Statutory provisions for protections of women

Introduction:

The struggle for Indian independence and equal role played by women has contributed substantially towards their development and recognition of their rights after independence. The Indian constitution is the fundamental law in the country. The constitution of India was drafted during the same time period when Universal Declaration of Human Rights was drafted by united nations and therefore, Indian constitution is highly influenced by the human rights declaration. There are fundamental rights and freedoms granted, which governs equality, gender justice is established in the constitution. Apart from Constitution of India, the Code of Criminal Procedure,1973, Indian Penal Code, and the Indian Evidence Act, there are nearly 45 forty five legislations, which has a direct bearing on women.

There are many Acts which ensures the protection to women by granting various rights as well as remedies in case such rights are violated and women feels deprived of their rights.

National Policy for Women Empowerment:

Indian government has many taken steps and measures to make better progress in the status of women and in the same direction it has made a national policy as to how to entirely deal with various issues faced by women all over India. The Indian constitution guarantees to all the citizens the fundamental rights and gender equality. It also lays down fundamental duties and directive principles for the state. The various Articles of the constitution grants the right to equality to all but further permits the states to make the laws for the women by positively discriminating in their favour. Ours is a biggest democratic nation, and the under the frames of laws, we have tried to make the provision for safeguarding and developing the women.
There has been a paradigm shift after the fifth five year plan from 1974 to 1978 in handling the issues faced by women as well as their growth and in long run their development. For addressing the issue of women, the empowerment of women was considered as sensitive and main issue to be dealt. In 1990, by an Act of Parliament, the National Commission for Women was incorporated in order to make the legal provisions for women as well as safeguard their rights.

By way of amending the constitution of India the seats for women were reserved in political area. Such amendment came in 73rd and 74th amendment. It laid down the strong footage for women at various panchayat level, municipal bodies. It further increased the decision making power at the hands of women. There are many international conventions and human rights instruments made by United nations which commits to ensure and safeguard the equal rights to the women. India has also been signatories to these conventions and treaties like India signed (CEDAW) i.e. Convention on Elimination of All Forms of Discrimination Against Women in 1993., the Nairobi Forward Looking Strategies (1985), The Mexico Plan of Action (1975), the Beijing Declaration as well as the Platform for Action (1995).

India has without any reservations, been signatories to these conventions and thereafter also made various legislations for its prompt adherence. The Ninth Five Year Plan which made various commitments for empowerment and development of women was considered by the policy. The empowering development and various initiatives did took place and the credit goes to the women’s movement as well as the work of non-Government Organizations which have strong grass rooted understanding which took the initiatives for development of women. However, a ground reality still exists which clearly shows that there is a huge gap between the goals mentioned by India in its enactments, rules and ground realities. In 1974, Report of the Committee on the Status of Women in India, “Towards Equality”, has analyzed extensively. Over and above this, such policies are highlighted in Shramshakti report and the National Perspective Plan for Women in 1988-2000. Various report
showed that though we are placing various safeguards however, enforcement is an issue.

**Gender disparity can be visible in many forms, one of its is -**

i) Trend of declining ratio of female to men which is shocking

ii) Domestic violence faced by women

iii) Social rigidness

iv) Discrimination against girl child,

There are various practices, social and cultural rooted norms which are built in society and are therefore, gender inequality creates issues which are always difficult to resolve unless society changes.

Due to this women belonging backward classes, other minorities, Scheduled Tribes and Scheduled Castes have no access to basic amenities, facilities and others. Without which the development is reduced NIL with respect to women.

The goal and objectives of the various policies adopted by the nation is to bring the development and advancement for all the women. Objectives of the policy are as under in order to safeguard, develop and for better advancement of women.

(i) Creating such an environment social and economical by which women’s future is developed and they are also safeguarded from all types of violence.
(ii) Women to enjoy all the freedoms without any disparity which relates to their human rights and fundamental rights and freedoms, social rights, education rights, political rights.

(iii) Equal availability for the women, the right to participate in decision making at all areas i.e. political, social as well as at economical status of the nation.

(iv) Women should be freely allowed to have the access to the various facilities equal employment opportunities, education, health care, to hold public office, equal remuneration, safe work place etc.

(v) Strong legal system to be available for the women so that it can effectively eliminate all forms of discriminatory processes against women.

(vi) Men and women in order to bring the required positive change need to work together with hand in hand so that we have better societal attitude.

(vii) Gender perspective to remove disparity to be brought in the development for the benefit of the nation.

(viii) Strengthening of relations between various Women's organization and civil society so that women can obtain the necessary help.
National Commission for Women (NCW):

In January 1992, government formed NCW with following aims and objectives:

a) for reviewing legal safeguards and constitutional freedoms and rights for protecting women's rights;

b) for suggesting remedial measures in legislations;

c) for facilitating the redressal system made for looking into grievances and further suggest the Government on the issues / problems of women;

d) to do the role of surveillance;

e) to progress rapidly towards the development of women in the field of society and economy.

The constitution of a highest body for women was recommended by the many committees and the National Perspective Plan for Women in 1988-2000. Since it was a need of an hour in order to deal effectively with various issues faced by women as well as raise their concern and make review of the laws. Further to enact developmental laws keeping in mind the women's right. In the year 1990, there were discussions held by the central government with NGOs, social workers and experts, regarding the structure, its functions and powers to be vested with the commission. After much consideration, deliberations and discussions, the Bill relating to NCW was passed in 1990.
The commission was formed to perform the following functions with the objective of women’s development.

a. to make investigations as well as examination of cases which are concerning or relating to protection which law grants to the women

b. Report to be presented periodically as to how the work is carried out for safeguarding the women;

c. Recommending the various improvements to state and central government for making changes in the frame work so that women are safeguarded;

d. In case the commission finds any lapses in the existing laws, the NCW reviews the same and suggest the amendments.

e. Cases which are violations of Constitution of India or any other laws, the commission to raise such issues with appropriate authorities.

f. Suo moto taking note of the matters relating to the following:

i. Violations of rights available to women,

ii. Non-implementation of laws which are enacted for safeguarding women and reaching the equality for women;

iii. In case there are any policies which are not complied then NCW may approach authorities for clarifications.

iv. NCW will study and investigate into the various cases which are relates to mainly discriminations and violence. Further after such study, shall
find out the difficulties faced by them and thereafter make report on the recommendations for removing the same.

v. Research and promotional activities shall help in enduring that the women are represented in all areas.

vi. Identify factors which are responsible for impeding the development of women like, inadequate support system, lack of housing, risks relating to health and various others. After identifying the same. Take measures to solve such issues.

vii. NCW to take active participation in socio economic activities and render advice on the planning for the development of women;

viii After such advise been rendered, NCW may evaluate from time to time the step by step progress of the same.

ix. NCW to do the work of inspection of a remand home, jail which are made for women, any other homes or place where inmates are kept while they are in custody further in case it is found that some measures are required to be taken in the form of remedial measures, concerned authorities be contacted for such steps

x. Funding the cases which has issues relating to women at large extent.

xi. Make periodical reports. Such reports may concern the issues/problems faced by women.

xii To look into any other matter which may be referred to it by Central Government.
Powers vested with the NCW while investigations of any issues which are taken up by the NCW.

a) to issue summons and to enforce the attendance of any witness. The person may be called for examination from any part of India;

b) such summons or warrant can be issued so that any document can be taken in its records from any person;

c) NCW has the power to direct and receive evidence from the parties on affidavit, relating to the concerned matter;

d) NCW can issue the notice to make the requisition for obtaining copy of public records either from any court or any offices who is in possession of such document;

e) In order to examine the witness, NCW can issue commissions of member;

f) Government can give further any more powers to NCW so that it can work better.

Legislative Reforms:

There were many reforms carried out by the NCW in the area of violence in terms of rape and dowry related violence during seventies. These were of concerns during that era and caught attention of lot of public and media. Women’s issue were addressed at the time of legislative reforms in many ways. Many steps were taken to address the issues like, opening of counselling centres, legal help were offered to the needy and highlighted the issues faced by women by way of plays, songs etc.
Families who were involved in the crime against women were ridiculed by way of morcha. Further it was also understood that there is a burning need for the appropriate remedy to tackle the issue faced by women. After doing all this, NCW submitted their demands to the State and asked for changes in existing laws. All these efforts have resulted in some changes in the existing law i.e. the Indian Penal Code was amended and section 498(A) and 304(B) were included to effectively handle the crime against women who are married and faces abuses at the hands of their family. Dowry related law were also amended together with Indian Evidence Act.

**Sexual violence and reforms in laws:**

This was area of concern and law commission was entrusted with a responsibility of drafting new legislations after facing lot of agitations from all the women's group, the commission took the initiative, some important changes were brought in the Criminal law Amendment Act, 1983. However not all suggestions were accepted by the law commission. Though many changes over the period are made but it was of less help since such a strict punishment for the crime of rape had not done enough in reducing the rate of crime in rape. However, criminals are still not deterrent by even such a punishment.

**Weakness of NCW:**

a. There is no enough institutional mechanism to take care of the work of each of the commission which are formed in order to work on different aspect of issues of women.

b. Manner of working is ad –hoc by the commission. There is no continuity of work that is being done by the upcoming committees.
c. Each and every reports which are published does not mention the work done by the earlier Commission. It has no mention/record as to problems faced.

d. No records keeping and maintenance for action required/action taken or not/what are the next steps.

e. Pouring of large number of complaints which could not be efficiently handled by complaint commission.

f. Counsellors which were appointed for hearing of the complaints were not given proper place for hearing.

g. The Act does not specify the qualifications for member, number of members.

h. Commission had not visualised as to how the complaint unit need to work and function, what skills are required by the person handling the complaints.

i. How the complaints will be handled, as to perspective i.e. whether rehabilitation or reformative approach will be taken.

j. Top commission whose function is a reformative is busy in the complaint resolving.

k. Redressal of complaints at the commission, filed by various women was considered as a major task of commission. However, the manner in which this task was handled reveals a very rudimentary/ad hoc approach.
l. Infrastructure was not provided for handling of the complaints.

m. No goal were set and neither the strategies to achieve such goals were framed.

**Recommendations:**

a. There are lot of activities been done by the NCW. So much work with no infrastructure to handle the work, affects its performance of the commission. There is need for more decentralisation of each work handled by the commission.

b. NCW’s recommendations to various reforms, laws and policies needs to be given more importance.

c. Infrastructure needs to be developed so that NCW can concentrate on the most important work and handling of complaints can be done at a lower level of management.

d. At state level, district level the commission needs to open its centres so that adequate work can be allocated and distributed.

e. Decentralisation of a centralised commission needs to come in place so that more women can approach and take advantage of its work.

f. More power needs to be given to NCW so that it can exercise more control over the issues raised by it.

g. Goals needs to be specified and the strategies by which these goals needs to be achieved is required to be formulated.
Polices to be adopted and changes to be brought in the following areas:

Judicial Legal Systems:-

Women faces much of the violence which are also sensitive issue concerning domestic violence, inhuman killings, rape, torture, in such cases, our judiciary system is expected and must act more responsively in handling and dealing the issues of women. Further, either new laws to be enacted and more so reformed amendments to be done in the existing laws in order to ensure that women gets justice faster and further, the punishment should be equivalent to the offence committed.

Society/ community and religious leaders being stakeholder needs to give the full participation with object of introducing the amendments in the law relating to marriage, guardianship and maintenance, personal laws, divorce, succession. All these changes are requisite to eliminate the rampant discrimination / disparity in existence. So that violence can be eradicated which is faced by women behind the close doors.

In order to make gender equality, there is a requirement also to have the evolution in the property and inheritance of property laws which are owned by women. The percentage of women owning the property is almost zero and therefore there is a need to have a progressive laws on this aspect too.

Decision Making

To ensure the achievement of the goals for women's equality. The women is required to be given active role of decision making in all the areas whether be it political or social etc. All measures needs to be taken for guaranteeing the women the equal access to process of decision making. For achieving the said goal, women are required to be given reservations and a secured quota at legislative, corporate, executive, judicial, and other statutory bodies.
In order to achieve the women's participation, friendly policies is required so that women can be encouraged and the development process can smoothly take its initiation.

**Development keeping in mind gender perspective**

Development procedure at various level by ensuring the women's participation can be brought by different programmes to be put in place, policies to be made, as well as there should be adequate systems to enforce the same.

Women’s interventions would be sought in case where there are gaps in policies. There is also a need for coordination and viewing the progress on mainstream which ensures that steps which are taken are being implemented as well.

**Poverty Eradication**

Most of women are living well below the poverty line, facing the household issues as well as violence and discrimination by society at large. Eradication programme relates to such situation and helps and targets such concerns of women. There is required to be specific implementation of such policies which are already women oriented in direction to poverty eradication. For the development of women and to secure their empowerment, various steps are required to be done.

**Micro Credit**

Micro credit is an important credit option for women who are running small group of business. Women are required to be given easily available credit through banks and financial institutions; so that new development opportunities can be opened and further micro finance institution needs to open to deal with specific credit requirements of women. Such needs if
catered to, the same will definitely increase the development and empower the women.

**Globalization**

Globalization has put forth new challenges as far as the goal of women's right to equality is concerned. The globalisation’s effect on women has not been evaluated full to know the impact. A micro level study undertaken by the Department of Women & Child Development regarding clearly shows that policies needs to be reframed/ amended so that employment access and new opportunities of employment could be made out with gender perspective.

Globalization and its benefits of the global economy are not being evenly distributed, which results in bigger gaps of disparity, increase in poverty, more gender disparity often through worsening working conditions. Working conditions in rural areas and economies which are unorganised does have unsafe working conditions in terms of health hazards, security etc. There may be negative and social impact on women due to globalisation. In order to meet such conditions appropriate strategies is required to be drawn to ensure better participation of women and empowering them to deal with negative impact.

There is a need for some policies to be framed, programmes to be chalked out and mechanism need to ensure women's perspectives in the developmental process at various level. Women's interventions would be sought in case where there are gaps and policies. Further there needs to be monitoring system to actually measure as to how much progress has been made with regard to the systems which are to be created.

Due to all this, women's concerns will get priority in the laws to be framed, policies and plans which are being carved out which helps in the development of women.
Women and Agriculture

Role of women as a producer is critical role in the agriculture and many other allied sectors. There needs to be guarantee that training programmes are conducted and the same will reach them. There is a need to conduct a training programme in agricultural activities such as dairy, forestry and other. Such initiatives will help the women in becoming independent as well as it will groom their overall growth.

Education

Women are not given equal right to education. There is a need for equal right to avail the education. Progressive measures are required so that we can diminish and totally end the discrimination and illiteracy. We need to create a gender-sensitive educational system, girls to be more enrolled in schools and thereafter also ensure that drop out rates decreases.

Gap at higher education between male and females needs to be reduced. Education and other vocational guidance should be such that it develops the women.

Health

Heath of women is important nutrition wise as well as health services wise. Women keeping in view different stages of women's life cycle. Mortality rate at maternity level and infant mortality rate needs to be given special care to reduce the same. Affordable, easily available, comprehensive dealing with all the requirement of women's need, and quality health care to be made available to women.

Women should be able to make well informed decision regarding their reproductivity. Their concerns to be handled with a suitable measures.
Deceases faced by them to be met with medical help.

in order secure the gender justice to women, there is a need to tackle the AIDS and HIV illness by keeping in mind gender perspective.

**Housing and Shelter**

While planning for a housing colonies, women's perspectives is required to be built in. Affordable housing and provision to be made in the housing at urban as well as rural areas. Safe and secured housing to be provided to all the women whether she is working, single, student or apprentice.

**Mass Media**

There should be changes in the media and broadcasting laws and strict laws to be made so that content of media which shows negative images of women and girls can be removed. Media can reach large number of public and therefore, it can be used to portray women in a dignified and humaly manner. Violence shown against women needs to be reduced which gives the negative effect on the society.

Media being a very large industry, they should encourage a self restraint model of working. They should make their own rules and guidelines for their member partners and exercise restriction on their own contents without any intervention from the government. Such mechanism can reduce the gender disparity.

**Legislation**

There are many laws however, still there is a need to have great reforms in the laws. The entire structure of our existing laws are required to be reviewed. Further all the personal laws, tribal laws are required to be reviewed as well as policies and rules to implement the laws also needs
revision in order to eliminate all gender discrepancies which has a reference in these policies, cultural norms. Implementation of policies, legislations is most required and necessity of today. Changes in the legislation are required to be incorporated as per the changing norms of the society.
Following are the various measures required for implementing the laws effectively which is most needed in today's scenario.

a) Strict enforcement of all laws rules, policies which are made for safeguarding the women against abuses.

b) Justice delayed is justice denied therefore speedy delivery of justice.

c) Laws are to be made however, the same should have a focus on violence against women and gender based atrocity.

d) Special steps are required to be taken to prevent and also punish the offenders of the act of sexual harassment at employment. Such measures required in the organised as well as unorganised sector for providing the safe environment.

e) Equal Remuneration Act and Minimum Wages Act which are enacted to ensure elimination of gender disparity needs to be enforced strictly.

f) Regular review of various data relating to different crimes, investigation, detection, their incidence and prosecution at different forums, Conferences held by government at various level such as district, state and central.

g) Every registered organizations is authorised to make the criminal complaints on behalf of women to the concerned police station. Get the said complaints registered before police station. Investigate and defend or initiate the legal actions.

h) To eliminate violence and atrocities against women, to strengthen women's status, there is a need to open Women's Police Station,
Women's Cells in all the police stations, more mahila court, family Courts, Legal aid centres and enough of Counselling Centers.

i) Widespread of knowledge of rights available to women in order to spread awareness.

Gender Sensitization

All the executives, personnel of executives, judiciary, legislative wings needs to be trained for gender sensitisation. Keeping in view the different policies, programmes, training programmes for personnel needs to be undertaken. This programme must include personnel from judiciary, enforcement machinery, law enforcers etc. Following are the various measures which will include:

(a) Promoting awareness in the society towards gender based disparity, various women's human rights.

(b) Study course and materials to be reviewed and amended so that gender sensitisation can be improved with the students.

(c) There are derogatory references in public documents and legal instruments which are required to be removed.

(d) Media being large industry reaching millions of people therefore,
it should be used to spread message of empowerment and women are equal.

Panchayati Raj Institutions (PRIs)

The 73rd and 74th Amendments (1993) to the Indian Constitution has given a very big success in terms of ensuring equal access and increased participation in politics and implemented the structure which gives powerful structure for women. The panchyats came into existence and which enabled women to come in power and also raise their concerns.

The PRIs played a very important role whereby women’s involvement in public life has increased by many fold.

International Cooperation

The Indian government to take requisite and required steps so that commitments which are given at international level can be fulfilled. International obligations under Convention on All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC), International Conference on Population and Development which are ratified by India needs to be enforced in all sector in order to empower women.

Violence against women and Legal protection:

Under the Indian Constitution, women are being granted right of equality and further each state is delegated the responsibility to take up the measures which are positive in favour of women so that the negative impact caused by various disadvantages faced by the women in terms of social, education, economic, and political faced by women can be reduced. Fundamental Rights enshrined under the constitution gives equality for all the Indian
nationals as well as guarantees to protect everyone against any violation. It also prohibits discrimination to any of its citizens mainly on the grounds of caste, creed, religion, race, sex or place of by the Indian Constitution that simply means equal wage pay and employment to all.

Articles 14, 15, 15(3), 16, 39(a), 39(b)1, 39(c) and 42 of the Constitution are of specifically important in this regard.

(i) Article 14 ensures the equality before law for women as well man

(ii) Article 15(i) no discrimination by the state can be made against any one on grounds only of religion, race, caste, sex, place of birth or any of them

(iv) Article 15(3) power is delegated to the state to make any special law/provision in favour of women and children for their benefit which may be discriminatory.

(v) Article 16 guarantees equality of opportunity for employment to all

(vi) State is required to ensure that the equal remuneration is given to both man and women for the same work done.

(vii) Article 39(A) states that the state should take steps / measures to promote justice through out its territory, which can be achieved by equal opportunity. State should also provide free legal aid and also make a suitable legislation in order to ensure that no person remains without availing the justice in case the wrong done to him / her, due to other circumstances such as economic / financial / economical issues

(vii) Article 42 directs that state to ensure that appropriate working conditions at work place prevails further also to make the provisions for maternity relief for women
(viii) Article 46 directs the State to take measures in order to promote education and economic conditions of the weaker sections of the people. It is also directed to take positive steps to protect the people from injustice caused to them due to social situations, discriminations and exploitation.

(ix) Article 47 of the State to raise the level of nutrition and improve the standard of living of its people.

(x) Article 51(A)(e) to promote harmony and the brotherhood amongst all the people of India and to take steps to remove practices which are derogatory to the dignity of women.

(xi) Article 243 D(3) directs the state to improve the participation of women in public offices / authorities and in order to achieve that it was mandated that in panchayat election not less than one-third of the seats be reserved for women. Further also to keep reservation of not less than one-third of the total seats for the election of chairperson of the Panchayat. Such reserved seats be rotated to different Panchayats.

(ix) Article 243 T(3) also directs the state to ensure reservation for women in Municipality of not less than one-third of the total number of seats to be filled by direct election. Such reserved seats may be given to different constituencies by rotation.

Women are victims of many crimes like Robbery, Fraud etc. Crime committed against the women are known as Crime against women and classified mainly under two categories.
The Crimes defined in the Indian Penal Code (IPC)

(i) S. 376 Rape
(ii) S. 363-373 Kidnapping & Abduction
(iii) S. 302, 304–B Homicide for Dowry, Dowry Deaths or their attempts
(iv) S. 498 A torture, both mental and physical
(v) S. 354 Molestation
(vi) S.509 Sexual Harassment
(vii) Importation of girls who are upto 21 years of age

Rape:

The offence of rape is defined under section 375 of the Indian Penal code and the punishment for committing rape is defined under section 376of the Indian Penal code. Rape means whoever without the consent of a women or against the will of a women, has sexual intercourse with her is said to have committed rape.

Sexual intercourse by man with his own wife who is not a minor is excluded from the definition of rape.

A consent of a women when obtained under a threat by may be causing her a life threat or to any person who is important to her, such a consent has no value in the eyes of law and even though woman has consented, it will termed as a rape.
Further in case, the woman is of an unsound mind and she consents to sexual intercourse, the law does not consider the same as consent.

In case, women is under age of sixteen years of age, her consent is not a valid consent.

When the women is intoxicated state or in such a state of mind where she is unable to understand the consequences, such consent is not a consent.

**Punishment for an offence of rape:**

The Accused who has committed a rape is as per section 376 may be punished for a minimum imprisonment of seven years or life imprisonment or for a period which may extend to ten years and the Accused is also liable to pay the fine except in the cases where women is major is his own wife.

In case the women who has complained of rape is the person's wife, then the person may be punished for a imprisonment of upto two years and further fine may be imposed or both imprisonment and fine may be imposed as per the discretion of the court trying the offence.

The Court may impose the sentence less than seven years in a special circumstances by recording reasons in a judgement.

**In case:**

- any police officer
- public servant
- managerial staff
- jail staff
- hospital staff
commits a rape on a women who is in the custody / women is under 12 years of age / when women is gang raped, the rigorous imprisonment of ten years or the imprisonment for life and fine are given.

Abduction

Abduction means any persons when he / she is compelled to move out of any place by using force or by using any other deceitful way, is said to be abducted.

Punishment

Section 363:

The person committing the offence of kidnapping any person from India from its lawful guardianship, may be punished for a seven years of imprisonment and also be for a fine.

Section 364:

In case any person is kidnapped or abducted in order to kill or murder or to dispose of a person in such a way that the person's life is endangered, then the accused is proved guilty of the offence, he shall be punished with a rigorous imprisonment of ten years and fine also be imposed.

Such offences are only triable by court of sessions and they are non bailable and non compoundable.
Section 365:

In case any person is kidnapped or abducted in order to lock up a person secretly and wrongfully, the guilty person is punished with a seven years of imprisonment and fine.

Section 366.

In case any one women is kidnapped or abducted to force her to marry with some person against her wishes or she may be force into having an illicit relation, such a person / accused if found guilty shall be punished with a imprisonment for a period upto ten years and shall also be fined.

Further in case by criminal intimidation, compulsion or by any other means, a women is lured into leaving from any place so that she may be confined and forcefully married against her will or she is forced to have a illicit relation, then such guilty person using the criminal intimidation / compulsion is also punished with a imprisonment for a period upto ten years and shall also be fined.

Section 367.

A person is kidnapped or abducted so that he can be inflicted grievous hurt or be put to slavery, or to submit a person to other person's unnatural lust or the person may be disposed off for doing slavery / grievous hurt, the guilty person may be punished with a imprisonment for a period upto ten years and shall also be fined.
Section 368.

Any person while having a knowledge that a person is kidnapped and abducted but still conceals the said kidnapped person, a person who has concealed or confined a person, is also liable to be punished with the same punishment as if he himself has committed a crime of kidnapping or abduction.

Section 369.

Whenever any one kidnaps or abducts a child below ten years of age with an intention to seal any article / movable property from the child, the person guilty of committing such a crime shall be punished with an imprisonment of seven years with fine.

Section 370.

Any person who deals in person as a slave and for that purpose, confines, buys or sells, imports or exports any person against the will of such a person, such guilty person for offence of dealing in person as slave may be punished with an imprisonment of seven years with fine.

Section 371.

A person who is habitually dealing in the person as a slave and for that purpose, confines, buys or sells imports or exports any person against the will of such a person, such guilty person for offence of dealing in person as slave may be punished with an imprisonment of ten years with fine.
Section 372.

Any person dealing in minor person (below eighteen years of age) for prostitution or when a persons knows that a person who is kidnapped or abducted may in future be employed in the prostitution or the person may be disposed off for any unlawful act, the person guilty of committing such crime be punished with an imprisonment of ten years with fine.

Presumption:

The law makes some presumption while dealing with such crimes like when a girl under the age of eighteen years have been disposed of to a person who is in charge / control / manages a brothel / prostitute, it is presumed that the girl is disposed of with a knowledge that she may be used / employed for prostitution purpose.

Section 373.

Any person who deals, hires any person under the age of 18 years of age and further such person is having a knowledge that such obtained person can be used in future at any age / employed for the work of prostitution or when such person can be forced into illicit intercourse with any other person or for any other immoral activities, such person upon finding guilty, he may be punished with an imprisonment of ten years with fine.

Presumption:

Unless the contrary is proved, in case any person who is a prostitute or manages brothel/ controls brothel, deals or hires any girl under eighteen
years of age, the law will presume that such a girl is obtained for forcing her or employ her in the prostitution

The law takes cognisance of such act very seriously and once the fact is proved that a person who is a prostitute or manages a brothel and has obtained and the girl such obtained who is under the 18 years of age, that such a girl is obtained for the purpose of prostitution.

Section 302.

Whoever commits the offence of murder shall be liable for punishment of death or an imprisonment for a period of life term and also he may be fined.

Section 304.

When any person is found guilty of culpable homicide not amounting to murder, (meaning such a act is done by which a person dies or such a bodily injury is inflicted that the person is killed), the punishment of life term or a term of 10 years imprisonment may be imposed together with fine.

Further, in case a person does such an act which can cause a death and he is aware of such a consequences but not with an intention to kill the other person, or the guilty person has inflicted a bodily injury which can cause the death of the person, in such a circumstances, the person may be punished with a imprisonment of upto 10 years or he may be fined or both the punishment may be awarded.

Section 498.

When any married women is taken away, enticed and detained with criminal intention and person has knowledge that a woman is married to some person and still he takes away her from her husband or from any person with whom
the woman is under a care, in order to force the woman to have a illicit intercourse with the other person or detains the women with such an intention of illicit intercourse, the said guilty person shall be punished with an imprisonment of two years or fine may be imposed or both fine and imprisonment may be imposed.

**Section 498A**

In cases where, women is treated with cruelty by husband or relatives of her husband, the accused shall be punished for a imprisonment of three years and the fine may also be imposed.

Cruelty has been defined under the Indian Penal Code, 1860 as under:

When such an act is done by either a husband or relatives of husband which has made the women to commit suicide or cause physical or mental harm to herself.

Women is harassed because either she was unable to meet the demands of the family or any of her relative was unable to meet the demand which are unlawful like demanding valuable security or for any property

**Section 354.**

When any person uses on the women a criminal force or assaults her with the intention of outraging her modesty or such a person has a knowledge that an act done by him will outrage the modesty of women but still uses such criminal force or assault is liable to be punished with two years of imprisonment or the fine may also be imposed.
Section 509.

A person who speaks some words, makes a sound or does gestures, shows some object to the women with the intention that her modesty may be outraged further the persons has done some act thereby intruding the privacy of women, shall be punished with an imprisonment of a one year or the fine may also be imposed or both the penalty together may be imposed on a person who is found guilty under this section.

(1) The Crimes identified under the Special Laws enacted

Indian laws are mostly not gender specific. However, from time to time, the laws, and its various provisions which affects the women have been reviewed and amended. The amendments were affected in order to keep in line with rising challenges and new requirements. Following are the some of the Acts which has special provisions to safeguard women and their interests against various violence:

(i) Immoral Traffic (Prevention) Act, 1956
(ii) The Employees State Insurance Act, 1948
(iii) The Plantation Labour Act, 1951
(iv) The Family Courts Act, 1954
(v) The Special Marriage Act, 1954
(vi) The Hindu Succession Act, 1956 with amendment in 2005
(vii) The Hindu Marriage Act, 1955
(ix) Dowry Prohibition Act, 1961

(x) The Medical Termination of Pregnancy Act, 1971

(xi) The Contract Labour (Regulation and Abolition) Act, 1976

(xii) The Equal Remuneration Act, 1976

(xiii) The Prohibition of Child Marriage Act, 2006

(xiv) The Factories (Amendment) Act, 1986

(xv) The Criminal Law (Amendment) Act, 1983

(xvi) Indecent Representation of Women (Prohibition) Act, 1986

(xvii) Commission of Sati (Prevention) Act, 1987

(xviii) The Protection of Women from Domestic Violence Act, 2005
I. Protection of women from Domestic Violence Act:

With the increase in the domestic violence against women, which has become a global issue and the number of cases relating to domestic violence has increased. With a view to bring down the cases of domestic violence, in June 2000, during Beijing conference at New York, UN called upon all the nations to prosecute all forms of violence against women including marital rape.

Definition of Domestic Violence:

The United Nations model legislation on domestic violence defines violence as:

– All acts of gender based physical, psychological and abuse by a family member against women in the family, ranging from simple assault to aggravated physical battery, kidnapping, threats, intimidation, coercion, stalking, humiliating verbal abuse, forcible or unlawful entry, arson, destruction of property, sexual violence, female genital mutilation, violence related to exploitation through prostitution, violence against household workers and attempts to commit such acts.

Protection of women from Domestic Violation Act (PWDVA) does not define the domestic violence. However, the UN model defines the same and we have adopted the same in our legislation.

Section 5 of the Domestic Violence Act is enacted with object of well being of society. This legislation creates various mechanism, make available various assistance like social, legal, administrative and judicial to the women who faces domestic violence.
Section 5 is laudable provision of the Act. It creates responsibility of socio and moral turpitude on social organisations, legal fraternity, judiciary, enforcement authorities, medical to provide aid to the victims of the violence and also make them aware as to their rights.

Section 18 to 22 gives the different forms of relief which are available to victims of domestic violence only like order of protection issued on application, monetary relief pending the case, order for custody of a child, order for residence, and order for compensation in favour of women for interim relief. Section 23 gives interim relief upon ex-parte hearing.

Section 26 and 28 are very important provisions which can be used by the victim to get the relief by filing a case under the Act before any civil/criminal or family court and further entire procedure is mentioned as to how to dispose off the applications which are filed under the Act.

Sections 12, 13, 14, 15 and 16 of the Act deals with the procedures as to how to obtain the orders for relief. Some of the important points to be considered and noted are as follows:

i) Applications to the magistrates under section 12 of the PWDVA can be made in Form II as prescribed under the Act.

ii) Within three days of filing an application before the court, the date of hearing should be fixed. From the date of first hearing done by the court where such application is pending, the court there from should dispose off the case within 60 days.
iii) As per section 13 of the Act, protection officer should be given the notice for hearing of the matter which is required to be served on the respondent and the protection officer is required to file in court, the report of such service in the court

iv) Section 15 provides clarification submitting that an expert advise from service welfare be used by the magistrate in case of requirement.

v) Section 16 specifies that proceedings before the court may be held in camera.

Right to Residence:

i) Section 17 gives the right to a woman to reside in the shared household of the husband irrespective of whether she has right, title, interest in the property or not. Right to residence is a major section introduced in Act by the legislature. It further ensures that women should not be displaced or evicted from the shared household.

ii) Section 19 of the Act is a laudable provision, under the order of this provision, the respondent cannot dispossess the women from the shared house hold. Order can also be passed against the respondent directing him to remove himself from the shared household in cases where the women shows the prima-facie concerns over her safety however, no order can be passed against the women to evict her from the house.

iii) The domestic violence Act is enacted for the protection of the women and the releifs granted under the Act are in
addition to the various rights available to the women under different Acts which are prevalent.

Domestic violence Act is enacted for women only and therefore, it's a gender specific law. Aggrieved women, being a victim of domestic violence can avail of the relief under the Act. The Act specifically mentions that any aggrieved person as any women who is or has been in a domestic relationship with the respondent and who alleges to have faced violence.

Aruna Prasad Shah v/s. Union of India

In this case, the Delhi High court referred international treaties, which oblige the states to protect women against family violence, the judges concluded:-

Women’s conditions in India is dismay and pathetic, therefore, the same requires to be resolved on a urgent basis. The country need to take various measures to solve the problems faced by women.

There are at times, women are denied various reliefs on the basis that marriage is not valid due to some technicalities or that either of the spouse had existing marriage or some of the ceremonies are not performed. however, now all such women can seek reliefs under this Act. A man can now no longer take the defence that marriage was invalid and therefore, no maintenance can be granted to the women.

Sukrit Verma and Anr. V. State of Raj. and Anr., Rajasthan H.C.

Historically, women were subjected to the violence in various form which may be domestic violence or other forms of violence. This issue was taken up internationally and it felt the need for dealing with such
domestic violence. Thereafter in Viena Conference, it was directed to all the nations to take appropriate step to deal with the domestic violence.

Section 498-A of the Indian Penal Code deal with domestic violence however, in India we did not had any specific law to deal with the problem of Domestic violence. In order to confirm to international treaty and to deal effectively the problem of domestic violence, the Government enacted the Act in 2006. The Act is a social piece of legislation and therefore it should be given wider interpretation while deciding the cases filed under it.

At times after the relation between man and women are strained, women are thrown out of the home and they are left with no alternative in case parents does not support them. In order to protect such women, the Section 20 of the Act is enacted under which the women can claim compensation and maintenance. The Act has provided a very powerful tool in order to bring gender equality in economic terms.

**Gajendra Singh Vs. Smt. Minakshi Yadav and Anr. Rajasthan H.C.**

As a result of international conventions in which India is also a signatory, the Act came into existence. In India, domestic violence is rampant and in order to protect and safeguard the women against domestic violence, Parliament enacted the Act on 26.10.2006. The Act is a social legislation and therefore section 3 which defines the Domestic violence, if committed then Section 3 must be given the retrospective effect. The Act has recognized that women has right over the resources of her husband and she should be maintained and even she can not just be deprived of her residence.

Women are physically abused or threatened or they are denied financial/economical resources to lead their life. Such threats may have started prior to the Act coming into force however, it may continue after
the Act has come into existence, therefore, Section 3 must be given the retrospective effect in order to decided whether the domestic violence is committed or not.

**Manoj Wankhade Vs. Manoj Bhimrao Wankhade And Others, (2011) 3 SCC 650**

The Definition of Respondent as defined under the PWDVA Act, 2005 has been clarified in this case by Honble Supreme Court.

It was held that the Definition of Respondent under the Act refer to any adult male member who is in a domestic relationship with a victim/complainant. However, the legislature has widened its scope in order to include any male partner or a relative of the husband. It was held that legislature does not intend to exclude the female relatives or male partner from the purview of the definition of Respondent.

The Definition does not use the word as female relative of a victim however, it also does not even put any restrictive meaning that female are not included in the definition of a Respondent.

This Act has ensured all the women, a right to get the relief irrespective of the status of the relationship. However, we need to see in the coming years as to how this new law changes the entire system. As and when, the court passes new judgement interpreting the provisions, we shall be able to see the expansion in the paradigm of the law.
II. Dowry Prohibition Act, 1961:

One of the social evils confronting the Indian society is the culturally robust system of Dowry demands. Dowry means any consideration either in cash or kind given by the bride's family to the groom for marriage. Social activists strongly feel that dowry is a major cause of increase in violence being faced by women. In order to protect the women from dowry menace, the Government enacted Dowry Prohibition Act, 1961. The Act was thereafter amended as well in order to punish the offenders more stringently. The Act made amendments thereby shifting the burden on the person who has either taken the dowry or abetted to the offence of dowry to prove that no demand of dowry is made.

i) Section 3 makes giving and taking of dowry both as punishable offences.

ii) Section 4 A - Advertisement for giving and taking of dowry for marriage is made as punishable.

iii) Agreements as well as negotiations relating to dowry is punishable.

Section 304 –B of Indian Penal Code (IPC):

Indian Penal code which specifies various offences and punishment for such offences has also made provision for protection of women from cruel crimes. Section 304 –B of IPC is in addition to the rights and relief granted under the Dowry Prohibition Act.
1) In case women dies under suspicious circumstances within seven years of marriage, due to burns or any injury caused on the body or commits suicide. In such cases, if it is proved that the women was made to suffer physically, mentally, faced harassment by her husband or by any one in the family before her death for the dowry demand, such death shall be called Dowry death. Further the death shall be caused by a husband or relative who has caused her harassment or demanded the dowry.

2) The punishment for dowry death for the offender as prescribed under the Act is minimum seven years and which may extend to the imprisonment of life

**Ingredients to construe dowry death are as under:**

a) when women dies under unnatural circumstances with in seven years marriage;

b) dowry demands are made and harassment is caused to the women;

c) there is a statutory presumption u/s 113 B of Indian Evidence Act, which makes presumption that either a husband or any family member has caused the death of a women, when any women dies under suspicious circumstances within seven years of marriage. Such presumption is drawn by a law against the husband and other member of the family.
Inquest by Executive Magistrate:

In order to effectively handle the menace of dowry related crimes and deaths, section 174 of the Code of Criminal Procedure, 1973 came into existence which deals with for conducting inquest by an executive magistrate and to order the compulsory post-mortem in all cases where women dies within seven years of marriage under the abnormal circumstances or committed suicide.
III. Child Marriage (Restraint Act), 1929:

Child marriage as we are aware, is the most awful form of violence against women. In India mostly the children while in cradle are married and in case due to high mortality rate, the boy child dies, then in such an event, the girl child who is not even aware whether she was married is forced to live the entire life as a widow.

In order tackle and deal with such a menace, the Child Marriage Restraint Act, 1929 was enacted. The law is aimed at restraining the solemnization of child marriages by the parents. Under the law, the male child below 21 years and girl child below 18 years is defined as a child. Under this Act, it banned all the child marriages. The adult male getting married with a female child is an punishable offence and can face the imprisonment upto 3 months and also fine or both such punishment can be levied.

The act is stringent and it also punishes the parents and guardians as well to who are found guilty to get marry children. Further, the police officer has to obtain permission from first class magistrate to try the offences under this Act.

The Act also stated that the marriages performed in violation of the Act are not void but voidable at the option of the parties upon attaining majority. The law is also applicable to Muslims.
IV. Hindu Marriage Act, 1955 / Special Marriage Act

Hindu Marriage Act specifies the age limit for marriage for adult, being male adult above 21 years and female being above 18 years of age thereby giving the effect to the provisions of Child Marriage Restraint Act.

The Act provides that in matters relating to the custody of children, the children's consent and wishes are required to be obtained and considered.

Section 9 of the Act provides various grounds for restitution of conjugal rights it means that if any of the partner leaves another one and stays separately and does not stay at matrimonial home, this particular remedy allows legally to call upon the another to restitute the conjugal rights thereby come back to the matrimonial home.

The Act specifies and lists down various grounds for divorce which are available to both the parties.
Special Marriage Act:

Under the Special Marriage Act, a uniform law governing marriage and divorce are specified. Any marriage may be solemnized under the Act after fulfilling the conditions specified under the Act and they are as under:

a) The male should be above 21 years

b) The female should be above 18 years

c) The parties to the marriage are required to give one month's notice

d) Any party may object to such marriage prior to completion of the one month notice raising objection on the ground that it may contravene the provisions of the Act.

e) Parties are free to exercise any religion of their choice. However, if the parties get married under this Act for the purpose of their marriage related rights including divorce will be governed according to this particular Act. Accordingly, A muslim getting married under this Act is prohibited further from getting married to any other women.

f) The Special Marriage Act also provides for divorce by consent
V. The Guardianship and Wards Act, 1980

This Act is applicable to all communities except Hindu and Muslims. The Act recognises the right of the father as a natural guardian unless fit to become the same. The courts are given wider powers however, the court must bear in mind welfare of a child which is foremost and over and above everything.

The Act defines the minor as one who is below 18 years. The court may appoint the guardian for minor on application from a relative, friend however, in case he fails to perform his duties continuously, such guardian may also be removed. In case the minor is old enough, the court may consider his preference in terms whether he wants to stay with a mother or a father.

Hindu Minority and Guardianship Act, 1956, the father is considered as the natural guardian. The mother is given the custody of a child based on tender age theory.

a) section 6 of the Act, allows the custody of a child of five years.

b) the guardian of a illegitimate child is mother.

c) In case of a married girl, her husband is considered to be her natural guardian.

d) Custody is granted during the pending matrimonial dispute between the parents.

e) The courts have changed the traditional theory of father being a natural guardian. The court has now leaned towards the theory and concept of welfare of child. Whenever, there is a conflict of paternal
rights and welfare of child, the welfare of child is given importance. In special circumstances, the court has allowed female to be natural guardian.

**Gita Hariharan Case:**

Supreme court held that the society is changing and therefore, gender equality as enshrined under the constitution of India is to be followed then women cannot be denied the custody of the child. Women cannot be held, ineligible to become a guardian of a child during the life of the father. Such gender inequality cannot be allowed if the fundamental rights need to be ensured for all.
VI Hindu Adoption and Maintenance Act, 1956

a) Minor is defined as a one who is below 18 years of age.

b) A Hindu male or female either single or widowed can adopt the child below age of 15 years (a Hindu male needs to take the permission/consent from the wife). However, married female is not allowed to adopt the child.

c) The one more condition which is very important is that in case the child and the guardian are of different gender, there should be an age gap of 21 years between them.

d) The consent of the child is also required to be considered. In order to restrain and avoid any kind of trafficking, the Act prevents any kind of payment to be made for adoption of a child.

Custody and Guardianship under Islamic Law:

a) Under muslim law, the father is the sole guardian of his children. However, mother has a prime right to custody of minor children.

b) The law under shia and hanafi are different with regard to the child's custody. Under Shia law, the mother is given custody till the male child attends two years of age and till seven years in case of female child.

c) Under hanafi law, mother is entitled to custody of male child till seven years and the girl child up to the age of puberty.
Maintenance Rights:

After a considerable women’s movement, the Indian government amended the old section 125 of the Code of Criminal Procedure by introducing the amendment Act, 2001. The amended Act removed the very old provision which had provided the ceiling of Rupees Five Hundred as maintenance.

The amended Act, 2001 gave wider scope to the Magistrate in order to reward the maintenance either interim or final as the case may. The magistrate could take exercise his discretion in awarding the maintenance on reasonable grounds.

Under section 125 of the Act, a divorced women, children, aged parents can seek maintenance. They should make an application before the magistrate and the court should decide on such application within sixty days from the date of notice served on the parties.

In case there are change in the circumstances, the party can make appropriate application and thereafter, the Magistrate can change the monthly maintenance or interim maintenance. Under normal circumstances, once the notice is served on the person from whom the maintenance is claimed, the application should be finally decided within sixty days.

Divorced muslim women’s maintenance rights

There was lot of hue and cry after Shah bano’s case. The Muslim Women (Protection of rights on Divorce) Act, 1986 was enacted in order to give the maintenance right to muslim women and also to the children of divorced women. The Act provided the very limited rights to women and children.
As per the Danial Latif case, the supreme court held that a muslim husband is liable to make the reasonable provision for maintaining his wife beyond the iddat period in terms of section 3(1) (a) of the 1986 Act.

The Act extends to a divorced women who has not remarried and who is not able to maintain herself after iddat period can move an application for claiming maintenance under section 4 of the Act from the persons who are relatives and who are liable to maintain her.

If the relatives are not able to maintain her then the magistrate may direct the Wakf Board to pay the maintenance to women.
VII. Immoral Traffic (Prevention) Act, 1956

On 9th May, 1950, India signed the Convention on prevention of immoral Traffic at the New York. Pursuance thereto, India enacted the law on Immoral Traffic (Prevention) Act, 1956. The convention for the Suppression of the Traffic in persons and of the Exploitation of the Prostitution of others, 1950 was designed to punish the financiers, managers of the brothels as well as those who rent out the place for the purpose of prostitution.

Article 1 of the Convention mentions that, each state who ratifies the convention, need to make provision for penalising any person who encourages any one for prostitution or does exploitation of a person for prostitution even with the consent of a person is a punishable offence.

Article 2 specifies that the State should punish the person, who manages, gives the finances or manages the brothel.

Article 17 obligates on the States and the states have undertaken the duty to take such measures in its own country to punish any type of prostitution / traffic of either sex in terms of the convention. The Immoral Traffic Prevention Act per se has not defined the trafficking in human beings.

Trafficking in human being is most fastest growing trade for economic reasons. The people trade in such activity for economic gain and employs all the resources to get the benefits. Generally the humans are trafficked from rural poor states to urban conglomerates for economic gain.
However, it not always true that people are transported only from one poor state to urban, it can also be to another poor state for the reasons of finance. Trafficking in human beings is a one of the issue concerning human right. It violates the very fundamental rights of each human being.

Trafficking in person not been defined in the Act, the globally adopted definition has been taken from the United Nations Convention against Transnational Organised Crime (Trafficking Protocol) was adopted in 2000.

The definition of Trafficking which is adopted globally is as under:

— Trafficking in person shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

This definition is very wide to include not only the transfer of a person for trafficking but also the recruitment of any person for such a purpose is also included in the definition of trafficking and the same is punishable.
There are various punishments which are being inserted in the Act:

1) **For keeping brothel:**

Section 3(1) of the Act lays down that if any person manages in any way the brothel, then such a person is liable to be punished with not less than two years of imprisonment. Further the punishment of two years may be extended to three years and also be fined with an amount of Rupees Ten Thousand.

In case the offender, commits the crime once again, then in such an event, the crime is punishable with a imprisonment of not less than three years and the same may be extended upto seven years. Further the court may levy the fine of Rupees Two lakhs.

In case, any person allows his property to be used as brothel, he shall be punishable with an imprisonment of two years and with the fine of rupees two thousand. Thereafter, in case the offence if repeated, the person shall be punished with a imprisonment of five years and shall also be fined.

2) **Punishment for living on the earnings of prostitution:**

Section 4(1) of the Act lays down that a person above the age of eighteen years, knowingly lives on the earning of the other person which is earned by way of prostitution than such a person is punished with a imprisonment of one year and fine of Rupees one thousand or with both.

Further, if it is proved that the child has earned from the prostitution and a person is living on such earning then the person is liable to be imprisoned with seven years of imprisonment which can extend upto ten years.
E.g.: The presumption is that any person who is above 18 years who continuously lives with a person who is in prostitution or any person who abets such activity, it is presumed that such person is living on the earnings out of prostitution. Such presumption can be drawn when husband is living with a women, who is earning out of prostitution.

3) Procuring inducing or taking person for the sake of prostitution:

Any person if induces or brings either with the consent of such person or without the consent and pushes the later one into prostitution than such offence is punishable with imprisonment of three years which may extend to seven years and with fine. Law further specifies that if the victim has been made to do prostitution without such persons consent, then offender is punishable with fourteen years of imprisonment.

There is also a provision for keeping the rescued women in a protective home. The state governments can create as many as protective homes as desired by it. The state government can also issue license to any person or authority to maintain such protective homes/ corrective homes. Such person/authority should adhere to various conditions laid under the license.

There are other relevant Acts which addresses the similar issue of trafficking in humans in India which are as under:

(i) The Karnataka Devdasi (Prohibition of Dedication ) Act, 1982

(ii) The child Labour (Prohibition and Regulation Act) 1986
(iii) The Andhra Pradesh Devdasi (Prohibiting Dedication) Act, 1989

(iv) Information Technology Act, 2000

(v) The Goa Children’s Act, 2003

(vi) The Juvenile Justice (care and Protection of Children Amendment Act, 2006

(vii) Bonded Labour System (Abolition) Act, 1976

(viii) Indecent Representation of women (Prohibition) Act, 1986

(ix) Transplantation of Human Organs Act, 1994 and

(x) Prohibition of Child Marriage Act, 2006
VIII. Maternity Benefit Act, 1961

The object of maternity Benefit Act is to provide protection to the women and her dignity of motherhood. It ensures that women gets healthy life and her child too while she is on maternity leave. With the modern age, such maternity benefits are becoming usually common since corporate world is growing and so even the women employees.

The Maternity Benefit Act was enacted, to give justice and also to improve the health of to women workers working in mines, plantation, unorganised sector. Prior to this act coming in force, there was no other act on this subject and particular aspect of women.

"THE MATERNITY BENEFIT ACT, 1961 (53 OF 1961) received the assent of President on 12th December, 1961 with a noble goal to provide maternity leave and benefit to women employee.

Its an Act to regulate the employment of women in certain establishments for certain period before and after child-birth and to provide for maternity benefit and certain other benefits.

Silent features of the Act are as under:-

(a) this Act applies to all the establishments of any type.

(b) it applies to all the shop / establishment, where ten or more persons are working.

Government can make this Act applicable to any establishment which is not currently under the preview of this Act.
Employment of or work by, women prohibited during certain periods.-

(I) Employer shall not with the knowledge, employ, any women for any work in the establishment immediately during the six week immediately following after delivery, abortion or miscarriage.

(2) Women also shall not work immediately during the six weeks immediately following after delivery, abortion or miscarriage

(3) Employer shall not force the women to do any strenuous work which may affect the development of a child, or interfere in the normal growth of a child, during her pregnancy, when women makes such a request for not making her to do such work.

(4) Right to payment of maternity benefits.-

Women who is on her maternity leave is entitled for the maternity benefits for the period during her absence. Further employer is made liable under the Act for such payment.

Only in case, the women has actually worked for eighty days in the preceding twelve months, can claim the maternity benefits from her employer.

5. Notice of claim for maternity benefit and payment thereof.-

(1) Women who was on maternity leave and who has not worked in any other organisation / establishment during her absence, she may issue the notice to the employer demanding for payment of such maternity benefits which she is entitled to receive. She may appoint any nominee to receive such benefits from the employer.
(2) In case, at the time of giving the notice, the women is pregnant, she need to state in the notice as to the number of days, she will remain absent from the work.

(3) Women who have failed to give the notice during her pregnancy, she may give notice as soon as possible for her after her delivery.

(4) Employer shall upon receipt of the said notice, approve her leave for which she is entitled to receive the maternity benefits.

(5) Whatever, the women is entitled prior to her delivery should be paid to her before her delivery of a child and thereafter as soon as the proof is produced that the women has delivered a child, her benefits which she is eligible after the birth of child, may be released to her.

(6) In case the women fails to give the notice to the employer, it does not mean, she becomes in eligible to receive her benefits. Inspector may pass the order for payment upon the women's application or inspector may order the payment.

6. **Payment of maternity benefit in case of death of a woman:**

The women who is entitled to receive the maternity benefits under this Act, if she dies due to any reason, the benefits may be paid to the nominee appointed by her to receive such benefits under the notice, or in case nominee is appointed then her legal representative are eligible to receive such benefits.

7. **Payment of medical bonus:**

In case, employer does not provide any pre- natal care or post natal care to a women free of charge then women is eligible to receive the medical bonus.
8. **Leave for miscarriage:-**

In case of miscarriage or medical termination of pregnancy, a woman shall, on production of such proof as may be prescribed, be entitled to leave with wages at the rate of maternity benefit, for a period of six weeks immediately following the day of her miscarriage or, as the case may be, her medical termination of pregnancy.

9. **Leave:-**

In case of tubectomy operation of a woman, illness due to pregnancy, premature birth, termination of pregnancy etc, a woman shall be entitled to leave for weeks in case of tubectomy operation and leave for one month in case of other reasons on production of the necessary proof of such illness.

10. **Nursing breaks.-**

After a delivery of a child, women shall be allowed to take a break for rest as well as break for nursing the baby up till the child attains the age of fifteen months.

11. **Dismissal from work of women while she is on leave**

While the woman is on maternity leave, it is not lawful for employer to terminate her services because of her absence. Such dismissal will not restrict her right to receive the benefits under the Act.

Provided further that, if the employer has dismissed the women due to gross misconduct then the same may be informed and thereafter she may not be entitled to receive the benefits or bonus under the Act.

Any woman who is deprived of receiving the medical bonus or maternity benefits, then she may file appeal within sixty days from the date of the order / decision. Such decision of appellant authority is final.
IX. Sexual Harassment at workplace:

In the leading case of Vishaka V/s. State of Rajasthan, the supreme court defined sexual harassment and the same is as under:

Sexual harassment includes unwelcome sexually determined behaviour whether directly or by implication as:

a) physical contact and advances;
b) a demanding or requesting a women for sexual favour;
c) remarks which are sexual in nature;
d) showing pornography;
e) unwelcome conduct of sexual nature either physical, verbal or non-verbal.

In case a women feels and apprehends that if any of the aforementioned act are committed than such act may affect directly her receipt of salary payment, honorarium. Such apprehension may arise in government, public or private enterprise may also amount to humiliation at workplace and further it can cause health related issues and safety of a women which is a biggest concern. Such conducts amounts to sexual violence at workplace.

Such act by the offender gives the reasonable grounds that makes a women to believe that if she raises her concerns or objects she may loose on her salary or job/ employment and she also may not be treated properly and the work environment becomes hostile.

Supreme Court framed various guidelines, in this particular case, in order to safeguard the women from sexual harassment at workplace.
In India, the civil remedy provides very little relief to the victim. Civil law is broadly falls into two categories i.e. statutory and common law. Common law is based on various judgements passed by the judiciary. Whereas on the other hand statutory law is based on various acts passed by the legislations. In India there was always a need felt to have separate law on sexual violence at workplace.

Just recently in December, 2013, the law on sexual violence at workplace is enacted i.e. Sexual Harassment of women at workplace (prevention, Prohibition and Redressal), Act 2013. But one of the important question which arose was why did we felt the need of such a law when the supreme court has issued guidelines and accordingly, a common law was in place before the Act was passed. There were many reasons behind the enactment of altogether new law dealing exclusively on the subject matter.

**Various reasons which led to the enactment of the new law were:**

i) poor awareness amongst various states about the supreme court guidelines;

ii) states failed to amend the local laws, the internal committees were not formed as required under the guidelines.

iii) as per joint parliamentary committee which reviewed the Bill on the Act also reported and observed that no official data is available on sexual harassment at workplace.

iv) most importantly, the implementation was very poor.

The responsibility was upon the employer to prevent and redress the sexual violence however, the same failed since:
i) no committee were formed as required, the committee and all plans existed on paper,

ii) when the case was reported, the employer came into action;

iii) even if the committees were formed they were not functional; sexual violence were reported and they are under reported;

iv) disbelief in women when she complains;

v) resistance to acknowledge the complaints of sexual violence;

vi) lack of value to the women as employee.

**Silent features of new Act:**

1) Section 2(n) defines the sexual harassment. Further, the definition includes the unwelcome act of the following nature:

   a. physical contact and advances;
   b. a demanding or requesting a women for sexual favour;
   c. remarks which are sexual in nature;
   d. showing pornography;
   e. unwelcome conduct of sexual nature either physical, verbal or non-verbal.

2) all women are included:- it mentions that no women shall be subjected to sexual harassment at any workplace.

3) By an order in writing, an internal complaints committee shall be formed.
4) within three months from the date of incident, any women can make the complaint to internal committee in writing.

5) Before initiating the enquiry, in case women request to settle the matter, the internal committee shall in order to settle the matter take steps.

6) In case, upon findings of the internal committee and upon conviction by the court, the court may award the compensation to the women.

7) Powers which are vested in civil court are also vested with internal complaint committee or local committee.

8) Within Ninety days from the date of registering the complaint, the committee shall conduct inquiry and complete the same.

9) Aggrieved person can be transferred or the accused can also be transferred as requested by the aggrieved person.

10) Report to be submitted by the employer as to whether recommendations by the committee are implemented.

11) in case the complaint is proved, committee may recommend various reliefs or in case its proved to be malicious women can be punished.

12) Right to information Act, 2005 does not apply to the contents, findings, inquiry made in the complaint.

13) Various duties are enlisted in the Act such as to provide safe environment to the women, inform all the employees about the
consequences which can be faced by them for not adhering to the guidelines,

14) District officer to monitor the timely submissions of reports and engaging NGO to spread awareness regarding the rights of women at workplace against sexual harassment.

The enactment of such Act is a progressive step in order to protect the women from sexual violence at workplace and the rights are given now under the law to get the relief.

**Effects of the enactment:**

Various companies have started revising their policies on sexual violence at workplace.

Ramesh Shankar, executive VP-HR, Siemens India, does not forget to do when he travels across the multiple locations of the organization. He continuously takes feedback from women employees whether they consider the company as a safe place to work. Any suggestion from these employees on safety aspects is welcome.

While such actions may instil confidence in women employees, what is further reassuring is the fact that the new Anti-Sexual Harassment at the Workplace Act and Rules have come into force from December 9, this year, which every company would have to comply.

Non-compliance would subject a company to a fine of Rs.50,000/-. While this amount is a pittance compared to the kind of turnover some of the large companies generate, the question that is being asked is whether these norms are being followed not just in letter but in spirit as well.
Some companies, which may already have in place anti-sexual harassment policies, may still find that one or two steps are missing and are swiftly moving to tie up these loose ends. RPG Enterprises is in the process of appointing a sexual harassment committee in line with the new rules. "Till now, the committee was a part of the RPG corporate governance and ethics committee and will now hold a separate identity," said Arvind Agrawal, president, RPG Enterprises.

Some other companies have proactively gone beyond what is mandated by law in the constitution of committees. Siemens and Hindustan Unilever (HUL) have designated the external independent woman member as the chairperson of the committee. "We are hopeful that this will inspire further confidence to escalate complaints," said an HUL spokesperson. Deutsche Bank has what it calls ‘first points of contact’ or FPOCs, who are nominated women employees, making them more approachable by staff across levels. The responsibility of FPOCs is to immediately escalate any issue to the complaints committee.

"With the Act coming into place, we have intensified our employee communication and have devised various mandatory training programmes to sensitize colleagues about sexual harassment," said Makarand Khatavkar, head, HR, Deutsche Bank India, who believes the new rules do not really entail any significant change for the current Deutsche Bank policies, which have been compliant with the Vishakha guidelines since 2010.

However, Deutsche Bank, India is aware of the fact that provisions of the new rules extend not just to employees but also to external stakeholders interacting with its employees, i.e. customers, vendors, visitors, interns. The guidelines are not limited to the office premises alone — they also apply in any outside locations such as client
meetings, off sites. These nuances have now been incorporated into our internal policy and vendor contracts," said Khatavkar.

Section 4 of the Act requires that the internal committee shall comprise a presiding officer, who shall be a senior woman employee.

**The internal complaints committee shall have:**

a) two members from employees;
b) one external member from an NGO or association

Half of the members of the committee shall be women. Members shall have either legal knowledge or have work experience in the area of women or in social work towards women’s rights.

A Procter & Gamble India spokesperson said the company is fully supportive of the new regulations that will only help to further ensure that all workplace environments are conducive to the success of women in business. "We already have robust policies on appropriate business conduct where we also provide the necessary tools and forums," said the spokesperson. Even as companies introspect on these regulations, given the raised pitch against sexual harassment in the recent past, experts have picked on a few glaring holes in the new rules, some of which could have been filled.

For instance, a pertinent recommendation of the Justice Verma Committee, which had looked into issues relating to sexual harassment against women, has been ignored. "Instead of calling upon companies to set up internal committees an independent employment tribunal could have been set up to receive and address all complaints of sexual harassment," said Shwetasree Majumdar, co-founder of Fidus Law Chambers. "This tribunal would have ensured parity of decisions across companies," she said.
There is also wide amplitude and discretion in the hands of the internal complaints committee because a range of punishments (from written apology to termination of services) are prescribed under the rules for the offender, who has been held guilty by the complaint committee.

The rules, according to Vikram Shroff, head HR Law, Nishith Desai Associates, international legal counselors, do not provide clarity on whether an organization can have the flexibility to set up a complaints committee centrally (for example at its head office) in case it has multiple offices within a city or in the country. HUL, on its own, has constituted six committees that cover all its workplaces across India under this legislation.

Moreover, the fees payable to the external committee member for holding the proceedings, said Shroff, appear very low (Rs. 250 per day plus reimbursement of transport cost). This may discourage NGOs from active participation on this important cause, he said.

SAFER WORKPLACE is the motive behind this enactment and each organisation/company need to strictly follow the rules made thereunder.
X. COMMISSION OF SATI (PREVENTION) ACT, 1987

Sati system was prevalent in many custom where women is forced to burn herself alive or bury herself along with her deceased husband. It was very inhuman practice was going on since many ages and women were left with no alternative to live their life but to die with the husband.

In order to effectively handle such a practice, the Act was enacted so that sati practice can be ended and women may get the life with dignity to live. Various punishments are defined under the Act.

Section 3 of the Act:

Any women who attempts to commit sati or she takes any steps towards commission of SATI, such a person shall be punished with a imprisonment of one year and with fine and she may also be punished with both imprisonment and fine.

What is important for the court is to consider the state of mind of a women, the situation under which she decides to take such a step and all other relevant factors also required to be considered.

Section 4

Any person who abets the offence of commission of SATI whether by any direct means or indirect means, such a person shall be punished with a imprisonment for a life term and with a fine.

Any person abets the attempt to commit sati in such a case, the abettor shall be liable for imprisonment for a period of life term and fine.
There are following examples of attempts to abet the commission of SATI:

1) In case the women is induced to get herself burnt with the pyre of her husband along with some article which is a memory of her husband. The women may be under a intoxication or she may be in such a state of mind that she is unable to take the right decision. The attempt to abet a person to commit sati is an offence irrespective of whether women is able to take the decision or not.

2) Women is made to believe that in case she commits the sati, she and her family will be benefited and its for their well being.

3) Widow is encouraged that she must remain on her decision to become sati.

4) In case any person takes part in the procession to take a women to the ground where husband is about to be buried or burnt.

5) Any person who remains present at the ceremony where women is about to commit sati.

6) In case a women is trying to save herself from the fire, the person obstructing or stopping such an attempt to obstructs.

7) Any person interfering with an attempt to save women by a police authorities.

Section 5:
In case any person is found guilty of glorifying the SATI, the person shall be liable punishment of a imprisonment of a minimum period upto one year but the said period may also extend upto seven years.

**Powers which are given to the collector or district magistrate (DM)**

1) Can issue the order prohibiting the act of commission of crime where the collector / DM is of a opinion that an act of commission of crime of SATI may take place.

2) Collector / DM may also order restricting / prohibiting the act of glorifying the act of SATI by any person or group of persons.

3) Further in case, any person does not follow the order of collector / DM, he shall be punished with a term upto one year but the same may extend to seven years along with fine to be levied.

4) The state government may remove the temple or any structure by passing a necessary order in case the temple / structure is more than twenty years old and it comes to the knowledge that the people are doing some activity for worshiping the SATI.

The state government may take the help of local police authorities to remove the structure in case the order for removal of temple/structure is not followed.

The DM / collector may further seize any property in case, there is any circumstances by which suspicion arises that the property or fund are collected to glorify the event of SATI.
Section 18.

In order to curb the offences of SATI, it was enacted that when a person is convicted under the offence of commission of SATI, a person is not entitled to inherit any property which he might inherit on the death of a husband or on woman becoming a SATI.
XI. THE INDECENT REPRESENTATION OF WOMEN (PROHIBITION) ACT, 1986

This act was enacted to prohibit the indecent representation of women in any form of communication like advertisement or any publication or in any other manner.

Section 3.

Prohibition

There is a prohibition levied under this Act upon any kind of publication through which women is represented indecently. The person should in no way take part in arranging any exhibition or publication where women figure is represented indecently.

Section 4.

There shall not be any production or circulation, distribution of any data in any form and manner which has women figure indecently represented.

This prohibition may not apply to the following cases:

a) where such film, photograph is of a general importance than the prohibition is not applicable;

b) When such painting or data in other form is kept only for religious purposes

c) Where ever, the Act on Ancient monument sites and Remain Act applies

d) In case any temple or car is used for carrying the idols or keeping the same.
Power of Authorised Gazetted Officer:

a) Can enter and search the premises with the help as required in case, he is of a view that the offence under this Act may be committed or has been committed.

b) The authorised gazetted officer in case, he feels that any offence has been committed, can seize any articles, books, publications or any other form of data which form part of the offence.

c) The authorised gazetted officer may examine all the data which is found on the site and can seize them if it is felt that such data will be useful for leading the evidence.

Section 6.

Any person found to be guilty under this Act for the first time shall be imprisoned with a term of upto years and a fine of rupees two thousand rupees and in a second and subsequently found guilty, shall be punished with imprisonment of upto five years and a fine of rupees minimum ten thousand rupees and upto one lakh rupees.
XII. **EQUAL REMUNERATION ACT, 1976**

Constitution of India under Article 39 directs the state to make such policies which ensures that both man and woman get the equal amount of remuneration for the same or similar work done and further secure the equality amongst man and women.

Based on this state directive, the Act was enacted to have a uniformity in the payment of remuneration to man and woman for the same or similar work carried out by them. The Act was enacted to remove the discrimination based on the sex.

**Section 4.**

The duty is casted upon the employer to pay at the equal rate the remuneration to man and woman. It may be either in cash or kindly but both man and women need to get the same amount of payment for the same work or a similar work which they are carrying out at the same organisation. Further the employer should not reduce the payment of any of the worker in order to meet the requirement laid down under this Act.

In case, prior to the commence of this Act, there are different rate of payment is existing only on the basis of gender, than higher rate of remuneration shall be paid to man and women after the commencement of the Act.

However, any worker is not entitled to any revision in the payment only on the basis of the provisions of this Act.
Section 5.

Employer shall not resort to any kind of discrimination while recruiting man or women for same work or similar nature of work, employer also shall not differ any conditions while recruiting or after recruitment shall not prejudice against women by giving promotion, training or transfers. However, in case any reservation are in force, the present Act shall not affect such reservations.

Section 6.

In order to give more opportunities to women workers to take up an employment, the advisory committee shall be formed so that how many women worker can be employed in a particular establishment can be notified in a gazette.

While giving advise on number of women to be employed in a particular establishment following aspect need to be considered:

a) Type of work
b) Working hours
c) Need for opportunities for women
d) Whether work suits the women

Section 7.

Appropriate government to appoint the Labour officer for deciding the complaints and doing the hearing with regard to if any one contravenes the provisions of this Act. Further, labour officer need to decide on the claims which he might receive due to non payment of equal remuneration for same or similar work.
Labour officer need to decide on payment to be made to the worker who has complained about discrimination in the payment of wages. The worker should be paid the amount which actually exceeds from what the actual amount is paid.

The Authority who all are appointed under this Act shall have the power of civil court to take the evidence in the matter, to call upon the witness and giving directions to produce any documents before him which he feel is required for the purpose deciding the claim before him.

In case any person is aggrieved by the order, that person may within 30 days from the date of order file an appeal before authority which is formed for this purpose by a notification in the official gazette. Such authority may modify the order or confirm the order passed by the lower forum however, after this no further appeal lies.

Its employers duty to maintain the register of all the workers which are appointed by it along with all the details. Appropriate government may appoint an Inspector with the following power for inspection:

a) can enter any premises, factory at any time which is reasonable, with the help if he thinks, it is required;

b) Can examine registers or other documents relating to the employees;

c) Inspector can take the evidence on the site itself to confirm that no provisions of the Act is contravened;

d) Can examine the employer or any of its agent or any other premises

e) In case, the inspector requires, he may take copies of the register or any other documents.
In case, any employer:

a) fails to maintain the registers OR any other documents relating to the employees
b) does not produce the registers as requested by the inspector which is relating to the muster roll of the employees
c) in case of evidence is required to be recorded however, employee fails to give such evidence on being demanded
d) does not give the required information

Such an employer shall be punishable with a imprisonment upto one month and fine of rupees ten thousand is being imposed or both the punishment is levied together.

Any employer who contravenes the provisions of the Act after the commencement of the Act like:

a) recruiting any employee without following the Act;
   b) gives remuneration unequally to men and women
   c) women and man are treated discriminately by the employer at work.
   d) Directions given by the authority are not being followed.

Penalty of rupees ten thousand and maximum of rupees twenty thousand only and imprisonment of a period of three months and may be upto one year or both the penalty an imprisonment be levied for the first time offender. Further in case the offence is repeated the imprisonment of two years may be given.
Section 14.

Central government has a power to issue various directions to implement the Act.

The various provisions of the Act is not applicable in the following cases:

a) Any other law which gives privileged treatment to the women employees;

b) Any terms and conditions made for birth of child, marriage, retirement in relation to women.
Justice Verma Committee Report:

After much agitations in 2012 pursuant to gruesome Delhi Gang Rape, the government appointed three member Committee on December 23, 2012. The said committee was headed by Justice J.S. Verma, he is a former Chief Justice of the Supreme Court of India, former Justice of High Court, Leila Seth and Mr. Gopal Subramanium, former Solicitor General of India.

The committee was formed for suggesting reforms/amendments in the Criminal Law to deal with the accused expeditiously and also for revising the penalties for assault committed against the women.

Report on the speedy trail and enhancement of punishment was submitted by the Committee on January 23, 2013. Various recommendations were made on law relating to trafficking, rape, sexual harassment, victim’s medical examination, sexual abuse of child, reforms in laws relating to police, electoral and educational reforms.

Following are the different heads under which recommendations were made:

Rape:

a) One of the recommendation of the Committee was to retain the gradation relating to sexual offence in the Indian Penal Code, 1860 (IPC).

b) Committee stated that the offence of rape and sexual assault are expression of power by man. Committee stated that these offences should be retained separately, offence of Rape should not only include vagina’s, mouth’s or anus’s penetration, but also include any assault of sexual nature.
c) Under Indian Penal Code sexual intercourse without consent is treated as crime. Under Indian Penal Code, there exists a difference between a sexual intercourse by a husband with a women without her consent and sexual intercourse outside marriage by man without the consent of women.

Indian Penal Code, prohibits the sexual intercourse without consent of a women. However, an offence of rape which is unconsensual sexual act by husband with his wife, which is an exception and not considered as rape. It was recommended that unconsensual or unconsented rape within marriage should also be included in the definition of marriage.

**Sexual assault:**

a) At present, assault with a view to outrage the women's modesty is a punishable under Section 354 of the IPC. The said offence is punishable with an imprisonment of two years. Outraging of women is not defined under the Indian Penal code. Therefore, where penetration is not proved in the court by adequate evidence, the offence is covered under section 354 of the Indian Penal Code.

b) In the definition of sexual assault, the non consensual and non penetrative sexual assault be included. Based on the circumstances, the sexual nature of an act should be determined so as to include the same in the sexual assault. In order to prove the offence, motive of sexual gratification should not be a precondition. It was suggested to punish such offences with an imprisonment of 5 years or fine, or both.

c) Crime of disrobing a women by using the criminal force should be
punished with an imprisonment of 3 to 7 years.

**Verbal sexual assault:**

Section 509 of the Indian Penal Code states that the use of words or gestures to "insult a woman's modesty" is punishable with 1 year of imprisonment or fine or both. The Committee recommended that insult to women's modesty by words or gestures is punishable with 1 year's imprisonment. The committee stated that this definition of sexual assault should be repealed and new definition should include threat created by usage of words, acts or gestures in a sexual nature. Thereafter, it was also suggested to punish the sexual assault with an imprisonment of one year or fine or both.

**Sexual harassment:**

Key recommendations were made by the Committee on the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill, 2012 that was pending before the Parliament:

1. Domestic workers to be included in the Act.

2. There should be given a chance of reconciliation to the complainant and accused.

3. Victim should be paid compensation by employer.

4. Suggested to create employment tribunal to deal with complaints instead of internal complaints committee in order to avoid interference

Now the Bill is passed by the parliament, which entirely deals with the harassment of women at work place. The parliament has accepted all the recommendations of the committee.
**Acid attack:**

The Committee opined that the Acid Attack should not be included in the definition of grievous hurt and it should be dealt separately. At present grievous hurt is punishable with an imprisonment of 7 years.

Section 326 relating to grievous hurt is being revised making it punishable with ten years of imprisonment or life imprisonment. Committee suggested that a fund should be created for compensating the women.

**Conflict areas:**

Armed Forces (Special Powers) Act (AFSPA) needs to be reviewed. At present, central governments permission is required to be obtained under AFSPS before initiating action.

a) In cases of sexual offence alleged against the armed forces, the committee recommended that permission which is required for prosecution should be excluded.

b) Victim and complainant of sexual violence must be given the witness protection. In order to monitor and prosecute the offences of sexual nature, the Special commissioners should be appointed.

c) Orientation of armed forces is required in the perspective of women’s protection. Further there should be strict orders that personnel should follow.
**Trafficking:**

At present the definition of Trafficking is not comprehensively defined under Act relating to Immoral Trafficking Prevention Act, 1956. The Act criminalises, the trafficking which is done only for the purpose of prostitution.

a) The trafficking of a women by means of threat, force and inducement needs to be included in the definition of slavery.

b) The act of employing any person after trafficking him or her shall be criminalised and punished.

c) There should be steps taken to reintegrate the victims of such crime in society so that they can live the better life. Under High court's guardianship, protective homes of juvenile and women should be formed.

**Child sexual abuse:**

The term of harm and health relating to Juvenile needs to be defined under the Juvenile Justice Act, 2000, a term relating to harm and health needs to be defined in order to take into consideration the mental and physical harm which is caused to the juvenile.

**Punishment for crimes against women:**

There was huge hue and cry after Delhi gang rape and people of India were demanding capital punishment for offences of rape. People also wanted the chemical castration of offenders. However, the committee
rejected the said proposal on the ground that such punishment does not treat the offence of rape.

The committee opined that the offence of Rape should be punished by life imprisonment.

**Medical examination of a rape victim:**

a) Two-finger test conducted in order to determine vaginal laxity needs to be discontinued

The uppest Court has held in number of judgements that the test of two-finger should not be conducted further whether the victim had any previous sexual experience or no should not be given importance and it should have no bearing on the case.

**Police reforms:**

For reformation of police authorities, following recommendations are made:

a) To ensure no influence on the police, State Security Commissions to be formed.

b) Chief Minister or the Home Minister of the state should head such Commissions.

c) The Commission to form various guidelines to be followed by the police in order to avoid any non compliance of the law by the police authorities.

d) Police Establishment Board should be created so that all the promotion of the officer, transfers and postings to be decided by
such a Board in order to avoid undue influence over the particular officer.

e) Minimum tenure of two years should be given to Director General of Police and Inspector General of Police.

Reforms:

a) Rape crises cell to be formed in order to provide immediate reliefs, legal aid to the victims

b) CCTV cameras to be installed in each police station at entrance and questioning room.

c) Online filing of complaints should be enabled.

d) Police should help the victims of sexual violence without restricting themselves to the jurisdiction of their police station.

e) People who lend helping hand to victim needs to be treated in a appropriate manner and not as wrong doer.

f) Police officers to be increased and they should be trained to handle the situation of a victim of sexual violence in a better way.

Electoral reforms:

a) There should be amendment in the Representation of People Act, 1951. As of today the crimes committed by any candidate related to untouchability, terrorism, fairness of election,
secularism, sati and dowry should be disqualified from the election.

b) However, committee recommended that any candidate shall be disqualified in case charge sheet is filed and cognizance of the same is taken by the court. Further if any sexual offence is committed against the women, he shall be disqualified immediately.

Education reforms:

The Committee has recommended that children should be imparted with sexuality education further their understanding should not be gendered. Various adult literacy programmes should be conducted so that gender based empowerment can happen amongst children.

Conclusion:

The balanced development of both men and women, who are the two wheels of the same chariot, is required to be achieved and in case any one of them is not equally treated, the imbalance can be seen in the society itself. There are thousands of law which are enacted and may be day by day we will still have better laws, but in reality can these laws, Acts, Regulations at national as well as international level can it protect the women. Its answer is in negative, true equality can only be achieved by implementation of these constitutional principles and laws. There is much need of social awareness and awakening in this regard. The cooperation from NGOs, independent social worker, religious preachers, actors etc. are required and then only women can have better development and balance between two can be achieved.