

Naari (Women)

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Abstract: This paper presents an overview on Naari.

Keywords: Condition of Women in India, Protection of Women, Reality of Indian law, Society, Rights of Women.

1. Introduction

“यत्र नार्यस्तु पूज्यन्ते रमन्ते तत्र देवताः ।

यत्रैतास्तु न पूज्यन्ते सर्वास्तत्राफलाः क्रियाः ॥ ५६ ॥”

“Women must be honoured and adorned” and “Where women are revered, there the gods rejoice but where they are not, no sacred rite bears any fruits [1].

In ancient India, people were well versed with the fact that respecting women is much more important than worshipping gods. Famous sages like Sage Manu, Sage Kaushitaki, and Sage Agastya taught the importance of women in society. They said “the existence of the universe is not possible without women”, which is true. For the perfect balance of human survival, we need both men and women. “A rusty nail placed near a faithful compass, will sway it from the truth, and wreck the argosy.” This statement correctly fits with the situation of women in the current era. Here the rust is in people’s minds. The way they treat women is rust to the society which will wreck the future of the Country. According to National Crime Records Bureau, every day dowry related violence kills over 20 women. And in 2016 total number of cases reported against husband or husband’s relatives related to domestic violence was 1, 10,378.

The main question is why women are treated as an object or slave? And what are the rights provided to women by the law?

2. The Protection of Women from Domestic Violence Act, 2005

The Vienna Accord of 1994 and the Beijing Declaration and the Platform for action (1995) have acknowledged that domestic violence is undoubtedly a human right issue and serious deterrent to development. The UN committee on Convention on Elimination of All forms of Discrimination Against Women (CEDAW) in its General Recommendation No.XII (1989) has recommended that State parties should act to protect women against violence of any kind especially that occurring within the family.

A. Rights and Powers provided by this Act

The protection of Women from Domestic Violence Act, 2005 was enacted in 13th September 2005 and came into force in

26th Oct 2006 by Indian Government. For the first time in Indian legal history the term “Domestic Violence” was defined in this Act in section 3 which cover aspects like:

1. Harms or injuries
2. Unlawful demand of dowry
3. Physical Abuse
4. Sexual Abuse
5. Verbal Abuse
6. Economic Abuse

B. Who is covered under this Act?

Many people have misunderstood the jurisdiction of this Act. Many of them think that this act covers married women only but it covers those women who are or have been in a relationship with the abuser where both parties have lived together in a shared household. In addition, sisters, widows, mother, single women or living with the abuser are entitled to legal protection under the proposed legislation [4].

C. Rights provided by this act to the women:

1. Protection orders(section18)
2. Residence order (section 19)
3. Monetary reliefs (section 20)
4. Custody order (section 21)

D. Court’s power regarding Domestic Violence

1. Appointment of Protection Officers (Section8)
2. In camera proceeding (Section 16)
3. Grant ex-parte orders (Section 23)

3. Reality and Applicability of the Act

Though this Act provides many rights and powers to the women and to the Court but the reality of ground zero is not that simple. As mentioned above, the data [5] provided by the National Crime Records Bureau screams the condition of women in society but there are many incidents that are not registered. And the numbers of unregistered cases are way more than the data provided by the National Crime Records Bureau. Not only married women are abused physically or mentally on daily basis, there are unmarried women who are in a living relationship with an abuser, are also experiencing the same. Many of the victims are unaware of the law and rights provided to them, and those who know the law and rights are not coming forward because society.

In India “LOG KYA KAHENGE” is taking more lives and

destroying the future of many women as well as of their children. This mentality and thinking process has rooted deep inside everybody's mind that they can destroy their lives but can't come forward and fight for their rights and justice.

A. *Why Victims don't stand for themselves?*

Due to lack of support from their family and friends, this is the only point from where the abuser gets his power, abuser knows that the victim has no place to go, no one will come in between them to protect her. Society has given motivation to the men to abuse and treats women like slaves.

According to Section 4 of The Protection of Women from DV [6] Act, 2005 any person who has reason to believe that an act of DV has been, or is being, or likely to be committed may give information about it. But people opt to be silent, they stand still and witness many crimes but they don't want to take any action, according to the same section of the very same Act clause 2 says No liability, civil or criminal shall be incurred by any person for giving in good faith. But still people think that they will be in trouble if they'll complain.

I'll not blame society solely for not supporting the victims; there is a huge role of the Police department and their ill approach to handle the DV cases which makes it even worse.

B. *My experience*

I'm the founder of Chain of Humanity-Ranchi. It's a group which deals with women's safety. I've handled many cases related to Domestic Violence and more than 50% of the cases were unregistered for years. And when I asked the victims that

“why are you not filing any case?” many of them replied:

1. They don't have any place to go.
2. They don't file because of their children's future
3. They don't have any job

I told them about their rights and powers were given by the law but still, it didn't change their mind just because of LOG KYA KAHENGE! And those who filed a complaint against their husband are heavily criticized by their own family and society. Their own relatives suggest them to withdraw the case because people are making fun of their families.

4. Conclusion

It's not just the accused; we all are equally responsible for the suffering of the victims. We don't show support to them but we surely make fun of it. Honour killing, taking away life because of dowry (Dowry death) is acceptable but a woman who is a victim of domestic violence and willing to file a complaint is not acceptable. Who are we to stop her from complaining it's her right, it's about her respect, dignity, and justice.

References

- [1] Verse 3.55-3.56 of Manusmiriti
- [2] Walter scott
- [3] United Nations
- [4] The Protection of women from Domestic Violence Act, 2005
- [5] 2016 total number of cases reported against husband or husband's relatives related to domestic violence were 1,10,378.
- [6] Domestic Violence