



Women Protection Acts

- Have you ever seen or heard about child marriages?
- Have you ever observed or heard about harassment and violence against women and girls?
- Have you ever observed the various types of domestic violence threatening women in day to day life?
- What shall we do to stop such violence caused to girls and women?

Girls and women are face teasing and violence on a regular basis worldwide. It affects their mental and physical health and most of the women can't dare to move freely. Similarly, girls hesitate to go to schools. Teasing with words, torturing, insulting are incidents commonly seen around us. We also watch and read news on T.V and in newspapers. Such incidents are an evidence of violation of child and women rights. Even though governments have made many laws to control the violence against women, most, people are not aware of them. Even victims of violence don't know where and how to get protection and help.

Girls and women should be aware of the laws meant for their protection. Then only can they protect themselves from various types of violence and abuse. Is there any network or mechanism for girls and women to express their worries and at the same time maintain and protect their secrecy? What are the various forums through which girls and women can seek protection? Let us discuss all these in this chapter.

Violation of children and women rights are still continuing world wide. For this reason women and child protection laws came into existence. These acts include 1. Prohibition of child marriage Act - 2006 2. The Immoral Trafficking (Prevention) Act - 1956, 3. The Dowry Prohibition Act - 1961, 4. Protection of children from sexual offences Act (POCSO Act) - 2012. 5 The Juvenile Justice Act - 2015. 6. Child labour (prohibition and regulation) Amendment Act - 2016. These acts protect women and children from abuse, exploitation, violence, sexual assault and harassment.

In 1989, the UNO proposed international children's charter on which 191 countries have signed. Our country is also one of them. These rights relate to every child without any discrimination. Let us look at some of the important rights.

Children Rights

1. All the people below 18 years age are all children without gender discrimination.
2. Protection from government for child rights.
3. Right to live.
4. Right to live with parents as far as possible.
5. Right to gain knowledge and get awareness about the world through media like radio, newspapers, T.V etc.
6. Right to protection from violence and harmful incidents.

7. Right to get special care to live and for development in case of disabled children.
8. Right to have good health and get medical care.
9. Right to use mother tongue, follow their religion and tradition.
10. Right to play.
11. Right to avoid the harm for children from getting education and health.
12. Right to get protection from harmful medicines also manufacturing and purchasing.
13. Right to get help when neglected and suffering.

Children as well as adults should be aware of the UNO Child Rights Charter. Government also informs people about this.

Prohibition of Child Marriage Act, 2006

According to the Child Marriage Act, a person who, if a male, has not completed 21 years of age, and if a female, has not completed 18 years of age cannot be forced to get married.

If the contract between any two people of which either one or both parties is a child, it is treated as child marriage.

If a male above 21 years contracts a child marriage he shall be punished for two years imprisonment and/ or a fine which may extend to Rs. 1 lakh. The same punishment will be given to a person who performs, conducts or directs a Child Marriage under Child Marriage Act, 2006. If the marriage is voided, the girl should be paid maintenance by the male up to the age of her 18th year or upto the time she gets married. If the male is minor, his parents should provide such maintenance. The government will take care of the children whose marriage is cancelled. The dowry and gifts are to be returned after the cancellation of the marriage.



Consequences of child marriage:

- Underage pregnancy.
- Provision for trafficking and sale of girls.
- Pushing the unmatured into family system.
- Increased abortions, premature births which results not only in infant mortality but also the death of mothers.
- Handicapped child births or dead child births.
- Mental as well as physical health problems.
- Obstacle to education
- Hurdle for physical growth (especially regarding female).
- Become child labourers for family maintenance.

The protection of children from sexual offences Act - 2012.

POCSO is an act to protect children from offences of sexual assault, sexual harassment and pornography and provides for establishment of special courts for speedy trial of such offences committed against children.

The law operates in a manner that the best and well being of the child are given importance at every stage of implementation to ensure the healthy, physical, emotional, intellectual and social development of the child.

This law makes provisions to prevent : (a) The inducement or coercion of a child to engage in any unlawful sexual activity. (b) The exploitative use of children in prostitution or other unlawful sexual practices. (c) The exploitative use of children in pornographic performances and materials.

Prevention of Child Marriage – A Case Study

Raviralla Kavitha a girl is of twelve years. Her father is Nancharaiah. They belong to Rangareddy village of Mahaboobnagar district. Kavitha was studying in class VII in an Upper Primary School. She stopped attending school because her marriage was fixed. This was informed to Mamidipudi Venkata Rangaiah Foundation. The volunteers of MVF went to her house along with the members of Child Marriages Prevention Samithi and discussed about the child marriage in the presence of village elders.

Later on, the MVF volunteers went to the local priest. He repeated that when the Kavitha's parents came to him with the request of fixing the date, he asked for the Date of Birth certificate or ration card. They did not show any of them and did not come back to him. The volunteers came to know in the enquiry that the bridegroom, Damerla China Satyam, age 23, S/o Ramaiah had not even completed primary education.

After two days, when the MVF volunteers went to Kavitha's house, they were busy with marriage arrangements. They tried to persuade them not to perform her marriage at such an early age when she is meant to study and still a minor. Kavitha's father said, "you say many things but we have another daughter. How can I arrange the marriages?". As they were not convinced, the volunteers went to Thasildar, Sub Inspector of Police, CDPO and informed them about the same. They enquired about this in the presence of villagers but the parents responded rudely, "Who are you to stop our daughter's marriage?" A few people belonging to the bridegroom's side also came there and said, "we have finished all the arrangements. Why do you stop now?" "S.I. explained to them," "Child Marriage is an offence. Encouraging child marriage is also a crime." After counseling the parents of the bride and the bridegroom, they agreed to cancel the Child Marriage and they are now sending Kavitha to school regularly.

- Sometimes child marriages are fixed for children as young as 15 years without their consent. How do we stop such marriages? Who will help us?

Do You Know?

Seek assistance in case of any harassment and domestic violence using toll free number **Bhumika Help Line 1800 425 2908** and stop child marriages. Friends, relatives, neighbours and teachers can inform the village secretary and Tehsildar to stop child marriages.

District Collector at the district level, Revenue Divisional Officer at division level, Tahsildar or ICDS Officer at mandal level and Gram Panchayat Secretary at village level are Incharge for stopping child marriages. Anybody can complain or intimate to the above officers to stop a child marriage. Sometimes the court may initiate and file sue-motu (on its own initiative) when it has reliable information and punish the concerned.

The Immoral Trafficking (prevention) Act 1956 and amendment 2006

Girls and women are lured in the name of jobs, bright future, roles in cinema etc. and taken to towns and cities and sold for prostitution. They are also subjected to physical violence to make them obey.

Trafficking and selling of girls for prostitution or encouraging them to enter into prostitution is a punishable crime. Even if girls choose to out of their will and interest, it is still treated as a crime.

Different forms of trafficking:

- **Sexual assault**
 - a. Forced prostitution
 - b. Social and religious prostitution
 - c. Reading rustic writings and watching obscene pictures
- **Activities against the law**
 - a. The trafficking of children and involving them in the begging for money and beating them to obey is also crime, sometimes children are made physically handicapped by removing their body parts and made to beg on the streets.
 - b. Removing body parts and doing business.
 - c. Children forced to sell narcotics and drugs.
- **Labourers**
 - a. *Vetti*: Forcing children to work without making proper payments, not providing nutritious food, clothes and not treating them as human beings.
 - b. Domestic labour: Washing clothes, cleaning the houses and utensils without proper wages, entrusting work in neighbours' houses.
 - c. Agriculture Labour : Involving in the agriculture work and exploiting them for more physical work.
 - d. Construction work : Labour involved in construction of buildings, roads etc. with nominal payments and providing them with substandard food.
- **Sadistic pleasure**
 - a. Tying up the children on camels and making them run for entertainment.
 - b. Marriages and adoption without their consent.

Generally, people bear injustice and violence and never inform the concerned authority or take the help of law to be away from violence and sufferings. In such cases, the sufferers must inform to the local police station or NGO for protection and care.

Forcible prostitution is an offence. Such prostitutes are called sex workers. There are many acts for their protection. The police has no power to beat or punish

them in the name of enquiry. Along with the sex workers, the brothel house keepers are also liable to be punished with 2 to 3 years of imprisonment and penalty of up to Rs. 10,000/-. Using a house or a room or taking or giving a room for rent for the purpose of prostitution is also an offence.

If anyone is forced to participate in sexual intercourse with someone, it is also punishable under the law.

After protecting the victims, they should be presented before the Magistrate after the required medical treatment. An enquiry is to be taken up by a woman police officer or any Non Government Organisation (NGO) and action should be taken for the protection of the victim. If the victims are children, they will be sent to Balasadan. The rescued person shall be given full protection and care and respect by the concerned government. If the rescued persons are children, they may be provided accommodation in child protection home where their education, food and health shall be taken care of.

The punishment is 7 years rigorous imprisonment to life along with penalty for immoral trafficking. Without warrant, the police officer shall investigate the case and collect the necessary details to protect the trafficked children and punish the accused.

The Dowry Prohibition Act, 1961



If a person gives or takes or abets dowry, he/she shall be punishable with imprisonment for a term not be less than five years and with a fine not be less than 15 thousand rupees or the amount of the value of such dowry whichever is more.

It has been observed that after the marriage, the bride is teased, scolded, abused, beaten and sometimes killed or forced to commit suicide. All these offences are covered in this act. Parents can present offerings, articles in the marriage, but these offerings must be as per the law.

1. Enlisting the offerings
2. Offerings can't be demanded

3. The offerings that are being provided must be as per one's cultural norms and traditions. The value of offerings shall not be over and above the parents' economic status and never become a burden to the family.

- Have you ever seen or heard about women being tortured for dowry in your locality? How are they being tortured? What sort of suggestions would you give to prevent this? Who will be held responsible?

In cases of such violence, the victim herself or her father/ mother/ brother/ relatives can complain in the local police station.

The Protection of Women from Domestic Violence

Our constitution provides the right to live in a dignified manner to all the citizens. Leading a dignified life means that the women should not be abused, insulted or humiliated. Such situations can be created for women to enjoy their rights by giving proper respect to their work. Even now, equal rights are not being enjoyed by women. Activities and behaviour which damages their value and self respect start with family. Such violent acts often happen in family to suppress the women and their dignity. These incidents are against their development.

There is difference or variation in the nature and range of violence that women subjected to and it is a major challenge in the empowerment of women across the world. Domestic violence is not only pertaining to individual or family. It also has political history behind it including women's movements being carried out in the last twenty years. Certain special acts have been formulated based on protests and movements started by women. However, these acts are not being implemented their true spirit. Proper sensitivity and awareness should be created along with effective monitoring towards women's issues among the machinery of implementation such as police and other assisting agencies.

The National and International governments have taken up certain declarations and resolutions in order to stop violence against women, though violence is still there at the family and community level. The declarations also clear the actions proposed to be taken up by the governments towards development of women. The government of India is also one of the countries who accepted and became signatory to the declaration and resolved to abide by it.

- Domestic violence takes place now and then and gradually it becomes a habit pattern. More violence generates from violence. How do we stop this? Who will help?

Important Resolutions:

- "Government shall take appropriate measures to do away with the discriminations against women in the matter of marriages and family relations."
- "The men and women shall possess equal rights in the matters of family property and its management."

The Beijing declaration and programme of action focuses on the following things:

- "Violence against women is one of the major causes for the decreasing status of women in the community when compared to men. Mostly women and girls undergo the violence in the family and in home environment and these things never come out. It is very difficult to identify the domestic violence and address it."

- “The government has to take steps in the proper identification of violence, protecting the victims and punishing the culprits.”
- “Making all legal and judicial systems and mechanisms accessible to the women suffering with domestic violence. The information pertaining to protective measures and taking help of the law must be provided to everyone.”

Lakhs of women and children are hurt during domestic violence and undergo treatment but majority of them doesn't reveal it. Though domestic violence happens across all nations, races, religions and it is something confined to family affairs happening within the four walls.

Domestic Violence - Misconceptions and Realities:

Misconception: Parents punishing their children now and then is not a major issue to be considered.

Reality: Domestic Violence starts slowly and it becomes a routine if nobody opposes it. The Victims are sometimes hospitalised for treatment and even lose their life and it adversely affects their dignity and self respect.

Misconception: Addiction to drinking is the major cause for violence.

Reality: The alcoholism for domestic violence is only an assumption but the statistics reveals that 40% of the men who beats their wives are not addicted to alcoholism.

Misconception: Women shall bear the violence for the sake of children.

Reality: Violence leads to more violence. Children who grow in the violent atmosphere will become more violent in the future.

Misconception: There is no way to get out of Domestic violence.

Reality: The violence free environment is the birth right of every woman. The women protection acts and laws are available and one should seek their support.

Forms of Domestic Violence:

- Sexual abuse (watching, or making obscene films)
- Physical abuse (physical harm, beating, torturing)
- Verbal and emotional abuse (humiliation, name calling or ridicule, not speaking to them, ignoring.)
- Mental abuse (threatening to harm, stopping women's education, stopping from jobs, force to marry whom she doesn't like)
- Economic abuse (deprivation of economic or financial resources, use the women wealth, sell their property)

Whom to complain:

The victims of domestic violence should complain to the police officer or judicial authority like 1st class Metropolitan Magistrate individually/ over phone/ e-mail. This type of complaints can be filed when the domestic violence took place or taking place or will take place. If the victim is wounded, she has to be sent for medical treatment and then the report is to be sent to the police station and to the Magistrate.

Sexual Assault and Torturing

Recently, central government has appointed Justice J.S. Verma Committee asking suggestions to prevent sexual assault and abuse. Based on the suggestions, Hon. President of India issued an ordinance on 2nd February, 2013. Central Government passed. Criminal Legal Amendment Act - 2013 (Nirbaya Act). This act implemented from 3rd April, 2013. Some important features of the ordinance are ;

- Minimum 20 years of imprisonment.
- Recruitment of women police to address the complaints from the victims.
- It is not necessary for the victim to attend before the police officers individually.
- There will be no punishment if the accused dies during struggle at the time of attack with acid on women.
- There is a scope to shoot video at the time of complaining and trial on the request of the victims.

Lok Adalat

Lok Adalat means peoples' court. All are equal before law. In the year 1976, Article 39-A of the Constitution of India contains various provisions for settlement of disputes through Lok Adalat. It is an act to constitute legal services authorities to provide free and competent legal services to the weaker sections of society. It is to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. And to organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity.

In addition to the above, an Act was formulated which is called "Act of Judicial Services Authority." This is a central law. The State government and high court jointly formulated certain principles as per this Act.

Who are eligible for judicial assistance?

- Citizens who belong to scheduled castes and scheduled tribes.
- Victims of immoral human trafficking, beggars, women, children, mentally imbalanced and physically challenged.
- Victims of natural disasters, agricultural and industrial labourers and victims of Domestic Violence and Caste enmity.
- Citizens earning annual income of less than Rs. 50,000.

One should apply for this assistance at Judicial Service Authority in District Court or High Court, as the address given below.

1. Secretary

District Judicial Services Authority
Dist. Court Premises

..... Dist.

2. Member Secretary

State Judicial Services Authority
High Court Premises, Hyd. 500 066

Methods of Judicial Assistance

- Judicial advice is given free of cost by the advocate.
- After verification of the cases and if it is found necessary, the advocates may be appointed on behalf of the complainants to take up the cases in the court.
- To bear the expenditures of court and court fee.
- The xerox copies of the judgment will be given free of cost to those who sought judicial assistance.

It is necessary to have a thorough understanding and awareness for the better implementation of the acts. Then only, the purpose and provision of human rights will be fulfilled and everyone would lead a, respectable and dignified life.

Keywords

1. Dowry
2. Domestic Violence
3. Lok Adalat
4. Sexual Assault
5. Forced Prostitution

Improve your learning

1. What are the disadvantages of child marriage?
2. Why has domestic violence become a common practice? In what forms is domestic violence seen in society? Find out the reasons.
3. You have read about various problems faced by girls and women. Have you noticed any sort of problems in your village/ town? Specify them and what is to be done?
4. Many acts have been made by the government. What do you suggest for better implementation of these acts?
5. Write an essay on general problems faced by women?
6. Imagine that you are Tahsildar. How would you prevent child marriage?
7. Prepare a pamphlet to understand the problems faced by the women.
8. Read the paragraph under the title 'Sexual Assault and Torturing' of page 260 and comment on it.



Discussion:

1. Have you ever seen that the marriages are arranged for Girls below the age of 18 years and Boys below the age of 21 years ? Discuss such cases of your locality. How do they affect the Girls. Do you support Child marriages? Why/Why not? Show preventive measures.
2. What are the different ways of Domestic violence? Discuss a few incidents and cases in the classroom. In what way does the domestic violence affect the family and others. What is expected to avoid domestic violence?
3. Drinking has become an addiction today. Many people are addicted to drinking. Discuss on the family conditions of such people. How does drinking affect the children and others? If you were in such family, what would you do?

Project

What facilities does the government provide to the poor for seeking judicial justice? Consult a lawyer and get there information about this?