



# INDIA'S PROBLEM OF VIOLENCE AGAINST WOMEN AND MEASURES TO PROTECT

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*“Violence against women is global in reach, and takes place in all societies and cultures. It affects Women no matter what their race, ethnicity, social origin, property, birth or other status may be.”*

*Kofi Annan*

## ABSTRACT

The Research paper is focused on India's problem of violence against women and adopted measures to protect the rights of the women. Throughout history, women have borne the brunt of a male-dominated society. The intricate interplay of unequal socio-economic structures perpetuates an ideology and value system that often marginalizes women. This system is propagated through insidious processes within civilization, leading to various forms of violence against women. Undoubtedly, this the oppression and violence against women have escalated to **\*\*Epidemic Proportions\*\***. This grave issue is now widely acknowledged in **\*\*International Jurisprudence\*\*** as a **\*\*blatant violation of women's human rights\*\***.

**Keywords:** women, Violence, Sexual Offences, Definitions, Causes, Initiatives.

## INTRODUCTION

Violence against women exists in many forms and all areas of society. Although the umbrella terminology violence against women is most frequently used in research and advocacy, it includes violence against women and girls. The term violence against women and girls is also in keeping with the youth-focused nature of this collection more broadly, while signaling recognition that girls may experience violence very differently from the ways in which women experience it.<sup>1</sup>

The 1993 United Nations Declaration on the Elimination of violence against women defines violence as any act that results in or is likely to result in, physical, sexual or psychological harm or suffering to women,

<sup>1</sup> Yasmin Tiwari, Violence, Prevention and the Girl Child, Final Report, 1999

including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life.<sup>2</sup>

“As long as there is one person suffering injustice; As long as one person is forced to bear an unnecessary sorrow, As long as one person is subject to an undeserved pain, the worship, of God is demoralizing humiliation”.<sup>3</sup>

The authorities have failed to curb extreme levels of sexual and other violence against women, even as reports of such incidents have increased. In a world where we talk about a cultured society, women’s freedom and authorization, the pace of crime against women is growing rapidly every day.

Sexual offences have been on increase in India and have continued to be a constant feature in the media with more and more reports of such offences occurring in society.<sup>4</sup> A wide range of sexually violent acts against the dignity and autonomy of women can take place in different circumstances and settings. These include, for example.<sup>5</sup>

- 1) Rape within marriage of dating relationship;
- 2) Rape by strangers;
- 3) Systematic rape during armed conflict;
- 4) Unwanted sexual advanced or sexual harassment, include demanding sex in return for favours;
- 5) Sexual abuse of mentally or physical disabled people;
- 6) Sexual abuse of children;
- 7) Forced marriage or cohabitation, including the marriage of children;
- 8) Denial of the right to use contraception or to adopt other measures to protect against sexually transmitted diseases; forced abortion;
- 9) Violent acts against the sexual integrity of women including female genital mutilation and obligatory inspections for virginity;
- 10) Forced prostitution and trafficking of people for the purpose of sexual exploitation.

Violence against women and rape in particular are probably the most underreported of all major crimes globally.<sup>6</sup> Chronic doubt, regarding reporting and the scale of the crime, is greatly exacerbated by a lack of standardized legal definitions across India. Because systematic underreporting renders official statistics is incomplete estimates are essential to any efforts to assess the scope of the problem. Poor reporting may explain the lack of the public attention to the victimization of women in the past. Provoked by the public outcry against

<sup>2</sup> General Assembly, “United Nations General Assembly, Declaration on the Elimination of against Women, United Nation General Assembly 48/104

<sup>3</sup> *Ibid*,

<sup>4</sup> NCRB, Crime in India: Figures at Glance, III (MHA, 2014)

<sup>5</sup> Etienne, G. Krug, Linda L. Dahlberg, World Report in Violence and Health, (Chapter 6, WHO, Geneva, 2002),p.149

<sup>6</sup> UN Department of Public Information, 2011 (Violence against Women)

highly publicized brutal crimes-starting with the 2012 Delhi group rape and murder the Central Government appears to be taking snifter action.<sup>7</sup>

A prominent indication of this paradigm shift was the 2013 report of the Justice Verma Committee, a judicial review conducted in response to the assault carried out by the Delhi gang. The Verma Committee concluded that ‘Violence or assault, sexual or otherwise, on women is a violation of the fundamental right to live with dignity.’<sup>8</sup>

The issue brief begins by situating India in the wider, global context of violence against women. It examines diverse estimates for rape in India to highlight the widespread underpreparing of all acts of violence against women. An analysis of these issues is followed by a breakdown of the major categories of violence experienced by women in India.

### Definitions of Sexual Violence

Source	Definition of Sexual Violence
World Health Organization (WHO)	Any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advance or acts to traffic, or otherwise directed against a person’s sexuality using coercion by any person regardless of their relations to the victim, in any setting, including but not limited to home and work. <sup>9</sup>
Centres for disease control and prevention	Any sexual act that is perpetrated against someone’s will. Sexual violence encompasses a range of offences, including a completed non-consensual sex act, abuse sexual contact (i.e. unwanted touching and non-contact sexual abuse (e.g. threned sexual violence, exhibitionism, verbal sexual harassment). <sup>10</sup>
Ontario Sexual Violence Action Plan	Any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This violence takes different forms, including sexual abuse, sexual assault, rape, incest, childhood sexual abuse and rape during armed conflict. It also includes sexual harassment, staking, indecent or sexualized exposure, degrading sexual imagery, voyeurism, cyber harassment, trafficking and sexual exploitation. <sup>11</sup>

<sup>7</sup> Shen Aviva, One year after Horrific, New Delhi Gang Rape, India still struggles with rape culture, think progress (29 Dec., 2013).

<sup>8</sup> Verma, Seth and Subramanian, 2013, Report of the Committee on Amendment to Criminal Law, New Delhi, p-65.

<sup>9</sup> Rachel Jewkes, Purna Sen and Claudia Garcia-Moreno, “Sexual Violence, “in World Report on Violence and Health, Geneva 2002, p. 149.

<sup>10</sup> Sexual Violence: Definitions, “Centre for Disease Control and Prevention

<sup>11</sup> Government of Ontario, Changing Attitudes, Changing Lives: Ontario’s Sexual Violence Action Plan, Queen’s for Ontario, March 2011, p.5

The WHO definition is broad, yet specifies that sexual violence includes psychological violence and sexual harassment. The CDC's is more specific and notes that threatened and/or verbal sexual violence. More locally, the Government of Qutario's sexual violence action plan provides many examples of sexual violence, and includes specific reference to cyber harassment as part of this continuum. The Ontario coalition of rape crisis centres (OCRCC) also uses this definition of sexual violence.<sup>12</sup>

Since these various definitions of sexual violence already widely recognize psychological and verbal abuse as part of the spectrum of violence, it is important to understand what sexual violence against women looks like in emerging media context.

### **Forms of Violence against Women:**

Violence against women may be in various forms first agency, which provides not only emotional and material support to its members. Family is considered as the so serves as basic source of personal satisfaction, socialization and social control. Violence knows no age, socio-economic, religious, gender or educational and barriers. It is a myth that only the poor and uneducated are victims of abuse. Major types of violence committed against women as under:

#### **1) Family Violence:**

In Indian family the man is the master and women is the inferior and subordinate power and societal pressure force women to maintain this status quo. A crime is considered family domestic violence if the victim was offender's current or former spouse; parent or adoptive parent; current or former stepparent, legal guardian, biological or adoptive child, current or former step child; sibling, current or former step sibling; grandchild; current or former step or adoptive grandparent; in laws; or other relatives (aunt, uncle nephew).<sup>13</sup>

Sexual abuse of female children and young women in the household by family members; dowry-related violence, marital rape.

#### **2) Rape and Sexual Abuse**

Sexual harassment and rape are two sides of the same coin. Both are barbaric in nature; but many people mitigate sexual harassment to rape, just because the victims are not physically harmed. Whereas in rape the victims are ravished like of another man. Both have the same object to undermine the integrity of the victim, physically as well as mentally.<sup>14</sup> Rape is an unlawful sexual intercourse with a female person without her consent by force or threat of force. It is the most series and frequently occurred form of violence against women. Rape is the fastest growing crime in India compared to murder, robbery and kidnapping. According to the report of National Crime Records Bureau (NCRB), every 60 minutes, two women are raped in this country. are underestimations as many incidents go unreported due to fear of stigma and non-awareness of rights. There are also the countless cases of eve-teasing, indecent gazes, pinching, brushes and comments that infringe upon

<sup>12</sup> The Ontario Coalition of Rape Crisis Centres (OCRCC), <<http://www.sexualassaultsupport.ca>.

<sup>13</sup> US Department of Justice (2005), Family Violence Statistics including Statistics on Strangers and Acquaintances ([bjs.ojp.usdoj.gov](https://bjs.ojp.usdoj.gov))

<sup>14</sup> Sexual Harassment and Rape Law in India, [web.www.legalserviceindia.com](http://web.www.legalserviceindia.com), article/rape-laws.html date of search 24 April 2023.

the rights of women. There are various forms of rape in India, such as: rape in work place, rape in These figures environment, rape in police custody, child rape, gang rape, data rape, institutional rape, spousal rape and rape by intimae male relations. The data shows women are not safe even their family, neighbours, relations and known persons in present society.<sup>15</sup>

### 3) Prostitution and Trafficking in Women

Prostitution has been a part of our society since time immemorial. This is because its existence has been acknowledge in historical texts such as the vedas and even the Arthashastra work industry due to their poor socio-economic conditions, others are victims of trafficking.<sup>16</sup>

Trafficking in person circumscribe “All acts involved in the transport, harboring, or sale of persons within national or across international border through coercion, force, kidnapping, deception or fraud, for purposes of placing persons in situation of force labour or services, such as forced prostitution, domestic servant, debt bondage on other slavery like protection trafficking into the sex trade has been global phenomenon and it is separated that 6,00,000 to 8.00,000 people are trafficked across borders around the world of which two thirds are found to be compelled into prostitution or sex-slavery.<sup>17</sup>

### 4) Dowry

The Dowry Prohibition Act of 1961 marks the first attempt by the Government of India to recognize dowry as a social evil and to curb its practice. Women’s organization have played key role in this process of change. The 1961 Act define dowry and makes the practice of dowry-giving and taking a punishable offence. Dowry is one of those social evils that no educated woman will own up with pride; still many are adhering to it. Practices of dowry tend to subordinate women in the social.<sup>18</sup>

### 5) Female Infanticide and Feticide

This is playing a significant role in lop sides sex-ratio in India. Poor families in certain regions of the country sometimes resort to killing baby girls at birth, to avoid an unwanted burden on family resources. Sex selective abortion has also been common in the country. Amniocentesis was introduced in 1975 to detect fetal abnormalities but it soon began to be used for determining the sex of the baby. Ultrasound scanning, being a non-invasive technique, quickly gained popularity and is non-available mostly everywhere. Both techniques are now being used for sex determination with the intention of abortion if the foetus turns out to be female. It’s dangerous to abort the foetus after 18 weeks of pregnancy and quiet harmful for mother too at such a later stage.

<sup>19</sup>

<sup>15</sup> *Supra note*, 12

<sup>16</sup> Miller, (J.), *Slave Trade: Combating Human Trafficking*, Harvard Inter Review, 2006, pp. 70-73.

<sup>17</sup> *Trafficking in Women and Children: The US and International Response*,

<sup>18</sup> *Ibid*,

<sup>19</sup> K.C. Jena, *Female Foeticide in India: A Serious Challenge for the Society*, Orissa Review, December 2008.

## 6) “Honour” Killing

An honour killing or shame killing is the murder of an individual, either an outsider or a member of a family, by someone seeking to protect what they see as the dignity and honour of themselves or their family.<sup>20</sup> Honour killings are often connected to religion, caste and other forms of hierarchical social stratification, or to sexuality. Most often, it involves the murder of a woman or girl by male family members, due to the perpetrators, belief that the victim has brought dishonor or shame upon the family name, reputation or prestige.

<sup>21</sup> If a woman is seen to be defiling the family honour if she engages in sexual activity before or after marriage of or even if she is raped. In some cultures, killing the women or girl is the only option to restore family honour.

<sup>22</sup>

## 7) Mental or Psychological

Violence can negatively affect women’s physical mental, sexual and reproductive health. In addition to physical abuse, women and girls are subjected to mental abuse both within house and outside of the house. The victim of mental or psychological abuse may feel their emotions are being affected by the abuser so much that the victim may no longer recognize what their own feelings are about issues the abuser is trying to control. The result of which the victims self-concept and independence is systematically taken away.<sup>23</sup>

The causes of rise in violence against women violence is the result of factors occurring at individual family, community and wider society levels that interact with each other to increase or reduce risk (protective) some are associated with being a felon of violence, some are associated with experiencing violence and some are associated with both. Factors specifically associated with sexual violence commission under:

- beliefs in family honour and sexual purity;
- ideologies of male sexual entitlement; and
- weak legal sanctions for sexual violence;

Gender inequality and norms on the acceptability of violence against women are a root cause of violence against women.

Special initiatives for women;

### 1) One stop center :

One-stop center is a government sponsored scheme for women that is funded by the Nirbhaya fund.

### 2) Women helpline scheme:

This scheme intends to offer 24\*7 emergency assistance to women who have suffered abuse in either public or private setting.

### 3) Mahila Police volunteers scheme:

<sup>20</sup> Secretary General, In Address to “Women 2000” special Session, says Future of Planet Depends upon Women, United Nations, <http://www.un.org/pressen/2000/>

<sup>21</sup> ‘Honor Killing’ Merriam-Webster.com Dictionary Merriam Webster, <https://www.merriam-webster.com/dictionary/honour/20killing>. Accessed 24 April, 2023.

<sup>22</sup> WHO, WHO report on violence and health, Geneva World Health Organization, 2002

<sup>23</sup> <http://www.madhavuniversity.edu.in/> accessed on 25<sup>th</sup> April, 2023.

The Ministries of Women and child development and Home affairs launched the Mahila Police volunteers scheme across all State and UT's.

4) SWADHAR Greh:

This initiative provides housing, food, and clothing as well as social, economic, and health security.

5) UJJAWAL Scheme:

This program was introduced in December 2007. It is an extensive scheme established by the Indian Government to suppress trafficking and retrieve, treat and reintegrate sexually exploited survivors of human trafficking.

6) Mahila Shakti Kendras:

Program aims to give women access to resources including quality healthcare, education, work opportunities and counselling.

7) STEP (Support to training and Employment Program for Women)

This program intends to provide women with training in skill development and job security.

**Conclusion:**

It can be summed up that there is systematic discrimination and neglect from early childhood of women in India which could be in terms of inadequate notion, denial or limited access to education, health etc. The fear of sexual violence has been a powerful factor in restricting women's behavior and sense of freedom. The struggle against the violence is in the global context, these issues are followed by a breakdown of the major categories of violence experienced by women in India. Despite the constitutional guarantee of Equality Indian women continue to experience a variety of social injustices. As a result of lower-level government employees lack of gender sensibility, legislative implementation continues to be delayed. Volunteer organizations, on the other hand, are acting both pro-actively and reactively. However, the lack of resources and infrastructure hamper those efforts.