

Violence Against Women: An Overview on Indian Society

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Abstract: Both men and women are indispensable part of the society. Human society cannot exist without one of them. Women represent near about half population of the world, yet they have not been treated equally like men. They are always discriminated, violated and tortured by the society in every aspect of their life. Like most other societies of the world Indian societies follow patriarchal system where male dominates the society and women are considered as weaker section. Although, the principle of gender equality is enshrined in the Indian constitution by mentioning in its preamble, fundamental rights, fundamental duties and directive principles of state policies but unfortunately, women are unable to enjoy their rights, liberties and opportunities. Their rights are violated through several incidents such as female infanticide, rape, dowry, sexual harassment, bride burning, domestic violence, force prostitution and public molestation etc. In this paper an attempt has been made to analyze the oppression of women in Indian society.

Keywords: Violence, Women, Oppression, Gender Equality, Harassment, Female Infanticide

Introduction

There are so many serious issues existing in Indian society where gender based violence is one among them that violates human rights. In India women covers half population of the country yet they are treated unequally and dominated by the society. In India, there is general societal acceptance that men are superior to women and women are an object of enjoyment and dominance. Women have to face different kinds of negligence and harm in the form of physical abuse, domestic violence, rape, sexual harassment etc. In the National Crime Records Bureau data, it is found that a crime against women in India is committed every 3 minutes, a women is raped in every 29 minutes, a dowry death occurs in India in every 77 minutes and one case of cruelty and brutality is committed by the husband of the particular women or relative of the husband. Further, in the six year span from 2016-2021, nearly 22.8 lakh crimes against women were recorded in India. About 30 per cent or 7 lakh cases were recorded under section 498A of the Indian Penal Code (IPC). Another most common crime against women was kidnapping and abduction, which covers 18 per cent of total cases which is approximately 4.14 lakh incidents reported in India. During the same six years period, India has reported about 1.96 lakh rape

cases and 5.2 lakh cases under section 354 of the IPC which refers to assault on women with intent to outrage her modesty which are nearly about 8.6 per cent and 23 per cent of the total crime cases against women in India respectively.¹

Objectives of the study

This paper mainly focuses on three key objectives which are as follows-

- To provide brief concept of the violence against women in India
- To analyze various forms of violence against women in India
- To discuss the initiatives of Indian government to eliminate discrimination and violence against women

Methodology

The descriptive method has been adopted in this paper. It is primarily based on secondary sources of data which are collected from various published materials in the form of books, journal papers, magazine and from several internet sources.

Concept of violence against women

¹ <https://theprint.in/india/cruelty-by-husbands-and-their-relatives-makes-up-one-third-of-crimes-against-women-in-india-mospi/1470481/>

Violence against women means not only physical violence but it also includes sexual, psychological, emotional and financial abuse. The area of this concept is so much broader. The United Nations defines violence against women as ‘any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.’²

Violence against women shall be understood to encompass, but not be limited to, the following (Article 2 of the Declaration on the Elimination of Violence against Women proclaimed by General assembly resolution 48/104 of 20th December 1993):

a. Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

b. Physical, sexual and psychological violence occurring within the general community, including rape, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

c. Psychical, sexual and psychological violence perpetrated or condoned by the State, whether it occurs.³

Violence against women is not only a manifestation of historically unequal power relations between men and women but also one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.⁴

Typology of violence against women

Although the constitution of India provides equality, justice and non-discrimination for women

² https://www.who.int/health-topics/violence-against-women#tab=tab_1

³ <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-elimination-violence-against-women>

⁴ [https://socialsci.libretexts.org/Bookshelves/Anthropology/Cultural_Anthropology/Cultural_Anthropology_\(Evans\)/10%3A_Sex_and_Gender/10.15%3A_Violence_Against_Women_\(Part_1\)](https://socialsci.libretexts.org/Bookshelves/Anthropology/Cultural_Anthropology/Cultural_Anthropology_(Evans)/10%3A_Sex_and_Gender/10.15%3A_Violence_Against_Women_(Part_1))

on the basis of sex, but in practically women are discriminated and dishonored in Indian society. The recent report of NCRB reveals that in every three minutes a crime against women is recorded in India and every six hours a young women is found to be beaten, burnt and mentally-physically assault. The World Health Organisation (WHO) categorized primarily five stages for life cycle of women where women have been facing a lot of brutal experiences since their birth. These are:

Sl. No	Phases of women life cycle	Forms of violence against women
1	Pre-birth	Sex-selective abortion; effects of battering during pregnancy on birth outcomes; coerced pregnancy
2	Infancy	Female infanticide; physical, sexual and psychological abuse
3	Girlhood	Child marriage; female genital mutilation; physical, psychological and sexual abuse; incest, child prostitution and pornography
4	Adolescence and adulthood	Dating and courtship violence (e.g. acid throwing and date rape); economically concerned sex (e.g. school girls having sex with “sugar daddies” in return for school fees); incest; sexual abuse in the work place; rape; sexual harassment; forced prostitution and pornography; trafficking in women; partner violence; dowry abuse and murder; marital rape; partner homicide; psychological abuse; abuse of women with disabilities; forced pregnancy
5	Elderly	Abuse of widows

		including property grabbing; accusation of witchcraft; physical and psychological violence of younger family members; forced suicide and homicide of widows for economic reason
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Various types of violence which are occurred against women in India

A) No role of women in decision making process: Indian society is mainly based on patriarchal social system. In most of the Indian societies women are considered as weak and inferior and all the authority of the family as well as the society are primarily entrusted to the male members. As a result women are not provided the right to participate in decision making process. Although through legal procedures both women and men are provided equal rights and liberties but in most of the practical cases women have been deprived of it. Even they cannot choose their life partner in most of the cases. It is decided by their elder family members.

B) Deprivation of women from succession: In Indian society, men are recognized as the future of the family who carry forward their title to the next generation. As a result women are destitute from property rights. Although Indian law provides inheritance of property rights to women or girl child but even till date daughters are not recognized as property partners. In India usually after marriage, the right to inherit of daughters is swipe out with her exit into her family (Gogoi, 2022).

C) Classification of job: Patriarchal family system of India considers women as physically and mentally weaker section of the society. Generally, women are considered to be useful for light work, domestic household work and child nurturing work. They have also to care about male members and elderly people of the family. Although women do a lot of works but their works are never counted for in terms of economic work because they work within the four walls of the house.

⁵ ibid

D) Female infanticide: Simply, female infanticide is a deliberative attempt to kill new born female children. These kinds of practices are found in those areas where cultural norms value male children over female. According to the population census of 2011, it was found that the population ratio of India is 943 females per 1000 males at all India level and the same for rural and urban areas are 949 and 929 respectively.⁶ In 1994 the government of India passed a law forbidding women or their families from asking about the sex of the baby after an ultrasound scan and expressly forbade doctors or any others from providing that information (Gogoi, 2022, 140).

E) Dowry and bride burning: Dowry refers to the transfer of goods, property and money to a bridegroom or his parents from a bride’s family as a condition of the marriage. In some cases, brides are burnt alive if they do not bring sufficient property with her that called as dowry. More than 8000 women die as a result of dowry system each year in India. Sometimes, women are murdered by their husbands and their families when the bride’s family unable to fulfill the demand of requested dowry gift. In some other cases, women commit suicide due to facing harassment and abuse for failure to meet the dowry price.

F) Rape: Rape is one of another common crime against women in India. Section 375 of the Indian Penal Code (IPC) defines rape as “sexual intercourse with a women against her will, without her consent, by coercion, misrepresentation, or fraud or at a time when she has been intoxicated or duped, or is of unsound mental health and in any case. According to the government reports on crimes in India reveals that India registered 31,677 cases of rape in 2021 with an average of 86 daily while nearly about 49 cases of crime against women were lodged every single hour. The National Crime Records Bureau shows that the number of rape cases in 2020 was 28046 while 32033 cases were in 2019.⁷

⁶https://mospi.gov.in/sites/default/files/reports_and_publication/statistical_publication/social_statistics/WM16Chapter1.pdf

⁷ https://www.thehindu.com/news/national/india-lodged-average-86-rapes-daily-49-offences-against-women-per-hour-in-2021-government-data/article65833488.ece#amp_tf=From%20%251

G) Domestic abuse: Domestic abuse, also known as domestic violence or intimate partner violence can be defined as a pattern of behavior in a relationship that is used to maintain power or supremacy and control over an intimate partner. It also refers to violent acts committed by husband against his wife through using physical force. In patriarchal society, male are recognized as superior over female that is the reason why the men get the opportunity to make physical assault to establish their dominance over their wives. Although before or during marriage the man who accepts the woman as his wife make promise of love, affection, care and security but when the woman in the family tries to act independently without any hesitation then the man starts to dominate her through adopting several measure like beating her body, torturing her mental health etc.⁸

H) Negligence of health care of women: In patriarchal society women health is ignored by both male and female. Gender biasness and inequality are the two major causes that occurs degradation of women health in India. To think about family money and society, in many cases female themselves try to keep their diseases secret. In some cases, it is assumed that since women do weak and low burden works so, they will be allowed to eat less or less nutritious food. The report of National Family Health Campaign revealed that 60 percent of girls in India do not able to live till the fourth or fifth birthday.

I) Child marriage: Child marriage is another kind of violence against women in India. Although, child marriage was banned in 1860, still in some parts of the country it is a common practice. The Child Marriage Restraint Act, 1929 was introduced to stop this malpractice by the government of India. According to UNICEF's report on "state of the World's Children-2009", it is found that 47% of India's women between aged 20-24 years were married before the legal age of 18. This report is rising to 56% in rural areas. It also reveals that 40% of the world's child marriages occur in India (Thirugnanam, 2020, 882).

%24s&aoh=16889591944324&referrer=https%3A%2F%2Fwww.google.com

⁸ <https://www.un.org/en/coronavirus/what-is-domestic-abuse>

J) Acid throwing: Acid attack on women is another form of violence in India. It is a form of revenge against women who dare to refuse a man's proposal of marriage or love and asked for a divorced. Through this attack man tries to destroy the external beauty and life of woman completely (Thirugnanam, 2020, 882).

In patriarchal society like India, women are victims of various diseases such as AIDS, Sexually Transmitted Infections (STDS), Anaemia, Cancer, diabetes etc. In this some societies in India, women are considered as goods and they are used like as machine of child birth (Gogoi, 2022, 140).

Legal provisions regarding women security in India

The government of India has taken several steps in order to ensure dignified life to the Indian women and to stop any kind of crime against women. Some of the landmark legal provisions that seek to enhance and protect the social and economic status of women are given as below-

1. **Indian Penal Code, 1860:** IPC protect to Indian women from dowry death, rape, kidnapping, cruelty and other offences.⁹

2. **Hindu Marriage Act, 1955:** Through this act women are provided equal rights to man and woman in India in respect of marriage and divorce.¹⁰

3. **Immoral Traffic Prevention Act, 1956:** This act prevents trafficking in women and girls for the purpose of prostitution as an organized means of living.¹¹

4. **The Hindu Succession Act 1956:** It provides the right of women to inherit parental property equally with men. This act helps to abolish the concept of limited estate of women.¹²

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https://www.indiacode.nic.in/handle/123456789/2263?sam_handle=123456789/1362

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https://www.indiacode.nic.in/handle/123456789/1560?sam_handle=123456789/1362

¹¹https://www.indiacode.nic.in/bitstream/123456789/15378/1/the_immoral_traffic_%28prevention%29_act%2C_1956.pdf

¹²

<https://www.indiacode.nic.in/handle/123456789/1713?locale=en>

5. Maternity Benefit Act, 1961: This act regulates the employment of women in certain establishments for certain period before and after child-birth and provides for maternity benefit and certain other benefits.¹³

6. Medical Termination of Pregnancy Act, 1971: It is an act to provide for the termination of certain pregnancies by registered medical practitioners and for matters connected therewith or incidental thereto. Through this act, women have been provided control over their reproductive rights.¹⁴

7. Commission of Sati (Prevention) Act, 1987: If anybody does any act for the glorification of sati shall be punishable with imprisonment for a term of not less than one year but it may extend to seven years and with rupees but which may extend to thirty thousand rupees.¹⁵

8. Pre-conception and Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994: It is an act to provide for the prohibition of sex selection, before or after conception, and to prevent the misuse of pre-natal diagnostic techniques for sex determination leading to female infanticide. It was enacted by Parliament in the forty-fifth year of the Republic of India.¹⁶

9. Protection of Women from Domestic Violence Act, 2005: This act protects women from all forms of domestic violence in India. It also includes women who are in a relationship with the abuser and are subjected to violence of any kind such as physical, mental, sexual, verbal and emotional.¹⁷

Along with these legislative provisions, there are some major initiatives have been taken by the

government of India to provide dignity and protection to the women of India which are mentioned below-

I. National Commission for Women (NCW):

Under the National Commission for Women Act of 1990, the government of India established the National Commission for Women on 31st January, 1992. It is the statutory body of the government of India with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendment whenever necessary etc.¹⁸

II. The National Plan of Action for the Girl Child (1991-2000):

The government of India introduced this plan of action to ensure survival, protection and development of the girl child in many fields with the prime objective of building up a better future for the girl child. It provides opportunities to girl child to grow up in an environment which is free from abuse, violence, poverty, exploitation and negligence etc.¹⁹

III. National Policy for the Empowerment of Women, 2001:

The department of Women and Child Development (WCD) in the Ministry of Human Resources Development prepared a "National policy for the Empowerment of women" in 2001. The prime aim of this policy is to bring advancement, development and empowerment of women in India.²⁰

Conclusion

In India, although as compared to past position the status of women is upgraded but still in many aspects of their life they struggle to achieve an equal position with men. In different times the government of India introduced several acts to ensure dignity and self-respect and protection to the women. India has also enacted various legislative measures to provide equal rights, to

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https://www.indiacode.nic.in/handle/123456789/1681?sam_handle=123456789/1362

¹⁴https://www.indiacode.nic.in/bitstream/123456789/15389/1/the_medical_termination_of_pregnancy_act%2C_1971.pdf

¹⁵ <https://wcd.nic.in/commission-sati-prevention-act-1987-3-1988-excluding-administration-criminal-justice-regard-offences#:~:text=%2D%20Whoever%20does%20a%20act%20for,extend%20to%20thirty%20thousand%20rupees.&text=6>

¹⁶ <https://g.co/kgs/671Zbu>

¹⁷ <https://wcd.nic.in/sites/default/files/wdvact.pdf>

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<https://web.archive.org/web/20141016194845/http://ncw.nic.in/frmAboutUS.aspx>

¹⁹ <https://lawtimesjournal.in/national-plan-ofaction-for-the-girl-child/>

²⁰<https://wcd.nic.in/sites/default/files/National%20Policy%20for%20Empowerment%20of%20Women%202001.pdf>

abolish social discrimination and various forms of violence from the society. The judicial as well as legislatures play very significant role in the process of ensuring dignity of women in India. Both women and society should aware about their rights and opportunities. Equal rights and opportunities provided by the Indian constitution should be implemented effectively. The government should more strengthen the laws of the country and enforce them in a strict manner.

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