

WOMEN EMPOWERMENT IN PERSPECTIVE OF PERSONAL SAFETY AND DIGNITY**SHILLY MALLIKARJUN**

Abstract: Women have suffered throughout history. They have been subdued, time and again, in various forms and it is high time we pull our sleeves up to work together in giving them their dues. Women's empowerment has been discussed elaborately since a decade and it is alleged that much work has been done towards the desirable goal. The present paper concentrates on the legal response to women's empowerment. There are legal safeguards and provisions for controlling crimes against women, and other laws to ensure the personal safety and dignity of women, with the Constitution of India, being a major contributor to it. Along with the IPC, which covers a vast majority of crimes, various special legislations also aim at the personal safety and dignity of women. Apart from dealing with these, the paper also mentions various international conventions which have contributed in this regard. It is important for educators to get familiar with the 'language of law' in relation to crimes in order that (a) redressal of the wrong can be facilitated and the wrong doer punished; (b) creation of a climate of prevention, through formal and informal instruction.

Keywords: Legal response, Personal safety, Dignity, Conventions

Introduction: Human rights are inherent, inalienable and universal. Due to the social structure, traditions, stereotypes and attitudes about women and women's role in society, women do not always have the opportunity and ability to access and enforce their rights on the same basis as men. Governments have an obligation to take positive steps to eliminate all forms of violence against women. The fundamental principles of women's rights accord to each and every person, the entitlement to human dignity and gives women a vocabulary for describing both violations and impediments to the exercise of their human rights. The paper thus analyses various laws and their contributions towards empowering women to protect their life and personal dignity. For those who are not aware of provisions in law, legal safeguards and provisions for controlling crimes against women; other laws for personal safety and dignity of women are also in place; these can put under four categories:

1. At the outset the Indian Constitution has given a great deed of importance to safeguarding personal safety & dignity of women under Art.14, 15, 15(3) for implementation for women. The main intention of the Art. is to ensure protection of women.
2. The Indian Penal Code, covering Sec. 304 (B); 366; 375, 498 (A) includes mental and physical molestation and eve teasing, defamation and their implications.
3. Special Laws aim at ending reprehensible social practices like Sati, demand for dowry, trafficking of women for immoral purposes, and indecent representation of women.
4. Others deal with laws regarding medical termination of pregnancy, regulation of pre-natal diagnostic techniques, Young Persons' Harmful Publication Act, Child Marriage Restraint Act,

National Commission of Women Act, Domestic Violence Act, family courts, legal aid cell, etc.

Personal safety and dignity of women

Defamation: There are some other crimes affecting women; 'defamation' is one such crime. If a woman is wrongly accused of an act which will affect her reputation as "woman of loose morals" or "dowry hungry mother-in-law", she can complain to the police against her defamers, or she can file a civil case against them claiming damages.

Women and Police: Section 160 of Cr.P.C protects woman from unnecessary harassment from the police. A police officer can call a male to the police station for interrogation or to demand information during investigation. But if the case is that of a woman or a male under 15 years, they are not required to go to the police station. *The police officer must go to the place where the woman resides.*

When a police officer must search a woman, the search shall be made by another female with strict regard to decency. When an accused woman has to be examined by a doctor for evidence only a lady doctor or someone under her supervision should be allowed to do so. If an offender hides in the house of a woman, who according to custom does not appear in public, the police cannot enter the house or break it open without giving due notice to the woman and telling her to withdraw. When a summons, not be served on a person it cannot be served at his house even if he is not present in person. It cannot be served on a woman. Only an adult male member of the family of the person 'wanted' can accept the summons in such a case.

Pregnancy: If a woman sentenced to death is found to be pregnant, the High Court shall order the execution to be postponed. It may also commute the sentence to imprisonment for life.

Crimes in marriage:Sec. 198 of Cr.PC deals with prosecution for 'offence against marriage'. It provides that a complaint of bigamy may be filed by any person related to the wife by blood, marriage or adoption after getting the consent of the court. This helps the aggrieved, when she herself cannot take action.

Commission of Sati (Prevention) Act 1987:Sati was abolished in the year 1892 when it was decided that to burn oneself on the funeral pyre of her husband is suicide and abetment of the same amounts to murder. However, after the "Roop Kanwar case of Deorala in Rajasthan", the glorification of the gory incident, caused a great deal of turmoil and anxiety to the Government.An Act in this regard, empowers the state to take more preventive measures. If there is a possibility of such a happening, the law and order authorities can also take preventive measures.

The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse), 1994:In order to check the gross misuse of the pre-natal diagnostic techniques for purposes of identifying the sex of the fetus, the above act was passed by the Parliament in 1994, and followed by the enactment of a similar bill by the Maharashtra State Assembly, on 1 February 1988.

The Criminal Law (Amendment) Act-2013:On 16 December 2012 a female physiotherapy intern was beaten and gang raped in Delhi. She died from her injuries thirteen days later, despite receiving treatment in India and Singapore. The incident generated international coverage and was condemned by the United Nations Entity for Gender Equality and the Empowerment of Women, who called on the Government of India and the Government of Delhi "to do everything in their power to take up radical reforms, ensure justice and reach out with robust public services to make women's lives more safe and secure". Public protests took place in Delhi, where thousands of protesters clashed with security forces. Similar protests took place in major cities throughout the country.Six days after the incident, on 22 December 2012, the central government appointed a judicial committee headed

by J. S.Verma, a former Chief Justice of India, to suggest amendments to criminal law to sternly deal with sexual assault cases. The committee, which also included retired judge Leila Seth and leading advocate Gopal Subramaniam, was given a month to submit its report. The Committee submitted its report within 29 days, on 23 January 2013, supposedly after considering the 80,000 suggestions and petitions received by them during that same period from the public in general and particularly from jurists, lawyers, NGOs and women's groups. The report indicated that failures on the part of the Government and Police were the root cause behind crimes against women. Major suggestions of the report included the need to review AFSPA (Armed Forces (Special Powers) Act-1958), in conflict areas, maximum punishment for rape as life imprisonment and not death penalty, clear ambiguity over control of Delhi Police etc.The Cabinet Ministers on 1 February 2013 approved for bringing an ordinance, for giving effect to the changes in law as suggested by the Verma Committee Report. According to former Minister of Law and Justice, Ashwani Kumar, 90 percent of the suggestions given by the Verma Committee Report have been incorporated into the Ordinance. The ordinance was subsequently replaced by a Bill with numerous changes, which was passed by the Lok Sabha on 19 March 2013 as "The Criminal Law (Amendment) Act, 2013".

Conclusion: Constitutional provisions and legal enactments seem very assuring on paper; how far have they been practical and realistic? For instance regular media coverage and narration of traumatic experiences' belie this. Further Constitutional provisions apart, how efficient and sincere are the minions of the law –the enforcement agencies and those who mete out justice?There is a need to change chauvinistic male attitudes and abolish 'abhorrent' social taboos discriminating and demeaning women. It is also necessary to create awareness and the assurance to women that their voices will be positively heard and redressal guaranteed. But at the end I would like to pose this question; Is this possible at least in the near future..?

References:

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2. Equality before law The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.
3. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.
4. Vishal Shrivastava, Analysis of National Policy for Women Empowerment; Human Rights International Research Journal : ISSN 2320-6942 Volume 2 Issue 1 (2014), Pg 150-154
5. Nothing in this article shall prevent the State from making any special provision for women and children.

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6. Dr.Suresh Frederick, Perfect Protest: A Study of J.M. Synge's the Shadow; Human Rights International Research Journal : ISSN 2320-6942 Volume 2 Issue 1 (2014), Pg 155-157
 7. Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within 7 years of a marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death.
 8. Kidnapping, Abducting or inducing woman to compel her marriage, etc.
 9. Husband or relative of husband of a woman subjecting her to Cruelty.
 10. Another crime, which is more common, is eve-teasing or the penal code calls it insulting the modesty of a woman. This can be done in many ways-remarks, sounds, gestures or by exhibiting an object. The intention must be to insult her modesty or to intrude upon her privacy.
 11. Giving false evidence.-Whoever, being legally bound by an oath or by an express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, is said to give false evidence.
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