



“An Analysis Of Views On Women’s Molestation With Special Reference To Nagpur City”

Vishranti Raut Assistant Professor Shantiniketan Business School, Nagpur Rashtrasant Tukdoji Maharaj Nagpur University.

Vivek N. Katare Assistant Professor Shantiniketan Business School, Nagpur Rashtrasant Tukdoji Maharaj Nagpur University.

Mahesh Khandale Assistant Professor Shantiniketan Business School, Nagpur Rashtrasant Tukdoji Maharaj Nagpur University.

Abstract

The paper attempts to explore the views on women’s molestation. The paper is based on a survey based on categorised people who have expressed their views on women’s molestation. The paper covers the judicial, constitutional and security parameters and analysis on their views with respects to the questions asked. Also the finding have reflected some unmatched views of different categorised respondents in this questionnaires, some mixed results, while some outcomes were in opposition to legal systems. The paper also explains the constitutional rights for women as well as provision for their safety.

Keywords: Molestation, Judicial, Parameters, Security, Legal system, Constitutional Rights, Provisions

I. Introduction

Any form of sexual violation that does not fall within the narrow ambit of the offence of rape falls under Sections 354 and 509 of the IPC. Even though these sections intend to protect women’s ‘modesty’, the IPC nowhere defines what constitutes ‘modesty’. Since the understanding of ‘modesty’ is moralistically constructed, the Section can get subjectively interpreted to apply to only certain kinds of women (chaste, sexually innocent/passive, etc) who can be said to be the sole possessors of ‘modesty’.

Women molestation includes any form of violence suffered by a person from a biological relative, but typically is the violence suffered by a woman by male members of her family or relatives. You hide or keep people at extreme distances, afraid of being hurt again. You remain numb through adulthood. If married, you find it difficult to respond sexually. You fear biblical submission afraid of losing control. (wikepedia, 2016)

LAW RELATING TO SEXUAL HARASSMENT

The Indian Law dealing with offences of sexual harassment has been given under the Indian Penal Code, 1860. The Code defines the concepts of Rape, Stalking, Assault, etc. but it does not define the word eve-teasing or molestation. It has defined the offences and the elements which constitute the offence, and has also prescribed a punishment for the same. The provisions dealing with the crime of eve-teasing are contained in Sections 509, 294 and 354. Section 509 prescribes the punishment for outraging the modesty of women by uttering any word, making any gestures or doing any act with the intention of outraging a woman's modesty. Section 294 prescribes the punishment for committing any obscene acts or uttering or saying obscene songs. Similarly, Section 354 prescribes punishment for use of assault or Criminal force to a woman with the intention to outrage her modesty. However, the term Eve-teasing has not been explicitly used in the Code, nor the concept of modesty has been defined as it differs from place to place. Something that may not amount to outraging modesty in USA, may amount to outraging of modesty in India. What may be obscene in India may not be considered obscene in USA. Apart from this offence, the offence of Sexual Abuse or molestation may also be addressed under Section 354 of the Code. The provisions of IPC dealing with the offence of Rape have been laid down under Section 375 and 376. As discussed above, the scope of the definition of Rape given under Section 375 was narrow, which has been amended and modified to meet the needs of the current society. The December gang rape and subsequent death of a twenty-three-year-old student in New Delhi ignited a national furore over India's treatment of women and the perceived culture of complicity with regards to sexual violence in India. It was due to this nationwide protest that the law was amended. Section 375 now provides the definition of Rape as the penetration of penis, or any object to any extent into the vagina, urethra, anus or mouth; or manipulation of body parts of women so as to cause penetration or application of mouth to the private parts of a woman, etc. The new law also incorporates stringent punishments in Section 376 for rape, gang rape, as well as acid attacks. It has also made special provisions to prescribe punishments for the offence of rape where the offence of rape causes death, or leaves the victim in a vegetative state. It also prescribes grave punishments for repeated offenders of the crime of rape. Apart from these measures, the government and the courts lay down several policies and guidelines for ensuring women security in the country. For instance, there has been an establishment for a special system of women's helpline number in Delhi; special regulations have been made for women safety in public transport; new and suitable laws have been enacted; even special phone applications have been made available which could help tracing a person; etc. Apart from ratifying CEDAW in the year 1993 for the purpose of building a sound framework for protection of women's human rights, India also passed The Sexual Harassment of Women at 90 Workplace (Prevention, Prohibition and Redressal) Bill, 2012 on 26th February 2013. However, the loopholes in the Indian Law and the absence of complete description of certain offences like eve-teasing and penal provisions

for all such sort of offences is a major lacuna to be covered. It is important to make a complete set of laws which could cover all such offences and make the society safe and secure. (<http://www.ibnlive.com/newstopics/national-crime-records-bureau.html>, 2016)

Objective of the study:-

1. To find out the views amongst the law preservers of the society and their approach towards women's molestation.
2. To analyze the views of the common people on the different parameters of women's safety.

Data Collection

The Primary data comprises of questionnaires and survey on 40 respondents including Police, Advocates, females & common people.

Crime Against women

Violence against women is the most pervasive violence under recognized human rights violence in the world it is also a profound health problem that saps women's energy, compromises their physical and mental health, and erodes their self-esteem. In addition to causing injury, violence

increase women's long term risk of a number of other health problems, including chronic pain, physical disability, drug and alcohol abuse and depression. Women with a history of physical or sexual abuse are also at increased risk for unintended pregnancy; sexually transmitted infections in almost every society in the world legitimize, obscure and deny abuse. The same acts that would be punished if directed at an employer, a neighbor or an acquaintance often unchallenged when men direct them at women, especially within the family. For over three decades, women's advocacy groups around the world have been working to more attention to the physical, psychological and sexual abuse of women and to stimulate action. They have provided

Abused women with shelter, lobbied for legal reforms, and challenged the widespread attitudes and beliefs that support violence against women. (Ellsberg M, 2005)

Increasingly, these efforts are having results today international institutions are speaking out gender –based violence. Surveys and studies are collecting more information about the prevalence and nature of abuse.

Legal Provision for women In India

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles

.The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favor of women. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women's advancement in different spheres. India has also ratified various international conventions and

human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination against Women.

CONSTITUTIONAL PROVISIONS

The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favor of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment.

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

Constitutional Privileges

(i) Equality before law for women (Article 1)

(ii) The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them (Article 15 (i)(iii))

The State to make any special provision in favor of women and children (Article 15 (3))

(iv) Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article 16)

(v) The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood (Article 39(a)); and equal pay for equal work for both men and women (Article 39 (d))

(vi) To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not

denied to any citizen by reason of economic or other disabilities (Article 39 A)

(vii) The State to make provision for securing just and humane conditions of work and for maternity relief (Article 42)

(viii) The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (Article 46)

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

(x)To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women (Article 51(A) (e))

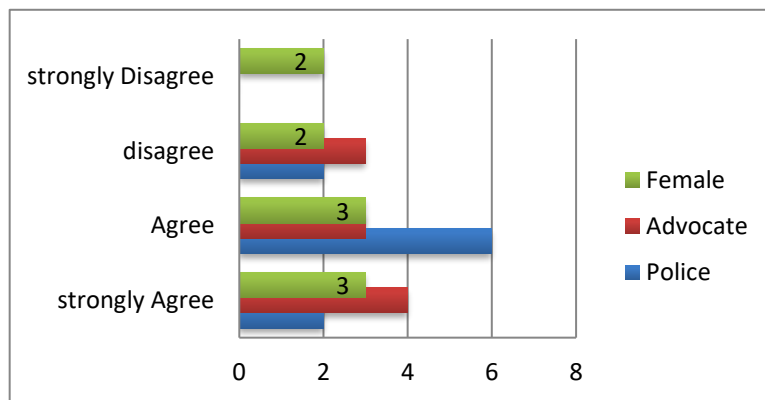
(xi)Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat (Article 243 D(3))

(xii) Not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women (Article 243 D (4)) (www.mopsi.nic, 2016)

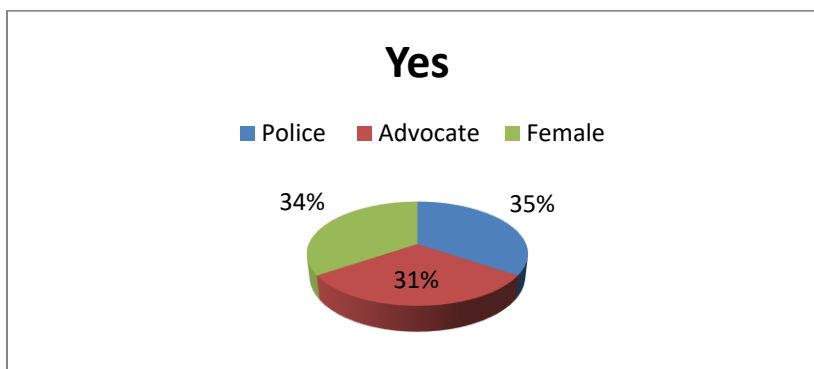
Analysis on the questionnaires

Questionnaire:-

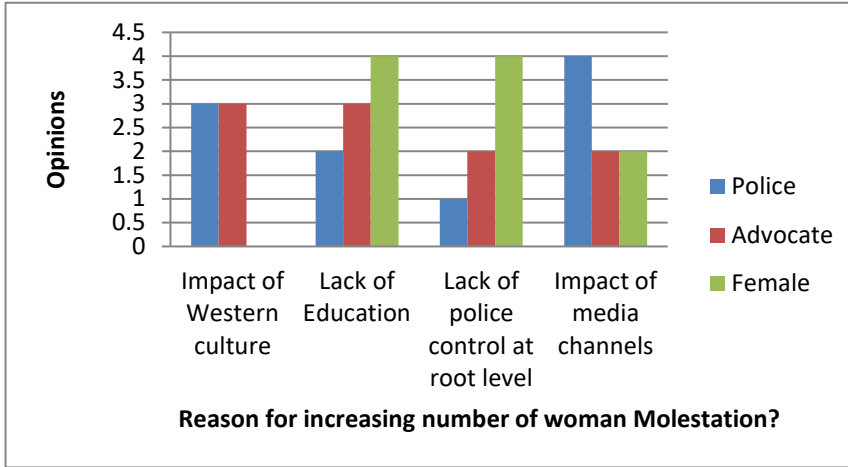
- 1) Some people think that women who cross traditional limits (sometimes referred to by Hindus as a Lakshman Rehkha), such as ignoring conservative dress codes and going out at night ,at least partially responsible for what happens to them . To them. To what extent do you agree with this view?



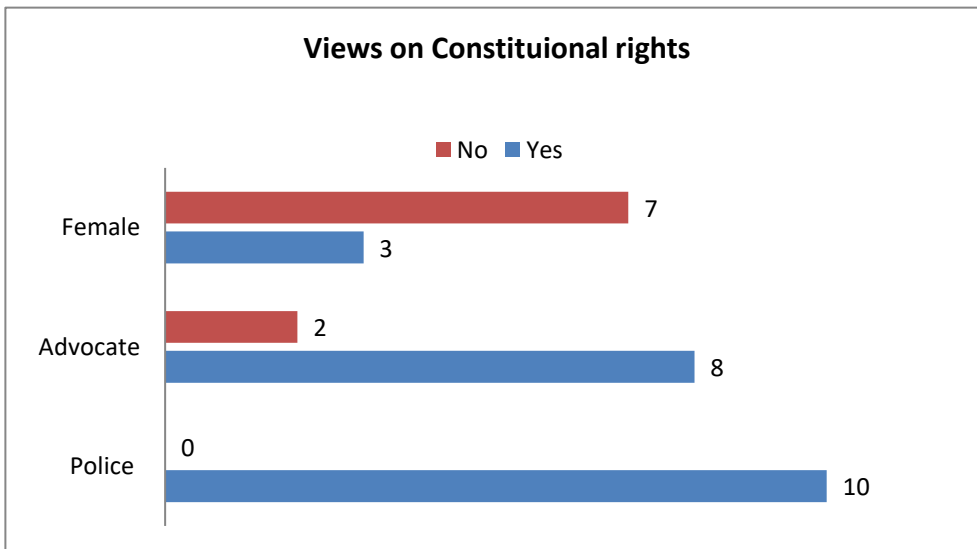
- 2) Do you believe that there should be more powerful & strict laws for woman Molestation?



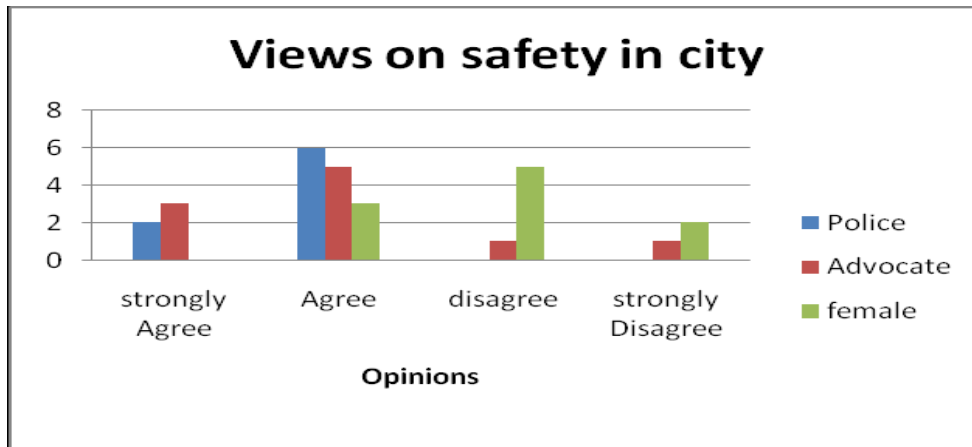
From the above analysis we came across that no one denies to questions, but females and police agree to more strict law, while the advocate don't feel strongly for strong laws.



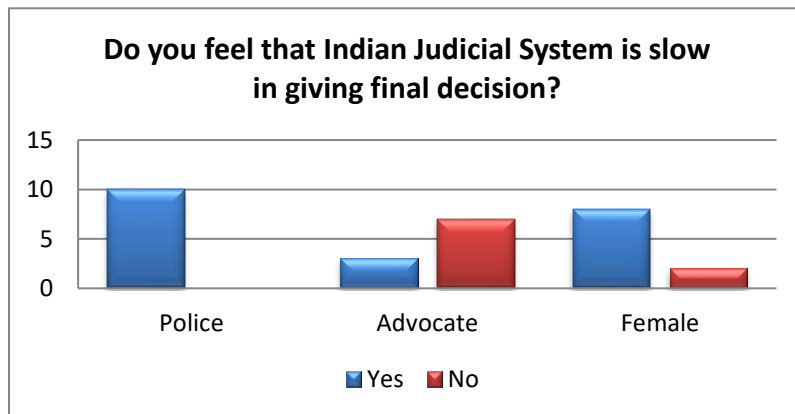
In the above question, the police strongly supports to impact of media channels, but on the other hand the females don't support to western culture impact.



On the above analysis we realised that there is lack of knowledge of constitutional rights among women, while on the other hand, law preservers being a part of the system are well aware to this.



In this we found out that police strongly support to safety of women but on the other hand, females and advocate are not of the same opinion, rather females don't feel secured in the city.



In the above questions, we realised that law protctors strongly agree to judicial system but women don't agree much to this .

Conclusions

Based on the questionnaires, we came across manny diverted views on the answers, given by different categorised people. The Police respondents are strongly in oppostion with some of the reasons of the questionairre. They personally feel that the city is safe, but on the other hand the common people and advocates don't agree with this .

On the other hand the advocates strongly agree to perfect law system, but women does not agree to their views, they feel that law should be more strict to women harrasment and courts procedures should be fastened. Also advocates feel that the slow proecedure to the system, to the courts decision is because of the slow inquiry and slow process in completing the invetigation on such cases.

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