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Violence against Women in Indian Society and Legal Safeguards

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Abstract

Women are the pillars of our society. They constitute half of the population and play crucial role in all spheres of life. Creating life, nurturing it, she also guards and strengthens it. Through her role as mother, she plays vital role for the nation. Why then has her status been ranked lower as compared to a man's status? She has no identity of her own. Her identity is being her relationship with a man -- being mother, wife, daughter and sister of a man. Despite playing these vital roles women are discriminated by male counterparts and others. Growing violence against women is increasing day by day in India. The article just describes the problems and legal safeguards for women.

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INTRODUCTION

It would be sheer nonsense to believe that development and liberalization have brought the equality for women. Instead there has been a growing trend of violence against women. Women in Indian society have been victims of humiliation, torture and exploitation for as long as we have written record of social organization and family. Nowadays women are being gradually recognized as important, powerful and meaningful contributors towards the society; but still their condition was pitiable. Ideologies, institutional practices and the existing norms in society have contributed much to their harassment. In spite of the legislative measures adopted in favour of women in our society after independence, the spread of education and women's gradual economic development, countless women still continue to be victims of violence. They are beaten, kidnapped, raped, burnt and murdered.

In the West, sociologists have started taking interest in social problems like gender equality and female exploitation ever since they shifted their perspective in order to consolidate their appreciation of social dynamics. Similarly, criminologists have started taking interest in problems such as criminal violence against women ever since they initiated reappraisal of the old assumptions underlying certain crucially socially problematic behavior. However, in India, both sociologists and criminologists have yet to develop sustainable interest in this crucial problem of deviant behavior against women and realize their academic as well as their social responsibility.

An aspect of power dynamics of social situations 'violence' is not simply aggression or injury committed by one individual against women; it is precisely abuse of power; it is a behavior in which a more powerful person takes advantage of and abuses less powerful women this relationship of power differential is clear in violence against women. Violence against women refers to violence in which the victim is female ⁽¹⁾.

It may be true that the incidence of violence by men towards women is not identical in all groups and communities and that moral and social beliefs and family arrangements differ from group to group. There are no women who have not suffered at one time or another harassment, humiliation, exploitation and violence that shadow her sex. A woman's life swings between pleasure and danger. In daily life, women are routinely defined by sex and even if not all men are potential kidnappers, rapists, batterers, molesters and torturers of women, all women are potential victims.

Violence against women may be categorized as: Criminal violence (rape, abduction, murder), Domestic violence (dowry deaths, wife battering, sexual abuse, maltreatment of widows) and Social violence (forcing to go female foeticide, eve-teasing, refusing to give a share to women in property, harassing the daughter in law to bring more

dowry). Women in India are way ahead of their counterparts elsewhere in the matter of social legislation. However, in matters of implementation of laws granting rights to women we have been lagging far behind. Women are discriminated against at work and are denied their due in every field. At home, they are ever worse off, being reduced to slavish drudges and maltreated in a hundred different ways. Constantly reduced and mocked at, frequently bullied, sometimes assaulted and occasionally burnt to death, they remain victims in every role. Thus Indian women have been described as the underdogs of society where women are considered to be on a par with their male counterparts, but in reality, men remain all powerful and thrive at the expense of women.

The Constitution of India guarantees equality, freedom, opportunity and protection to women and various social legislations give them several exclusive rights. Yet, they enjoy an unequal status. Despite all safeguards, the women of our country continue to suffer due to the social conditions in our society like illiteracy, poverty, social customs, ignorance and lack of awareness of rights while others relate it with their personality characteristics like feeling of helplessness, inferiority complex, and poor self-image, lack of self-confidence, self-reliance and resourcefulness.

In recent time, incidents of aggressive violence against women are reporting to be escalating alarmingly in our country and this in itself is sufficient cause for growing concern and on the other hand, awareness of rights among women has increased resulting in a new sensitivity to all forms of subjugation of women by men. Rise in the rate of crimes against women have been reported in all types of crimes -- ranging from eve teasing to abduction and killing. For example, against 2,487 cases of rape in 1971, 5,409 cases were reported in 1981, 9,793 in 1991. This comes to 38 rapes a day or about three rapes in every two hours. Similarly, 28,475 molestations were registered in 1995 against 20,611 in 1991⁽²⁾. The number of registered cases having spiraled alarmingly in the past few years, the actual number of cases reported is estimated to be many times more than the number registered but by referring to the compiled cases we get some ideas of the nature and extent of violence against women. In cases like rape, it may be even 15 to 20 times more--large number of rape, assault and battering cases being marginalized due to social pressures. But we know that all cases are not reported and recorded for various reasons.

Categories of violence against women in India

According to the National Crimes 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. In 2012, there were a total of 244,270 reported incidents of crime against women, while in 2011, there were 228,650 reported incidents. Of the women living in India, 7.5% live in West Bengal where 12.7% of the total reported crime against women occurs.

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.

There are some types of violence like rape, kidnapping and abduction, dowry deaths, murder, wife-battering and violence against widows. These are:

Year	Overall violence	Rapes	Abductions	Dowry deaths	Cruelty by husband/relatives
2008	195,856	21,467	22,939	8,172	81,344
2009	203,804	21,397	25,741	8,383	89,546
2010	213,585	22,172	29,795	8,391	94,041
2011	213,585	24,206	35,565	8,618	99,135
2012	244,270	24,923	38,262	8,233	106,527

Reported crimes against women in India ⁽³⁾

Rape

Section 376 of the Indian Penal Code describes rape as sex with a woman against her will or without her consent or with or without her consent when she is under sixteen years of age. Statistics on rape show that in India, the annual rate of rape offences is about 1.38 per one lakh of total population. A woman is raped every 29 minutes. Incidents of reported rape have increased 3% from 2011 to 2012. Incidents of reported incest rape have increased 46.8% from 268 cases in 2011 to 392 cases in 2012. Victims of rape are increasingly reporting their rapes and confronting the perpetrators. Although women are increasing their exposure to sexual harassment by leaving the home more often, they are becoming more independent. Women are becoming more independent and educated, which is increasing their likelihood to report their rape.⁽⁴⁾

After international news reported the Delhi gang rape of a 23 year old student on a moving bus that occurred in Delhi, in December 2012, Delhi experienced a significant increase in reported rapes. The number of reported rapes nearly doubled from 143 reported in January–March 2012 to 359 during the three months after the rape.

Marital rape is not a criminal offense in India. 20% of Indian men admit to forcing their wives or partners to have sex ⁽⁵⁾. Gang rape is defined as the rape of an individual by two or more perpetrators. The 2012 Delhi gang rape brought a lot of international attention to the issue of gang rape in India.

Kidnapping and Abduction

Kidnapping is taking away or enticing of a minor (female less than 18 years and a male less than 16 years of age) without the consent of the legal guardian. Abduction is forcibly taking away a woman with intent of seducing her to illicit sex or compelling her to marry against her will. Incidents of reported kidnappings and abductions of women increased 7.6% from 2011 to 2012⁽⁶⁾.

Dowry deaths

Dowry death either by way of suicide by harassed wife of a married women caused by a dispute over her dowry. In some cases, husbands and in-laws will attempt to extort a greater dowry through continuous harassment and torture which sometimes results in the wife committing suicide. Bride burning murder is often set up to appear to be a suicide or accident. Dowry is illegal in India, but it is still common practice to give expensive gifts to the groom and his relatives at weddings which are hosted by the family of the bride. In some cases children are also killed alongside their mothers. Incidents of dowry deaths have decreased 4.5% from 2011 to 2012⁽⁷⁾.

Murders of women

Though all India figures pertaining to murders and their victims on the basis of sex are unavailable, it is well known that the number of female victims of homicides in comparison to male victims is low. In India of about 38,000 murders committed every year, women constitute about 10% to 15% of the total victims. Being inspired by many factors, such as illicit relations, petty quarrels, feeling of revenge, the desire to get rid of a person who is to get a share in the property and so forth, many murders may be disguised as suicides and some even called accidents.

Wife Battering

There can be nothing more shattering for a woman than being battered by a husband who is supposed to love her and look after her. Ranging from slaps to breaking bones due to kick, attempted murder, and even murder itself is under this category. The violence may be related to drunkenness, demand for sex, refusal to obey husband's commands and habit of abusing. The Indian cultural system rarely gives examples of a wife reporting to the police of having been battered by her husband.

Violence against widows

A widow may be one who has no issue and who has been widowed one or two years after her marriage; or she may be one who becomes a widow after a period of 5 to 10 years and has one or two small children to support, or she may be one who is above 50 years of age. All these categories of widows have to face the problems of social, economic and emotional adjustments. We have seen that violence against women includes physical battering, emotional torture, verbal abuse, sexual abuse, deprivation of legitimate share in property and abuse their children.

Legal Measures for Elimination of Violence against Women:

Indian government has been introduced several policies and programmes to eradicate violence against women. The preamble of our constitution clearly declares equal status and opportunity of all both men and women. Some of articles directly relevant to women are --

Article 14: The state shall not deny to any person equality before the law or equal protection of the laws within the territory of India.

Article 15: The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth or any of them

Article 16: There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office and the state shall not discriminate any citizen on grounds of caste, race, place of birth and sex in respect of any employment.

Article 39: The state shall in particular direct its policy towards securing that the citizens the men and women equally have the right to an adequate , means livelihood; equal pay for equal work for both men and women.

Article 42: The state shall make provision for securing, just and human conditions of work and for maternity relief.

These Acts are directly concerned with women. These are: The Equal Remuneration Act(1976), The Medical Termination of Pregnancy Act(1972), The Hindu Adoption and Maintenance Act(1956), The Maternity Benefit Act(1961), The Prevention of Immoral Traffic Act(1986), The Hindu Marriage Act(1954), The Dowry Prohibition Act(1961-amended in 1984), The Child Marriage (Restraint) Act(1993),The Minimum Wages Act(1948), The Hindu Succession Act(1960).

Despite Criminal law government of India also provides some special programme for women. Some programmes are :

- 1) The Integrated Rural Development Programme(IRDP) is a major instrument to alleviate poverty. In this regard to ensure better participation of women in the development process it was decided that at least 30% of the beneficiaries should be women.
- 2) A national scheme of Training of Rural Youth Self-Employment (TRYSEM) is a scheme to give necessary knowledge for youth in the broad fields of agriculture, industry, services and business. During 1986-87, 38 lakhs women benefited from this programme.
- 3) Development of Women and Children in Rural Areas (DWCR) is a scheme in 50 selected districts all over the country which had involved of women in anti-poverty programmes.
- 4) National Rural Employment Programme (NREP) is a programme for unemployed persons in rural areas which will generate productive works to development of economy of those areas.
- 5) Integrated Child Development Services (ICDS) is based on the conviction that child development programme can become catalytic agents for social change by improving the quality of life. It seeks to improve child health, nutrition, learning opportunities for pre-school children and their mothers ⁽⁶⁾.

In spite of these strict laws we get to hear about women harassment in all over the country like physical torture, eve-teasing, molestation, trafficking of girls and many more forms of violence. The laws and programmes not enough to stop this, only proper education, effective legislative measures, training and employment may change the scenario.

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