

A Study of Laws on Violence against Women in India

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Abstract – Violence against women is not a new phenomenon. Women have to bear the burns of domestic, public, physical as well as emotional and mental violence against them, which affects her status in the society at the larger extent. The statistics of increasing crimes against women is shocking, where women are subjected to violence attacks i.e. foeticide, infanticide, medical neglect, child marriages, bride burning, sexual abuse of girl child, forced marriages, rapes, prostitution, sexual harassment at home as well as work places etc. Violence against women is a serious cause of concern as it also deprives women of their freedom and other safety rights which is a very bad indicator for any country's development.

Keywords: Violence against Women, Criminal Laws, Sexual Harassment, Rape, Dowry, Eve-Teasing, Sexual Harassment, Acid Attack etc.

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INTRODUCTION

Domestic violence in India includes any form of violence suffered by a person from a biological relative, but typically is the violence suffered by a woman by male members of her family or relatives[1]. According to a National Family and Health Survey in 2005, total lifetime prevalence of domestic violence was 33.5% and 8.5% for sexual violence among women aged 15–49 A 2014 study in The Lancet reports that the reported sexual violence rate in India is among the lowest in the world, the large population of India means that the violence affects 27.5 million women over their lifetimes[2].

According to the National Crime Records Bureau of India, reported incidents of crime against women increased 6.4% during 2012, and a crime against a woman is committed every three minutes. According to the National Crime Records Bureau, in 2011, there were greater than 228,650 reported incidents of crime against women, while in 2015, there were over 300,000 reported incidents, a 44% increase[3]. Of the women living in India, 7.5% live in West Bengal where 12.7% of the total reported crime against women occurs. Andhra Pradesh is home to 7.3% of India's female population and accounts for 11.5% of the total reported crimes against women[4]. 65% of Indian men believe women should tolerate violence in order to keep the family together, and women sometimes deserve to be beaten. In January 2011, the International Men and Gender Equality Survey (IMAGES) Questionnaire reported that 24% of Indian men had committed sexual violence at some point

during their lives[5]. Exact statistics on the extent case occurrences are very difficult to obtain, as a large number of cases go unreported. This is due in large part to the threat of ridicule or shame on the part of the potential reporter, as well as an immense pressure not to damage the family's honor. For similar reasons, law enforcement officers are more motivated to accept offers of bribery from the family of the accused, or perhaps in fear of more grave consequences, such as Honor Killings.

Crimes against women—domestic violence, dowry, rape, marital rape, infanticide, acid attacks, and other such incidents—have become a common feature of our society. Sexual and Gender-Based Violence (SGBV), collectively, also known as Violence Against Women (VAW), are violent acts that are predominantly committed against women and girls. This type of violence is gender-based, meaning that these crimes are committed against women and girls just because of the sole reason that they are female. Violence against women can be classified into several categories and these include violence carried out by "individuals" as well as "states". Some of the forms of violence carried out by individuals are: rape, domestic violence, sexual harassment, female infanticide, etc; as well as harmful customary or traditional practices such as dowry violence, honor killings, female genital mutilation, and forced marriage. Some forms of violence are inflicted by the state such as war rape, sexual violence and slavery during conflict, forced abortion, violence by the police and authoritative

personnel, stoning and flogging. Often crimes like forced prostitution and trafficking in women are perpetrated by organized crime.

Types and Forms of Violence against Women in India:

- (i) **Sexual Harassment:** Half of the total number of crime against women reported in 1990 related to molestation and harassment at the workplace. Eve teasing is a euphemism used for sexual harassment or molestation of women by men many activists blame the rising incidents of sexual harassment against women on the influence of "Western culture".
- (ii) **Dowry:** In 1961, the government of India passed the Dowry prohibition Act, making the dowry demands in wedding arrangements illegal. However, many cases of dowry -related domestic violence, suicides and murders have been reported. The term for this is "bride burning" and its criticized within India itself.
- (iii) **Child Marriage:** Child marriage has been traditionally prevalent in India and continues to this day. Historically, young girls would live with their parents till they reached puberty. In the past, the child widows were condemned to a life of great agony, shaving heads, living in isolation, and shunned by the society. Although child marriage was outlawed in 1860, it is still a common practice.
- (iv) **Female Infanticides And Sex Selective Abortions:** India has a highly masculine sex ratio, the chief reason being that many women die before reaching adulthood. It is therefore suggested by many experts, that the highly masculine sex ratio in India can be attributed to female infanticides and sex-selective abortions. The abuse of the dowry tradition has been one of the main reasons for sex-selective abortions and female infanticides in India.
- (v) **Domestic Violence:** The incidents of domestic violence are higher among the lower socio- economic classes. There are various instances of an inebriated husband beating up the wife often leading to severe injuries. Domestic violence is also seen in the form of physical abuse. Domestic violence includes, harassment, maltreatment, brutality or cruelty and even the threat of assault-intimidation. It includes physical injury, as well as "willfully or knowingly placing or attempting to place a spouse in fear of injury and compelling the spouse by force or threat to engage in any

conduct or act, sexual or otherwise, from which the spouse has a right to abstain". Confining or detaining the spouse against one's will or damaging property are also considered as acts of violence.

- (vi) **Trafficking:** The Immoral Traffic (Prevention) Act was passed in 1956. However many cases of trafficking of young girls and women have been reported. These women are either forced into Prostitution, domestic work, or child labour.
- (vii) **Eve- Teasing:** Eve teasing is an act of terror that violates a woman's body, space and self-respect. It is one of the many ways through which a women is systematically made to feel inferior, weak and afraid. Whether it is an obscene word whispered into a woman's ear; offensive remarks on her appearance; an intrusive way of touching any part of a woman's body; a gesture which is perceived and intended to be vulgar; all these acts represent a violation of a woman's person, her bodily integrity.
- (viii) **Rape :** One-quarter of the reported rapes involve girls under the age of 16 but the vast majority are never reported. Although the penalty is severe, convictions are rare. Crimes such as rape as a form of sexual violence are reported to be on the increase. Around the world, one in five women have been found to be victims of rape in their lifetime . Many rapes go unreported because of the stigma and trauma associated with them and the lack of sympathetic treatment from legal systems. The insecurity outside the household is today the greatest obstacle in the path of women. Conscious that, compared to the atrocities outside the house, atrocities within the house are endurable, women not only continued to accept their inferiority in the house and society, but even called it sweet. In recent years, there has been an alarming rise in atrocities against women in India. Every 26 minutes a woman is molested. Every 34 minutes a rape takes place. Every 42 minutes a sexual harassment incident occurs. Every 43 minutes a woman is kidnapped. And every 93 minutes a woman is burnt to death over dowry.
- (ix) **Acid attacks:** At times, acids such as sulphuric acid has been used to disfigure or kill women and girls for reasons such as family feuds, inability to meet dowry demands and for rejection of marriage proposals. The Government of India should come out with some more stringent laws to protect the rights of women who are

victims of violence of any kind occurring within the family, so that it will work as the preventive measure to eradicate the crime.

A strict law to be passed to punish those women who are filing a false compliant against husband or relatives by misusing of Domestic Violence Act so that there will be fair justice to all. In our society, violence is bursting. It is present almost everywhere and nowhere is this eruption more intense than right behind the doors of our homes. Behind closed doors of homes all across our country, people are being tortured, beaten and killed. It is happening in rural areas, towns, cities and in metropolitans as well. It is crossing all social classes, genders, racial lines and age groups. It is becoming a legacy being passed on from one generation to another.

Criminal Law (Amendment), Act 2013

In consonance with the recommendations made by the Justice Verma Committee, in order to prevent violence against women comprehensive amendments were introduced in the Indian Penal Code, 1860, Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872 through the Criminal Law (Amendment) Act, 2013. The amendments sought to make provisions relating to violence against women more stringent. The key features are as follows:

- a) New offences like acid attack, sexual harassment, voyeurism, disrobing a woman, stalking have now been incorporated into the Indian Penal Code. Enhanced punishment for crimes like rape, sexual harassment, stalking, voyeurism, acid attacks, indecent gestures like words and inappropriate touch etc. has also been added.
- b) Definition of rape has been widened to include non-penetrative sex as well.
- c) Provisions for aggravated rape expanded to include rape committed by a person in a position of dominance, by a member of the armed forces deployed in an area, rape committed during communal or sectarian violence or on a woman incapable of giving consent.
- d) Increased penalty for gang rape and causing serious injury to the victim resulting her to remain in a vegetative state.
- e) Increased sentence for rape convicts, including life-term and death sentence.
- f) Insertion of a new provisions casting a duty on all hospitals public, private run by the Central Government or State Government to provide first aid or medical treatment, free of cost to victims of any offence defined

under Section 326, 375 ad 376 (acid attack and rape).

g) Further, Section 370 and 370A IPC provides for comprehensive measures to counter the menace of human trafficking including trafficking of children for exploitation in any form including physical exploitation or any form of sexual exploitation, slavery, servitude, or the forced removal of organs.

INDEX FOR VIOLENCE AGAINST WOMEN IN INDIA

- A total of 3,38,059 cases have been reported under violence against women in India in 2016.
- Delhi reported the highest cases of Violence against Women in 2016 showing least index number of 500.20 and is followed by Uttar Pradesh(994.70) which is followed by Telangana (1050.50) followed by Orissa(1076.38).
- Among the States, Nagaland stands first showing the highest index number (1561.94) implying that Violence against Women is least prevalent in Nagaland which is further followed by Manipur(1539.88). Mizoram stands third(1502.21) and is followed by Meghalaya(1473.34) and then Gujarat(1461.81).
- Among the UT's, Dadara & Nagar Haveli (1461.86) reported the least cases of Violence against Women and is ranked first followed by Lakshwadeep(1411.17) and Andaman & Nicobar(1390.10).
- Cruelty by Husband/Relatives is the most prevalent form of violence against women in India(as per NCRB report) .1,10,378 cases have been reported under this crime which accounts for 32% of total cases of violence against women in India. 84,746 cases have been reported under Assault on Women with intent to outrage her modesty which accounts for 25% of the total reported cases of violence against women in India and is the second most prevalent crime. 64,519 cases of incidence of Kidnapping & Abduction have been reported in 2016 which accounts for 19% of the total incidence cases reported under Violence against Women in India and is the third major crime against Women.

INDEX FOR ATROCITIES AGAINST SC/ST WOMEN

- A total of 6797 cases have been reported under atrocities faced by SC Women.
- Among all Indian States, Andhra Pradesh stands last showing index number 220.70 implying that highest cases of incidence of violence against SC women have been reported in 2016 in Andhra Pradesh. This is followed by Haryana(250.69) reporting second highest cases which is followed by Madhya Pradesh(250.70). Assam, Goa, Jammu & Kashmir, Manipur, Meghalaya, Sikkim, Tripura, D&N Haveli, Pondicherry and Chandigarh showed the index number 500.00 implying the zero Violence against SC Women in these States and UT,s.
- Kidnapping & Abduction of SC Women is the most prevalent form of violence against SC Women which accounts of 47% of total incidence cases that have been reported in 2016 under atrocities against SC Women. - A total of 2016 cases been reported under atrocities faced by ST Women in 2016.
- Among all Indian States, Chhattisgarh stands last showing index number 62.84 implying that highest cases of incidence of violence against ST women have been reported in 2016 in Chhattisgarh. This is followed by Kerala (312.41) reporting second highest cases which is followed by Andhra Pradesh (356.71). Arunachal Pradesh, Uttar Pradesh, Tripura, Daman & Diu, Lakshwadeep and D&N Haveli showed the index number 500.00 implying the zero Violence against ST Women in these States and UT,s.
- Rape of ST Women is the most prevalent form of violence against ST Women which accounts for 48% of total incidence cases that have been reported in 2016 under atrocities against ST Women.

LITERATURE

Chandan Mukherjee, (2001) et al. Data on crime in India are published annually by the National Crime Records Bureau (NCRB). These are compiled from records of police stations all over the country and refer to reported and registered crime. For recent years the data cover crimes against women in some detail, disaggregated to the district level. Reporting of crime tends to be incomplete; so the data are *prima facie* suspect. Nevertheless, they may be useful in studying regional variations, considering that underreporting is a universal feature. Social scientists have neglected the study of crime despite its increasing presence in our daily lives. This paper

is an attempt to see what official, published data reveal, whether there are clear-cut regional patterns and if so whether they can lead to meaningful hypotheses for future work.

Ms. R. Kalaiyarasi (2015) et al. Women in India have always been issues of concern. The folks and society at large consider women as second class citizens. Though we admire and preach them in the name of Durga, Saraswati, Parvati and Kali, we also abuse her in the form of Child-marriage, Female infanticide, Sati, Sexual harassment, Dowry and so on. The status of women in India has been subject to many great alterations over the past few millenniums. From a largely unknown status in ancient times through the low points of the medieval period, to the promotion of equal rights by many reformers, the history of women in India has been lively. The status of women has varied in different time periods. Violence against women is partly a result of gender relations that assumes men to be superior to women. Given the subordinate status of women, much of gender violence is considered normal and enjoys social sanction. Manifestations of violence include physical aggression, such as blows of varying intensity, burns, attempted hanging, sexual abuse and rape, psychological violence through insults, humiliation, coercion, blackmail, economic or emotional threats, and control over speech and actions. In extreme, but not unknown cases, death is the result. These expressions of violence take place in a man-woman relationship within the family, state and society. Usually, domestic aggression towards women and girls, due to various reasons remain hidden. Cultural and social factors are interlinked with the development and propagation of violent behaviour.

George Joseph (2017) et. al. This paper analyzes the incidence and extent to which domestic violence and physical harassment on public/private buses is underreported in Kerala, India, using the list randomization technique. The results indicate that the level of underreporting is over nine percentage points for domestic violence and negligible for physical harassment on public/private buses. Urban households, especially poor urban households, tend to have higher levels of incidence of domestic violence. Further, women and those who are professionally educated tend to underreport more than others. Underreporting is also higher among the youngest and oldest age cohorts. For physical harassment on public/private buses, rural population—especially the rural non-poor and urban females—tend to underreport compared with the rural poor and urban males.

Ravindra Ghooi (2013) et al. Violence against women has long been a problem, in times of peace and war. This violence ranges from very mild teasing to rape and murder, and takes place at home, in the streets, at work places, jails, in short everywhere. Few crimes against women are reported, fewer still prosecuted, and a negligent

number of accused are actually punished. In the absence of detailed studies on incidence, it is difficult to come up with suggestions to reduce if not abolish such violence. There is an urgent need for more studies on this violence so that the psychology of the violators is better understood. Instances of violence need to be thoroughly investigated, and ways and means devised to reduce their incidence. There is need for quick and severe punishment for the accused, which would act as a deterrent too. Any society, in which half the population is not assured of safety, needs to reconsider its claim to being civilised.

Sandra Neuman (2013) et al. India is often described to be a country with a fast growing economy and progressive indicators of human development. However, over the last decade there has been a growing concern of increased reporting of sexual violence in India which seems to contradict the first description. Therefore this creates a problem on how we can understand and explain this. The objective of this study is to try to gain a deeper understanding of some of the underlying factors of increased reporting of sexual violence in India, and to understand in what way the 'modernization' process possibly could be put in relation to this, something that is analyzed with help from Durkheim's theory of anomie. This study draws on a qualitative desk study with a compilation of material from existing research on sexual violence against women, both at home and in public spaces. The findings were analyzed in relation to Durkheim's theory of anomie and gender theories from two authors. The results show that some of the underlying factors for increased reports of sexual violence against women in India, like patriarchy, education and employment for women and gendered power inequalities are in a complex interplay. It was further seen as 'traditional' norms and values clashed with 'modernity' and caused these factors for violence. The outcome of the study showed that the increased reporting of sexual violence can be related to the 'modernization' process both in a positive and negative way. Through Durkheim's theory of anomie it was possible to see that 'modernization' could have caused a state of anomie, which has lead to deviant behavior and resulted in increased reporting of sexual violence against women.

John Simister(2018) et al. This paper uses Indian household surveys and crime data, to study Gender-Based Violence (GBV): husband's domestic violence, to control wife/partner. Different types of violence are examined separately, using 2005-6 Demographic and Health Survey & other surveys from 1992 to 2017. Much domestic violence seems to be husbands attempting to control wives. India's 2005 „Protection of Women from Domestic Violence Act“ appears partially successful in reducing GBV. There is evidence of a long-term increase in GBV risk, in India: some possible explanations are investigated.

Rupsayar Das (2012) et al. This study aims at investigating print news discourses on a relatively recent act of violence perpetrated on women in India, which evoked a nation-wide non-violent protest, popularly known as „The Pink Chaddi“ Campaign, 2009. We considered some of the top English national and local daily newspapers (online editions) for analyses; using advanced computer-assisted qualitative data analysis software (CAQDAS) called Leximancer v3.5. We aimed to explore the frames in the news discourse through intra-media analyses, and perform comparative inter-media analyses between national- and local newspaper corpora. The „concept maps“ produced by Leximancer v3.5, in the unsupervised-mode, threw light on the nature of the news discourse on the Campaign. We found slight evidence that some of the newspapers tried to downplay the VAW and took a detour towards political blame-game. These results somewhat reflected the results of Caputi et al. (1992), O'Connor (2002) and Wetschanow (2003).

Dr.S.Prescila Sharon (2014) et al. Violence against women in India is an issue rooted in societal norms and economic dependence. Female feticide, domestic violence, sexual harassment and other forms of gender-based violence constitute the reality of most girls' and women's lives in India. Wife battering affects the physical and psychological wellbeing of the abused women and even that of their children. Although female participation in public life is increasing and laws have been amended, India still has a long way to go to make Indian women equal citizens in their own country. In our society, many women are violently treated by their intimate partners while they suffer in silence. In some cases, domestic violence leads to the death of these women. It is on this premise that this paper discusses the meaning, causes, types of domestic violence and after-effects of these types of violence on abused women. In addition, the paper discusses the management of this threat against women as well as examines the role to be played by the social workers, professionals and other voluntary organizations in providing intervention to the affected individuals. In conclusion recommendations were made to eradicate this menace from the society.

Nayreen Daruwalla (2013) et al. We conducted open-ended interviews with 15 women with disability who had reported violence in a preceding survey. Emergent themes included a lack of acceptance by families, the systematic formation of a dependent self-image, and an expectation of limited achievement. Emotional violence was particularly emphasized, as was perceived structural violence stemming from social norms, which led to exclusion and vulnerability. Violence in the natal home was an issue that had been relatively uninvestigated.

Ms. Sudha Chaudhary (2013) et al. Domestic violence is one of the most common crimes against women which is inextricably linked to the perpetuation of patriarchy. Domestic violence refers to violence against women not only in matrimonial homes but also live-in relationship. Domestic violence is recognized as the significant barrier in the path of polity. India has specifically women empowerment and also skews the democratic set up of the domestic legislated Domestic Violence Act in 2005 to reduce the violence against women but the same has bore mixed result as of now. The paper examines the domestic violence in multi-dimensional perspective.

CONCLUSION

Violence against women can fit into several broad categories. These include violence carried out by individuals as well as states." Some of the forms of violence perpetrated by individuals are coercive use of contraceptives; female infanticide; prenatal sex selection; obstetric violence and mob violence; as well as harmful customary or traditional practices such as honor killings, dowry violence, female genital mutilation, marriage by abduction and forced marriage. As women gain influence and consciousness, they will make stronger claims to their entitlements - gaining further training, better access to credit and higher incomes - and command attention of police and courts when attacked. As women's economic power grows, it will be easier to overcome the tradition of "son preference" and thus put an end to the evil of dowry. Gender violence is a common problem prevailing in almost all the developing countries. Even in India the issue continues unabated creating many hassle and challenges for the social growth.

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