

# ALU - WOMEN'S STUDIES BULLETIN



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## **Editorial desk**

India is a traditional male-dominated country where women have to face various forms of violence in the society from the ancient time. As the world is leading in the technological improvement, advancement of material prosperity and so on... the rate of unnatural sex and violence with women is also on the way. Rapes and brutal murders have been so common now-a-days. Violence against women in the country is getting more frequent and alarmingly with huge sound. Violence against women is not a new or recent phenomenon women have been the victims of violence all through the age, in all societies, cultures regions or religious communities in the world. It is indeed, women have to bear the brunt of violence-domestic as well as public, physical as well as emotional and mental.

Women generally face various kinds of crime like dowry death, sexual harassment, cheating, murder, girl child abuse, robbery etc. Violence against women which counted as crimes under the Indian Penal Code are rape, kidnapping and abduction, torture physically and mentally, dowry deaths, wife battering, sexual harassment, molestation, importation of girls, etc. The cases of violence against women is increasing day by day and becoming too broad.

It is creating pressure and a heavy responsibility over the shoulders of every individual. However, there is an urgent need for women to be empowered and responsible to themselves in order to understand all the rights and take benefits. Hence, this bulletin deals with the issues of violence against women in India.

## Quotable Quotes

**“Poverty is the worst form of violence”**

- **Mahatma Gandhi**

Violence against women is perhaps the most shameful human rights violation, and it is perhaps the most pervasive. It knows no boundaries of geography, culture or wealth. As long as it continues, we cannot claim to be making real progress towards equality, development and peace

• **Kofi Annan**

There is one universal truth, applicable to all countries, cultures and communities: violence against women is never acceptable, never excusable, and never tolerable.

• **Ban Ki-moon**

No one can make you feel inferior without your consent.

- **Eleanor Roosevelt**

## Focusing on Prevention to Stop the Violence

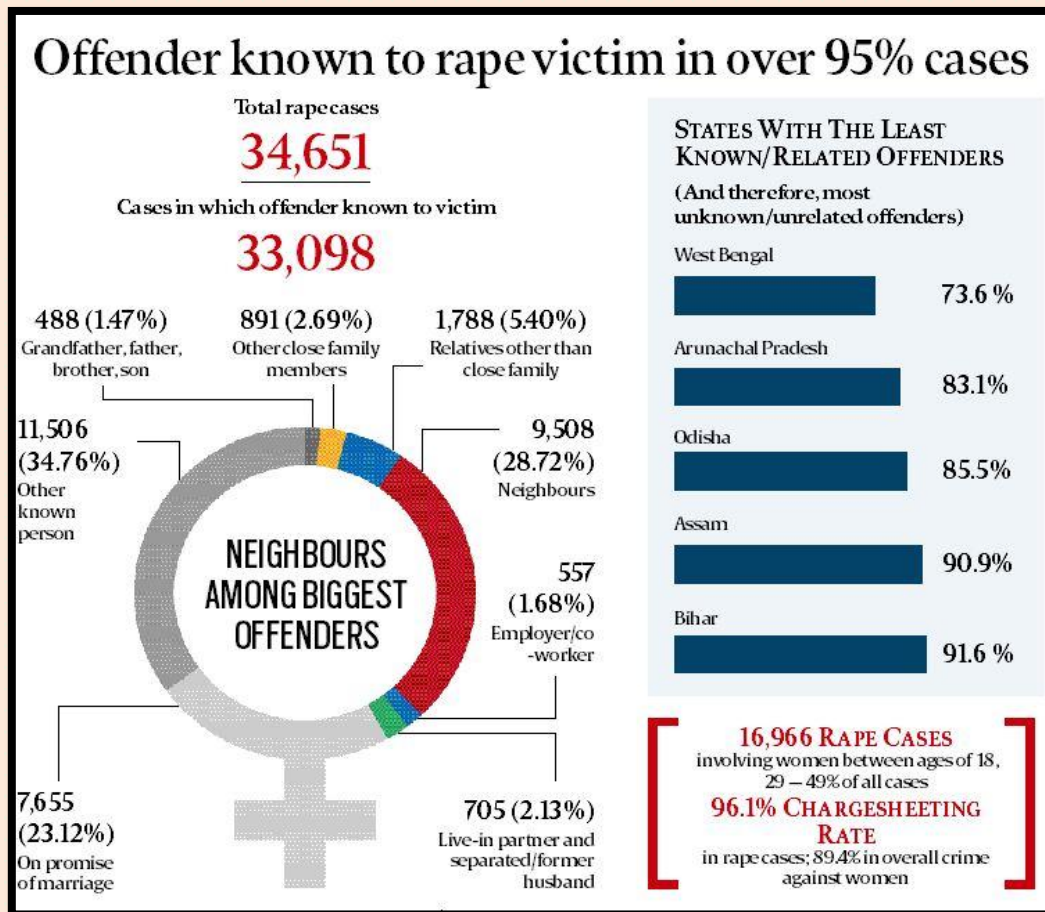
Violence against women and girls is rooted in gender-based discrimination and social norms and gender stereotypes that perpetuate such violence. Given the devastating effect violence has on women, efforts have mainly focused on responses and services for survivors. However, the best way to end violence against women and girls is to prevent it from happening in the first place by addressing its root and structural causes. Prevention should start early in life, by education and working with young boys and girls promoting respectful relationships and gender equality.

## Crime against Women

(Source: National Crime Records Bureau, 2015)

The year 2015 has witnessed a reduction in crime against women as compared to 2014. Recording a decrease of 3.1%, 2015 saw the registration of 3,27,394 cases under the head of Crimes against Women as compared to 3,37,922 cases in 2014, show figures from the National Crime Records Bureau. Cases of rape have fallen by 5.7% from 36,735 in 2014 to 34,651 in 2015. Incidents of gang rape too have shown a decrease from 2,346 in 2014 to 2,113 in 2015.

There has been a marginal increase of 2.5%, however, in other sexual offences against women. Under the category of “assault on women with intent to outrage her modesty”, 2015 saw 84,222 cases being registered across the country as against 82,235 in 2014. The category includes offences such as sexual harassment, assault or use of criminal force on women with intention to disrobe, voyeurism, and stalking. Kidnapping and abduction of women also increased in 2015 to 59,277 cases from 57,311 in 2014.



### Specific Legislations to Safeguard Women

The following are various legislations contained several rights and safeguards for women:

**Protection of Women from Domestic Violence Act (2005)** is a comprehensive legislation to protect women in India from all forms of domestic violence. It also covers women who have been/are in a relationship with the abuser and are subjected to violence of any kind—physical, sexual, mental, verbal or emotional.

**Immoral Traffic (Prevention) Act (1956)** is the premier legislation for prevention of trafficking for commercial sexual exploitation. In other words, it prevents trafficking in women and girls for the purpose of prostitution as an organised means of living.

**Indecent Representation of Women (Prohibition) Act (1986)** prohibits indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner.

**Dowry Prohibition Act (1961)** prohibits the giving or taking of dowry at or before or any time after the marriage from women.

**Maternity Benefit Act (1961)** regulates the employment of women in certain establishments for certain period before and after child-birth and provides for maternity benefit and certain other benefits.

**Medical Termination of Pregnancy Act (1971)** provides for the termination of certain pregnancies by registered medical practitioners on humanitarian and medical grounds.

**Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (1994)** prohibits sex selection before or after conception and prevents the misuse of pre-natal diagnostic techniques for sex determination leading to female foeticide.

**Equal Remuneration Act (1976)** provides for payment of equal remuneration to both men and women workers for same work or work of a similar nature. It also prevents discrimination on the ground of sex, against women in recruitment and service conditions.

**Dissolution of Muslim Marriages Act (1939)** grants a Muslim wife the right to seek the dissolution of her marriage.

**Muslim Women (Protection of Rights on Divorce) Act (1986)** protects the rights of Muslim women who have been divorced by or have obtained divorce from their husbands.

**Family Courts Act (1984)** provides for the establishment of Family Courts for speedy settlement of family disputes.

**Indian Penal Code (1860)** contains provisions to protect Indian women from dowry death, rape, kidnapping, cruelty and other offences.

**Code of Criminal Procedure (1973)** has certain safeguards for women like obligation of a person to maintain his wife, arrest of woman by a woman police and so on.

**Indian Christian Marriage Act (1872)** contain provisions relating to marriage and divorce among the Christian community.

**Legal Services Authorities Act (1987)** provides for free legal services to Indian women.

**Hindu Marriage Act (1955)** introduced monogamy and allowed divorce on certain specified grounds. It provided equal rights to Indian man and woman in respect of marriage and divorce.

**Hindu Succession Act (1956)** recognizes the right of women to inherit parental property equally with men.

**Minimum Wages Act (1948)** does not allow discrimination between male and female workers or different minimum wages for them.

**Mines Act (1952) and Factories Act (1948)** prohibits the employment of women between 7 P.M. to 6 A.M. in mines and factories and provides for their safety and welfare.

The following other legislation's also contain certain rights and safeguards for women:

- Employees' State Insurance Act (1948)
- Plantation Labour Act (1951)
- Bonded Labour System (Abolition) Act (1976)
- Legal Practitioners (Women) Act (1923)
- Indian Succession Act (1925)
- Indian Divorce Act (1869)
- Parsi Marriage and Divorce Act (1936)
- Special Marriage Act (1954)
- Foreign Marriage Act (1969)
- Indian Evidence Act (1872)
- Hindu Adoptions and Maintenance Act (1956)

**National Commission for Women Act (1990)** provided for the establishment of a National Commission for Women to study and monitor all matters relating to the constitutional and legal rights and safeguards of women.

**Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (2013)** provides protection to women from sexual harassment at all workplaces both in public and private sector, whether organised or unorganized.



## **Glimpses of November**

### **National Education Day**

Abul Kalam Muhiyuddin Ahmed Azad (11 November 1888 – 22 February 1958) was an Indian scholar and a senior political leader of the Indian independence movement. Following India's independence, he became the first Minister of Education in the Indian government. In 1992 he was posthumously awarded India's highest civilian award, the Bharat Ratna. His contribution to establishing the education foundation in India is recognised by celebrating his birthday as "National Education Day" across India. As India's Education Minister, Azad oversaw the establishment of a national education system with free primary education and modern institutions of higher education such as Indian Institutes of Technology. National Education Day of India is celebrated on 11 November every year in India to commemorate the birth anniversary of Maulana Abul Kalam Azad.

### **International Day for the Elimination of Violence against Women**

International Day for the elimination of Violence against Women was first marked as a day to combat violence and raise awareness in 1981 by activists. The United Nations General Assembly gave the day its official designation in 1999. Each year on November 25, the International Day for the Elimination of Violence against Women is commemorated. A commemoration in essence is an opportunity to reflect on the challenges, prove that progress can be made and celebrate victories. It is also a reminder of the obligations and the responsibility we all must own at both the private and the public level to ensure that every woman, every girl, in all corners of the world lives in a world free of violence and fear. They must be enabled to enjoy their most fundamental right to physical integrity and security.

### **National Constitution Day**

Constitution Day, also known as Samvidhan Divas, is celebrated in India on 26 November every year to commemorate the adoption of Constitution of India. The day was celebrated to spread awareness about Constitution of India as well as about its architect Dr.B.R.Ambedkar. On this day in 1949, the Constituent Assembly of India adopted the Constitution of India, and it came into effect on 26 January 1950. The Government of India declared 26 November as Constitution Day on 19 November 2015 by a gazette notification.

The Prime Minister of India Narendra Modi made the declaration on 11 October 2015 on the occasion of laying the foundation stone of the B.R.Ambedkar memorial in Mumbai. Henceforth, the government plans to celebrate every November 26 as Constitution Day to promote constitutional values among citizens.

### **Key Facts about Women in Judiciary**

- Currently, Justice R.Bhanumathi is the only women judge among 29 judges of Supreme Court.
- Supreme Court has seen only six women judges in total 230 Judges appointed since 1950. It took four decades after independence for Supreme Court to have its first woman judge, Justice Fathima Beevi was the first woman judge of the Supreme Court of India whose tenure was from October 6, 1989 to April 29, 1992. The second was Justice Sujata V Manohar, from November 8, 1994 to August 27, 1999.
- There has been never a woman chief justice of India. Out of 24 High Courts, at least nine have not a single woman judge.
- In High Courts, the female to male judge ratio is 1:10. Currently, two High Courts in India are headed by women Chief Justices viz. Delhi - Justice G Rohini and Bombay Justice Manjula Chellur. Interestingly, these two High Courts have largest representation of women Judges.
- The picture is grim in 12 bar councils of India also. There are only seven women members while there are close to 250 male members. No chairperson or vice-chairperson of a bar council in India has been a woman.

(Source:<http://www.gktoday.in/blog/under-representation-of-women-in-judiciary-in-india>)

## **Prominent Women in Judiciary**

### **Justice M.Fathima Beevi**



Fathima Beevi was born on 30 April 1927 at Pathanamthitta, Travancore (now Kerala, India) as the daughter of Meera Sahib and Khadeeja Bibi. She did her schooling in Catholicate High School, Pathanamthitta and got her B.Sc. from University College, Trivandrum. She obtained her B.L. from Government Law College, Thiruvananthapuram. Justice M.Fathima Beevi was the first female judge to be appointed to the Supreme Court of India (1989) and the first Muslim women to be appointed to any higher Judiciary. She is the first woman Judge of a Supreme Court of a nation in Asia. On her retirement from the court she served as a member of the National Human Rights Commission and as Governor in Tamil Nadu (1997-2001). She received Hon. D Litt and Mahila Shiromani Award in 1990. She was also awarded Bharat Jyothi Award.

### **Justice R Banumathi**



Justice R Banumathi (born 20 July, 1955) is a judge of the Supreme Court of India. Earlier she had served as the Chief Justice of Jharkhand High Court and Judge at Madras High Court. Justice R Banumathi has become the first woman Judge from Tamil Nadu to be elevated to the Supreme Court.

Banumathi had joined Tamil Nadu Higher Judicial Service in 1988 as a direct recruit district judge. As a sessions judge, she dealt with number of landmark cases and also headed



one-person commission on police excess by STF in Chinnampathy village in Coimbatore district in 1995-1996.

In April 2003, after serving at various posts in the subordinate judiciary, she was then elevated as judge of the Madras High Court. There she dealt with many important cases including a ban on Jallikattu or bull fight. The verdict paved the way for formulating regulations relating to Jallikattu. In Nov 2013, she was transferred to the Jharkhand High Court and appointed Chief Justice of that court at the same time. Within a matter of months, in August 2014, she was elevated to the Supreme Court of India after her name had been recommended for the post by the Chief Justice of India, Rajendra Mal Lodha. She is the second woman sessions judge to rise to the country's highest court.

### **Justice G. Rohini**



G.Rohini is the Chief Justice of Delhi High Court. On 21 April 2014, she became the first woman Chief Justice of the Delhi High Court. Previously, she was the Judge at Andhra Pradesh High Court. G. Rohini was born on 14 April 1955 in Visakhapatnam, Andhra Pradesh, India. She completed her bachelor's degree in science at Osmania University and law at Andhra University College of Law, Visakhapatnam. She was appointed as the judge at Andhra Pradesh High Court in 2001. She previously worked as an advocate, has taken issues like protection of the girl child and working women. She was involved in legal journalism, as a reporter and executive editor of Andhra Pradesh Law Journals.

## **Justice Manjula Chellur**



Manjula Chellur (born 5 December, 1955) is the Chief Justice of Bombay High Court. She was the first woman Chief Justice of Calcutta High Court, was the Chief Justice of Kerala High Court and the first female Judge of the Karnataka High Court. Chellur was born in Karnataka. She received her Bachelor of Arts degree from Allum Sunmangalamma Women's College, Bellary, and went on to earn her law degree from Renukacharya Law College, Bangalore. In 1977 the Supreme Court of India sponsored her on a Gender & Law fellowship to England's University of Warwick. In 2013 Chellur received an honorary doctorate from Karnataka State Women's University.

Chellur became the first female advocate to practice law in Bellary. She worked as a legal advisor, practising both civil and criminal law before the local Bellary Courts. In 1988 she was appointed as District and Sessions Judge; she served as the Principal and Sessions Judge for Kolar and Mysore. In addition to these positions she was also the Chief Judge of Court of Small Causes, and Principal Judge of the Family Court at Bangalore. On 21 February 2000 she was named judge of Karnataka High Court. Chellur served as the President of the Karnataka Judicial Academy from 21<sup>st</sup> June, 2008 to 25<sup>th</sup> March, 2010. She was also the executive chairperson of Karnataka State Legal Service Authority. On 9<sup>th</sup> November, 2011 she was appointed Acting Chief Justice of the Kerala High Court, and since 26<sup>th</sup> September, 2012 she has been the Chief Justice of Kerala.