civilization or religion they belong to, and they have always been discriminated against. The number of crimes committed against women is steadily increasing. When crime against women rises, it throws the entire society into disarray since it stifles both women's and society's progress. Unfortunately, women are victims of a variety of crimes in their daily lives, from birth to death, and they are not even safe in their own homes. Domestic violence, sexual harassment, rape, murder, and acid attacks are the most common forms of violence against women.

At work, they had to deal with sexual harassment. Honor killing, dowry, and cruelty are just a few of the crimes associated with marriage. To combat gender-based crime, we must combat the different variables that are detrimental to women's development and empowerment by improving them. In addition, we must combat the patriarchal mentality and misogyny that exist in certain segments of society, and merely increasing penalties and enacting new regulations will not be sufficient to bring about significant change.

We must work on women's education as it is the foundation for their upliftment and tends to make them more aware of their rights and responsibilities, as well as mass education, making people aware of the laws through advertisement and promotion, as well as changing people's perceptions of women in society and better enforcing the law by bringing necessary reforms to the police and people as a society. Today, however, significant measures are being implemented at both the national and international levels to combat crimes and violence against women.

**MEANING OF VIOLENCE AGAINST WOMEN****INTRODUCTION**

Even after sixty-eight years of independence, women's rights, despite constitutional assurances of equality, remain unmet goals. When we look back, we can see that women in traditional patriarchal societies had no independent function. Men's attitudes toward women's status and position have been largely consistent throughout history. For centuries, the Manusmriti, the oldest Hindu code controlling marriage, inheritance, property rights, and other matters, has been accountable for the oppression of Hindu women. 'Nastriswantatramarhati,' according to Manu (no woman deserves freedom). She needs to be safeguarded by a man throughout her life — by her father as a kid, by her "husband" as a married woman, and by her "son" as a widow<sup>1</sup>. Child marriages were once commonplace throughout the United States. Some poor parents used to sell their girls to old men for money since their fathers chose the lads for their daughters. KanyaSulkam is a well-known Telugu drama (Bride Money). It's been turned into a funny film that offers a powerful message against the habit of buying ladies<sup>2</sup>.

Even now, several marital practices are reflective of women's status. In the south, the bride is raised and placed in a large basket, which is carried by her maternal uncles and other family members, and transported to the wedding pandal, where she is handed over to the bridegroom and his family as if she were property. To take the bride away in the North, the bridegroom arrives on horseback, accompanied by his family and friends. Kanyadan is defined as the act of giving one's own daughter to another. When it comes to gifts, the recipient has no say in the process. Even today, it is customary to present a priest with a cow at religious rituals. The cow is hauled away violently since it does not want to leave the family and go to another's.

The concept of princess swayamvara is deceptive since it implies that the princess chooses the groom; yet, the king orders the swayamvara test in order to win his daughter's hand. That's how

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<sup>1</sup>Understanding Manu Smriti Part I: Women and Freedom, available at: <https://www.indictoday.com/quick-reads/understanding-manu-smriti-part-i-women-freedom/> (last visited on Aug 05, 2021).

<sup>2</sup>Dr. G. Srilatha, "Language and Culture in Kanyasulkam" IJREAM 390-393 (2018).

Ram won Sita and Arjun won Draupadi<sup>3</sup> by passing the test. When all of our rituals are examined, the naked reality emerges: in the vast majority of cases, the father decides the fate of another man, who is ruled by his will. She could only obtain personal property such as fine clothes, jewellery, and other items through gentle persuasion, but not against her husband's will.

This isn't just a Hindu problem. There is no difference between a Muslim woman and a non-Muslim woman. Women's plight in pre-Islamic Arabia was no better. Women's conditions were horrible before to the arrival of the prophet. There was no limit to how many marriages a man might have with women. All of a father's wives were considered his property, which passed down through the generations to his eldest son. If the son desired to keep some of his father's wives for himself, he would cover their heads metaphorically with a sheet of fabric, symbolising appropriation. Only his mother was an exception. He may chose and appropriate any of his father's remaining wives if she wasn't available.

These nomadic tribes' personal laws were drastically changed because to the prophet's reforms. In the midst of chaos and disorder, he limited the number of women one might marry to four, and only under particular conditions, such as having sufficient justification for choosing a second, third, or fourth wife, as well as the need to treat them all equally and without discrimination. To the institution of marriage, he brought reason and respectability.

During those days, most nomadic tribes lived in Arab countries, moving with their flocks of sheep and camels from place to place for a few days, weeks, or months at a time, during which time they had to satisfy their biological urges by having liaison with local women, resulting in the birth of offspring. 'Muta weddings,' as the prophet dubbed them, were sanctioned short-term engagements. Both the moms and their children could benefit from the status, respectability, and stability that a muta marriage could provide<sup>4</sup>.

An unmarried woman was significantly better off under the old common law than a married

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<sup>3</sup>Ancient India, available at:

<https://www.drishtiiias.com/images/pdf/secondary%20indian%20culture%20and%20heritage.pdf> (last visited on 05 Feb. 2022).

<sup>4</sup>Ajaz Ashraf, "What Is Muta Marriage" Scroll, feb.13, 2022.

woman, who was forced to give up all her property and become her husband's dependent. 'Husband and wife are as one, and that one is the husband,' wrote "Blackstone" in his reflections on the issue of "the laws of England." J R Pole, professor of American history (1978), says<sup>5</sup>:

*"Throughout history, men have used women to dominate and manipulate them; he's always wanted her to cater to his physical pleasure and assist in his comfort, but he's never wanted her to rise to the position she was born to possess." He's done everything he can to degrade and subjugate her thinking, and now he proudly stands over the wreckage he's left behind."*

Women had no political rights at first anywhere on the planet. Property-owning men were the only ones who could vote. Enfranchisement for women took a lengthy time.

## **HISTORICAL BACKGROUND**

There has been some obvious development in the field of women's rights throughout the twentieth century. Women in the United States now have equal rights thanks to the Nineteenth Amendment to the Constitution<sup>6</sup>. It was lauded by James Bryce as America's most significant move toward democracy. Women were not allowed to vote in federal or provincial elections in Canada until 1916<sup>7</sup>. Various Dominion Acts were used as a basis for provincial elections beginning in 1916. The expansion of suffrage to women in Australia was met with little opposition<sup>8</sup>. In the United Kingdom, universal adult suffrage was only secured in 1949. In 1958, two peeresses – Baroness of Harwood and Baroness Ravensdale of Keddestone – became members of the House of Lords for the first time<sup>9</sup>. In guaranteeing equal political rights to women, Switzerland lags far behind. The Indian Constitution guaranteed all citizens the right to vote right away, because democracy would be meaningless if the vast majority of the population

<sup>5</sup>A letter written by Sarah Grimke, in 1837 to the president of the Boston Female Anti-Slavery Society

<sup>6</sup>19<sup>th</sup> Amendment USA, available at: <https://www.history.com/topics/womens-history/19th-amendment-1#:~:text=The%2019th%20Amendment%20to%20the,almost%20a%20century%20of%20protest>. (last visited on Aug. 5 2021).

<sup>7</sup>Women Suffrage In Canada, available at: <https://www.thecanadianencyclopedia.ca/en/article/suffrage> (last visited on Aug. 5 2021).

<sup>8</sup> P. Orman Ray, "Woman Suffrage in Foreign Countries" 12 APSA 469 (1918).

<sup>9</sup> Ibid

were denied the right to vote due to poverty, illiteracy, or sex. "Democracy means a government of the people, by the people, and for the people," says Abraham Lincoln<sup>10</sup>.

When Hindu law reforms were being considered in the early 1950s, orthodox Hindus, including the then-President of India, Dr. Rajendra Prasad, were vocal in their opposition. However, the Act was pushed through the parliament by Prime Minister JawaharLal Nehru.

Fundamentalist Islamists were much more adamant in their opposition to any reforms that benefited Muslim women. It's difficult to understand the outcry over the Supreme Court's decision in **Mohd Ahmed Khan v. Shah Bano Begum**<sup>11</sup> to provide divorced Muslim women support beyond the period of iddatin, which was perceived as an affront to Islam. After a time of Iddat against her husband, the state would give support to a divorced woman.

It's terrible that the central minister utilised the floor of parliament to launch an unrestrained attack on the Supreme Court for carrying out its commercial responsibilities by having a humanistic and sympathetic approach to the law. Shah Bano defied religious influences and was adamant about getting the maintenance awarded by the Supreme Court back from her former spouse. It's reassuring that the court's decision was supported by educated members of the community. The Islamic shariat board openly endorsed the Supreme Court decision and opposed any action that would prevent a Muslim woman who has been separated from her husband from benefiting from the provisions of section 125 of the CrPC, which provides for maintenance.

The perspective now held by the Apex Court was viewed by enlightened judges and attorneys as the accurate interpretation of Mohammedan Law. *Justice V. Khalid* of the Kerala High Court stated his dissatisfaction in the 1972 case, **HanifavPathummalBaevi**<sup>12</sup>:

*“Should Muslim wives be subjected to oppression for the rest of their lives? Should their personal law continue to be so harsh on these unhappy wives? Isn't it possible to change things in a way that helps them? This abomination disturbs my judicial conscience. The concern is*

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<sup>10</sup>Quoted by the then President of USA, Abraham Lincoln and published in “The Gettysburg Address (Nov. 19, 1863)”.

<sup>11</sup>(1985) 2 SCC 556

<sup>12</sup>1972 KLT 512 at 514.

*whether the conscience of the community's leader of public opinion will be shaken as well."*

### **SATISYSTEM**

Sati was an inhumane and savage ritual of burning or burying a Hindu woman alive with her husband's body. Rajaram Mohan Roy witnessed his own brother's widow being forced into sati and was powerless to prevent it. He was determined to campaign for the abolition of this practise from that day forward. Lord William Bentick eventually issued the *Sati Regulation in 1829*, making such activities illegal. It was also made a criminal offence punished by a court of law. A law dealing with the subject that is detailed, complete, and affective<sup>13</sup>.

In **Attorney General of India v.Lachma Devi**<sup>14</sup>, the Supreme Court heard a case of sati in which the Rajasthan High Court ordered the prisoners to be publicly hanged. The direction was overturned by the Supreme Court.

India is a tangle of inconsistencies. On the one hand, we worship goddesses such as Laxmi, Durga, Kali, Saraswati, and others, as well as material objects such as the earth and rivers, which we refer to as Bhoodev or Bhoomata, Gangamai, and others. Sisters and mothers are always adored and revered. When a lady is standing in a bus or train, we show respect for her by rising from our seats. On the other side, some of our people abuse women. Rape stories are reported in the newspapers on a daily basis<sup>15</sup>.

The most horrible and despicable crime is the rape of young children. Another tragedy is the rape of a daughter by a parent. To top it off, some parents murder their female kid right after she is born. A woman was strangled to death for giving birth to a female kid on Gandhi Jayanti, according to news reports.

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<sup>13</sup>The Sati (Prevention) Act, 1987 (Act no. 3 of 1987).

<sup>14</sup>AIR 1986 SC 467

<sup>15</sup>DipuRai, "No country for women: India reported 88 rape cases every day in 2019" India Today, feb.3, 2022.

**REFORM IN PERSONAL LAWS**

When Hindu Law reforms were being considered in the early 1950s, there was a lot of opposition from the orthodox Hindu community, including the then-President of India, Dr. Rajendra Prasad, but Prime Minister JawaharLal Nehru was able to get the legislation passed. The orthodox authorities of Islam were much more adamant in their resistance to any reform that favoured women. In the case of **Mohd. Ahmed Khan v. Shah Bano Begum**<sup>16</sup>, the outrage over the provision of support to separated and divorced Muslim women beyond/after the time of iddat, *U/S 125 Code of Criminal Procedure*<sup>17</sup>, was projected as an unnecessary invasion on their faith. The government gave in to their pressure and enacted the "Muslim Women (Protection of Rights on Divorce) Act, 1986," which shifted liability for payment maintenance to a separated and divorced woman from her erstwhile husband to her relatives, who are to be enacted to "inherit her property on her death," in accordance with the sharia law that applies to Muslims.

Section 3(1) (a) declared that divorced women are entitled to "reasonable and fair provision" in relation to her former husband's liabilities. She must also be paid maintenance within three lunar months of the divorce. In the case of **DanialLatifv. Union of India**,<sup>18</sup> the Supreme Court came to the aid of helpless Muslim women, interpreting section 3 to mean that a separated and divorced woman is entitled to "reasonable and fair provision" of maintenance from her ex husband for the rest of her life unless she marries again. Moreover, even after the iddat time, the "reasonable and fair provision" will be extended. The court also ruled that if relatives are unable or unwilling to pay maintenance under section 4, the competent Magistrate can order the state WaqfBoard, which was established under the Waqf Act, to do so<sup>19</sup>. This type of arrangement is explicitly authorised for under the current Act in order to provide/grant said maintenance. It's the epitome of judicial activism.

In the event that her spouse died or if she remained unmarried, women had no stake in the family property, except for their dwelling and maintenance. Sec 3 is the "Hindu Women's Right to

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<sup>16</sup>AIR 1985 SC 945

<sup>17</sup>Hereinafter Referred as CrPC

<sup>18</sup>(2001) 7 SCC 740

<sup>19</sup> The Waqf Board Act, 1995 (Act No. 43 of 1995).

Property Act, 1937<sup>20</sup>," The "Hindu Succession Act, 1956" had made a number of changes. The Section 14<sup>21</sup> declares. In **V.Tulsammav.Sesha Reddy**<sup>22</sup>, the Supreme Court interpreted section 14(1) and (2), stating that under the new Act, what was a limited estate has become a full estate with alienation power. Section 8 provides for the heirs listed in class 1 of the schedule to inherit the property of a male Hindu, which includes, among other things, an equal right to a daughter with the son, widow, and mother. However, this privilege only applies to the person's "self-acquired property" when he or she dies intestate. The Hindu Succession Act of 1956, Section 6, provides for the "devolution of interest in coparcenary property" by way of survivorship to the coparcenary's remaining surviving males.

During N T Rama Rao's tenure as Chief Minister, the state of Andhra Pradesh was the first among the states to change the Hindu Succession Act, declaring that a daughter is also a member of the coparcenary and entitled to an equal share in the property. It took two decades for the legislature to alter the law, which took effect on September 9, 2005, to declare the daughter a coparcener by birth, with rights identical to those of a coparcenary property, but with the same obligations as her brother. This Act covers the entire country of India and applies to everyone except Muslims, Christians, Parsis, and Jews. In the Muslim Law of Inheritance, a son is entitled to two-thirds of the inheritance, but a girl is only entitled to one-third.

A Hindu marriage was considered a sacrament, a lifelong relationship, although it allowed polygamy. The Hindu Marriage Act of 1955 made revolutionary changes by establishing strict monogamy and introducing certain reasons on which a decree of divorce could be issued by either a husband or a wife on the grounds listed in Section 13 of the Hindu Marriage Act. Both the husband and the wife are covered by the statute. It also allows for a mutually satisfactory conclusion to a marriage relationship if the parties no longer want to be in each other's company, even if none of the conditions listed in section 13 apply.

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<sup>20</sup>Hindu Women's Right to Property Act, 1937 (Act 18 of 1939), s 3. In case a Hindu dies intestate, the widow or widows together shall be entitled to have her share from the property with limited right to enjoyment; she does not have the capacity of transferring, selling or alienating her share.

<sup>21</sup>The Hindu Succession Act, 1956 (Act 30 of 1956), s.14. Any property controlled by a female Hindu, regardless of whether gained after enforcement of this Act or previously will be held by her as full proprietor thereof and not as a constrained proprietor.

<sup>22</sup>(1977) 3 SCC 99



The Act has been amended to provide for the issue of a final order of "judicial separation" in lieu of divorce as well as divorce by mutual consent. Because marriage is a contract, not a sacrament, Muslim law allows for polygamy up to four wives and allows for divorce by the husband in several ways: at his will by talaq without assigning any reason, by mutual consent of both parties and that too outside of court, and by judicial decree under the "Dissolution of Muslim Marriage Act, 1939." A wife cannot divorce her husband without his approval, unless they have entered into a contract before or after their marriage. However, women may get a divorce judgement from a court based on her husband's impotence, insanity, or cruelty. The suit will fail if she sues her spouse for divorce after he falsely accuses her of adultery. The wife is not allowed divorce due to her husband's adultery or inability to support her. Cruelty was a cause for divorce before the 1939 Act, according to the Calcutta High Court<sup>23</sup>. Justice V Khalid, a judge of the Kerala High Court, voiced his sadness in **Hanifav.PathummalBeevi**<sup>24</sup> in 1972:

*"Should Muslim women be subjected to this oppression indefinitely?" Should their personal law continue to treat these unlucky ladies in such a harsh manner? Isn't it possible to change it in a way that will help them? This atrocity makes my judicial conscience squeamish. "Will the conscience of the community's leaders of public opinion be shaken as well?"*

In a refreshing contrast to Indian personal law, Pakistan's theocratic state modernised its personal law through legislation and judicial interpretation under the presidency of Ayub Khan. In the landmark case of **Balqis Fatima v. N. Qureshi**<sup>25</sup>, the High Court of Lahore offered a progressive interpretation to khula, a kind of divorce that allows a Muslim woman to divorce only with her husband's approval. "If the judge believes that the parties will not respect the limitations of God,"<sup>26</sup> the full bench declared, "the woman can seek dissolution of marriage on restitution of what she got in consideration of the marriage". Because the marriage had irreversibly broken down, the court authorised dissolution. It is acceptable to see that the courts in Pakistan have opted to ameliorate a chunk of the women in terms of teachings of the Maliki school,' wrote

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<sup>23</sup>(1935) 62 Cal 1088

<sup>24</sup>1972 KLT 512.

<sup>25</sup>PLD 1959 (WP) Lahore 566

<sup>26</sup> ibid

Professor A AFayzee, a distinguished scholar, in his well-known book *Outlines of Mohammeden Law*. While Pakistan, an Islamic state, has a long history of reforming its personal rules, the conservative Muslim community in secular India is staunchly opposed to change.

Equality, Development, and Peace were highlighted during the United Nations World Conference in Nairobi in 1985, which symbolised the decade's downfall for women. Around 2000 representatives representing 160 nations and national movements attended the meeting. In her piece "Nairobi: a Milestone"<sup>27</sup>, Krishna Ahooja Patel writes:

*"The well-being of society is tied to how women are treated and given equal chance in the economy... the Nairobi Conference... has ushered in a major historical movement from which there is no turning back."*

Professor LotikaSarkar, on the other hand, pointed out that "everything was not well." Many times, fundamentalism reared its ugly head. Women wearing veils and 'chador' declared that they had achieved equality and chastised the false propaganda that their faith kept women behind. Some Kenyan women were outspoken in their opposition to the demand by many that every country have a uniform monogamy law. They were outspoken in their opposition to this proposal, claiming that women in Kenya, as in any other part of Africa, would not embrace monogamy because there were three times as many women as males. They were adamant that being a spinster was far worse than being the second or third in a family<sup>28</sup>.

However, Kenya's gender ratio has improved dramatically since then. In **State of Bombay v NarasuAppa Mali**<sup>29</sup>, the Bombay High Court held that all of those personal laws are lawful and will continue to exist even after the new constitution takes effect. There are distinct sets of personal laws that regulate different groups of residents, resulting in a lack of equality of rights for women in terms of marriage, divorce, adoption, child custody, matrimonial property succession, inheritance, and so on. Reform is hampered by dogma, ignorance, and

<sup>27</sup>Published in, *Mainstream*, annual 1985

<sup>28</sup>Published in, *Facets*, Vol. IV, No. 1

<sup>29</sup>AIR 1952 Bom. 84

socioeconomic backwardness. While the Indian constitution guarantees "equality of rights for women" and prohibits discrimination against them, it enables personal laws to continue to exist. The same were continued to be applied to women, despite the fact that they are oppressive to varying degrees, depending on the religion to which the woman belonged.

Organized religion has always been the primary impediment to women's independence. Religious leaders have consistently opposed any social, economic, or political reform that tries to improve the status of women around the world, regardless of faith. They do not want women to have an equal place in the Bible, and instead rely on out-of-date and sometimes ridiculous interpretations of religious precepts rather than reinterpreting old scriptures in light of current events and ideas and goals. When it comes to giving the fairer sex a fair deal, fairness goes out the window.

One option to rescue the situation created by orthodox religious groups is for the courts to interpret religious rules more flexibly, in accordance with reason, justice, and good conscience. A religious code, like any other provision of law, can be interpreted and reinterpreted by the courts at any moment, based on current thinking and conventions.

## BRILLOPEDIA

### **INTERNATIONAL INITIATIVES TO CURB GENDER VIOLENCE**

Since its inception, the United Nations has made it a priority to promote women's advancement. The UN Charter's Preamble defines reaffirming faith in core human rights, human dignity and worth, and individual advantages as an essential aim<sup>30</sup>. To deal with women's issues, the Commission on the Status of Women was established in 1946. The Universal Declaration of Human Rights affirmed the prohibition of segregation and declared that everyone is born free and equal in pride, rights, and opportunities, and that everyone is qualified for all rights and opportunities presented in that, without qualification of any kind, including sex-based differentiation. However, major victimisation of women has persisted, owing to the fact that women and young women are subjected to a wide range of social constraints imposed by society

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<sup>30</sup>Preamble United Nation, available at: <https://www.un.org/en/about-us/un-charter/preamble> (last visited on feb. 5, 2022).

rather than the law. It jeopardised the rule of law and human rights respect.

On November 7, 1967, the General Assembly was presented with a Declaration on the Elimination of Discrimination Against Women, which was welcomed in order to carry out the Declaration's standards<sup>31</sup>. This Convention is often referred to as a "Women's International Bill of Rights."<sup>32</sup> It has established a comprehensive set of rights for all individuals, including women, as well as additional measures to protect women's human rights. Despite the aforementioned Convention, three Conferences were convened in Mexico City (1975), Copenhagen (1980), and Nairobi (1985) during the United Nations-supported International Women's Decade (1976-1985)<sup>33</sup>. The fourth meeting, which took place in Beijing in 1995, significantly increased global awareness of women's concerns. "Women's privileges are human rights?" stated the Beijing Conference. Furthermore, it urged women's human rights to be reconciled in UN-created human rights ensembles. It regarded brutality against women in public and in private as a violation of human rights. The Conference mandated that any conflict that might arise between women's rights and negative consequences be resolved.

In the year 2000, the United Nations General Assembly held a Special Session on Women: Gender Equality, Development, and Peace for the Twenty-First Century to assess progress on women's issues. At its 49th session in February 2005, the Commission on the Status of Women saw progress on the Beijing Platform for Action on Women's Human Rights<sup>34</sup>. The conference focused on a variety of topics, including poverty, the state of the economy, education, human rights, force and dynamic, and young lady children.

The World Summit Outcome from the UN General Assembly's twenty-third Special Session was repeated in 2005. The Summit's goal was to promote sexual orientation equality and eliminate all forms of segregation. On March 14, 2011, the United Nations Commission on the Status of Women convened in the Economic and Social Council Chamber to discuss the global sex

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<sup>31</sup>Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

<sup>32</sup>Short History of CEDAW, available at:<https://www.un.org/womenwatch/daw/cedaw/history.htm> (last visited on feb. 05 2022).

<sup>33</sup>Ibid

<sup>34</sup>Ibid

violence crisis.<sup>35</sup>

### **NATIONAL INITIATIVES TO CURB THE GENDER VIOLENCE**

By establishing a commission for women and girls, giving reservation, and implementing various action plans, the government has taken a number of steps to improve women's and girls' lives.<sup>36</sup>

### **VERMA COMMITTEE REPORT**

The J. S. Verma Committee, a three-member commission led by former Indian court Justice J.S. Verma, was tasked with reviewing sexual offences laws and gave its findings to the government in January 2013. The Commission has made the following recommendations for reforms to criminal laws that will influence crimes and atrocities against women:

- **Punishment for Rape**

Rapists should not be put to death, according to the panel. It claims that rape should be punished with a sentence ranging from seven years to life in prison. It argues that inflicting death or a

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<sup>35</sup>Reference Note, Lok Sabha Secretariat, Crime Against Women (Government of India, 2013), available at: [http://164.100.47.193/Refinput/New\\_Reference\\_Notes/English/Crimeagainstwomen.pdf](http://164.100.47.193/Refinput/New_Reference_Notes/English/Crimeagainstwomen.pdf) (last visited on feb. 03 2022).

<sup>36</sup>(i) National Commission for Women.

The govt set-up this statutory body in Jan 1992 with a selected mandate to review and monitor every matter highlighting the constitutional and legal safeguards provided for females and to review the prevailing legislation to suggest amendments with need of the time and so on.

(ii) Reservation for Women in Local Self –Government.

The *73rd Constitutional Amendment Acts*, 1992 passed by Parliament to provide one third i.e., 33% of the entire seats for ladies altogether elected offices in local bodies in both rural areas and urban areas.

(iii) The National Plan of Action for the Girl Child (1991-2000).

This Action plan initiated to make sure survival, protection and development of the girl child with the last word objective of build up a far better future for the girl child.

(iv) National Policy for the Empowerment of Girls, 2001.

A national policy for the Empowerment of Women is constituted by The Department of Women & Child Development which comes under the Ministry of Human Resource Development in 2001. The main aim of this policy is to cause the advancement, development and empowerment of girls.

(v) National Mission for empowerment of Girls, 2010.

Ministry of Women and Child Development, (WCD, New Delhi Annual 2011-12). The launch of the National Mission for Empowerment of girls in March 2010 is a crucial development which will provide the much required fillip to a coordinated assessment of current government interventions and aligning future programmes so on translate the MPEW prescription into reality. The Mission was operationalized during 2011-12.

prolonged vegetative state should be penalised by a minimum of 20 years in jail, but potentially for the remainder of one's life. In situations of gangrape, it advises that a sentence of not less than 20 years, with the possibility of life imprisonment, should be imposed, and gangrape ending in the victim's death should be punished with life imprisonment.

- **Punishment for other sexual offences**

The committee agreed that all types of sexual offences should be addressed, and recommended that voyeurism be punished with a seven-year prison sentence. They also stated that stalking or making repeated attempts to contact someone by any means should be punishable by a three-year prison sentence. If acid assaults, which are also a serious crime, are committed, they will be punished with a seven-year prison sentence. Human trafficking, which is also on the rise, should be penalised with a seven-year sentence that might be extended to ten years.

Registration of rape reports and medical examinations: The police must record each rape allegation, and civil society must fulfil its commitment to report every rape case that comes to their attention. Any official who fails to register a rape complaint reported to him or tries to halt its investigation commits an associate degree and faces the corresponding punishment. The protocols for examining victims of sexual abuse have also been altered. A protocol-based, certified professional evaluation, according to the panel, is required for uniform practise and implementation.

- **Marriages to be registered**

All marriages in India (regardless of the personal laws under which they are solemnised) should be required to be registered in the presence of a magistrate. The magistrate will ensure that the marriage was solemnised without any dowry demand and with the complete and free agreement of both couples.

"The manner in which women's rights can only be exhibited when they have full access to justice and when the rule of law can be upheld in their favour," the panel observed. The panel recommends that the proposed Criminal Law Amendment Act of 2012 be changed. "Because sexual assault against men, as well as homosexual, transgender, and transsexual rape, is a reality," it reads, "the regulations must be conscious of the same." The panel stated that an

unique mechanism for protecting disabled people against rape, as well as the necessary procedures for their access to justice, were "urgently needed."

- **Bill of Rights for women**

For women, there is a Bill of Rights. A separate law was enacted to ensure a woman's dignity and security, as well as the assurance that her right to complete sexual independence, including in her relationships, would be protected.

- **Review of the Armed Forces Special Powers Act**

According to the panel, the armed forces special powers act "legitimises the impunity of systematic sexual abuse." It has stated that the continuation of AFSPA (Armed Forces Special Power Act) in some locations is urgently needed. It also recommends appointing special commissioners in crisis zones to ensure the safety of women.<sup>37</sup>

- **Police reforms**

"Police officers with a reputation for exceptional skill and character must be positioned at the top ranks of the police force," the panel added, in order to inspire public confidence. To ensure that the police force has the necessary moral vision, all existing appointments should be examined. "Law enforcement organisations should not become instruments in the hands of political masters," the panel stated emphatically. "Every member of the police force must recognise that in the fulfilment of their duties, they are accountable solely to the law and to no one else," it stated.<sup>38</sup>

- **Role of the judiciary**

Fundamental rights are primarily enforced by the judiciary through constitutional remedies. The judiciary, both in the Supreme Court and the High Court, can take suo-motu cognizance of such situations if it is sincerely concerned about them. To deal with this problem, an all-India strategy

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<sup>37</sup>Mamta Menhota, *Crime Against Women: A Study* 81 (Ocean Book Pvt. Ltd. Delhi, 1<sup>st</sup> ed., 2014).

<sup>38</sup>Justice Verma Committee, India, available at: <http://www.ndtv.com/article/cheat-sheet/recommendations-of-the-justice-verma-committee-> (last visited on feb12, 2022).

is recommended. On the judicial side, the Chief Justice of India could be approached. The Chief Justice may consider issuing suitable orders relating to the issue of missing children in order to prevent the unlawful trade of their trafficking and other forms of child exploitation.

- **Political Reforms**

Reforms are needed to address the criminalization of politics, according to the Justice Verma committee. The panel believes that if a magistrate finds a candidate guilty of a criminal offence, he or she should be barred from voting. Candidates who fail to declare a charge should be automatically disqualified. It was recommended that MPs facing criminal accusations who have already been elected to Parliament and state legislatures should resign willingly.

## **CONCLUSION**

Women flourished during India's ancient history. They were on par with men in terms of status. Purdah was violated by them. Men's social, religious, and ceremonial activities were also observed by them. They were held in high regard. Marriage was a soul-to-soul bond, not a matter of convenience. Man's companion in practically every aspect of life, including his thoughts and acts, pleasures and sufferings, dreams and goals. Their upbringing and education were given careful thought. Gargi, Maitreyee, Kaikeyee, Sita, Draupadi, and Kunti were all learned and brave females because of this.

The position of Indian women deteriorated during the Muslim period. To fulfil their lust, Muslims would seize the attractive Indian women. As a result, Indian women began to practise purdah and confine themselves to their homes' four walls.

Women's lives were given a new lease on life during the British period. They tossed away their purhad and enrolled in schools, colleges, and universities to further their education. Women became more aware of their role in the national movement and the reconstruction of New India as modern education became more widely available.

However, the plight of Indian women remains appalling. Women have come to be considered as



inferior to males despite improvement and progress in many aspects of life. They don't get the respect they deserve.

They remain illiterate and untrained. They are victimised by violence as well as being exploited and abused. Despite several laws aimed at protecting female rights, the development of women's education, and rising economic independence, countless women are still subjected to abuses.

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