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Issues Encountered by Women

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"The difference between a broken community and a thriving one is the presence of women who are valued."

- Michelle Obama

Introduction

In the era where we celebrate Independence, democracy, freedom, there are still some sections of the social order which are chained helplessly with the old customs and traditions resulting atrocities. These sections are highlighted when we converse about lack of development and laws not implemented. A nation can be called developed only if vulnerable section of society in the nation is getting proper resources required. The paramount need of present circumstances is to facilitate such sections to come up in all the aspects in which they are lacking. These sections have gone through the dark night in the past where they only had suffered degradation. The following problems are faced by marginalized class including women and children.

India is known for its diversity of cultures. But when it comes to equality, India holds steps back a little. Country's development can be seen through their vulnerable section and services provided to them. Unfortunately India lacks in many of such spheres. Women are often suffering from atrocities. It is been heard a lot that in ancient India situation of women was superior, but there are many such researches and proof that shows that life of a women was pathetic and they suffer very low status in the society.¹

They suffered repression and ill treatment in Indo- Aryan society. Women were merely treated like piece of Décor. Women has suffered a lot in almost all the ways, be it physically, psychologically, mentally, emotionally and socially. Many such problems like child- marriages, Dowry system, no- property rights, Sati Pratha, Mass bride burning were part of ancient India. Although many enactments have made by the prevailing governments on the welfare and empowerment of women but the conditions of women had not been improved. Some of the problems of the women are discussed in the preceding paragraphs.

Female Infanticide

Female infanticide is the premeditated killing of the female children, who is newborn. In earlier days female is killed after birth. Today the methods of sex selective abortion are used to destroy the female child in mother's womb. In the Countries like India, China and Pakistan, the problem of female infanticide is very grave. The main reason for this is the prevailing patriarchal society.² In the patriarchal society, people give preference to male child over female child. The rights given to girls are very less as compared to boys.³

According to Hindu Mythology girl child is considered as reward. But in reality, girl is taken as a burden. When girl child is born then the first question which comes to the mind of family that how they will give dowry to the boy's family on wedding day. It was burden on the parents of girl child. The woman who gives birth to a girl child feels ashamed about it. Infanticide becomes easy and convenient option of getting rid of the burden called daughter. Even holy books also tell the same thing. One of the holy book says,

“Tasmat Istriyam Jatam, Parasyanti ut Pumamsam Haranti”⁴,

It means, they reject a female child when born, and take up a male.

¹ Kelkar Govind and Maithreyi Krishanraj, *Women Land and Power in Asia* 38 (Routledge, London, 2012)

² Arjun Appadurai, *The Social Life of Things* 76 (Cambridge University Press, Cambridge 1st Edition 1986)

³ J.N Pandey, *Constitutional Law of India* 15 (Central Law Agency, Allahabad, 15th edn. 2019)

⁴ <https://kakshakaumudi.com/sarvatirthamayi-mata-sarvadevamayah-pita-sanskrit-shlok>

Child Marriages

Child Marriage was one of the prominent problems in India. It is also the human right violation of the child's right. The Child is deprived from the childhood and it might cause hindrance to the full fledged development of the child. There are many Laws against the practice of child marriage but this practice is still widespread in some states of country. The legal age for boy to get married is 21 and for girl, it is 18. Due to poverty and lack of education, the minor girls forced to get married to the person of more than 40 years of age. It is threat to the minor girl. There is increasing risk of pregnancy or child birth.

According to Hindu Mythology books, Vedas talks about the right time of marriage. It says that, "A man, aged thirty years, shall marry a maiden of twelve who pleases him or a man of twenty – four, a girl of eight year of age; It also says his duties would impeded, he must marry sooner."⁵ Child marriage is the major issues, which is still practiced in some of the places in our country. Aftermaths of child marriages were so inhuman that it even resulted in death of the girl child.

Wife Burning

In Aryan society, an Aryan husband had all the rights to physically harass his wife. He could anytime accuse her for being unfaithful. In case if she takes her position and tries to prove her innocence the village council people, who were elders, would then order an ordeal by fire. Woman had to pass through the fire burning. It was not death but any signs of burns which were the signs of guilt and this were the penalty of being unfaithful. The ideal role model for this custom was Sita, Ram's wife. She was asked by ideal husband to pass through the fire ordeal after she returned from Sri Lanka. She was given no choice but a test to prove herself innocence.⁶

Wife burning or birde burning is the gravest form of the domestic violence. The death of the wife is caused in connection of dowry when the wife or wife's parent refuses to pay additional dowry after the marriage. This death is also known as dowry death.⁷ This was the key problem till the year 1993.⁸

Sati

This was the practice prevalent in the Ancient India in which if the husband of the woman is died then she had to immolate herself on the husband's pyre.⁹ This practice was prevalent from 1st century BC. But there was concrete evidence of Sati-Pratha in 5th and 9th centuries. This practice was found in the aristocratic Sikh families also.¹⁰ This practice is not only prevalent in India but in Indonesia also.¹¹ British rule initially tolerated this practice but after they showed great concern over this bad ritual. When Raja Ram Mohan roy, the Hindu reformist raised his voice against Sati Pratha, then the provincial Government banned Sati in 1829.¹²

Sati System was initiated by Aryans in near about 1500 BC. Sati Pratha was one of the horrendous customs i.e. burning of a woman after the death of his husband. This custom is sanctioned by their most sacred books and practiced from Indus Valley Civilization to the modern age. This custom has taken the existence of many innocent girls. Some were taught it to be sanctified action and some were forcefully asked to practice this custom. Such customs were taking away humanity out of the people. It was total prejudice and takes right to life from females. This custom was the most painful custom of society. Many people when awakened raised their voice against such customs.

Atrocities against Women in Modern Society

Women are the easy target of crime in the society. Types of violence against women have not been stopped. In the year 2008 one lakh ninety five thousand cases of the violence against women are reported. In 2012 the number of the violence reported cases increased from one lakh ninety thousand to two lakh forty four thousand.¹³

⁵ Manu Smriti

⁶ Asmita Bhattacharyya and Sudeep Basu, *Marginalities in India: Themes and Perspectives* 23 (Springer Publication, Singapore)

⁷ Lakhani, Avnita (2005). "Bride-burning: the "elephant in the room" is out of control". *Pepperdine Dispute Resolution Law Journal*. Pepperdine University School of Law. 5 (2): 249–298.

⁸ Kumar, Virendra; Kanth, Sarita (December 2004). "Bride burning". *The Lancet*. Elsevier. 364 (special issue): 18–19.

⁹ Sophie Gilmartin (1997), *The Sati, the Bride, and the Widow: Sacrificial Woman in the Nineteenth Century*, Victorian Literature and Culture, Cambridge University Press, Vol. 25, No. 1, page 141,

¹⁰ Michaels, Axel (2004). *Hinduism: Past and Present*. Princeton University Press. p. 149. ISBN 9780691089539.

¹¹ A History of Modern Indonesia since c. 1300, by Merle Calvin Ricklefs, on forced treaties, see Wiener, Margaret J. (1995). *Visible and Invisible Realms: Power, Magic, and Colonial Conquest in Bali*. Chicago: University of Chicago Press. pp. 267–268. ISBN 9780226885827.

¹² Marshman, John Clark (1876). *History of India from the earliest period to the close of the East India Company's government*. Edinburgh: W. Blackwood. p. 374

¹³ Ncrb.gov.in. *National Crime Records Bureau*. 2013.

The crimes including dowry demand, dowry death, domestic violence, owner killings, witchcraft related murder, female feticide, female infanticide, rape, sexual assault, sexual harassment, outraging the modesty of women, stalking, voyeurism, Acid attack etc are the crime against women happening in the society.

Dowry death is the death caused by the husband or the relatives of the husband for the dispute over dowry. In laws of bride attempt to harass her for the greater demand of dowry and the continuous demand lead to the torture which results in the wife committing suicide.¹⁴ These suicide is done by hanging, poisoning or be self-immolation. This is offence under Indian Penal Code 1860. The giving and taking of dowry is banned in India and it is offence under Dowry Prohibition Act. In India the parents of bride are still giving the expensive gifts to the bridegroom and wedding are also hosted by the family of bride.¹⁵

Honour Killings is also burning problem in India. If any girl wants to marry a boy not of the same caste then the family members of the girl used to kill that girl for protecting their so called honour. Examples of the reasons for honour killings also include the refusal by girl to get married to the person who is chosen by the family member.¹⁶ This is practiced in the Indian States like Punjab, Haryana, Himachal Pradesh, Uttar Pradesh, Madhya Pradesh, Jharkhand, and Bihar. The Supreme Court took the cognizance of the increasing cases of the honour killing and issued a notice against the States to take stringent preventive measures against the honour killings.¹⁷ Sometimes the girl thrashed very brutally by their own parents. Sometimes it is supported by the local villagers.

The women and minor girls are prone to sexual offences. It includes the offences like rape, sexual harassment and outraging the modesty of women. These are the common crimes in India. After the Amendment of Criminal Law in the year 2013 the definition of Rape has expanded and defined rape as penile and non-penile penetration in bodily orifices of a woman by a man, without the consent of the woman. After the brutal Delhi Gang Rape Case and subsequent death of the physiotherapy intern in India's capital city, New Delhi was the driving force behind the passing of the Criminal Law (Amendment) Act, 2013. Many concrete steps taken by the Indian government to curb violence against women.

By this Act of 2013, the following legislation has been amended:

- **Indian Penal Code, 1860;**
- **Code of Criminal Procedure, 1973;**
- **Indian Evidence Act, 1872 ;**
- **Protection of Children from Sexual Offences Act, 2012.**

This Act has added the provisions which provide considerable help to the victim of rape. It has provided also the provision for the treatment of victim and provide the compensation to the victim.¹⁸ After that the women becomes more educated and the reporting of the rape is increased. Sometimes women do not receive justice for the offence against rape because of police negligence towards them and this made the offenders to get away with their crimes under the prevailing laws.¹⁹

Acid Attack

Acid Attack is also one of the heinous crimes against women which would ruin the life of women. The life for her is like death. Acid attack is an act in which the acid is thrown by person to take the revenge from the woman. It is very violent assault against the women. Forceful administration of acid on another's body is also covered under the ambit of this offence. This will make the face and body of the girl disfigured. Mostly Sulphuric Acid and Nitric Acid is used to disfigure the body and face of the lady. This causes brutal pain to the woman. To curb this Amendment in the Indian Penal Code is Done in the Criminal Law Amendment Act 2013 by which Section 326 A and 326 B relating to acid attack is added.

Cutting off the ears and nose of wives was common practice. Aryan husband used to cut off the ears and nose of their wives if they left the house without their permission. In the great epic like Ramayana it can be seen that Lord Ram and his brother Laxman practiced the cutting of nose of women for minor offence. So this incident gave divine approval for this custom in society.

Death Penalty was also given at earlier times. In Arayan Samaj death penalty was for the women who was unfaithful with their husband that time and it was made sure by the king that unfaithful women should be torn apart by dogs in a public place. It was believed that unfaithful women went to hell. In Mauryan period if the woman was found guilty of carnal crime her genital organs were cut off and she was finally given death sentence.

¹⁴ Oldenburg, V. T. (2002). *Dowry murder: The imperial origins of a cultural crime*. Oxford University Press.

¹⁵ Shah, Harmeet (2014-02-03). "Indian woman and baby burned alive for dowry, police say". *CNN.com*. Retrieved 2016-04-05.

¹⁶ Ethics: Honour Crimes". BBC. 1 January 1970

¹⁷ Honour killing: SC notice to Centre, Haryana and 6 other states". Times of India.

¹⁸ IPC 1860, Section 357 C

¹⁹ Sudha G Tilak (2013-03-11). "*Crimes against women increase in India*". *Al Jazeera English*

Conclusion

Woman, a beautiful creation, full of love, compassion, and enthusiasm comes to her in gift. Duties are assigned to women on the point when she comes to life. Certain virtues and teachings are banged on the head of women, even without asking. Domesticity is something which covers every single boundary of the wall of woman's womanhood. Not only the mind of people but the holy books and societal ideological statement has made woman's life complex and tangled. Even after performing all the physical, mental and emotional duties at her end, she is treated the way that she is the most unwanted person. Woman has been performing all the duties altogether and deadly failed to recognize her rights. Society has over pressured women in almost all spheres; let it be domesticity, family, or even to prove them for no reason. Applause has always been given to all those women who came up and stood for their rights. The same kind of applause is needed in society for the all the women.