

BETI BACHAO BETI PADHAO: SLOGAN OR WARNING? ANALYSIS BASED ON RECENT REPORTS AND CASES

Isha Arora*

ABSTRACT

The article deals with the violence and crime against women explained with help of recent judgements and reports, it further goes analogous to the scheme of Beti Bachao Beti Padhao, here our main focus is on Beti Bachao (save the girl) here we go into deep to find out what is the status quo of women in India, are they really safe? The discussion goes through reports while going through this analysis is also made of the situations, background, and important cases are also discussed at last we deal with a conclusion. This article also shows how the conscience of society needs to be awakened to stop crime against women, to keep them safe at home as well as outside the premises of home as at last the laws and condition of a society is the reflection of its thoughts.

Keywords - Women, Crime, India, NCRB.

INTRODUCTION

“If you educate a man, you educate an individual, but if educate a woman you educate a whole family” as famously said by Pandit Jawaharlal Nehru, former prime minister of India. This line though said at earlier times of the post-independence era can still stand true in the present times, not forgot to mention the significant effort that has been done in woman’s education and how the situation is not like before, but still, much work is needed in the education aspect not only this but woman’s right and protection as well. From time to time the government has enacted various laws to empower a woman in India that challenged various societal thoughts and norms like if we talk about dowry, with dowry being in practice in India for centuries, the first Indian act that put a ban on the practice of dowry was passed in 1961 as dowry prohibition act, a lot of problems can be connected from as it leads to dowry deaths, harassment of a woman by in-laws and husband, most importantly decline in sex ratio as people would prefer a boy child rather than a girl child for the reason of not want to pay the dowry and to get rid of all the responsibilities that come with a girl child. The decline in sex ratio was a huge problem in post-

*BBA LLB FIRST YEAR, SYMBIOSIS LAW SCHOOL, NOIDA.

independent India with figures depicting the sex ratio in 1981; 934 females per thousand males, which declined further in 1991 to 927 females per thousand males and 918 females per thousand males, laws pertaining to improving sex ratio and stop female foeticide include preconception and pre-natal diagnostic techniques (PCPNDT) act, 1994 and drugs and cosmetics act, 1940 in which ultrasounds machine is also there, a decision in the right direction as experts say¹. One of the most important schemes ever launched in independent India is “Beti Bachao Beti Padhao (BBBP)”, launched by the government in January 2015 with three main objectives: (1) to prevent gender-biased sex-selective elimination; (2) protection of girls and their rights ;(3) promote the Participation of girls in education and woman empowerment. Though the scheme to some extent is able to improve the sex ratio and gross enrolment ratio (GER) of the girls in the schools, In this article we are mainly going to focus on the second objective of the scheme BBBP which is mentioned above, with that we will also take a close look on recent cases and reports pertaining to it, with the scheme’s literal English meaning goes like save girl educate girl;² our main focus throughout the article will be on ‘save girl’ are we doing enough for a woman? What are the laws that deal with their rights? Any major development?

RECENT DATA ON CRIME AGAINST WOMEN IN INDIA

“We need a more robust system as the current one collapsed during the covid-19. We need to look at the future and prevent such a situation” says Ranjana Kumari, a social activist and director of the centre for social research while going through the recent report “Crime in India” released by the national crime record bureau (NCRB) recently in august 2022 that reveals 4.28 lakh cases of crime against women were registered in 2021 alone showing a perturbing increase of 15.3% from 2020(3.71 lakh). The crime rate registered per woman population in 2021 was 64.5 again showing an upward trend from 2020 where it was 56.5, it should also be noted that the number of cases registered and the crime rate in 2021 follows the downtrend of the number of cases against the woman in 2020. The data also shows that majority of crimes against women were under ‘cruelty by husband or his relatives’ which is section 498A of IPC (Indian Penal Code) followed by ‘assault on women with intent to outrage her modesty’ mentioned in section 354 of IPC.

¹ Drishti IAS, “Sex Ratio and India” (*Drishti IAS* November 17, 2020) <<https://www.drishtiias.com/daily-updates/daily-news-analysis/sex-ratio-and-india>> accessed October 13, 2022

² “Beti Bachao Beti Padhao (BBBP) Scheme” (*Lotus Arise* July 15, 2022) <<https://lotusarise.com/beti-bachao-beti-padhao-bbbp-scheme-upsc/>> accessed October 14, 2022

There is no doubt that the crime has increased against women which also can be justified by recent cases and judgement that has happened, addressing each issue through it makes it more comprehensive and justified.³

SEEING THROUGH THE CASE OF BILKIS BANO

In 2002, during the communal violence, eleven men raped Bilkis who was 20 years old at that time and five months pregnant, this was followed by the Godhra train-burning incident, seven members of her family were killed by rioters including her three-year-old daughter, she was left lifeless and remained unconscious for at least three hours, after regaining her consciousness she borrowed clothes from a tribal woman and reached the police station to register a complaint. From here onwards Bilkis fight for justice started throughout the whole process of getting the eleven accused into jail she had to go through a plethora of difficulties including death threats, suppression of the facts, and writing of curtailed version of the complaint by the head constable of police, fighting to get her case investigated by CBI. Finally, in 2008 a CBI court convicted 11 out of 20 accused of murder, unlawful assembly, conspiracy to rape a pregnant woman, and under other IPC sections. But the fight doesn't end here, fast forward to 2022 when India is celebrating its 75 years of independence or we call it 'Azadi ka Amrit Mahotsav', the eleven convicts in the Bilkis Bano case have been released under Gujarat's government remission policy for which they get permission in August 2022, this decision sparked widespread outrage many people including renowned historians and activists urged to take this decision back. Since prison is a state subject, state governments have powers under section 432 of the code of criminal procedure (CrPC) to remit the sentences⁴. Now closely looking at the remission policy of Gujarat that has been used here is of 1992, the question asked by many people that why the 2014 remission policy is not used here which actually puts a stop on convicts who have committed acts of murder or rape to get remission. Secondly, people are also curious if the central government was involved in the decision or not as under section 235(1) (a) of the CrPC

³ Pandit A, "4.3L Cases of Crime against Women, up 15.3% since 2020": India News - Times of India" (*The Times of India* August 30, 2022) <<https://timesofindia.indiatimes.com/india/4-3l-cases-of-crime-against-women-up-15-3-since-2020/articleshow/93865051.cms>> accessed October 13, 2022

⁴ Mathur A, "Bilkis Bano Case: Sc Asks Gujarat Govt to Furnish Remission Order, Record of Proceedings" (*India Today* September 9, 2022) <<https://www.indiatoday.in/india/story/supreme-court-asks-gujarat-government-for-record-of-proceedings-of-bilkis-bano-case-remission-order-1998353-2022-09-09>> accessed October 13, 2022

Choudhary S (ed), "Over 96% Rapes in India Committed by Persons Known to the Victims: NCRB Report" (*Latest News, Breaking News, LIVE News, Top News Headlines, Viral Video, Cricket LIVE, Sports, Entertainment, Business, Health, Lifestyle and Utility News | India.Com* September 5, 2022) <<https://www.india.com/news/india/over-96-per-cent-rape-cases-india-committed-by-persons-known-to-the-victims-ncrb-report-5613362/>> accessed October 13, 2022

“the state government has to consult the central government before a decision of remission is given”. The thing which shocked most of the people here was how the eleven convicts are welcomed with garlands when they came out of prison, recently also supreme court gave the order to the Gujarat government to submit the entire process of proceedings in Bilkis Bano case including the remission order that has been given to the convicts.

One of the most horrendous cases that happened recently was where two minor Dalit girls were raped and left hanging to a tree with their dupattas after they forced the boys to marry them in the Lakhimpur district of Uttar Pradesh, what’s most shocking in this case is that all the six-person that has been arrested in this case were known to the girls, according to the report by NCRB which was released recently said that in 96.8% of 65,025 rape cases in India, the victim knew the person who committed the rape,⁵ which actually puts a question mark on the safety of women in their own home or in their space of four walls or with the ones they know, are they really safe there? Surely we cannot answer this but facts show otherwise, in June 2022, a case of the same nature happened in Hyderabad where five minor boys molested and raped a minor girl aged 17, and here also the person who raped her was known to her reportedly they were in the same party.⁶ These are just a few cases that show that crimes against women especially rape still there, in fact, sexual crimes as it is heinous crime has increased by about 70% in two decades in India according to a report by the public health foundation of India. Rape accounted for about 7.4% of the crime that happened against women with 7.5% in 2020⁷.

DOWRY AS A CURSE

The tradition of dowry has been in practice in south Asia for centuries now, with laws pertaining to dowry coming in India in 1961 as the dowry prohibition act, 1961 which aimed at flushing out the evil practice of dowry in the country. If we take a look at the history of dowry in India, the concept of dowry started from ‘kanyadaan’ which is the practice followed in Hindu marriage, in earlier times as daughters didn’t have any rights on the property of the parents, the parents of the girl used to give their daughter some cash, jewelry, and gifts to

⁵Jha S (ed), “Punishment That Will Shake Generations: BJP as UP Dalit Sisters' Rape-Murder Jolts Nation: Top Points” (*India Today* September 16, 2022) <<https://www.indiatoday.in/india/story/2-dalit-sisters-murdered-raped-in-uttar-pradesh-lakhimpur-bjp-govt-assured-strict-actions-opposition-slams-yogi-government-2000774-2022-09-15>> accessed October 13, 2022

⁶ Staff OI, “Hyderabad Gang-Rape: Police Unable to Retrieve Data from Destroyed Mobile Phones” (*OpIndia* September 6, 2022) <<https://www.opindia.com/2022/09/hyderabad-gang-rape-police-unable-to-retrieve-data-from-destroyed-mobile-phones/>> accessed October 13, 2022

⁷ Sharma P, “Sexual Crimes against Women up 70% in 2 Decades” (*https://www.livemint.com* April 22, 2022) <<https://www.livemint.com/news/india/sexual-crimes-against-women-up-70-in-2-decades/amp-11650646735378.html>> accessed October 13, 2022

compensate for the lack of property rights, which changed over time as the gifts went to groom and its family rather than to daughter and that's how the whole concept of dowry emerged, people started giving dowry to groom depending on their 'market value' this may sound like a joke but this is true and the market value got decided by factors like job type, caste, income, and status in the society. For the purpose of saying it can be said that dowry is banned in India for over 60 years now but that's not the case as data suggests that dowry cases and dowry deaths are still on the rise in fact much higher than the time it was introduced in the society if we go by reports of NCRB, it says that 19 women were killed every day in 2020.⁸ The tradition which shouldn't have existed in the 21st century still prevails in society is a reason to be afraid of, The reason why its increasing has been speculated to be as more and more cases are now getting registered, awareness among women, more and more women are becoming independent also. The need of the hour is to regulate laws related to dowry properly and strictly, increase the conviction rate, and increase awareness among the masses that dowry is evil which eventually eats a society and has a patriarchal side to it.

CRIMINALITY OF MARITAL RAPE: A SERIOUS QUESTION

India is among the 30 countries in the world which haven't criminalised marital rape, while the criminalization of marital rape has been a demand for a while now. The recent split judgement by Delhi high court isn't like at all as both judges had polar opposite views on the issue. while The justice Verma law committee in 2013 suggested criminalizing marital rape, it was rejected at the moment saying that it will be a threat to the institution of marriage and could lead to a plethora of fake cases against the man, though the tension related to this problem is right it should not take away the real problem of marital rape that do exist if we go by reports it mentions that nearly 1 in 3 women has experienced spousal sexual and physical violence⁹ and most important here is the 'bodily autonomy' of a woman which remains in question as the current law overlooks on it after the marriage, the thing here that needs to understand is that 'rape' is 'rape' it doesn't matter it happened before or after the marriage, marriage doesn't take someone's right to live with dignity or respect. Though in 2005 domestic violence act was passed which gave marital rape a local violence tag saying that the wife can get partition from

⁸ "19 Women Were Killed for Dowry Every Day in 2020: NCRB" (*cnbctv18.com* September 16, 2021) <<https://www.cnbctv18.com/india/19-women-were-killed-for-dowry-every-day-in-2020-ncrb-10758421.htm>> accessed October 14, 2022

⁹ "Nearly 1 in 3 Women Have Suffered Spousal Sexual, Physical Violence: Family Health Survey: India News - Times of India" (*The Times of India* May 11, 2022) <<https://timesofindia.indiatimes.com/india/nearly-1-in-3-women-have-suffered-spousal-sexual-physical-violence-family-health-survey/articleshow/91491367.cms>> accessed October 14, 2022

her husband on this basis and it will be considered in civil cases, the demand is to criminalise marital rape and more stringent laws pertaining to it. What we can do is, to make the law more safe is by making it gender-neutral and the investigation process more rigorous so that no innocent get punishment in the name of a fake case.¹⁰

CONCLUSION

There is a very famous term coined by Amartya Sen, “Missing women” in one of his famous articles, where he mentions how 100 million women are ‘missing’ or ‘gone’ due to sex-selective activities with India and china being the topmost countries involved in this. If we review the sex ratio, it can be easily deduced that it has been improving over a period of time and that being said the phrase “missing women” should hold no sense at the right moment but sadly it doesn’t appear like this as discussed above women are still going missing being killed by their rapists or a victim of dowry death or marital rape, the word still holds meaning in itself. In rig Vedic era women were treated at par with men they also had educational rights many female scholars like Gargi Vachaknavi, who was a renowned expounder of Vedas and was also known as brahmavadini that is a person with Brahma vidya knowledge, many other women also wrote certain phrases in rig Veda, which is the oldest written sacred books in Hinduism but as the Vedic period commenced the condition started to deteriorate which further declined in coming centuries due to colonisation, which still can be seen in the present era Here it can be concluded that though laws are there we need to apply them properly, proper regulation should be done in order to protect women from various kinds of crime in India. We should immediately do the desired work in the field of acts and laws for women in order to save them, as above mentioned Beti Bachao(save the girl) let's save our daughters first before educating them from all sorts of the heinous crime that goes around, let’s do save first then go to educate a girl.

¹⁰ Prakash P and Mankatalia D, “Explained: Marital Rape in India: The History of the Legal Exception” (*Return to frontpage* May 12, 2022) <<https://www.thehindu.com/news/national/explained-marital-rape-in-india-the-history-of-the-legal-exception/article65404106.ece>> accessed October 13, 2022