

- Have you ever seen child marriages?
- Have you ever observed harassment and violence made to women and girls?
- Have you ever observed the various types of domestic violence, threatening women in day to day life?
- What shall we do to stop such violence caused to girls and women?

Girls and women are facing teasing and violence worldwide. It affects their mental and physical health. Most of the women can't dare to move freely. Similarly girls are hesitating to go to schools. Teasing with words, torturing, insulting are common incidents around us. We also watch such news in T.Vs and newspapers. Such incidents are the evidence for violation of child and women rights. Even though governments made many Laws to control the violence, people are not aware of them. Even victims don't know where and how to get protection and help.

Girls and women should be aware of the Laws, meant for their protection. Then only they can protect themselves from various types of violence and abuse. Is there any network or mechanism for girls and women to express their worries and through which they can maintain secrecy? What are the various forums..... which girls and women seek protection. Let us discuss these in this chapter.

Violation of children and women rights is continuing in our society in various forms. It may be in family or working place. How far such violation of rights continue? There is a need to correct the attitude of the society which adversely affect the overall development of women and children. Proper implementation of the laws, made by the government provide free and confident life to the children and women.

In 1989, the UNO proposed international children charter on which 191 countries have signed. Our country is also one of them. These rights relate to everybody without discrimination. Let us look at some of these important rights.

### Children Rights

1. Below 18 years age are all children without gender discrimination.
2. Protection from government for children rights.
3. Right to live.
4. Right to live with parents as far as possible.
5. Right to gain knowledge and get awareness about the world through media like radio, newspapers, T.V etc.
6. Right to protection from violence and harmful incidents.

7. Right to get special care to live and for development in case of disabled children.
8. Right to have good health and get medical care.
9. Right to use mother tongue, follow their religion and tradition.
10. Right to play.
11. Right to avoid the harm for children from getting education and health.
12. Right to get protection from using harmful medicines also manufacturing and purchasing.
13. Right to get help when the children are neglected and being suffered.

Children, elders and everybody should be aware of the UNO Children Rights Charter. Government also inform people about this.

### **Prohibition of Child Marriage Act, 2006**

Child means a person who, if a male, has not completed 21 years of age, and if a female, has not completed 18 years of age.

It is treated as child marriage if the contract between any two people of which either one or both parties is a child.



If a male person above 21 years contracts a child marriage shall be punishable for two years imprisonment and/ or a fine which may extend to Rs. 1 lakh. The same punishment will be given to person who performs, conducts or directs a Child Marriage under Child Marriage Act., 2006. If the

marriage is voided the girl should be paid maintenance by the male up to the age of her 18<sup>th</sup> year or upto the time she gets married. If the male is minor his parents should provide such maintenance. The government will take care of the children whose marriage is cancelled. The dowry and gifts are to be returned after the cancellation of the marriage.

### **Disadvantages of child marriage:**

- Underage pregnancy.
- Provision for trafficking and sale of girls.
- Pushing the unmatured into family system.
- Increased abortions, premature births which results not only infant mortality but also the death of mothers.
- Handicapped child births or dead child births.
- Mental as well as physical health problems.
- Obstacle for study.
- Hurdle for physical growth (especially regarding female).
- Become child labourers for family maintenance.

## Prevention of a Child Marriage – A Case Study

Raviralla Kavitha, is a girl of twelve years. Her father is Nancharaiah. They belong to Rangareddy villagae of Mahaboobnagar district. Kavitha is studying in class VII in an Upper Primary School. As her marriage is fixed, she is not attending the school. This was informed to Mamidipudi Venkata Rangaiah Foundation. The volunteers of MVF went to her home along with the members of Child Marriages Prevention Samithi and discussed about the child marriage in presence of the village elders.

Later on, the MVF volunteers went to the local priest. He repeated that when the parents of Kavitha came to him for the request of fixing the date, he demanded for the Date of Birth certificate or ration card, they did not show any of them and they could not come back to him. The volunteers came to know in the enquiry that the bridegroom Damerla China Satyam, age 23, S/o Ramaiah didn't complete the primary education also.

After two days, when the MVF volunteers went to Kavitha's home, they were busy with marriage arrangements. They explained them not to perform marriage at the early age which is meant for study and she was still a minor. Kavitha's father said, "you say many things but we have another daughter. How can I arrange the marriages?". As they were not convinced, the volunteers went to Thasildar, Sub Inspector of Police, CDPO and informed the same. They enquired about this in presence of villagers but the parents said in a rude way, "who are you to stop our daughter's marriage? At that time a few people belong to the bridegroom came there and said," we have finished all the arrangements. Why do you stop now? "S.I. Explained them," Celebrating Child Marriage's is offence. One who encourages the child marriage is also a crime. After counseling to the parents of bride and bridegroom, they agreed to cancel the Child Marriage and sending her to school regularly.

District Collector at the district level, Revenue Divisional Officer at division level, Tehsildar or ICDS Officer at mandal level and Gram Panchayat Secretary at village level are the Incharges in stopping the child marriages. Anybody can complain or intimate to the above officers to stop the child marriages. Sometimes the court may initiate and file sue-motu (on its own initiative) when it has reliable information and punish the concerned.

- Sometimes marriages are performed for the under aged i.e. less than 15 years without their consent. How do we stop such marriages? Who will help us?

### Do You Know?

Seek assistance in case of any harassment and domestic violence using toll free number **Bhumika Help Line 1800 425 2908** and stop child marriages. Friends, relatives, neighbours, teachers can inform to the village secretary and Tehsildar to stop child marriages.

## The Immoral Trafficking (prevention) Act 1956 and amendment 2006

Girls and women are being lured in the name of providing jobs, bright future, offering roles in cinema etc., and take them to towns and cities and sell them for prostitution. Even they beat and, cause physical violence to make them obey. Certain time they remove body parts.

Trafficking and selling of them for prostitution or encouraging them to enter in to prostitution is a punishable crime. Though they come on their will and interest is also treated a crime.

### Different forms of trafficking:

- **Sexual assault**
  - a. Forced prostitution
  - b. Social and religious prostitution (Devadasi, Jogini, Mathangi etc.)
  - c. Sexual assault in tourism
  - d. Reading rustic writings and watching obscene pictures
- **Activities against the law**
  - a. It is a crime to make the trafficking children involve in the begging for money and beating them to obey. Certain times they make them physically handicapped by removing their body parts and make them as beggars.
  - b. Removing body parts and doing business.
  - c. Selling narcotics with the trafficked children.
- **Labourers**
  - a. *Vetti*: Taking work without making proper payments, not providing nutritious food, clothes and even not treat them as human beings.
  - b. Domestic labour: Washing clothes, cleaning the houses and utensils without proper wages, entrusting work in neighbours' houses.
  - c. Agriculture Labour : Involving in the agriculture work and exploiting them for more physical work.
  - d. Construction work : Labour involved in construction of buildings, roads etc., with nominal payments and providing them with substandard food.
- **Sadistic pleasure**
  - a. Tying up the children on camels and make them run for entertainment
  - b. Marriages and adoption without their consent

Generally people bear injustice and violence and never inform to proper authority or take the help of law to be away from violence and sufferings. In such cases the sufferers must inform to the local police station or NGO for protection and care.

Forcible prostitution is an offence. Such prostitutes are called sex workers. There are so many Acts for their protection in vogue. The police have no power to

beat or punish them in the name of enquiry. Along with the sex workers, the brothel house keepers are also liable to be punished with 2 to 3 years of imprisonment and penalty up to Rs. 10,000/-. Using a house or a room or taking or giving a room for rent for the purpose of prostitution is also an offence.

If anyone participates in sexual intercourse other than the spouse is also punishable under the law.

After protecting the victims they should be presented before the Magistrate after the required medical treatment. An enquiry is to be taken up by a woman police officer or any Non Government Organisation (NGO) and action for the protection. If the victims are children they will be sent to Balasadan. The rescued persons shall be given full protection and care, respect by the concerned government. If the rescued persons are children they may be provided accommodation in child protection home where their education, food and health shall be taken care of.

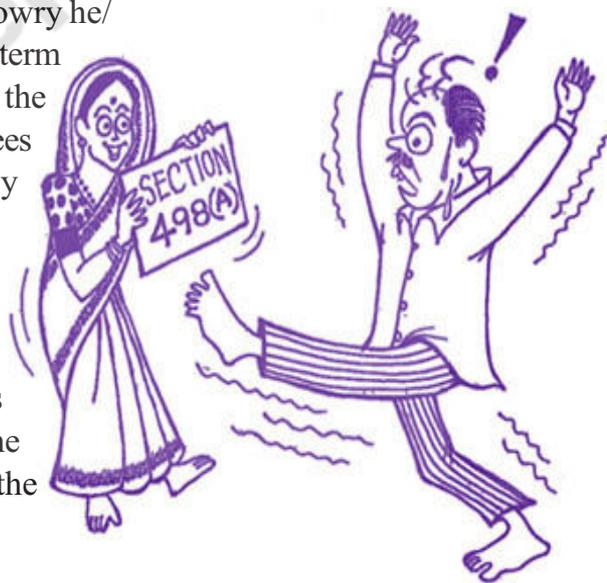
The punishment is 7 years rigorous imprisonment to life along with penalty for immoral trafficking. Without warrant the police officer shall investigate the case and collect the necessary details to protect the trafficked children and punish the accused.

### The Dowry Prohibition Act, 1961

If any person gives or takes or abets dowry he/she shall be punishable with imprisonment for a term which shall not be less than five years, and with the fine which shall not be less than 15 thousand rupees or the amount of the value of such dowry whichever is more.

It is observed that after the marriage the bride is teased, scolded, abused, beaten even sometimes cause for death or makes her commit suicide. All these offences cover in this Act. Parents can present offerings, articles in the marriage, but these offerings must be as per the law.

1. Enlisting the offerings
2. Offerings can't be demanded
3. The offerings that are being provided must be as per one's cultural norms and traditions. The value of offerings shall not be over and above of the parents' economic status and never become a burden to the family.



- Have you ever seen the women who are tortured for dowry in your locality? How are they being tortured? What sort of suggestions do you make to prevent? Who will held responsible?

When there is such violence, the victim herself or her father/ mother/ brother/ relatives can complain in the local police station.

## The Protection of Women from Domestic Violence

Our constitution provides the right to live in a dignified manner to all the citizens. Leading a dignified life means that the women should not be abused, insulted or humiliated. Such situations are to be created for the women to enjoy their rights by giving proper respect for their work. The equal rights are not being enjoyed by the women. And the activities, behaviour which damage their value and self respect starts with family. Such violent acts happening in the family to suppress the women and their dignity. These happenings are against their development.

There are differences or changes in the nature and range of violence, the women subjected to and it is a major challenge for the development of women across the world. The domestic violence is not alone pertaining to individual or family and it has certain politics behind it according to women movements being carried out in the last twenty years. Certain special Acts have been formulated based on women protests and movements. However, these Acts are not being implemented in its proper spirit, proper sensitivity and awareness should be created with effective monitoring towards women issues among the machinery of implementation such as police, and other assisting agencies.

The National and International governments have taken up certain declarations and resolutions in order to stop violence against women, though the family and

- Domestic violence takes place now and then and gradually it becomes a bad habit. More violence generates from violence. How do we stop them? Who will help?

community supporting the violence. The declarations also clear the actions proposed to be taken up by the governments towards development of women. The government of India is also one of the countries accepted and became signatory to the declaration and resolved to abide by it.

### Important Resolutions:

- “Government shall take appropriate measures, to do away with the discriminations against in the matters of marriages and family relations.”
- “The men and women shall possess equal rights in the matters of family property and its management.”

### The Beijing declaration and programme of action focus on the following things:

- “Violence against women is one of the major causes for the decreasing status of women in the community when compared to men. Mostly women and girls undergo the violence in the family and in home environment and these things never come out. It is very difficult to identify the domestic violence and address it.”

- “The government has to take steps in the proper identification of violence, protecting the victims and punishing the culprits.”
- “Making all legal and judicial systems and mechanisms accessible to the women suffering with domestic violence. The information pertaining to protective measures and taking help of the law must be provided to everyone.”

Lakhs of women and children are being injured during domestic violence and undergo treatment but majority doesn't reveal about it. Though this is spread across all nations, races, religions and still it is considered as something confined to family affairs happening within the four walls.

### **Domestic Violence - Misconceptions and Realities:**

**Misconception:** Parents punishing their children now and then is not a major issue to be considered.

**Reality:** Domestic Violence starts slowly and it becomes a routine, if nobody opposes it. The Victims certain times are hospitalised for treatment and even lose their life and it adversely affects their dignity and self respect.

**Misconception:** Addiction to the drinking is the major cause for violence.

**Reality:** The alcoholism for domestic violence is only an assumption but the statistics reveals that 40% of the men who beats their wives are not addicted to alcoholism

**Misconception:** Women shall bear the violence for the sake of children.

**Reality:** Violence leads to more and more violence. Children grow in the violent atmosphere will become more violent in future.

**Misconception:** There is no way to get out of Domestic violence.

**Reality:** The violence free environment is the birth right of every woman. The Women protecting Acts and laws are available and one should take their support.

### **Forms of Domestic Violence:**

- Sexual abuse (forcible sexual intercourse, watching obscene films )
- Physical abuse (behaviour caused to bodily pain or harm, beating, torturing)
- Verbal and emotional abuse (humiliation, name calling or ridicule not speaking to them, ignoring.)
- Mental abuse (threaten to harm, not to send the children for study, stopping from jobs, force to marry whom she doesn't like)
- Economic abuse (deprivation of economic or financial resources, use the women wealth, sell their property)

### **Whom to complain:**

The victims of domestic violence should complain to the police officer or judicial authority like 1st class Metropolitan Magistrate individually/ over phone/ e-mail. This type of complaints can be filed when the domestic violence took place or taking place or will be taken place. If the victim is wounded she has to be sent for medical treatment and then the report is to be sent to the police station and to the Magistrate.

## Sexual Assault and Torturing

Recently central government has appointed Justice J.S. Verma Committee asking suggestions to prevent sexual assault and abuse. Based on the suggestions Hon. President of India issued an ordinance on 2nd February, 2013. Some important features of the ordinance. are ;

- Minimum 20 years of imprisonment.
- Recruitment of women police to address the complaints from the victims.
- It is not necessary for the victim to attend before the police officers individually.
- There will be no punishment if the accused dies in struggle at the time of attack with acid on women.
- There is a scope to shoot video at the time of complaining and trial on the request of the victims.

## Lok Adalat

Lok Adalat means peoples' court. All are equal before law. The Article 39-A of the Constitution of India, contains various provisions for settlement of disputes through Lok Adalat. It is an Act to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society. It is to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. And to organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity.

In addition to above, an Act was formulated which is called "Act of Judicial Services Authority. This is a central law. The State government and high court jointly formulated certain principles as per this Act.

### Who are eligible for judicial assistance?

- Citizens belong to scheduled castes and scheduled tribes.
- Victims of immoral human trafficking, beggars, women, children, mentally imbalanced and physically challenged.
- Victims of natural disasters, agricultural and industrial labourers and victims of Domestic Violence and Casteenminty
- Citizens earning annual income less than Rs. 50,000.

One should apply for this assistance to Judicial Service Authority in District Court or High Court, as the address given below.

1. Secretary

District Judicial Services Authority  
District Court Premises

2. Member Secretary

State Judicial Services Authority  
High Court Premises, Hyd. 500 066

## Methods of Judicial Assistance

- Judicial advice is given free of cost by the advocate.
- After verification of the cases and if it is found necessary, the advocates may be appointed on behalf of the complaint and take up the cases in the court.
- To bear the expenditures of court and court fee.
- The xerox copies of the judgment will be given at free of cost to those who sought judicial assistance.

It is necessary to have a thorough understanding and awareness for the better implementation of the acts. Then only the purpose and provision of human rights will be fulfilled and everybody leads respectable and dignified life.

### Key words

1. Dowry
2. Domestic Violence
3. Lok Adalat
4. Sexual Assault
5. Forced Prostitution

### Improve your learning

1. What are the disadvantages of child marriages?
2. Why has the domestic violence become a common practice? Find out the reasons.
3. You have read about various problems of girls and women. Have you noticed any sort of these problems in your village/ town? Specify them and what is to be done?
4. Many acts are made by the government. What do you suggest for better implementation?
5. Write an essay on general problems, the women facing?
6. Imagine that you are Tehsildar. How would you prevent child marriages?

### Project

What facilities does the government provide to the poor for seeking judicial justice? Consult a lawyer and get the information?