

LEGAL REMEDIES FOR WOMEN IN INDIA

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The status of women is an indicator of social and cultural advancement of a society. Jawaharlal Nehru once said that “you can tell the condition of a nation by looking at the status of its women”.

Manu said that “*women should be honored and adored by father and brothers! by husband and also by brother in law. here women are honored but when they are neglected. all rites and ceremonies are fruitless*”. woman has to be protected by her father in the childhood by her husband in the young age and by the sons in the old age. he lost her identity after marriage. Manu believed that there is a vital structural difference between man and a woman. Each is suited for a different types of work. he regarded women’s more emotional and less rational by nature than man”.

Overview of Laws relating to Women [Criminal laws]

1. **Commission of Sati (Prevention) Act, 1987**
2. **Dowry Prohibition Act, 1961**
3. **Indecent Representation of Women (Prohibition) Act, 1986**
4. **National Commission for Women Act, 1990**
5. **Protection of Women from Domestic Violence Act, 2005**
6. **Immoral Traffic (Prevention) Act, 1956**
7. **Protection of Women against Sexual Harassment at Workplace Bill, 2010**
8. **Prohibition of Child Marriage Act, 2006**
9. **Protection of Civil Rights Act, 1955**
10. **Protection of Human Rights Act, 1993**
11. **Protection of Human Rights (Amendment) Act, 2000**
12. **Protection of Human Rights (Amendment) Act, 2006**
13. **Medical Termination of Pregnancy Act, 1971**
14. **Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act, 1994**
15. **Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Amendment Act, 2001**
16. **Information Technology Act, 2000**
17. **Indian Penal Code ,1872**
18. **Criminal procedure Code,1973**
19. **Indian Evidence Act ,1872**
20. **Criminal Law Amendments**

Sexual Assault & other crimes:

- Every woman has a right to take legal action against any person who assaults or tries to outrage her modesty by any deliberate constant gesture or physical force **(Sec. 354 of IPC)**.
- Every woman has a right to lodge a complaint in the police station, if she is forced to have sexual intercourse against her will **(Sec. 376 of IPC)**.
- A woman has the right to lodge a complaint if she is being harassed, eve teased and passed rude remarks in public places like buses, trains, roads etc. **(Sec. 354 of IPC)**.
- If a woman has been kidnapped and either forced against her will to marry any person or to have sexual intercourse, a crime has been committed and she has the right to lodge a complaint. **(Sec. 366 of IPC)**. Kidnapping & Abduction **(Sec. 363-373 IPC)**
- Every women has right to lodge complaint for abuse & eve teasing under **(Sec. 509 IPC]** & intimidation **[Sec 506 IPC]**
- The **Indecent Representation of Women (Prohibition) Act** was enacted to prohibit indecent representation of women through advertisements or in publications, writings, paintings
- The **Immoral Traffic (Prevention)] Act, 1956** was enacted prevent trafficking of women for sexual exploitation or abuse.
- **Commission of Sati (Prevention) Act, 1987** was enacted to prevent widow burning after the death of her husband.
- Female feticide & Infanticide; deliberate killing of girl children and women and the overwhelming preference for male children in India, it is recently that this trend has been termed as genocide or a holocaust. It is offence under under MTPAC&PNDT Act; Causing miscarriage without consent of women is an offence under **Sec -313 of IPC**.
- Every women ,who receive obscene mail, threatening mail, her photos or morphed photos posted in website, receives vulgar SMS etc can lodge complaint under the provisions of IPC and IT Act. to concern and nearest cyber police wing.
- If girl or women attempts suicide or committed suicide due to sexual abuse or harassment or stalking, accused can be booked under abatement to suicide **[Sec 306 IPC]**
- If girl or women is victim of acid attack, attempt to murder **[sec 307 IPC]** charges ought to be framed.
- Every married women has right to complaint against husband for bigamy [contracting second marriage] **[Sec-494 IPC]**

Dowry Harassment

- Every woman has a right to take legal action against her husband if she is being tortured both physical and mentally or tortured for not agreeing to the demand of money or valuables **(Sec. 498 (A) of IPC)**.
- If the relations of the husband of a woman or her mother-in-law or any other relatives, torture her and demand money, valuable articles from her parents, she can lodge a complaint against them. **(Sec. 498(A) of IPC)**.
- The Dowry prohibition was enacted in 1961 and in 1985, the Dowry Prohibition (maintenance of lists of presents to the bride and bridegroom) rules were framed to address the issue of dowry.

Domestic Violence:

- Every woman [married or live-in relationship] has a right to lodge under Prevention of Women from Domestic Act, 2005. The PWDVA is a Civil law meant to protect and provide support to victims of domestic violence. Under the Act, the aggrieved woman can seek various reliefs such as protection order, residence order, custody order, compensation order, monetary reliefs, shelter and medical facilities. The aggrieved woman can also file a complaint under Section 498A of IPC, depending upon the facts.
- She can directly lodge complaint to protection officer appointed under provisions of DV Act or concern Magistrate or complain can be lodged through women's organization [service provider]

Work Place Harassments

- Protection of Women against Sexual Harassment at Workplace Bill, 2010[pending]; the bill makes it mandatory that every institution [private or government] to set up enquiry committee to look into the complaints of sexual harassment at the work place by co-workers or bosses.
- If any person demands or requests for sexual favors, passes sexually colored remarks, or verbally or non-verbally conducts himself in a sexual manner to the woman at her work place, then she has the right to complain against this harassment to her employer and the complaint would be lodged through as per procedure/guidelines of the Supreme Court. (Supreme Court judgment in Writ Petition No-666-700 of 1992 in Vishaka and others Vs State Of Rajasthan).
- The National Commission for Women framed guidelines: a Code of Conduct for employers

Criminal Procedure Code:

- A woman should not sign the FIR unless she is satisfied that it is accurate. (National Commission for women).
- A woman if she is a witness has a right to be examined in her own house in the presence of her close relatives (**Sec.160 of Cr.P.C.**).
- If the officer concerned refuses to register the FIR, a copy of the complaint should be sent to the Superintendent of Police immediately (N.C.W.)
- Every woman has the right to take legal action by approaching the Court if the officer in charge does not take any action on the complaint (N.C.W.)
- The arrest of accused women in night should be avoided.
- Only women police should handle the arrest of women.

Special Courts for Women:

- Special Courts like Mahila M.M Court/Mahila Session Court were established to prosecute the offenders for the crimes related to women like Dowry death, harassments, rape etc. in Metropolitan areas and towns.
- The Family Courts were established to redress the grievances related to matrimony like Divorce, Maintenance, and Child Custody in big towns.

Special Women Police Station:

Special Women Police station & Protection cell were established to address the grievances of victims; the cases of eve-teasing, stalking, dowry harassment & cruelty kidnapping, abduction, forceful

marriage, child abuse, rape & sexual abuse, trafficking for prostitution, normally handled by Women Police station. Where, no women police station exists, existing police station will handle cases.

National Commission & State Commission for Women:

- National Commission for Women Act, 1990 was enacted to establish National Women Commission for redressal of women problems and act as advisory body to Government of India.
- State Women Commission has been established by various state governments under state enactment.

CONCLUSION –

Now in present scenario due to gender difference and lack of education in women there is a need of continuous education for women for their rights awareness campaign and classes in every school and education institute.

***Note:** After studying from available Bar Act and NCW website this informative article has been prepared.