

Crime Against Women in Assam and the Safeguards

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Introduction:

Human rights are those rights, which every person is entitled to enjoy. As a human being women have to enjoy equal rights with men. But it is very disheartening to notice that women's rights have been violated at a large scale. Crime against women has been a worldwide phenomenon and our society is not an exception. Crime against women is a burning problem in our state. It is assumed that position of women in our state is higher than other states of our country. But in reality, in Assam women are not free from suppression and deprivation. The alarming increase of crimes against women would become a parameter to judge the condition of women in our state.

Objective:

The objectives of the paper are

1. To discuss the severe condition of women in our state.
2. To highlight the intensity of crimes which are taken place in Assam against women.
3. To suggest certain measures to protect women from crimes.

Methodology:

The paper is an analytical study of crimes against women in Assam and its safeguards. Such study would help in critically analyzing the various aspects of the issue. The paper is based on secondary materials collected from printed books, journals, news papers, reports, etc.

Analysis:

The reports of crime against women are becoming almost everyday occurrences in our state. Several severe crimes against women like rape, molestation, sexual harassment, dowry deaths, witch-hunting and trafficking are reported day by day. In 1999 crime against women including rape, molestation, sexual harassment, dowry death and cruelty at home

were 127 cases per million persons in all India level. In Assam it was 138 cases per million persons. The State of Indian Women Report 2001-02 released by the Union Ministry of Human Resource Development revealed that the crime rate against women has been higher in Assam than the all India average. According to the data made available by the Assam Government to the State Legislative Assembly in July 2008, the number of rape cases registered in the state went up from 785 in 2001 to 1311 in 2007. The statistics also mean that on an average Assam registered a minimum of 100 rape cases a month. The fact is that day by day reported cases of crime against women in Assam have been increasing. According to National Crime Record Bureau Report 2014 nearly 1,980 rape cases and 188 cases of dowry deaths were registered in Assam. The cases of cruelty by husband and relative were at top relating to the other cases of crime against women in Assam in 2014. Nearly 9,626 cases of crimes of such nature were recorded in Assam in 2014. Total cases of sexual offences under IPC in 2014 were 5,307. Incidences of molestation, trafficking, murder, and domestic violence have also gone up. The registered cases of kidnapping and abduction of women in Assam was 4,823 as stated by the National Crime Record Bureau Report 2014. This Report reveals that the rate of cognizable crime against women was 123.4 in case of Assam, which was the highest among the states.¹

According to the Home Ministry Report of Assam, from 2010 to June 2015 total 83,000 cases of crime against women were recorded. According to this Report there were 11,555 such cases in 2010; 11,503 in 2011; 13,544 in 2012; 17,449 in 2013; 19,139 in 2014 and 9,963 up to June 2015. These data reveal the alarming increase of crime against women in Assam.²

So from the above data it can be stated that women's rights in Assam have been violated at a large scale. Increasing rate of crime against women in Assam has become a matter of concern. We should think and rethink and go deep into the core of this alarming situation. A pathological study to find out the causes and factors responsible for the crime against women in the state is very much essential.

In our state women are always considered to be inferior to men. Women are regarded as second class citizens. Most of the women in our society have to carry out the decision which is taken by men, not by themselves. So women are not empowered in proper sense. Empowerment is the process of enabling or authorizing an individual to think, to behave, to take action and to control the work in an independent manner. But most of the women in our society cannot think, behave, take action and work independently. The social system, which is primarily patriarchal, advocates a dominant male position. The foundation of male power is in the patriarchal system and, hence, it becomes political.³

Crime against women begins by placing men and women in different social positions-

- one is placed in the core and the other in the periphery. The one occupying the periphery, by virtue of the metaphorical space it occupies, is marginalized, silenced and made invisible. This position is either ignored or monitored by the core.⁴

Several types of crimes are committed against women in our society. The crimes may be physical torture like abortion of female foetus after sex determination, neglect, starvation, lack of immunization, malnutrition of female child, infanticide, molestation, rape, wife beating etc. Mental or psychological harm like discrimination in male and female child, all mental cruelties, discrimination in employment, unequal remunerations are also included as crimes against women in our society.

In patriarchy man is born with a male gender privilege. This advantage is not gained by choice. Although one cannot be held responsible for having such a privilege, one can be held personally responsible for not doing anything to stall the perpetuation of male gender privilege.

The crimes against women in Assam are occurred due to the fact that gender identity of man and women is characterized by certain binaries like rational/emotional, abstract/concrete assertive/ submissive where the first term of each set characterizes man.⁵

Discrimination is inherent in our social system. The social system, which is primarily patriarchal, advocates a dominant male position. One can cite their socio-economic and political indices which are not sufficient to explain their position in society because women as a whole irrespective of their class, caste, religion and race are under the hegemony of male domination in a patriarchal society.⁶ So Patriarchal Society is responsible for the violation of women's rights at a large.

The declaration on the elimination of violence against women defines violence against women⁷ to mean 'any act of gender based violence that results in or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.'⁸ Discrimination against women or gender bias is not only present in the public sphere but also in the private sphere. So crime against women not only committed in outside but also within the home. The protection of women against domestic violence Act 2005 is an act to provide for more effective protection of the rights of women guaranteed under the constitution who are the victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto under this act. Domestic violence includes any harm, injury to health, safety, life, limb or well-being or any other act or threatening or coercion by any adult member of the family. Under this act, any person who has reason to believe that domestic violence has been committed can file a complaint.

Looking at the female ratio according to census reports of 2011 i.e.954 female

against 1000 males we can assume that there is the prevalence of foeticide in our state. Pre-Natal Diagnostic Technique Act was enacted in 1994 with a view to prohibiting determination and disclosure of sex of the foetus. The act mandates that sex selection by any person, by any means, before or after conception is prohibited. The code of medical council of India prohibits medical practitioners from conducting sex determination tests. Though this act has been implemented, in our state the practice of foeticide is still present.

In our state according to the report of National Crime Record Bureau a large number of rape cases are registered. There are laws relating to sexual offences like rape also. In this aspect criminal justice system should be sensitive to a victim of rape. To safeguard the dignity of victim the criminal procedure code was amended to stipulate that all rape trials should be conducted in camera meaning that other than the victim, the accused person and their lawyers, no other member of the public can be present during the trial.

The criminal procedure code which was amended in 1983 to include section 498A, prescribes punishment for the husband and/ or his relatives for cruel treatment to the wife.

Trafficking of women and girls is another form of violation of women's rights in Assam. Women are often trafficked by their close friends and family members. Sometimes trafficking is linked to traditional contexts and practices. It is seen that most of the women who are trafficked have a strong desire to migrate and are thereby abused in the process.

Commercial sex work is the root cause of trafficking. The immoral trafficking prevention Act 1956 prohibits trafficking and imposes severe penalties for the commission of such a offence. Indian penal code also prohibits trafficking.

Witch hunting is another instance of violation of women's rights in Assam. Illiteracy and superstitions are the prime causes of this inhuman practice. In August 2015, the Assam Assembly passed the Assam Witch Hunting (Prohibition, Prevention and protection) Bill, 2015 making the offence cognizable, no-bailable and no-compoundable under the Act. But still witch hunting is becoming a prevalent evil in some parts of Assam.

The tea-garden labourers in Assam form a distinct population group which was originally brought from various parts of the country. Women labourers have been working with men in the tea industry from its inception. It is noticed that though women labourers are doing their duties very honestly yet their rights are violated in several occasions. Assam Plantation Labour Rules, 1956 had several provisions for the protection and safe guard of the women labourers. But in many tea-gardens such rules are not followed at all.

Crimes against women are taken place in several occasions and in several forms. Our country from the date of its independence has been taken different steps for preventing the crimes against women. As part of the Indian Union Assam also come under the purview of the legal provisions available for securing the basic human rights of women in the Indian

context. The principle of gender equality is enshrined in the Indian constitution in its Preamble, Fundamental Rights and Directive Principles. The constitution not only grants equality to women, but also empowers the state to adopt measures of positive discrimination in favour of women.

India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993. The Convention on the Elimination of All Forms of Discrimination Against Women, 1979⁹ imposes an obligation on states parties to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination¹⁰ and to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise.¹¹

After passing the National Commission for Women Act in August, 1990 and the establishment of National Commission for women in 1992, the Assam Govt. also promulgated an ordinance for constitution of the State Commission in November, 1993. This prompted the State Govt. to pass the Act of Assam State Commission for women in January, 1994. This is a statutory body under the State Act which strives to achieve equality and justice. The commission has worked relentlessly since its inception towards this cherished goal, i.e. equality and justice for the women folk of the state.

In this way there are various laws, policies, plans and programmes for the protection of women against crimes. But no law can change human behaviours. There still exists a wide gap between the goals enunciated in the constitution, legislation, policies and related mechanisms on the one hand and the situational reality of the women in Assam or India as a whole on the other hand.

Conclusion :

In conclusion, it can be said that without changing the mind-set of the people nothing positive can be achieved in this regard. The women organizations, the intellectuals, the Human Rights Commissions and the Governments, all should come forward and make a mass movement to root out crimes against women.

What women need here is not protection, but social support. Besides the legal measures, there should be an earnest attempt to put emphasis on education policies, health strategies and community level programmes that promote the sense of equality and the respect towards each other's dignity between men and women.

Recommendations :

Certain safeguards may be fruitful for the removal of crimes against women!

There is a need of some positive socio-economic policies for the overall development

of women. Positive socio-economic policies will enable women to realize their full potential and to empower them. Empowerment of women in the true sense would reduce crimes against them.

Changing societal attitudes is an important measure for the removal of crime against women. To improve the condition of women and to stop crime and atrocities against women the attitudes of the society should be changed. Gender based violence should be rooted out from our society.

Strengthening up the women organization is also an important safeguard to stop crime against women. Voice of single women may not create much impact, but the voice of a group of women through an organized way can make an impact. The women organizations should try to create awareness among women about their rights.

Legal-Judicial system must be made more responsive and gender sensitive to women's needs, especially in cases of domestic violence. The role of police is also important in this regard. Lastly women should have the knowledge of laws. So legal awareness camps should be organized both at the urban and rural levels. In this regard media can play a positive role.

Notes and References

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2. Dainik Janambhumi, 31st December, p-1&10
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5. Ibid.
6. Narayan, K.S.(1998). Gender Disparity in Indian Polity: Need for Political Reservation, *Kurukhetra*.
7. South Asia Human rights Documentation Centre (2006). *Introducing Human Rights*. New Delhi
8. Ibid.
9. Ibid.
10. Article 2 (C) CEDAW
11. Article 2 (C) CEDAW