

## **Comparative Study of the Problems of Women and Protection of Women's Rights: an Indian Perspective**

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**Abstract:** *Atrocities against women in India are, clearly, found in the age-old religious and cultural practices. In Vedic period women had equal standing in society with that of a man. But later, during medieval period their position has been deteriorated. However, in 19<sup>th</sup> century the status of Indian women started changing for better due to the efforts of many social reformers who worked hard to improve women's condition in the society. As a result of which the position of women in modern period is much better than before. But at the same time we cannot ignore the fact that women of today are still not free from their problems. They are the victims of many kinds. No doubt today various women related laws have been introduced in our country for women's advancement but of no avail. So it is high time to look in to this problem seriously and try to find out some permanent solution to this problem.*

*This paper is an attempt to make a comparative study of the problems of women and protections of women's rights in India. It also attempts to analyze the various crimes that are committed especially against women in our male dominated society where women have to face discrimination and violence from her birth till death. This paper focuses on various laws and measures which have been taken by government for the welfare of the fair sex. The aim of this paper is to give a clear picture about the real condition of women in our patriarchal society and also to see how far the government policies are successful in providing full protection to the women section.*

**Keywords:** *Women, Violence, Protection, Discrimination*

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### **Objectives of the Paper:**

- a. To identify the most heinous cases of crimes that are committed against women in our patriarchal society.
- b. To analyze the gap between various government policies/programmes/laws and problems of women in India.
- c. To provide some suggestions for the betterment of women's condition.

### **Sources and Methodology:**

As far as the methodology is concerned, this is a theoretical analysis about the problems and condition of women in our society. This paper is totally based on secondary data sources. This is a qualitative research paper for which I have collected the material from different books, journals authored by different eminent authors. In this paper I have based on the reports of National Crimes Records Bureau (NCRB) which is a government agency responsible for collecting and analyzing data related to the incidence of crimes against women in India.

### **Introduction:**

Crime against women is not a new or recent issue it has been in practice since the time immemorial which is found in the age old religious and cultural practices. Through the ages, the women have been the subject of study- from the ancient to the modern times<sup>1</sup>. Women in Vedic period enjoyed equal status with men in social and religious life in the society and they were considered to be an honorable member of the society<sup>2</sup>. Though in Vedic period women were considered equal with the male members of the family as well as in the society but later on, especially in the medieval period, they started losing their position in the society. Some practices like Sati, child marriages and ban on widow remarriages became part of social life<sup>3</sup>. In modern period some changes have been introduced for women's uplift. But if we go through the detailed study about women in India we come to know that the condition of women of 21st century has still remained catastrophic. In present-day India the highest offices in India, whether it may be Lok Sabha, Rajya Sabha, Prime Minister's Office, President's office are all embellished with women. Today we have some of the highest posts being acquired by women such as the President of India Pratibha Patil, the Speaker of Lok Sabha Meira Kumari, Leader of Opposition Sushma Swaraj, etc. as of 2011. Still, there exists some social issues which are quite unacceptable but are being faced by women in India.

Today throughout the world women are becoming victims of rape, dowry system, burning bride, eve teasing, forced prostitution, murder, female feticide, suicide, snatching, physical assault, restrictions, domestic violence, witch-killings, honour killings, etc. The women in general are not given basic rights even though the constitution of India considers them equally legal and competent citizens of the country with that of men.

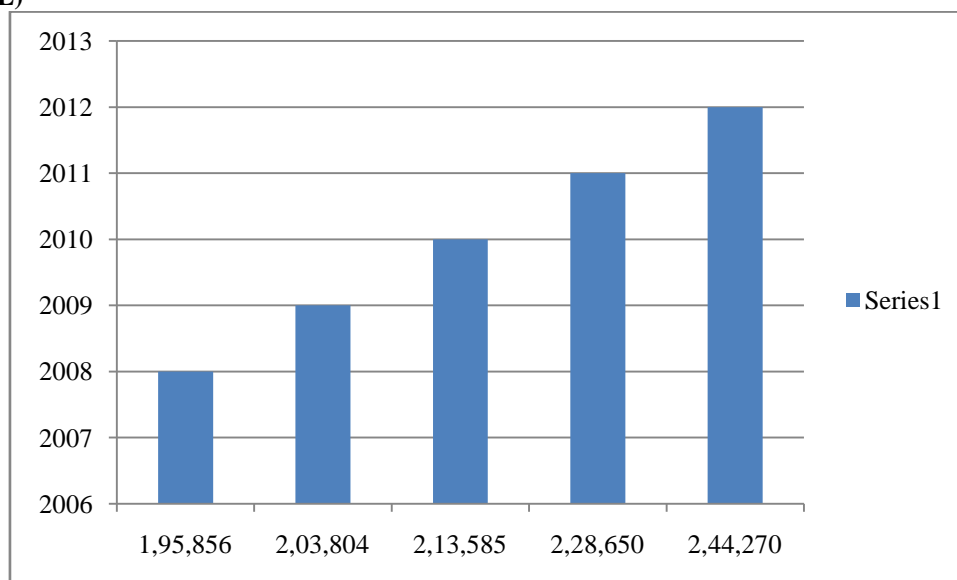
Women are vulnerable to different forms of violence at different periods in their lives. Forms and manifestations of violence against women vary depending on the specific social, economic, cultural and political context. Violence against women has devastating physical, emotional, financial and social effects on women, children, families and communities around the world. Survivors of violence often experience life-long emotional distress, mental health problems and poor reproductive health<sup>4</sup>. Violence affects the lives of millions of women worldwide, in all socio-economic and educational classes. It cuts across cultural and religious barriers, impeding the right of women to participate fully in society<sup>5</sup>.

**Table- 1 Incidence of Crimes against Women in India during 2012**

States/ Union Territories	Total Number of Incidence of Crimes against Women in India
Andhra Pradesh	28171
Arunachal Pradesh	201
Assam	13544
Bihar	11229
Goa	200
Gujarat	9561
Haryana	6002
Himachal Pradesh	912
Jammu & Kashmir	3328
Karnataka	10366
Kerala	10930
Madhya Pradesh	16832
Maharashtra	16353
Manipur	304
Meghalaya	255
Mizoram	199
Nagaland	51
Orissa	11988
Punjab	3238
Rajasthan	21106
Sikkim	68
Tamil Nadu	7192
Tripura	1559
Uttar Pradesh	23569
West Bengal	30942
Chandigarh	241
Uttarakhand	1067
A & N Island	49
D & N Haveli	16
Delhi	5959
Daman & Diu	11
Lakshadweep	2
Jharkhand	4536
Pondicherry	61
Chhattisgarh	4228
Total	244270

Source: National Crime Records Bureau. Report, 2012

**Reported incidence of crimes against women in India under the Indian Penal Code (IPC) and the Special Laws (SLL)**



**(Figure- 1)** Source: NCRB Report 2012

Crimes against women are on the rise, along with crime in general. A total number of 2,44,270 incidents of crimes against women (both under the IPC and SLL) were reported in the country during the year 2012 as compared to 2,28,650 in the year 2011 recording an increase of 6.4% during the year 2012. These crimes have continuously increased during 2008-2012 with 1,95,856 cases in the year 2008, 2,03,804 cases in 2009 and 2,13,585 cases in 2010 and 2,28,650 cases in 2011 and 2,44,270 cases in the year 2012 (NCRB Report, 2012). The percentage of crimes against women from 2008 to 2012 is 18.03% (2008), 18.76% (2009), 19.66% (2010), 21.05% (2011) and 22.49% (2012). This shows the number of incidence of crimes against women has been increasing day by day.

The violence continues unabated because no social action has been forthcoming. Legislation exists, but is seldom implemented with care or readiness. Rape is a heinous crime. All raped women come to be looked upon as loose women. There can be no greater violence than this against a human being<sup>6</sup>.

**Legislative support for women: Women Specific Legislation**

- The Immoral Traffic (Prevention) Act, 1956;
- The Dowry Prohibition Act, 1961;
- The Indecent Representation of Women (Prohibition) Act, 1986;
- The Commission of Sati (Prevention) Act, 1987;
- The Devadasi (Prohibition of Dedication) Act, 1983;
- The Guardians & Wards Act, 1860;
- The Christian Marriage Act, 1872;
- The Indian Evidence Act, 1872;
- The Married Women's Property Act, 1874;
- The Workmen's Compensation Act, 1923;
- The Legal Practitioners (Women) Act, 1923;
- The Indian Succession Act, 1925;
- The Child Marriage Restraint Act, 1929;
- The Payments of Wages Act, 1936;
- The Muslim Personal Law (Shariat) Application Act, 1937;
- The Factories Act, 1948;
- The Minimum Wages Act, 1948;
- Employment State Insurance Act, 1948;
- The Plantation Labour Act, 1951;
- The Cinematograph Act, 1952;
- The Special Marriage Act, 1954;
- The Hindu Marriage Act, 1955;

- The Hindu Adoptions and Maintenance Act, 1956;
- The Hindu Minority and Guardianship Act, 1956;
- The Hindu Succession Act, 1956;
- The Maternity Benefit Act, 1961(amended in 1995);
- The Beedi and Cigar Workers (Conditions of Employment) Act, 1966;
- The Foreign Marriage Act, 1969;
- The Indian Divorce Act, 1969;
- The Medical Termination of Pregnancy Act, 1971;
- Code of Criminal Procedure, 1973;
- The Bonded Labour System (Abolition) Act, 1976;
- The Contract Labour (Regulation and Abolition) Act, 1979;
- The Equal Remuneration Act, 1976;
- The Inter-state Migrant Workmen (Reg. of Employment Conditions) Act, 1979;
- The Family Courts Act, 1984;
- Juvenile Justice Act, 1986;
- The Child Labour (Prohibition and Regulation) Act, 1986;
- National Commission for Women Act, 1990;
- The Pre-natal Diagnostic Technique (Reg. &Prevention of Misuse) Act, 1994, and
- The infant Milk Substitutes, Feeding Bottles and Infant Foods (Reg. of Production, Supply and Distribution) Act, 1992<sup>7</sup>.

#### **Plans and programmes in several spheres:**

Women who number 498.7 million according to 2001 census represent 48.2 percent of country's population of 1,027.01 million. The development of women has always been the central focus in the developmental planning, since independence. Though there have been various shifts in policy approaches in the last 50 years from the concept of welfare in the 70s, to development in the 80s, and now the empowerment in the 90s, the Department of Women and Child Development, since its inception has been implementing special programmes for holistic development and empowerment of women with welfare programme, particularly in the sectors of health, education, rural and urban development, etc. initiatives taken in the area of women's empowerment include :

- Welfare and Support Services
- Employment and Training
- Socio-Economic Programme
- Swayamsiddha
- Swa-shakti Project
- Balika Samriddhi Yojna
- Plan of Action to combat Sexual Exploitation of Women and Children
- Declaring 2001 as Womne's Empowerment Year
- Instituting National Commission for Women
- Rashtriya Mahila Kosh
- National Institute of Public Corporation and Child Development
- Central Social Welfare Board
- Food and Nutrition Board
- Information and Mass Education<sup>8</sup>.

#### **Constitutional Safeguards:**

The Constitution of India came into force in 1949. It contains a number of Articles which speaks of women's rights<sup>9</sup>. It is a matter of great concern that women belonging to various communities in India have been denied equality and freedom, one of the Fundamental Rights as incorporated in the constitution of India. There are many Articles in the Constitution which are directed to building of just and equitable social and economic orders. Article 14, 15, 16, 39(a) (e) and Article 51 A (e) are directed to build an order in which there shall be an access to the women of India to possess and benefit from the fruits of freedom while competing equally with men folks. The Articles ensure that they shall feel dignity of their own place on this earth. In Indian Constitution the system of equality and justice to women is an abiding faith. Our relationships inside and outside the homes in our society with the individuals is defined by equality and social justice. This system of equality and social justice guarantees strength and power to women and she no more remain in the manacles of man, customs and society. The system maintains the rights of women not only to the literate ones but also to the illiterate ones<sup>10</sup>.

### **Conclusion and suggestion:**

Now the issue remains that whether women are enjoying their rights like dignity, justice, freedom, protection, etc. and how far has the Constitutional mandate of equality and social justice been successful. It is to be noticed that there has been a great lapse in the functioning of government agencies to ensure these rights. Indian society has miserably failed in providing the women their basic constitutional rights on the grounds that the common masses at large and criminal justice system in particular have been so cruel in attitude and behaviour. According to the reports published by the National Crime Records Bureau, a government agency of India which is responsible for collecting data and analyzing data related to various crimes that are committed in India, it is clear that the rate of crimes against women has been increasing day by day. So the need of the hour is to look into this problem seriously to root out these social evils from the society so that women can live a dignified life. At the same time it is also very essential that the government should really work hard to find a permanent solution to reduce the crimes committed against women in India.

### **Suggestions**

- Government should work to develop some comprehensive human rights education programme to raise awareness among women of their human rights and raise awareness among others of the human rights of women.
- Laws must be drafted in a way that there is no ambiguity.
- Awareness must be created among women about the laws related to them.
- National Commission for Women (NCW) must be consulted before the law is finalized.
- It is also very essential to change the mindset of the people of the society to maintain a healthy environment in the society.

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### **Web Links:**

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