

## Review of laws regarding women safety and suggested changes

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### Abstract

Women's safety involves strategies, practice, and policies which aim to reduce the gender-based violence (or violence against women), including women's fear of crime.

There are several steps that should be taken care while aiming at women safety which are; women's safety involves a safe place, women's safety involves freedom from poverty, women's safety involves financial security and autonomy, women's safety involves self-worth, women's safety means a safer, healthier community for everyone. In this research paper, we talk about the laws regarding women safety in India, suggestion, governing bodies, precaution, social issues, scheme, NGO that empower women in male-dominated society.

**Keywords:** women safety, the law regarding women safety, article, suggested changes, resolution in society, NGO & scheme

### 1. Introduction

Very well quoted by Swami Vivekananda 'Just as a bird cannot fly with one wing, a Nation cannot march forward if the women are left behind.' Women play a significant role in our societies and mainly in a society where roles and duties are divided upon gender. Though humans have developed a wide sense of thinking but still in some or the other aspects of life our gender assigns us duties and responsibilities we are bound to perform<sup>[3]</sup>.

There has already been great revolution in the history of women status but still some loop holes are yet to be looked upon. Particularly, looking at the status in Indian society, different communities and different cultures hold differences in women's roles. However, at the bright side women are able to outperform in every portion including social, political, science, media, art, service etc<sup>[5]</sup>.

### 2. Current Laws and Rights

According to India constitution there are 13 constitutional rights granted to women including:

Article 15(1): "The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them<sup>[1]</sup>.

Article 15(3): "Nothing in this article shall prevent the State from making any special provision for women and children<sup>[1]</sup>.

Article 16(2): "No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect or, any employment or office under the State<sup>[1]</sup>.

Article 23(1): "Traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law<sup>[1]</sup>.

Article 39(a): "The State shall, in particular, direct its policy towards securing that the citizens, men and women equally, have the right to an adequate means to livelihood<sup>[1]</sup>.

Article 39(d): "The State shall, in particular, direct its policy

towards securing that there is equal pay for equal work for both men and women<sup>[1]</sup>.

Article 39(e): "The State shall, in particular, direct its policy towards securing that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength<sup>[1]</sup>.

Article 42: "Provision for just and humane conditions of work and maternity relief The State shall make provision for securing just and humane conditions of work and for maternity relief<sup>[1]</sup>.

Article 51-A(e): "To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women<sup>[1]</sup>.

Article 243-D(3): "Not less than one third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat<sup>[1]</sup>.

Article 243-D(4): "Provided further that not less than one third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women<sup>[1]</sup>.

Article 243-T(3): "Not less than one third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality<sup>[1]</sup>.

Article 243-T(4): "The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide. The offices of

Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide [1]. Furthermore, there are other 23 legal rights given to women including Indian Penal code (1860), National Commission for Women Act (1990), Immoral Traffic Prevention Act (1965), Dowry Prohibition Act (1961) etc [1].

All these constitutional and legal rights empower women to speak out against domestic and social issues. Domestic issues includes domestic violence, marital rape, harassment for dowry etc, whereas social issues widens the area and includes women trafficking, unequal wages, workplace security, family courts, women political participation, empowerment etc. Apart from these efficient constitutional and legal rights, there are many schemes under government organization and NGOs. Schemes such as HIMMAT yojna, UDAAN scheme, Justice Verma Committee, Rape Crises Cell, Panic Button Scheme etc. plays a major role to enhance the status and empower women [6].

**3. Current Scenario**

Still! India is ranked as most unsafe country for women. According to the report of Indian Crime Bureau of 2016

there has been increase in number of rape cases from 12% to 13%, 325,652 cases are reported under IPC act, 106,395 cases of domestic violence and nearly 27,422 cases of sexual harassment. However, unreported cases are uncountable [2].

The number of laws, rules and rights on different basis clarify that there no need for new laws but indeed proper implementation and imposition of such schemes and laws is required. It is very much need now that all the loop holes of our constitution are looked upon and corrected, also an effective and efficient structure for implementation of these laws is required. Considering the intensity of punishments according to the crime rate is a much required step at this moment [5].

**4. Suggestive Changes**

Suggesting some implementation changes, there is a proper federal structure required under which an all the structures and authority is governed. This federal structure would be under National Commission for Women. It would distribute it powers to State and District government, also Indian Penal Code would work under National Commission for Women.

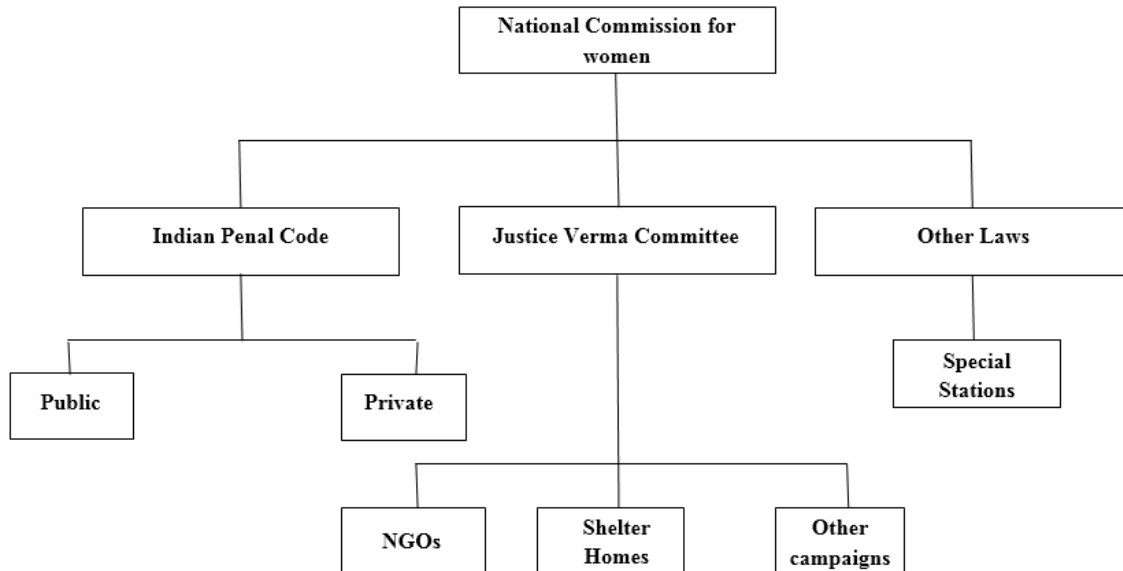


Fig 1

Indian Penal Code [4] would be further divided in three parts namely IT law, Justice Verma Committee and other laws. IT would mainly deal with cyber laws and cyber security of women and people. This law would further be segregated on the grounds of type of organization that is public or private organization. Implementation of encryption and decryption system to secure user information will be mandatory for all the organization. The information could only be accessed when the information is decrypted via temporary code which will be received by information holder as in SMS. This will allow to access information only after the consent of information holder and also will inform information holder the purpose of accessing his or her information. Also under this implementation of existing laws and formulating of new laws will take place.

Justice Verma Committee will head all the schemes of government and NGOs. It will focus on the proper implementation of these schemes and will also undertake

awareness campaign at central and state level. Schemes such as HIMMAT yojna, Rape crises cell, POSCO Act 2012, Anti trafficking cells, Parivarik Mahila Lok Adalat, Shelter Homes and all other large and small scale programs will be monitored. Special License will also be give to Shelter Homes and NGOs under Justice Verma Committee to avoid case like of Muzaffarnagar shelter home case.

Other laws include monitoring of implementation and regular checking of all remaining and minor laws. There will be special stations at district and state level to monitor other laws regarding women safety and in which there will 50% of seats reserved for women and retired army officers will also be appointed to ensure corruption free working of these special stations. Furthermore, these special stations will be regularly checked by district head police station. At central level this committee will look after filling up loop holes of constitutional language for strengthen and widening the scope for crime classification.

Apart from this federal structure some required changes are required in the tenure of punishment. The punishment of rape should be decided according to the age of the victim and degree of rape. Degree of rape refers to level of harassment. Minimum punishment for every crime against women should be 5 years including cyber-crime, domestic violence, women trafficking, marital rape etc. with minimum fine of 50000 INR

Hoping for a better future to India enhancing women security laws and women safety will be a great step. A country where every girl could walk fearlessly on roads, work in even night shifts to support their families, fight against wrong and raise her voice to the monsters of our society.

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