

**Impact
Factor
3.025**

ISSN 2349-638x

Refereed And Indexed Journal

**AAYUSHI
INTERNATIONAL
INTERDISCIPLINARY
RESEARCH JOURNAL
(AIIRJ)**

Monthly Publish Journal

VOL-IV

ISSUE-IV

APR.

2017

Address

• Vikram Nagar, Boudhi Chouk, Latur.
• Tq. Latur, Dis. Latur 413512 (MS.)
• (+91) 9922455749, (+91) 9158387437

Email

• aiirjpramod@gmail.com
• aayushijournal@gmail.com

Website

• www.aiirjournal.com

CHIEF EDITOR – PRAMOD PRAKASHRAO TANDALE

Current Status of Women Exploitation in Indian Society and Indian Penal Code – A Review**Dr. Sunita Y.Patil**Assistance Prof.
School of Educational Science,
S.R.T.M. University, Nanded**Mr. Sunil Balaji Jamdade**MEd Research Student,
School of Educational Science,
S.R.T.M. University, Nanded**Abstract**

In our Republic and modern India Women are facing problems in every sphere of life whether family, employment, society, health and property rights etc. 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. The Constitution of India grants Fundamental Rights, 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. Indian society is a male dominated society where men are always assumed to be superior to society. The women in India very often have to face discrimination, injustice and dishonor.

The Recent terrible news of Gang Rape in New Delhi 23 Year Old medical college girl student was raped by 6 people in a Moving Bus in New Delhi in December 16, 2012. The girl was hospitalized for several days and was also taken to Singapore for advanced Treatment even though she died. The UN Women in India protested and emphasized that every girl and woman should be able to live safely and free of violence. Only women are a prey to crimes such as rape, dowry, bride burning, sexual harassment, selling and importation, prostitution and trafficking etc the research paper will study and discussed the various human rights of women in India and how they are being violated. Although special rights are being given to woman as compared to men, yet they are least beneficial to them. What are the basic situation of Indian Society in current era as well as the women mental, physical, and emotional condition which observed behind the research point of view. Current situation of women exploitation is very much higher level not only upper cast but also growing level of SC, ST, NT, OBC class also. The women are getting fundamental right to protect them but all the women are not aware about constitutional vision.

Keywords: Women exploitation, Human Rights, Women Right sexual harassment, crime against women, Delhi Gang rape, Indian culture, patriarchy Constitution.

Title Of The Research

Current Status of Women Exploitation In Indian Society And Indian Penal Code – A Review

Introduction

The status of **women in India** has been subject to many great changes over the past few millennia. India having 29 states and 7 U.T. With a decline in their status from the ancient to medieval times to the promotion of equal rights by many reformers, the history of women in India has been eventful. In modern India, women have held high offices including that of the President, Prime Minister, Speaker of the Lok Sabha, Leader of the Opposition, Union Ministers, Chief Ministers, Governors and entrepreneur having occupied higher position in private sector and government sector also.

However, women in India continue to face numerous problems, including violent victimization through rape, acid throwing, dowry killings, marital rape, and the forced prostitution of

young girls and child marriage, trafficking in persons, including widespread bonded and forced labour of children and adults, child prostitution, and forced adult prostitution

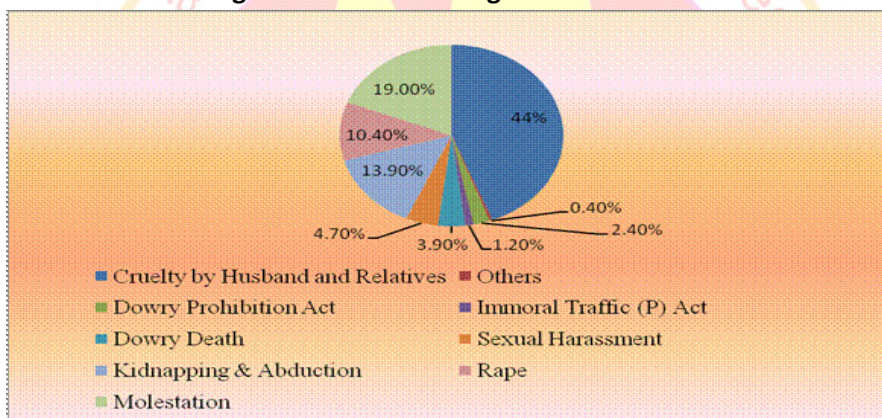
Women’s rights are secured under the Constitution of India — mainly, equality, dignity, and freedom from discrimination; further, India has various statutes governing the rights of women

The crimes against women in India are increasing at a very fast pace. The National Crime Records Bureau (NCRB) had predicted that growth rate of crime against women would be higher than the population growth by 2010, which was found to be true. The table below represents a list of top 5 most dangerous cities in India in terms of crimes against women

| Rank | Name Of City | Percentage Of Crime Against Women |
|------|--------------|-----------------------------------|
| 1 | Delhi | 16 |
| 2 | Hyderabad | 8.1 |
| 3 | Bengluru | 6.5 |
| 4 | Ahamdabad | 6.4 |
| 5 | Mumbai | 5.8 |

Source: crimes in India – 2010, NCRB, Ministry of Home Affairs

Crime Against Women Percentage Distribution During 2010



Incidence and rate of Cognizable Crimes (IPC) and % change during the years:

| Crime head | 2001 | 2006 | 2007 | 2008 | 2009 | 2010 |
|------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Rape (Section 376 IPC) | 16075 (1.6%) | 19348 (1.7%) | 20737 (1.8%) | 21467 (1.9%) | 21397 (1.8%) | 22172 (1.9%) |

Source: Crimes In India, National Crime record Bureau, GOI, 2011, 2

Objectives

1. To study the current status of women exploitation in India.
2. To examine the stages of women exploitation in context of India.
3. To understand the different forms of women exploitation in present society.
4. To know the Indian penal and special local laws of crimes.

Meaning Exploitation: An act that exploits or victimizes someone (treats them unfairly)"capitalistic exploitation of the working class"; "paying Blacks less and charging them more is a form of victimization".

Methodology and Data Source:

In this paper, an attempt has been made to study the violation of women rights in India and government initiatives such as law and various Acts for securing and protecting women rights. The methodology of this paper is descriptive and required information's are collected from different secondary sources like books, research articles, different publications relating to women rights, domestic violence, crimes against women and government documents etc.

Some main aspects of such exploitation may be highlighted as following

- 1) Use of women to earn money
- 2) Physical and mental harassment by men in society
- 3) Trafficking of women
- 4) violence against women

Stages Of Women Exploitation And Present Indian Perspectives

Pre-birth stage of women: we can identify the stages at which they are being victimized. For example, at the stage pre-birth, despite illegal, sex selective abortion has been taking place due to baby girl would be a burden of a family in future and in rural areas, the same is considered along with the concept that they would not be economically and socially productive as they have not physically strong like men (Tripathi and Tiwari, 1999).

Infancy stage of women At the infancy stage, she is looked after with ignorance particularly in case of education, health care and nutrition compare to boy. Consequently from the initial stages of development, she remains weak and isolated.

The adolescence stage of women: At the stage of adolescence form of violence or exploitation is noticed in the form of prostitution, trafficking, early marriage, crime committed against women etc

Reproductive stage of women: At reproductive age, they have to face domestic violence, if get married. Moreover, at this time, they are sexually, psychological and physically tortured by intimate partner or non-partner also

Different Forms Of Women Exploitation In Present Society

Violation of Right to Equality. In India, men are always assumed to be superior to women and are given more preference. A girl is considered a burden by parents and they preferred male child because they think only male child is able earn for family and the sources of family income will increase. Gender discrimination, female feticide and female infanticide is common in India, so here "right to life" is denied to women.

Violation of Right to education Right to Education is the basic fundamental human right. The literacy rate in 2011 census was 74.04%: 65.46% among females and 82.14% among males. The position of women's education in India is bad shape due to they give more preference on their male child education over to female education

Violation of Political Right: The government has made 33% reservation of seats for women in Parliament and Provincial Legislation but also they got difficult for support from family, their political Rights are denied and the representation of women in political participation is very low.

Violation of Right to Equal Opportunity For Employment and Right to Get Equal Wages for Equal Work:

The law prohibits discrimination in the workplace, but employers paid women less than men for the same job, discriminated against women in employment is common problem in India Only 10.11% of the micro and small enterprises are owned by women today. Statistics show that only 15% of the senior management posts are held by the women. Women mostly work in light industries as

they are unsuitable for work in heavy industries. Also, most of the women work in unorganized sector where the wages tends to be very low. About 94% of the total working women are in unorganized sector (ICSSR, Status of Women in India, 1971-74, p.63.).

Dowry: The Dowry Prohibition Act of 1961 marks the first attempt by the Government of India to recognize dowry as a social evil and to curb its practice. This act was modified with the Dowry Prohibition Amendment Act of 1984, which has again been modified with Dowry Prohibition Bill 1986. . The 1961 Act define dowry and makes the practice of dowry-giving and taking, a punishable offence. Dowry is one of those social evils that no educated woman will own up with pride; still many are adhering to it. Practices of dowry tend to subordinate women in the society.

Some Indian Penal Code And Special Local Laws Of Crimes Against Women

(1) The Crimes under the Indian Penal Code (IPC)

- (i) Rape (Sec. 376 IPC)
- (ii) Kidnapping & Abduction for specified purposes (Sec. 363 - 373 IPC)
- (iii) Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
- (iv) Torture - both mental and physical (Sec. 498-A IPC)
- (v) Molestation (Sec. 354 IPC) (vi) Sexual Harassment (Sec. 509 IPC)
- (vii) Importation of girls (upto 21 years of age) (Sec. 366-B IPC)

(2) The Crimes under the Special & Local Laws(SLL)

Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. The gender specific laws for which crime statistics are recorded throughout the country are -

- (i) Immoral Traffic (Prevention) Act, 1956
- (ii) Dowry Prohibition Act, 1961
- (iii) Indecent Representation of Women (Prohibition) Act, 198
- (iv) Commission of Sati (Prevention) Act, 1987

Acts And Provisions For Women Are As Below:

Factories Act 1948: Under this Act, a woman cannot be forced to work beyond 8 hours and prohibits employment of women except between 6 A.M. and 7 P.M.

Maternity Benefit Act 1961: A Woman is entitled 12 weeks maternity leave with full wages.

The Dowry Prohibition Act, 1961: Under the provisions of this Act demand of dowry either before marriage, during marriage and or after the marriage is an offence.

The Equal Remuneration Act of 1976: This act provides equal wages for equal work: It provides for the payment of equal wages to both men and women workers for the same work or work of similar nature. It also prohibits discrimination against women in the matter of recruitment.

The Child Marriage Restraint Act of 1976: This act rises the age for marriage of a girl to 18 years from 15 years and that of a boy to 21 years.

Indian Penal Code: Section 354 and 509 safeguards the interests of women.

The Medical Termination of Pregnancy Act of 1971: The Act safeguards women from unnecessary and compulsory abortions.

Amendments to Criminal Law 1983, which provides for a punishment of 7 years in ordinary cases and 10 years for custodial rape cases.

73rd and 74th Constitutional Amendment Act reserved 1/3rd seats in Panchayat and Urban Local Bodies for women.

The National Commission for Women Act, 1990: The Commission was set up in January, 1992 to review the Constitutional and legal safeguards for women.

The Protection of Human Rights Act, 1993: This Act is to provide for the constitution of a National Human Rights Commission, State Human Rights Commissions in States and Human Rights Courts for better protection of human rights and for matters connected therewith or incidental thereto

The National Plan of Action for the Girl Child (1991-2000) : The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child.

Protection of Women from Domestic Violence Act, 2005: This Act protects women from any act/conduct/omission/commission that harms, injures or potential to harm is to be considered as domestic violence. It protects the women from physical, sexual, emotional, verbal, psychological, economic abuse.

Protection of Women against Sexual Harassment at Workplace Bill, 2010: On November 4, 2010, the Government introduced protection of Women Against Sexual Harassment at Workplace Bill, 2010, which aims at protecting the women at workplace not only to women employee but also to female clients, customer, students, research scholars in colleges and universities patients in hospitals. The Bill was passed in Lok Sabha on 3.9.2012.

Conclusion: Through the ancient India women are equal place in society. but it's not like that in modern India In Indian modern society it is very much essential to all women get educated to solve all women issues in any society and in any circumstance, in order to live with honor, this possible only with the help of education. Education will only give them strength and societal status. As a result this will increase the women smooth living in modern society. Every woman has a fundamental right to be safe Protesting injustice, if a woman is able to protest herself with the right and education, then that protest her life becomes miserable. It should be remembered that the socio economic empowerment must be ensured by the nation to minimize the exploitation which can help to improve the status of women. The recent gang rape has created a fear among women, which I think is a very unfortunate and serious thing. The court should consider this fact and a speedy trial resulting into the harshest punishment possible for those animals who are committed the heinous crime, will if not remove that fear, will at least ensure that a person will think before committing such a crime.

References

- 1.Crimes in India – 2010, NCRB, Ministry of Home Affairs.
- 2.NCRB, (2011), Crime in India: Statistics-2011, National Crime Records Bureau, Ministry of Home Affairs, Government of India, New Delhi.
- 3.United Nations Department of public Information DPI/1772/HR – February 1996
- 4.Poonam Dhandra. 2012. Status of Women in India. RBSA publications. Pg – 1-14.
- 5.<http://www.thehindu.com/opinion/op-ed/cant-do-without-critical-analysis-of-the-ast/article4326386.ece>
- 6.Tripathi, R.S. & Tiwari, R.P. (1999) Perspective on Indian Women New Delhi: APH Publishing Corporation.
- 7.Chande, M. B. (1997). The Police in India New Delhi: Atlantic Publishers and Distributors.
- 8.<http://www.thehindu.com/opinion/op-ed/cant-do-without-critical-analysis-of-the-ast/article4326386.ece>
- 9.Manikamma Nagindrappa , *Radhika M.K (2013) Gulbarga university ISSN 2250 3153
- 10.Rasida begum (2014) assam university (ISSN 2349 5969)