

JAMMU DESERVES INTERNATIONAL STANDARD BOTANICAL GARDEN

There is no doubt that the City of Temples already has two tourist attraction, the Bagh-e-Bahu and the other is not open for public as such because it is inside Jammu University premises. Since every major city in the country and even in the world has a botanical garden to introduce its residents to nature while dwelling in the concrete jungles, Jammu should also have such a facility for its residents and those who visit this beautiful place for one or the other reason. There are places in the country where botanical gardens are the prime attraction for the tourists like the famous Botanical Garden of Ooty in Tamil Nadu. Jammu being so close to natural world can house so many species of plants and trees that it could offer the best botanical garden to tourists but the successive governments never paid any heed to this aspect. A few days back a Tulip Garden was envisaged for the city but everyone knows the fate of the project which usurped crores of rupees with not a single flower of tulip seeing the light of the day. A botanical garden can be defined as a place open to the public where plants were grown, labeled and catalogued. Today as cities and urban areas like Jammu continue to expand, the role of botanical gardens has become significant as the city dwellers and the tourists can go out to get in touch with nature. The botanical garden is the best place to take a break from daily routine and reset and recharge because nature has an incredible ability to do wonders for our mind, body and soul. The noble role which botanical gardens can play is to conserve the endangered species of plants and give a wider scope to researchers to enrich their knowledge while remaining in the heart of the city. Already there are places near the Jammu City which have plenty of flora and fauna but making things systematic through the creation of a standard botanical garden can bring about much desired change in the mood of city dwellers as they could come closer to nature thus becoming the refined citizens of the country. A visit to a botanical garden can be relaxing, inspiring and educational, and one might even walk away with new ideas, interests or hobbies related to the natural environment. All said and done, the government should seriously ponder over the matter and simply tread forward to get one botanical garden for the city and its population.



OFF 'D' CUFF

**Be
what you
want to be**

Young adults are faced with a world of choices when it comes to selecting a wardrobe, food, education, friends, vehicles, cellphone, e-applications, entertainment and ideology. However, they are expected to stay bound to the faith they are born into. Sonal Srivastava examines why elective faith is an important part of growing up in a world where liberty is given high priority.

What does freedom mean to you? Does it mean the right to do anything you want, or does it go deeper than that? True freedom is that which takes you beyond boundaries you are normally accustomed to. It is to be able to do what you want, and to believe in whatever you want to believe, whether in a God who created the universe or the church of the Flying Spaghetti Monster — the god of the Pastafarians. The truth is that we are what we believe, but our belief systems are mostly decided by our family, friends or colleagues.

Inheritance Of Belief

Very often, the die is cast even before we learn to spell religion. By virtue of our birth, we adopt the Hindu, Muslim, Christian, Buddhist or Sikh faith, settling into a mould that should ideally be broken, if we want to free the mind of prejudices and become fully aware. Osho said: "Your freedom is a supreme value. Nothing is higher than that. But your freedom is possible only if you are not 'engaged' in your habits, unconscious patterns of living."

Are we really free?

"Did you pray to God today?" Sudha asked little Shivansh, a daily ritual that most children grow up with, whichever faith they are born into. The five-year-old went running to the puja room, touched Krishna's feet and said the Lord's prayer he had learnt in school ("Our Father Who Art In Heaven..."), and wondered whether the Hindu god understood the prayer. To Shivansh, there was no contradiction here — a prayer was a prayer, whether it was addressed to a Christian or Hindu god. Regardless of being born into a particular faith — in this case, Hinduism — he ought to be at liberty to choose any belief system, as an adult. Doing so would be a natural extension of the succession of choices Shivansh would make as a young adult: Choice of col-

Sonal Srivastava

We should not fret for what is past, nor should we be anxious about the future; men of discernment deal only with the present moment.

-Chanakya

EDITORIAL

Stern laws required to check marital rape

■ DISHA VOHRA & SUYASHI SINGH

Marital Rape is much more painful than rape because you have to get up with tears and wipe it off with the same bed on which once you used to cuddle.' -Kriti Mathur. Rape is unlawful intercourse with an individual without consent, whether owing to bodily desire or hazards, or due to perpetrator's dishonest display. In India, rape by an alien is punishable under Sections 375 and 376 of the Indian Penal Code. Surprisingly, it expressly excludes marital rape from the scope of criminal liability. Marital rape is when a husband performs sexual activity with his better-half without her consent or under duress. The patriarchal system that governs Indian families has always seen women as the property of their significant others or guardians. As a result, rape was regarded as a robbery of women's property as well as a crime against a spouse or guardian. This belief system has influenced our legislators to disregard the crime of spouse rape by granting it shield of the spouse's wedding right, thereby silently tolerating that women are nothing more than a protest of her better half's sexual satisfaction, with no will of her own over sexuality.

Rape is not only cruelty against women, but also a grave violation of a person's fundamental right to life and individual liberty. The fact that there is a link between the victim and the perpetrator has no bearing on the outcome. In this way, it's not fair to assume that sex with one's spouse is a privilege bestowed upon a husband by marriage. Marital rape is related with social shame because it silences a woman's voice against her husband, who takes use of his advantageous position to shatter her trust and individual reliance. It has been proven that marital rape is more traumatic, with long-term physical and mental consequences. As a result, in a few countries, marital opposition to spouse has been reduced. Our state is failing to fulfill its commitment to ensure sex equity, which includes protection from wrongdoing and manhandling, by decriminalizing husband rape.

Today several countries have both set up marital rape legal guidelines, revoked marital rape unique instances or have legal guidelines that don't apprehend marital rape and normal rape. This demonstrates marital rape is presently perceived as an infringement of human rights. In 2006, it became assessed that marital rape is an offense rebuffed beneath the crook regulation in no much less than one hundred countries and India isn't always one in all them. Despite the reality that there had been plenty of enactments and establishments long gone in India as to brutality towards girl in her very own house, just like legal guidelines towards woman in femicide and abusive conduct at home, marital rape has not noted to select out up acknowledgment as a wrongdoing in line with approach producers. Marital rape, in India, is holed up at the back of the halowed drapes of marriage.

Marital rapes & laws in India: Marital rape isn't always an offense in India. Enactments with reference to marital rape in India are both non-existent or esoteric and dependant at information through Courts. Section 375, for rape within Indian Penal Code (IPC), mentions as its exception clause- 'Sexual sex through guy together along with his personal spouse, the spouse now no longer being beneath 15 years of age, isn't always rape.' Keeping with segment 376 of IPC, which affords punishment for rape, the rapist should be rebuffed with detainment of both portrayal for a time period which won't be beneath 7 years however as an alternative which may also stretch out to lifestyles or for a time period attaining out up to ten years and must likewise be at hazard to first-class until the girl raped is his personal specific spouse, and isn't always beneath 12 years old, wherein ease, he is probably rebuffed with detainment of both depiction for a time period which may also attain out to two years with first-class or with both. Hence marital rape is regarded as a rape simply if the partner is beneath 15 years old, and the seriousness of punishment is milder. There isn't any lawful protection agreed to the

partner after the age of 15 that is towards human rights directions. Comparable regulations that accommodate the lawful duration of agree for marriage to be 18, shields from sexual mishandle simply the ones as much as the age of 15. According to the Indian Penal Code, the instances in which the partner may be criminally arraigned for an offense of marital rape are as beneathneath: When the spouse is among 12 - 15 years of age, offence punishable with imprisonment upto 2 years or fine, or both; When the partner is below 12 years old, offense culpable with detainment of both portrayal for a time period which may not be beneathneath 7 years however alternatively which can also additionally attain out to lifestyles or for a time period stretching out up to ten years and have to likewise be challenge to fine; Rape of a judicially remoted partner, offense culpable with detainment upto 2 years and fine; Rape of spouse of above 15 years in age isn't punishable.

In 2005, the Protection of Women from Domestic Violence Act, 2005 changed into surpassed which considers marital rape as a kind of neighborhood violence. Under this Act, a woman can visit the courtroom docket and get prison partition from her husband for marital rape. Marital rape is unreasonable as a woman's frame raped in addition to her affection and consider is broken on this manner throwing her it is probably stated of instability and dread. Her human rights are relinquished on the holy region of marriage. However the legal guidelines to stable the hobbies of the casualties of marital rape are missing and deficient, and the approach taken are unacceptable. The essential start of these 'legal guidelines' is that conform to wed consists of an agree to attract in into sexual motion. However, does consenting to take part in sexual motion suggest conform to being exacted with sexual viciousness? Brutality makes a sense of dread and instability making the woman post to sex. It isn't similar to consenting to sex. The refinement among assent and non-assent in contradistinction is important to crook law.

It is surprising that a female can make sure her entitlement to existence and freedom, but now no longer her frame in her marriage. The very that means of rape (phase 375 of IPC) ought to be changed. The major for girls up to now is phase 498-A of the IPC, dealing with remorselessness, to make sure themselves against 'unreasonable sexual direct with the aid of using the spouse'. In any case, there may be no preferred of degree or translation for the courts, of 'perversion' or 'unnatural' inside suggest spousal relations. Is unreasonable hobby for intercourse unreasonable? Isn't assault a sine qua non? Is marriage allowed to rape? There isn't any answer, given that the judiciary and the legislatures are quiet.

Keeping in mind the concept of Consent, The Delhi High Court recently made some points during the recent proceedings relating to Marital Rape. When the Delhi High Court heard a series of petitions to overturn the exception to marital rape in rape law, the judge wondered why the legal response of married women and sex workers should be different. He disputed the argument that it is difficult to prove consent in certain cases where a sexual relationship already exists between partners. It is important to understand that every woman, whether a sex worker or another worker, married or single, is the sole owner of her body. In order to have sex with them, their consent must be proved. Rape is a violation of a woman's autonomy and marriage does not make her consent irrelevant. The debate over how the elimination of marital rape tax exemptions would make families unstable would actually degrade the facility and turn it into a torture chamber. Also, as the court admitted, all laws can be potentially abused. We only look at the manual work over the law that challenges social power. Currently, state-of-the-art legal systems recognize spouse rape as a crime. India is an exception because it is equivalent to domestic violence and provides civil remedies. Marital rape is prosecuted in various ways, but there is no reason not to legally admit it. With a high level of proof and social stigma, it is

becoming more and more so. When a woman is considered a citizen, there is no ambiguity in considering marital rape as rape. If we look at one of the most famous judgements on Marital Rape, we will see the discussion of the Case Independent Thought V. Union Of India, the petitioner was Independent thought, a registered society which has been working in the welfare of child rights, and the respondents were the Union of India and National Commission for Women. Section 375 of IPC defines rape and has also a provision dealing with the age of consensual sex as 18. Exception 2 to Section 375 says that a husband can have non-consensual sex with her wife who is between 15 and 18 years of age. The issue raised before the apex court was to decide the legality and constitutionality of Exception 2 to Section 375 of IPC. The division bench of the Supreme Court gave concurring opinions to decide the case in the favour of petitioner. It read down the Exception 2 to Section 375 of IPC and cleared that anything in the judgment shall not be taken into consideration with the issue of 'marital rape'.

The bench stated these points while declaring the judgment. The Division Bench while deciding whether a husband commits the offence of rape if he has sexual intercourse with her wife, who is between 15-18 years of age, commented as follows:

► The Exception 2 of IPC creates an artificial distinction between a married girl child and an unmarried girl child without any reasonable nexus. The artificial distinction is contrary to both Article 15(3) and Article 21 of the Constitution. No other provision in penal laws gives any immunity to the husband. It also violates the bodily integrity and reproductive choice of the girl child and has no measures for trafficking of a girl child. Therefore, it is being arbitrary and discriminatory hindering the best interest of the girl child.

► The parliament has increased both the age of marriage and age of consent from time to time. Currently, a girl child is neither eligible to marry nor give a consent before 18 years. When age has been raised in all the other laws then Exception 2 by keeping the age of consent for a wife 15 years, has become unreasonable, unjust, unfair and violative of the rights of the girl child. Therefore, it is arbitrary and should be set aside.

► The Exception 2 should be read down as follows to make it consistent with the constitution: 'Sexual Intercourse or Sexual acts by a man with his own wife, the wife not being 18 years, is not rape.'

► The issue before the Court is only of marital rape of the girl who is below 18 years and not that of above 18 years. So, the judgment should not be observed in any way for commenting on the issue of 'marital rape' of an adult girl.

Delhi High Court is currently hearing petitions about criminalization of Marital Rape, are final results of the authorities' refusal to pay heed to the landmark record via way of means of the Justice J S Verma Committee, constituted within-side the aftermath of the terrible Nirbhaya gang rape in 2012. Though the authorities has stated on a couple of activities that this type of pass will threaten the organization of marriage, specialists say latest judgments, which include at the proper to privacy, have rendered this argument untenable.

The Delhi High Court is listening to a take hold of petitions hard the exception to Section 375 of the Indian Penal Code, which exempts forceful sexual sex via way of means of a person together along with his personal spouse from the offence of rape, furnished the spouse is above 15 years of age, additionally called the 'marital rape exception'. The petitioners consist of the RIT Foundation, the All India Democratic Women's Association (AIDWA), and a survivor of marital rape. Verma panel proposed that 'the exception for marital rape be removed' and the law must 'specify that a marital or other relationship between the perpetrator or victim is not a valid defence against the crimes of rape or sexual violation'. Despite assurances from the then Finance Minister P. Chidambaram that all the recommenda-

tions of the J S Verma panel had been accepted, the Act first promulgated as an Ordinance did not mention striking down of the marital rape exception. A Parliamentary Standing Committee on Home Affairs headed by Venkaiah Naidu too said, 'entire family system will be under great stress' should marital rape be criminalised. According to the World Bank, there are at least 78 countries, including Nepal, that have legislation specifically criminalising marital rape.

Right to Live (Case Laws): The concept of the right to life under Article 21 of the Constitution was stressed in the case of Francis Coralie Muin vs Union Territory of Delhi. In this case, Article 21 encompasses the right to live with human dignity and all that entails, to be specific, the basic necessities of life, such as adequate nutrition, clothing, and shelter over one's head, as well as facilities for reading, writing, and expressing oneself in various forms, as well as the freedom to move about and mix and mingle with other people. The right to live with human dignity is one of the most basic components of the right to life, as it determines person's independence.

In a series of instances, the Supreme Court has ruled that rape violates the victim's right to life and the right to live with dignity. The Chairman, Railway Board vs Chandrima Das is one such case. Rape, according to the Supreme Court, is not just a criminal offence under the Indian Penal Code, but also a crime against society as a whole. In the case of Bodhisattwa Gautam vs Subhra Chakraborty, the court decided that rape is less of a sexual offence than a display of animosity aimed at corrupting and mortifying women. In this way, the marital exception concept infringes on a spouse's right to a dignified life.

The Indian Constitution makes no mention of the right to privacy. Nonetheless, the Supreme Court has recognised that a right to privacy is intrinsically guaranteed under the scope of Article 21 in a succession of decisions such as Kharak Singh vs State of Uttar Pradesh, Govind vs State of Madhya Pradesh, Neera Mathur vs LIC, and others. Article 21 of the Constitution guarantees the right to privacy, which includes the right to be sit without being troubled or annoyed. The right to protection and sexual security is harmed by any sort of intensive sex. It is argued that teaching marital exclusion to rape jeopardises a married woman's right to protection by forcing her into a sexual relationship she does not desire.

In the case of State of Maharashtra vs Madhkar Narayan, the Supreme Court ruled that every woman has the right to her sexual privacy, and that no one has the authority to violate that private at any time. The Supreme Court, in the landmark case of Vishakha vs State of Rajasthan, extended this right of privacy to working situations as well. In a similar vein, we can deduce that even within a marriage, there is a right to privacy when it comes to sexual relationships. As a result, by decriminalising rape within a marriage, the marital exception teaching infringes on a married woman's right to privacy, making it illegal.

In India, rape in the bedroom is not fully prohibited. It is unquestionably a genuine form of mistreatment of women that merits the attention of the authorities. Women who have been raped by their spouses are more vulnerable to a variety of attacks and frequently face long-term physical and emotional problems. In this case, marital rape is far more terrifying for a woman because she must remain with her perpetrator on a regular basis. Because the consequences of marital rape are so severe, criminalising the crime of marital rape is clearly necessary. Positive legal change for women is occurring in India, but additional steps are required to achieve both legal and social reform, which would result in the criminalization of marital rape and a shift in attitudes toward women in marriage. Protection of Women from Domestic Violence Act contains numerous flaws, as it does not expressly prohibit marital rape.

On the plus side, the legalisation of a specific law against domestic violence has paved path for a law criminalising marital rape. This definitely reflects a shift in state ideology, which previously valued non-interference in familial circles.

women. A woman has her own car, it has changed the picture of ordinary middle class families. A small key is nothing less than getting 'Aladdin's lamp' for them. Now, she does not depend on husband or male members, she herself starts car and leaves. Women's vehicle-self-reliance has sociological implications. Scooters are adding modernity to the family's thinking, opening up closed ends. His presence in public life has increased. They are pursuing their hobbies and interests. Taking better care of children and helping others. Driving home has made it easier than ever to get quick help in case of an emergency. They meet friends, come and go in kinship. A woman who runs out of time on two-wheeler is safer than a woman standing alone on the road, waiting for a taxi or waiting until an acquaintance arrives.

This two-wheeler-driving has made the difficulties easier. Better income opportunities have been provided. The fight to prove her ability both at home and outside is not easy for the common woman even today. It is commonly recited that 'Tumse Na Ho Payega'. In such a situation, relying on someone for transportation becomes an excuse for the family to say 'no'. In so many families, if women are dependent on men to go to the office, then this becomes the reason for the daily Tu-Tu-Main-Main which culminates in the forced decision for them to leave the job. The two wheels of the scooter are giving great power to women on the path of economic empowerment. This skill has also increased the productivity and quality of time. The hope that the equations in the relation-

ship improve from this time will not be wrong. This has also broken the myth of apparel. A vehicle in the family is useful for both men and women. It is a free vision and also a sign of the progress of the society. This sign is good for the future of the whole society. As father, brother and husband, he has not issued injunction on daughter, sister or wife. We are not surprised to see women drivers and men behind. Women have made acceptance in the family for their desire by not looking at the face of others to come and go. Has won the trust of mother-in-law, has reassured parents have overcome her fear. This voice is coming not from far away, but from near that we are not less than boys here too, give opportunity. Men may satisfy their ego by making jokes about women's driving, the truth proven by research says that they are better, more honest, responsible, disciplined drivers than men. In many cities, girls are also driving motorcycles a lot, which were earlier identified as a masculine vehicle. Women dressed in shoes and jeans appear to be the hallmark of strength in the form of motorcycle-riders, there is no denying that. It is a fragmentation of the made-up female image. A motorcycle or a Bullet is not just a vehicle. He is the epitome of open air, courage and free thinking. Riding a motorcycle is not a sign of greatness, but the move definitely threatens positive change. Wearing a helmet, wearing clothes of her choice, an office bag on her shoulder and a child in school-garment behind, she is driving a scooter. We have these beautiful scenes of time on our street.

Vijay Garg.

YOUR COLUMN
Increasing participation of womenfolk in public life

Dear Editor,

Not long ago, young girls had to accompany their younger brother on their way to the house of their friends. Even while walking on the road. Today, she drives scooters and motorcycles, leaving people's eyes puzzled and disturbed. This is a picture of a new woman driving a taxi-auto, running a train-engine, flying a passenger plane to a fighter plane, wearing police uniforms and catching goons, bringing news from far away as a journalist. These women have demolished the old frames of tradition. At one time scooter companies did not even think that women could be so common on two wheelers. Cars were made only for men. Then came Luna, an automatic version of the cycle. It can be said that this happened for the first time for this young generation. It was considered the vehicle of women and the elderly. Companies soon had to increase the scale of testing the ability of girls. Today a large number of girls are riding two wheelers among the new age girls.

The riding of Indian women on a private vehicle is no less than a social revolution. The carriage ride opened new doors of self-confidence and self-reliance for