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WOMENS' SAFETY INITIATIVES BY Y.S. JAGAN'S GOVERNMENT: IN LIGHT OF DISHA ACT. 2019

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ABSTRACT

Safety of Women in India has become a major issue in India now. The crime rates against women in the country have only risen to a great extent. Women think twice before stepping out of their homes, especially at the night. It is extremely painful to watch the status of women's safety in India, especially in a country where women are given the stature of goddesses. Most importantly, men must be taught to respect women from an early age. The Government of Andhra Pradesh has brought a new law, "the Andhra Pradesh Disha Act, 2019", allowing more stringent punishment for crimes committed against women, speedy trails and a more secure atmosphere. Disha Act 2019 is a contributory acknowledgment to a veterinary doctor. She was raped and murdered on 27th November 2019 in Hyderabad. The act provides death penalty for offenses like rape, gang rape and speeding up trials of such offenses within 21 days. The act visualizes the execution of investigation within 7 days and trial in 14 days from the date of filing the charge sheet, for gathering sufficient evidences and the passing of judgement within the time period of 21 days. The Andhra Pradesh DISHA act 2019 also provides punishment for the offence like sexual assault and harassment against women and children and include section 354E, 354F, 354G, in Indian penal code 1860, which will define harassment on women, sexual assault on children and aggravated sexual assault on children and also amends certain provisions of code of criminal procedure 1973. The act authorizes the state government to constitute a special police team, governed by DSP ranked officers to investigate the offences this act will enable one or more special courts for speedy trail of certain offences against women and children.

Key words: Women, Safety, Disha, 2019, Andhra Pradesh, Government.

Introduction

Safety of Women in India has become a major issue in India now. The crime rates against women in the country have only risen to a great extent. Women think twice before stepping out of their homes, especially at the night. This is, unfortunately, the sad reality of our country that lives in constant fear. Women in India have been given equal rights as men; however, people do not follow this rule. They contribute to the growth and development of our country; still, they are living in fear. Women are now on respected positions in the country, but if we take a look behind the curtains, we see even then they are being exploited. Each day we read about horrific crimes being committed against women in our country like it's a norm.

Although the list of crimes is very long, we can take measures to ensure women's safety in our country. Firstly, the government must make stringent laws that ensure the punishment of criminals immediately. Fast track courts must be set so the victim gets justice instantly. This will serve as a great example for other men to not commit crimes against women.

Not a day goes by where you don't hear of the news of a crime against women in India. In fact, there are at least five news articles that tell us about the horrific details of the various crimes. It is extremely painful to watch the status of women's safety in India, especially in a country where women are given the stature of goddesses. The list of crimes against women is quite long, to say the least. Acid attack is becoming very normal in various parts of the country. The criminal throws acid on the face of the victim to destroy their lives completely. Nonetheless, India has a lot of strong acid attack survivors who are battling for their lives and trying to lead their lives independently.

Furthermore, domestic violence and honor killings are very common. The wife stays in an abusive relationship because of the fear of society. The family kills their daughters in the name of honor to keep up with the reputation of their family. Similarly, female foeticide is yet another common crime. Due to the regressive thinking, people kill daughters before they are born. The list continues as crimes against women are on the rise. Other crimes also include child marriages, child abuse, rape, dowry deaths, trafficking and many more.

To Ensure Women Safety

Most importantly, men must be taught to respect women from an early age. They must consider women as equals so they don't even think of harming them. When you consider someone inferior, you tend to oppress them. If this thinking goes away, half of the crimes will automatically end. In short, crimes against women are stopping the growth of our country. We must not put the blame on women and ask them to be extra careful. Instead, we must ask the men to change their thinking and work to make the world a safer place for women.

The Government of Andhra Pradesh has brought a new law, “the Andhra Pradesh Disha Act, 2019”, allowing more stringent punishment for crimes committed against women, speedy trials and a more secure atmosphere. In this article we will discuss about Disha Act. How its work about of safety for women safety in Andhra Pradesh.

Reasons for Sexual abuses on Women:

1. Lack of moral education: Moral education is the basement for ideal personality. That’s why government introduced moral and ethical education system but the morals are disappearing gradually. Due to no moral thinking, the abuses and harassment on women increasing day by day. This is a key factor for sexual abuse on women.

2. Movies and social media: The impact of movies and social media on the minds of young generation is high. The projection of women in movies leads to wrong perception towards women. The social media abuses on women increasing day by day because they thought it’s a fun.

3. Objectification of women: Still in so many rural places in India, women are considered as an object. So many people thought women are for household purpose and for reproduction. They didn’t give minimum value for them. The ‘Manu script’ followed by many places in India, Manu script has a lot of discrimination towards women which leads to the objectification of women.

4. Weak legal sanctions for sexual violence: So many acts were made by the government to protect women. But there is no proper working. The justice is not done within the time. There are so many cases which take years for the justice

5. Witnessing family violence: The discrimination towards women starts in the family. When a person witnesses the violence towards the mother or any other girl by his father, the thought of ‘violence towards women is not wrong’ starts. This leads to violent acts by him.

Other reasons:

- Lower levels of education.
- A history of exposure to child maltreatment
- Antisocial personality disorder
- Harmful use of alcohol
- Low level gender equality

Women Acts in India:

1. Dowry prohibition act 1961: dowry prohibition act, Indian law, enacted on may 1st 1961 intended to prevent the giving or receiving of dowry. Under the dowry prohibition act, dowry includes property, goods or money given by either party for the marriage, by the parents of either party or by anyone else in connection with the marriage

2. Sati prevention act 1987: Sati act 1987 is a law enacted by government of Rajasthan in 1987. It became an act of the parliament of India with the enactment of the commission of sati prevention act 1987 in 1988. The punishment for sati violation is death or imprisonment for life and shall also be liable to fine.

4. Protection of women from domestic violence act 2005: protection of women from domestic violence act 2005 is an act of the parliament of India enacted to protect women from domestic violence. It was brought into force by the Indian government on 26th October 2006.

5. POCSO ACT 2012: POCSO (Protection of Children from Sexual Offences) act was enacted in 2012. It was a comprehensive law for the protection of children from the offenses of sexual assault, sexual harassment and pornography.

6. Nirbhaya act 2013: Nirbhaya act criminal law amendment act 2013 is an Indian legislative act. It was passed by the Lok Sabha on 19th march 2013 and by the Rajya Sabha on 21st march 2013. It provides for amendment of Indian penal code. It is the most concrete step taken by the Indian government to curb violence against women.

Background Of Disha Act:

Disha Act 2019 is a contributory acknowledgment to a veterinary doctor. She was raped and murdered on 27th November 2019 in Hyderabad. She was reportedly kidnapped by four men and her body found around 30 km away from the place of occurrence of incident. As per the investigation report the incident was pre planned by the accused. On morning of 6th December those accused were encountered when they were trying to escape. Not only disha, there are so many cases in India which are not coming into light.

DISHA ACT 2019:

On December 13,2019, Andhra Pradesh state legislative passed collectively the DISHA ACT 2019 (AP criminal amendment law 2019) as attribute to a veterinary doctor raped and murdered brutally in Hyderabad. The act provides death penalty for offenses like rape, gang rape and speeding up trials of such offenses within 21 days. The act visualizes the execution of investigation within 7 days and trial in 14 days from the date of filing the charge sheet, for gathering sufficient evidences and the passing of judgement within the time period of 21 days.

The Andhra Pradesh DISHA act 2019 also provides punishment for the offence like sexual assault and harassment against women and children and include section 354E, 354F, 354G, in Indian penal code 1860, which will define harassment on women, sexual assault on children and aggravated sexual assault on children and also amends certain provisions of code of criminal procedure 1973. The act authorizes the state government to constitute a special police team, governed by DSP ranked officers to investigate the offences this act will enable one or more special courts for speedy trail of certain offences against women and children. The appeal against the sentence has to be disposed of within six months as per DISHA act 2019. The section 376(rape), 376D (intercourse by the member of the management of staff of the hospital with any women of the hospital) and 376DA (gang rape of woman below 16 years) will be amended to add the death penalty for offences listed under sections dealing with assault, sexual harassment and rape in 354F, 354G, 376, 376D, 376DA, 376DB or 376E of the Indian penal code 1860

Objectives:

- Quick justice for victims
- Providing safety for women and children
- To reduce crime rate against women and children
- Stringent punishment for sexual offences to make the people to afraid of doing it.

Highlights Of Disha Act:

Introducing women and children offenders' registry: the Andhra Pradesh government will establish, operate and maintain a register in electronic form to be called the women and children offenders registry. The registry will be made public and available for law enforcement agencies.

Reducing the judgement period to 21 days: The judgement will have to pronounce within 21 days from the date of offence in cases of rape with substantial evidence. The investigation shall be completed within 7 days and the trail shall be completed within 14 days

Exclusive punishment of death penalty: It has prescribed the death penalty for rape cases where there is adequate evidence. Provision is given by amending section 376 of the Indian penal code

Stringent punishment: it prescribes life imprisonment for other sexual offences against women and children.

Punishment for harassment on women through social media: In case of harassment of women through social media, the guilty shall be punishable with imprisonment. The term of the imprisonment may be extended to 2 to 4 years.

Establishment of special courts: the establishment of special courts in every district of Andhra Pradesh and these courts will deal with offences against women and children. But courts are not established till now.

Reducing appeal: The period of disposal appeal has been reduced to 3 months instead of 6 months to give quick justice.

Special police team & public prosecutor: recruitment of special prosecutor in special courts and a special police team will be constituted headed by the DSP for the investigation of offences against women and children.

Implementation Of Disha Act:

Disha App:

The DISHA app is an initiative taken up by the government of Andhra Pradesh for the safety of women. This app was launched by honourable chief minister YS Jagan Mohan Reddy on 8th February 2020. DISHA app was installed by 17 lakh users. DISHA app is developed by the technical services division of Andhra Pradesh police. This app sends an alert to Disha control room when a woman or a girl in distress just shakes the phone which contains the Disha app with hand gesture on. The personnel at Disha control room in turn will alert the police available near the spot.

After installing the app, the user has to enter the mobile number, to which a six-digit OTP will be sent and entering the same will activate the app. The user has to enter her mobile number, address, alternative and emergency contacts. Pressing the app's SOS button will alert the police station and a 10 seconds audio-video to Disha control room, which in turn will alert the nearest police station, which further alerts the mobile team to rush the location from where the distress call is made. Simultaneously the caller will be contacted to know her situation and if there is no response, it is assumed that it is an emergency situation. In case the caller says she pressed the button by mistake, no action will be initiated.

Further the app also has a "track my travel" feature and selecting the same will not only guide the user in the correct route, but also enable police to track her. 'Police will start tracking the location only after the option is selected' and no personal details are collected. This app also provides the safety places, ATMs, websites, emergency contact numbers, accident sports, police official numbers etc to the user for safety. This app should be installed for every girl for their safety.

DISHA POLICE STATION:

According to Disha act, every district head quarter should have a Disha police station. There are 18 Disha police stations in Andhra Pradesh. There is at least one Disha police station in every district head quarter. The first Disha police station was inaugurated by YS Jagan Mohan Reddy in Rajahmundry. Every Disha police station should headed by a DSP rank officer, two circle inspectors and three sub-inspectors for investigation. There will be 36 to 47 supportive staff to assist the investigation.

Disha Bill is passed by Andhra Pradesh assembly but the Indian Parliament rejected DISHA Bill.

- 18 police stations were established as said and government wants to establish another 6 police stations.
- Special police team also appointed.
- 1300 SOS calls were received in 16 months.
- 17.65 lakh DISHA APP downloads recorded.
- 985 cases were reported in all Disha police stations in 2021. Investigation for 726 out of 985 cases reported has been completed.
- Final reports in 594 cases were submitted to court within the deadline of two weeks in 2021.
- In another 52 cases reports were submitted after the target time in 2021.

Around 1.68 lakh SOS requests have been sent out through the app. However, most of them were test calls made by users checking to see if the feature was working. Only 1297 of these were actionable cases and a total of 220 FIRs have been registered in these SOS requests. Incidentally, a majority of these actionable calls were related to violence in private and not public spaces. Of these, 1297 actionable SOS calls, majority are related to domestic violence cases, followed by stalking and street sexual harassment cases.

The legal and moral aspect of capital punishment to rapists under the Act

In Nirbhaya case of 2012, despite having the public, police force, and the judiciary overriding the trial took nine months. As per the Disha Act, 2019 Andhra Pradesh, completion of investigation within 7 days and trial in 14 days. This time limit is a short period to identify the criminal and satisfy all the legal obligations under the Code of Criminal Procedure, 1973 with a fair trial along with the provisions of the Indian Evidence Act, 1872.

Trigger for Disha Act, 2019, because of the brutal murder and rape case of a veterinary doctor in Hyderabad. This heinous crime offense drew huge condemnation. Consequently, both, the Houses of Parliament argued about the incident. After the publication of the “Thomson Reuters Foundation Report”, the lawmakers are still silent concerning women’s safety. The record says that India has the most dangerous place on earth for women. The Central government struck down the report completely.

Instead of putting efforts into catching the criminals, it will be better if we make strict punishment for an offense against women and children. Disha Act, 2019 is more focusing on the field of detection and prosecution. Delays in investigation and trials can be avoided by amending provisions in substantive laws like Indian Penal Code, 1860, Code of Criminal Procedure, 1973. Subsequently, the legal framework of the judicial system will improve.

Mostly, irrespective of the basic principles of jurisprudence, lawmakers pose laws criminalizing social or moral wrongs, which have a huge possibility of misuse. Lord Macaulay, while making the Indian Penal Code stated that providing death sentence to rapists if the punishment for rape and murder was the same then rapist will also kill their victims. The mens rea required for committing an offense, Indian laws are not paying attention to new enactments.

Constitutional Validity of the Disha Act

The summary of the huge public demand instantly after the incident was to complete the investigation forthwith and execute the criminals even at the expense of bypassing a few fundamental tenets of the rule of law. Criminal law, IPC, CrPC is part-III of the concurrent list of the seventh schedule of the Constitution of India and therefore the State Legislature has the power to amend the IPC and the CrPC also. The State government ordered to include Section-354E, 354F, and 354G in the IPC along with strict punishment for offenses against women and children.

Response from other States

In response to the Disha Act, NCP, State Home Minister of Maharashtra, Mr. Anil Deshmukh responded on Disha Act. and that the government should try to bring such a bill. He spoke “We are working on whether to replicate them in Maharashtra as well’ Delhi and Odisha have also shown their positive interest towards the Disha Act, 2019. CM Jagan Mohan Reddy also praised Telangana CM K. Chandrasekhar.

Conclusion:

Our government made so many laws for the safety of women but their implementation was not done properly. These laws did not stop the harassment cases. We know that always “PREVENTION IS BETTER THAN CURE”, so we have to take measures to stop this type of incidents. The sexual harassment and sexual assault on women decrease when there is a change in the attitude towards women. Respect for women should come from within the heart then only this type of incidents will be decreased. The laws only provide justice after the loss but we have to concentrate on the ways to stop these bad incidents. The new law Disha Act, 2019 is an appreciable enactment for today’s growing crimes like rape, gang rape, and other offenses against women and children. All states should enforce such laws so that India can be a rape-free society.

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