

WOMEN IN TAMIL NADU: TRANSFORMATION TOWARDS LEGAL SECURITY - A STUDY

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Abstract

The Christian Missionaries were the first to introduce Education for women when only a hundred of Indian Females can read and write in 1834. The role of Carley in abolishing infanticide in India is still remembered in India. Along with Raja Ram Mohan Roy, Carey campaigned against Sati and finally Lord William Bentinck abolished Sati. After reviewing the Crime Review Reports of Tamil Nadu Police, this study also endorsed the view of Krishnaji, Rustagi and Mukherjee that highest of the Crimes anti women go under reported for comprehensible motives such as social stigma, disbelief in legal mechanisms, fear of vengeance and soon.

KeyWords: Women, Social Victim, Legal Security.

Introduction

The term "crime" is originated through the latin roots of *cenō*, implying "I determine, I judge." Initially, the Latin word *crimen* implied "charge" or "cry of pain." Crime is an illegal act prosecuted by any government or other jurisdiction. It may also be described as "a crime or a violation (or an illegal offense) is an offense that is detrimental not merely to a person but even to the community, public or the government ('a public offense'). These activities are illegal and punished by statute. "Actions such as robbery, abuse and stealing are outlawed in virtually every government on the planet. How is it a punishable case is specified in the constitutional liability of each nation. Even though many of us include a list of offences named the Penal Code. While many have a catalogue of

crimes called the criminal code. Before analyzing the important provision of Indian Penal code for the crimes against women, it is essential to study the various crimes committed in the past and among them with cultural sanctions.

Throughout the ancient era of Indian history, the Women coexisted treated with great respect. During the Vedic period, equal treatment was given to men and women, and the latter even enjoyed the freedom of choosing their life- partners. They have participated in cultural events, festivals and public functions. The fact that the age of girls to be given in marriage in the Vedic period was sixteen to eighteen indicates that child-marriage was not favoured during that period. The Vedic society allowed widows to remarry and treated them well. But, in the later Vedic period, the position of women deteriorated gradually and their status suffered with the advent of Manu's Code. It sanctioned child marriage, denied women education and treated them like *sudras*.¹

During the Sangam Age, women were inferior to men and had to submit themselves to the dictates of their men folk in all walks of life. As women were dependent on men, they did not enjoy any status, both in public and family life.⁴ *Sangam* literature clearly describes women's status in the society. An occasional treatise like *IrayanarAhapporul*, may refer to women's equality with men. But "Shyness (*nanam*), holding steadfast to what is taught to one (*madam*), shrinking from the unfamiliar (*achcham*), and a sense of disgust at unaccustomed persons or things (*payirppu*)" were the major traits to be adhered to by women. They were confined to the houses and were watched by the female elders of the house.² Owing to the freedom enjoyed by women it was possible for young people to choose their life partners. The *Sangam* literature refers to the curious of customs of *karpu* (Chastity) and *kalavu* (Secret Love). Both the lover and lady-lover were honest people with mutual trust towards each other, normally they did not desert each other, and rarely, they separated themselves. The '*karpu*' became effective the moment, a woman set her hearts on a man and from that moment she began to treat him as her lord and wore the *mullai* flower representing future marriage.³ Elopement

was permitted. Notwithstanding this freedom the foremost idea that emerges in the *Sangam* period is that women played a subordinate role. Widows led a secluded and isolated life.⁴

As it was an extension of the *Sangam* Age, the medieval period also became an unequal society due to the influence of Islam. During this period, the part of women imitated to the dictum laid down by Manu, which imposes to a number of restrictions on upon the freedom of women.⁵ In patriarchal societies, the mother “had a less active role in the upbringing of children in the family”. Their only career in life was to minister to men’s physical pleasures and wants.⁶ They had no equal status with men and the importance of the wife’s role during ceremonies merely allowed the presence of the wife near the husband.⁷ Since the recognition of womanhood was getting lost in society.

Women were sold as slaves during the medieval period to the temples due to famines and also due to economic distresses.³⁷ Women were sold to temples to dedicate themselves for temple services. Even the absconding women slaves were searched and recovered and were compelled to continue their services. The practice of employing women for the temple works started from the Pallava period, but they considered themselves not as slaves of human beings but of God. Women in temple administration came into prominence from 11th century A.D. They were also called *devaradiyar* as they were dedicated for a spiritual life of divine services. Later on, they took to dancing and music because of their talents in the field of fine arts. But it started deteriorated from about the 16th century A.D and degeneracy in moral standards had set in among *devaradiyar* and many of them married and led family life.

Sati was an inhuman practice in those days in the medieval Tamil society; it means *udankattaierudal* or *tippaidal* in Tamil. As a good wife was supposed not to live a life of hardship after the death of her husband, she adhered to the practice of *sati*.⁸ Mostly, the women of royal families committed sati. For instance, Just like in 973 A.D when Sundara Chola passed,

VanavanMadevi, his wife, had took her own life in flames.⁹ This reveals fact that the practice was adopted in the royal family.

Afterwards, the position of women in the Tamil Nadu was not a good one, both according to the law and in public and social life for many hundred years. Through the ages, most women found it easy to be submissive as they were conditioned to enjoy a soporific feeling of satisfaction if they went along with the traditions and customs that their elders believed in.

In the colonial period, women again looked down in social status due to the British adoption of non-interference policy in the societal and religious life of the native individuals initially. So, this kind of attitude towards Indian women perpetuates women in leading a confined life. Philosophically, the female was perceived to be a totally different race and subordinate to a man. It was held in a moment of complete obedience, refused all privileges, and stayed enslaved. They were treated as an appendage of men with a distinct and humbly accepted conception of their family duties and obligations. In the early period of the British rule, women were not even aware of their rights.¹⁰

Christian missionaries have also been leaders in the area of education for women. The women of the early missionaries and independent missionary people, all of whom had been there, took most of this service. In India in the nineteenth century, education system wasn't really embraced by females of any sort, even less by those of respected societies. In 1834, just 1% of Indian women were recorded to learn how to read.

Since the very beginning missionaries had been disturbing at the criminal activities in India like the sati (sacrifice of wives on funeral pyres of the married men), the execution of outcasts as well as the sacrificing of girls.

William Carey stayed responsible for passing an act for the first against infanticide in India after his arrival in 1793. In one year, he recorded finding the remains of a baby near Malda, who was

first sacrificially given to the deity but instead left for black insects to feed. He also heard, in order to satisfy promises undertaken for responses to the prayers, that kids were cast in the ganga river. Carey exploited his ties with others in power to lobby for its abolition of these kind of activities. Then presiding officer Lord Wellesley invited him to comment on the subject, which he later proclaimed in 1802 to be an act of cruelty, but which, if found, would be murdered by anyone who carried out those heinous actions.

Carey used his writings to inform the world about humanitarian problems. The Friend of India's first subject recorded a detailed study of a real sati. Eventually, he retained the ritual in front of the public interest as well as tried everything he wanted to see sati eliminated. Ram Mohan Roy by 1814, was part of Carey's sati campaigns. Carey and his fellow Serampre, equipped with details of 439 wife burnings, requested the state to prohibit practices under rule. Initially almost no amendment was observed, leading to heavy resistance from high-ranking Hindu politicians. The Christians managed to keep up their momentum, and gradually the people switched against the Orthodox Hindus. The order to ban practice of Sati on the East India Corporation was eventually signed by Lord William Bentinck in 1829.

Programs have since been set up for mentally unstable and disadvantaged individuals. In 1884, a group of sisters founded the first establishment for the impaired in Bombay. until then, christians and Protestant Catholics have founded a variety of homes across India for the neglected, oppressed, and exploited. The Mukti Mission at Kedegoan, Pune, established by PanditaRamabai in 1898 for girls left homeless and neglected children, is two of the most remarkable of these centres. The second, the Dohnavur Fellowship, had first been founded by Amy Carmichael in South India in 1901. Its aim was to save girls who'd been coerced into temple trafficking.

Over the years, Christians have often become worried regarding the tradition of child marriage, which includes associations of children under five years of age between Hindus. Carey 's approach was to

encourage women's education. Child marriage was forbidden by the legislation in 1929. Since that day, Christians also made a deliberate attempt to help the remarriage of the woman.

As females had faced several various kinds of crimes, Violence in India says in its study that regardless while women might be victims of violations like as theft, fraud etc., they are mostly recognised as 'women's crimes' as they are particularly targeted by woman irrespective of gender. "Women Abuse" is categorised in two large ranges by the NCRB: Indian Penal Code, Special and Local (SLL) Rule.

I - Indian Penal Code (IPC)

India 's leading code of criminal procedure is indeed the Indian Penal Code (IPC). This is a complete code that encompasses all areas of criminal procedure that are relevant. The code was prepared on the advice of the first Indian Law Commission formed by Lord Thomas Babington Macaulay in 1834 under the Charter Act of 1833. There are 512 sections of the Indian Penal Code of 1860, separated by 23 sections. The Code begins with an introduction, offers examples and exemptions and encompasses a wider spectrum of crimes.

The types of crimes listed under the IPC include (a) Commission of Sati (Prevention) Act, 1987. (b)Dowry Prohibition Act, 1961,1956, (c) Indecent Representation of Women (Prohibition) Act, 1986, and (d) Rape (Sections 375 and 376),

Indian Penal Code Categories of Crimes against Women

Rape

Sexual assault is perhaps the most violent way of assaulting women and destroys the cornerstone of the life of an individual. It violates the honour and reputation of a woman as an individual. It is regarded as the theft and dishonor of a woman in her chastity. Sexual assault is the

only criminality that suffers more destruction and social unacceptableness and is sometimes alluded to as "deathless tragedy" or "walking dead."¹¹

The IPC notes that an individual is engaging in rape because he has, without his knowledge, intimate affairs with a woman, intimidating or instilling fear of obtaining their permission, misconceived by persuading a women that she has been lawfully committed with him, gaining their knowledge if they are impaired or unable to comprehend or with a women under the age of 16.¹²

It is important to keep in mind that Section 375 of the IPC includes the exception to the sexual assault claiming that a male sexual relation with a wife, not even under age of fifteen, is not abuse. The sexual violence does not include rape. In 2006, the Indian legislature first recognised marital abuse as an offence by implementing the revamped Domestic Violence Defense Act. As a consequence, the IPC strengthened the concept of woman's mental, mental and economic abuse. In regard to judiciallydivorced spouses is the only relevant rule concerned with marital rape.(Section 376A). Sexual assault is the one felony in which the perpetrator is still accused of being involved in the abuse.

Kidnapping and Abduction

Even without permission of the legal parent, the abduction is withdrawn or enticed of a child. The kidnapping and abduction in our community have become a regular issue. From the media accounts, it is surprising to see countless girls and women kidnapped or brought to a hangar for economic purposes. 80% of girls abducted are assaulted and transferred to harems. Many fatalities have taken place because of abuse, abuse attempts and societal strain. Most girls get psychologically distressed after being stolen, molest or assaulted or acquire a neurological disorder. Many are captured for fear of arrest or penalty, however, also are executed. Slow legislative functions, silenced people, the societal approach to the victims and the absence of cultural help for the abused woman have compounded the issue..¹³

Sections 363–373 of the IPC clarify the abduction and kidnapping as unlawful under the given situations: (a) as a consequence of the abduction of a child for begging or trying to extort, (b) for the intent of robbery, extortion, imprisonment, prostitution or arranged marriages, (c) as a consequence of the procurement of minor children, (d) the repatriation of children from overseas nations, and (e) for the purchasing or auction of minor people.

Homicide for Dowry and Dowry Deaths or their Attempts

Dowry corresponds to the assets brought to her marriage by women. This property can involve objects, objects or assets. The bride price scheme is equally widespread among all the tribes and societies of Tamil Nadu. The extent of dowry largely depends on the bridegroom's social system, schooling, profession and income. The balance shall be charged either in money or in the form of gold or jewels or goods.

The partner's confidentiality as well as the complicity of the friends and family are the source of many of these dowry killings. In dowry killings, middle-class women exhibit a significant incidence of victimization then lower-class or upper-class females. And over 80% of the perpetrators aged 22-25 years old, which means they're not only young mentally, but also psychologically and mentally.. The structure of the community plays an important role in the event of bride burning.

The Dowry Prohibition Act

(i) Molestation

The abuse involves applying "crime power" against an particular woman against indignantly or to realize that her dignity is usually violated".¹⁴

(ii) Torture

498A of the IPC, under this Section, husband torturing her married woman (or relative of the husband), physically or emotionally, meaning subject her to brutality in the subsequent behaviors: (a) harassment (IPC, Act No. 45 Section 498A, 1860). (b) any

behaviour that induced suicide by the individual, or (c) any actions that would inflict significant harm to an individual or that would endanger her life.

(iii) Importation

Anybody that is under 21 years of age from other countries to India for coerced, kidnapped or immoral sexual activity is illegal.¹⁵

(iv) Sexual Harassment

Violence against women often concerns with offending the dignity of any female and is described in Section 509 of the IPC as phrases, noises, actions or items meant to really be noticed or observed by a female and/or to interfere with the safety of a female.¹⁶

II -SPECIAL AND LOCAL LAW

(i) Immoral Traffic (Prevention) Act

The Unethical Trafficking (Prevention) Act, 1956, had been enacted in order for India to comply only with convention on the protection of Trafficking in Persons and the Abuse of the Labour others and, established in New York in 1950. The statute enables it unlawful that people be trafficked and sexually abused for business reasons. The Act received two revisions (in 1979 and 1987), yet it did not viewed as an successful deterrence. In reaction, a further reform was introduced in 2007 titled The Unethical Trafficking (Prevention) Improvement Measure. The Legislative Standing Committee on people management Policy was invited to review and document on the Act. The commission suggested some amendments; however the Act could not even be enacted because it dwindled in both houses of government.

It recommends prohibitions to: give or take dowries, claim cash gift and bid or submit dowry in wedding ads. Also it finds that every arrangement to give or take a dowry is null. It authorises jurisdictions to name many more Dowry restriction officials as it considers necessary under such a Act to practice authority and controls.

(ii) Prostitution And Trafficking

Although certain forms of sex are compiled under the Unethical Trafficking (Prevention) Act, 1956, others linked to child molestation are struggled with explicitly under the Indian Penal Code. Minor girls' procurations (for the intent of compelling or seducing unlawful connexions were to be rendered or likely to be compelled to participate in unlawful partnerships when a girl below the age of 18 (which is deemed a minor by statute). Under Sections 373 & 374 of the IPC, the export or procurement of children for sex is unlawful. Furthermore, the law specifically specified that when a juvenile is prepared for a "assaults on women" described above, there are so many other atrocities that just aren't sex-based. Other extreme gender-based atrocities in India involve woman feticide, female genital mutilation, pregnancy and slavery. Some of these are listed in this section.

(iii) Other Crimes against Women

Although the NCRB identifies the moral decisions clearly, it does not authorise the individual who conducts such operations to discuss sex with the pregnant mother or her family and friends in phrase, sign or some other way (Chatterji 2008).

(iv) Commission of Sati (Prevention) Act

This legislation was enacted in 1987 as a consequence of mass demonstrations following Roop Kanwar's "satim" or public dismemberment. Sati is an old - fashioned Hindu widow's practise of immolation on the cremation burning fire of her spouse. This practise prevailed amongst certain

denominations of medieval civilizations, who thought it a huge privilege for the wife to die on her spouse's cremation burning fire.

The Sati (Prevention) Committee bill was promulgated to allow satia commission to be more effectively stopped and glorified. The Legislation notes in its incorporation: "Sati or the naming or burial of married women or females is an indispensable activity in insurrection against the senses of the human race and none of India's faiths."

(v) Indecent Representation Of Women (Prohibition) Act

To ban the pornographic portrayal of women, in 1986, this Act was passed by Parliament by means of ads or in magazines, articles, drawings, illustrations or in some other way. The Act reacted to the requirements of the feminism rights to counter deceptive portrayals of women in the industry.

(vi) Female Feticide and Infanticide

A modern model of violence against women in India was created by the first use of ectopic pregnancy in 1975 and legalization of abortions in 1972. Through gender identification methods, the termination of women's fetuses was common. Even before the 1750s, in some of these areas of India, there has been female genital mutilation.

Infanticide applies to the murder by a woman, a parent or anybody else who cares for a minor infant under the age of one year (Kolloor, 1990). Moms were contaminated even before girl child was breast-feeder. It was confirmed. The worsening sex proportions of children in India represent these practices.

Over the decades, there has continued to decrease for the estimates of the sexual ratio of minors in the zero to six year old age group (Chaterji, 2008). Of 948 people in 1951, 935 people reduced to 1,000 women in 2002, 912 women in 2011 to 1,000 men. In 2001, 934 women decreased to 1,000 men. The

government also adopted the Pre-Nature Diagnose Science Act, 1994, acknowledging that the systematic feticide that utilizes diagnostic tools for gender selection is patriarchal and breaches the universal equality before the law. Pre-natal medical testing will be used for medical diagnostics exclusively but not for gender, as specified by this Act.

The following Table has been drawn from the particulars derived from the Crime Review Reports of Tamil Nadu Police.

Table – I -Showing Disposal of Crime committed against Women cases by Police during 2017

S.No.	Status of the Cases	Number of Cases
1.	Pending Investigation from previous year	5017
2.	Reported during 2017	5399
3.	Transferred to the other state or Agency	09
4.	Concluded as Decisive Report Untrue	12
5.	Concluded as Blunder of Fact or of Law or Civil Disagreement	856
6.	Cases true but insufficient Evidence or untraced or No Clue	207

Table-II - Showing Deposal of Crimes committed against Women cases by Court during 2017

S.No.	Status Cases	Number of Cases
1	Pending Trial from the Previous year	18,232
2	Directed for Trial throughout the year	4,742
3.	Total instances for Trial	22,974
4.	Withdrawn from Prosecution	61
5.	Compounded or compromised	47

6.	Quashed	44
7.	Disposed off without Trial	165

It is known from the above table that there were 22,974 pending cases for Trial. It is also important to note that there were 856 situations concluded as Slipup of Fact or of Regulation or Civil Dispute. From the above study, the following conclusion has been drawn.

Conclusion

Women enjoyed great respect in Tamil society during the ancient period. During the Vedic period in particular, they enjoyed treatment with men and enjoyed equal even the right of choosing their life partners. They also have attended cultural events, festivals and functions. It is also known from the sources that the child marriage was not favoured and also allowed the Widows to remarry. But they became victims to men domination with the advent of Manu Code and also during Sangam age. The child marriage were began to be encouraged and women education was denied. They also began to lose many of their rights when Chastity was given importance in the society.

During the medieval period, the society became unequal on account of the rise of Islam as religion. The women were reduced to a living being to administer the men's wants and pleasures. No equal status either in home or in the public life. The society came to extent of selling women as slaves to temple service during Pallava period. It was prominence in 11th century and they were called Devaradiyar. "Udaankattaierudal" [Sati] was an inhuman practice which was practiced in the royal families.

The Christian Missionaries were the first to introduce Education for women when only are out of a hundred of Indian Females can read and write in 1834. The role of Carley in abolishing infanticide in India is still remembered in India. Along with Raja Ram Mohan Roy, Carey campaigned against Sati and finally Lord William Bentinck abolished Sati.

After reviewing the Crime Review Reports of Tamil Nadu Police, this study also endorsed the view of Krishnaji, Rustagi and Mukherjeethat highest of the Crimes anti women go under reported for comprehensible motives such as social stigma, disbelief in legal mechanisms, fear of vengeance and so on.

It should also be remembered that the majority of women rely financially on the same individuals who rape women. A woman who is a survivor of violence is continuously victims of the framework, which can secure and get her relief, for a prolonged period of time.

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¹¹ THE INDIAN PENAL CODE, 1860, Sections-375

¹² Ibid.,

¹³ THE INDIAN PENAL CODE, 1860, Sections-376

¹⁴IPC, Act No. 45 Section 354, 1860

¹⁵IPC, Act No. 45 Section 509, 1860

¹⁶IPC, Act No. 45 Section 366B, 1860