



Justice, Safety and Security of Women: a Literature's Review

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Abstract:

In this paper I am going to present the position of women and how crime against women take place. And how, in this era of globalization, criminal justice system & maintaining law and order. How women feel safe and secure from the crime like rape, abduction, kidnapping, Murder, eve-teasing and forcing wife/daughter-in-law to go for feticide. These are the issues which affect a large section of society even in Indian society where women occupies a vital position and venerable place whom Vedas glorified as the Mother, the creator, one who gives life and worshipped her as a 'Devi; or Goddess. Women found herself totally suppressed and subjugated in a patriarchal society. Indian women through the countries remained subjugated and oppressed because society believed in clinging on to orthodox beliefs for the burnt of violence, domestic as well as public, physical, emotional and mental. In present, women are now to safe and always a kind of threat feelings generated among women that in the present scenario they can be easily victimized from any nook and corner of the society.

Introduction:

In the 21st century India is fast emerging as global power but for half of its population, the women across the country, struggle to live life with dignity continues. Women are facing problems in every sphere of life whether employment, access to health rights. The attention required is still not being paid to the issues that concern this section of population woman employment in India is still a distant dream. There still exists a wide gap between the goals enunciated in the constitution, legislation, policies, plans, program and related mechanism on the one hand and the situational reality of the status of women in India, on the other hand, India is fast developing but women's in India continue to be discriminated. The declining sex ratio in India amply portrays the discrimination shown towards women at the stage of birth. Women may be have stardom in any stream but are getting harassment every day by

their surroundings. They are victims of crime directed specifically at them, rape, kidnapping and abduction dowry-related crimes, molestation, sexual harassment, eve-teasing etc. Around 40% of married women in India are victims of domestic violence. The crimes against women in India are growing at a rampant speed. Women, irrespective of their class, caste and educational status are not safe. The lack of any serious efforts to rectify the weakness in dealing with the crimes against women further compound the situation and result is that the conviction rate remains abysmally low.

Various Legislation for safeguarding the women :

There are various legislation has been incorporated regarding the safeguarding of women. Various legislation for safeguarding crime against women classified under two categories: -

1) The crime under Indian Penal code (IPC).

- i) Rape (section 376 IPC)
- ii) Kidnapping and abducting for specified purpose (section 363-373 IPC)
- iii) Homicide for dowry, Dowry death or their attempts (See 302/304 —B IPC)
- iv) Torture both mental and physical (see 498-A-IPC).
- v) Sexual Harassment(see 509 IPC).
- vi) Importation of girls (upto 21 years of age) See-366-B. IPC)

2) The crime under the special and local laws (SLL) — Gender Specific Laws.

- i) Immoral Traffic (Prevention)

Act 1956.

- ii) Dowry Prohibition Act, 1961.
- iii) Indecent Representation of Women (Prohibition) Act 1986.

iv) Commission of Sati (Prevention) Act, 1987.

Another danger in India is that Indian law does not differentiate between major and minor rape. Rape in India has been described by Radha Kumar as one of the "India's most common crime against women" Rape cultures are nourished by norms attitudes and practice that trivialize tolerate or even condone violence against women. They are further normalized if there is impunity for perpetrations either due to a lack of effective legal mechanism or apathy to prosecuting crime against women. The need for a new law on sexual assault was felt as the present law does not define and reflect the various kinds of sexual assault that women are subjected to in our country and in other too. In present, there is a

serious mater from the safety, security of women.

Crime in Cities :

Crime rates are much higher in big cities than in either small cities or rural areas. "There is a litany of theory about connection between cities and crime. Indeed some of the most important of the ideas on crime and cities has been discussed at early stages of Modern Sociology by Emile Durkheim, George Simmel and Max Weber. Wirth (1938) claims that urban crime reflects the more anonymous and unstable nature of urban life. Jacob (1961) focuses on the emptiness of urban streets and argue that cities only abet crimes when urban neighborhood lose their traditional social structure."

A study conducted by NAVTEQ in 2011 (global provider of Navigation enabled maps) regarding safety of women in Delhi reveals that 51% of the women surveyed in Delhi, Kolkata and Chennai felt unsafe while traveling on roads, while 73% said that they were scared of traveling at night. TNS Market Research claims 87% women regarded Delhi as most unsafe city while Mumbai was touted as the safest city by 74% women).

Reinforced obligations in the area of violence against women pursuant to the convention of Belem do Para).

In the case of crimes involving violence against women, in addition to the generic obligation contained in the American Convention, the States have an obligation reinforced under the convention of Belem do Para. This convention defines violence against women as "any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the

public or the private sphere (51R) and Article 7(b) obliges the States parties to apply due diligence to prevent, punish and eradicate violence. Given that not all breaches of human rights committed against women necessarily implicate a breach of the provisions of the convention of Belem do Para, it must be determined in a particular case whether the acts of violence have been influenced by a context of discrimination against women fall within the obligations undertaken by the States party to the Convention of Belem do Para, it is necessary to examine whether the authorities have fulfilled their duty to guarantee the rights affected (life, personal integrity, liberty, as appropriate), in accordance with Article 1(1) of the Convention of Belem do Para, which forms the international corpus juris in the area of prevention and punishment of violence against women.

The States duty of effective investigation has additional significance when a woman sees here right to life Physical Integrity or Personal Liberty affected in the general context of violence against women. It is imperative to reinforce society's condemnation and to maintain women's confidence in the authorities' ability to protect them from the threat of violence. In its report on access to justice for women victims of violence" the commission pointed out that : the influence exerted by discriminatory socio-cultural patterns may cause a victim's credibility to be questioned in cases involving violence, or led to a tacit assumption that she is somehow to blame for what happened whether because of her manner of dress, her occupation, her sexual conduct, relationship or kinship to the assailant and so on. The result is that prosecutor, police and judges

fail to take action on complaints of violence. These biased discriminatory patterns can also exert a negative influence on the investigation of such cases and the subsequent weighting of the evidence, where stereotypes about how women should conduct themselves in interpersonal relations can become a factor.

In this sense, it found that in cases involving violence against women and impunity the States, influenced by a culture of discrimination against women, are responsible for failing in their duty of non-discrimination contained in Article 1(1) of the Convention, in relation to the duty to ensure the rights of the victims and their families.

The treatment of victims of crime and violence:

The United Nations Declaration of Basic Principles of Justice for victims of Crime and Abuse of Power "defines" "victim of crime and violence" as persons -- --, individually or collectively, have suffered harm, including Physical or Mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal law operative within member states, including those laws proscribing criminal abuse of power.

In the words of the Declaration, the commission observes that a "person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended prosecuted or convicted and regardless of the familial relationship between the perpetrator and victim. The term 'victim' also include, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to

assist victims in distress or to prevent victimization.

Therefore, it is clear from the preceding paragraphs that member states are responsible vis-a-vis their citizenry to conduct effective plans and programs to prevent crime and violence, based on a strategy that involves state institutions in various sectors, ranging from the police and judicial system to methods of social community or situational prevention, which institutions in the education, health, labor and other sectors are to conduct, engaging as well national and local governments. When, despite this preventive work, crime and violence still claim victims, State has an obligation to provide these victims with proper treatment that conforms to international standards.

Although the services, the State provides are to be universal. It must ensure that adequate systems are in place to treat victims of violence or crime who are women, children or adolescents

Approach towards safety of women:

- 1) To increase reporting of rape and assault cases — to increase the reporting of such cases at first we need to empower the women and children. They must be educate on their rights and encourage them to come forward violent cases but due to stigma in the society very few are reported.
- 2) Law Enforcement Agencies — Enforces should be well trained to react swiftly and with sensitivity towards the women and children cases.
- 3) Exemplary Punishment — Punishment of every culprit need to be exemplary Campaigning of zero-

tolerance” of sex offenders. More and more fast track court should be planned in a very specific manner. According to Ranjani Director of Delhi’s centre for social Research, only 37% of the city was ever planned. “The rest is ... slums, villages, with no proper lighting or development”, she also said “There are many pockets of crime”.

- 4) Indian Police System : Neither the Centre nor States have been proactive in improving the quality of policing. Official records shows that only 14 States have either enacted the New Police Act or amended their existing laws to incorporate Sc’s suggestion.

Finally, a nationwide campaign is needed to reignite India’s core values and traditions that respect and nurture women and children. This can only be born gout of consensus in society. Awareness amongst men of the scope of this issue is critical. Men who turn a blind eye to such brutal justice, public health, employment, housing and child welfare will promote a Continuity-of-care-Model.

It is indeed our national shame that in spite of our country tradition know for respecting women to the maximum extent possible out country is terms interenally for one of the most dangerous country for safety of women, and crime against the women are on the raise and accused being convicted is low and convection taking several years almost near to a decade and many cases are not settled through financial settlement. In this the respect we provide for the daughters of the country valuing for their honour and dignity after the rape and assaults. When the girl child and daughters are safe and secure anywhere in the country and more any part

of the country at any time by re-establishing the new independence as was told by our Father of the Nation Shri Mahatma Gandhi that “real freedom to our country is when women in our country can move alone safely in the mid-night.

Conclusion:

It should never be forgotten that woman is a source of immense power. Without women, men world stands nowhere. It is also the woman, who comes in man's world with color and pleasure as loving and caring mother, affectionate sister, cute daughter and compatible companion. All of us, wish that our country becomes a heaven for women where they can live with grace and dignity and above all, without any fear.

“There is no chance for the welfare of the world unless the condition of women is improved” — Swami Vivekanand.

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