Combating Violence against Women in India

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Violence affects the lives of millions of women worldwide, in all socio-economic and educational classes. It cuts across cultural and religious barriers, impeding the right of women to participate fully in society. Violence against women is considered a major violation of human rights. It is also a major public health problem. A wide range of physical, mental, sexual and reproductive and maternal health problems can result from violence against women. Violence against women is associated with sexually transmitted infections such as HIV/AIDS, unintended pregnancies, gynecological problems, induced abortions, and adverse pregnancy outcomes, including miscarriage, low birth weight and fetal death. The age old cultural beliefs and tradition have identified various issues of gender-based violence that over the period of time has become a major cause of harassment faced by the women. The present paper has three objectives: first, to clarify the meaning of violence against women; Second, to examine global or international as well as national efforts made so far to combat violence against women; and lastly, suggest ways and means to improve the situation. Naturally, the sources and material used in such an analysis are mainly secondary in nature and this paper is no exception to it.

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1. Introduction

Women from past centuries have changed the world in many different ways and have also paved the way for future women. During historical times, many women achieved many different goals but still remained unequal and inferior to men. However, in recent years, the empowerment of women has been recognized as

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the central issue in determining the status of women. The contribution of the women in the development is crucial so to involve them in the main stream of development most of the countries have to empower women. The modern woman is consumed with many obligations, duties, and responsibilities on a daily basis. Women are now stepping out of their historical role of mother and housewife to obtain a higher quality of living. The modern women have a much different lifestyle with many different choices. The independence that 21st century women have is one that only women from past centuries could dream about. Women in the 21st century are independent in terms of doing things for themselves, like working and or furthering their education. Women's independence is very important to them these days and many developed countries claim that they have achieved the goal of gender equality or women are marching fast to achieve this goal even in developing countries.

In spite of the prosperity, globalization, universal education, equal opportunities in various fields and gender equality, we have failed to eliminate the violence against the women globally. According to the U.N., over 70% of women experience some sort of violence during their lives and 20% become a direct victim of rape or an attempt on rape. Gender violence is a common problem prevailing in almost all the countries. Even in India the issue continues unabated creating many hassle and challenges for the social growth. The age old cultural beliefs and tradition have identified various issues of gender- based violence that over the period of time has become a major cause of harassment faced by the women.

Violence by an intimate partner is one of the most common forms of violence against women, though many women do not seek help or report violence when it occurs. Physical and sexual abuse by a partner is closely associated with injuries. Violence by an intimate partner is the leading cause of non-fatal injuries to women in the countries like USA. It has been reported that a woman is beaten every 18 minutes in the United States. Indeed, violence by an intimate partner is the leading cause of injury among women of reproductive age in the United States. Between 22 and 35 per cent of women who visit emergency rooms are there for that reason.¹

Violence against women in India is not just a current issue, but rather has deep rooted traditions in the culture. In India, the problem of violence against women is a result of a long standing power imbalance between men and women. Men have control over access to property and resources. There is also a sexual division of labour in India that results in female exploitation— physically, mentally and commercially. Moreover, the change processes like urbanization, industrialization, westernization, modernization and globalization have changed many traditional values and norms that provided family support systems to women. This has resulted in alarming increase in the domestic violence in India.²

Violence against women in India is evident from the fact that a total of 3,39,457 crimes were reported in 2014 according to NCRB⁴ data. The figures were
3,29,243 in 2015 and 3,38,954 in 2016. Majority of cases under crimes against women were reported under ‘Cruelty by Husband or His Relatives’ (32.6%) followed by ‘Assault on Women with Intent to Outrage her Modesty’ (25.0%), ‘Kidnapping & Abduction of Women’ (19.0%) and ‘Rape’ (11.5%). Uttar Pradesh reported 14.5% (49,262 out of 3,38,954 cases) of total cases of crimes against women followed by West Bengal (9.6%) (32,513 cases) during 2016. Delhi UT reported the highest crime rate (160.4) compared to the national average rate of 55.2.

2. Aim of the Paper

Violence against women is a gender related issue. When we classify human beings into male and female, that is done on biological basis, i.e. on the basis of sex. But when we talk about gender (i.e., male and female), then that further involves access over to social, political, economic, religious, cultural, educational, health, civilizational and communicative opportunities. This is a global issue affecting the women throughout the globe. The present paper has three objectives: first, to clarify the meaning of violence against women; Second, to examine global or international as well as national efforts made so far to combat violence against women; and lastly, suggest ways and means to improve the situation. Naturally, the sources and material used in such an analysis are mainly secondary in nature and this paper is no exception to it.

3. Meaning of Violence against Women

Domestic Violence may be described as the situation where one adult in a relationship misuses power to control another. It is the establishment of control and fear in a relationship through violence and other forms of abuse. This is the reason that ‘domestic violence’ is synonymous with domestic abuse. It is an abuse which manifests itself when a spouse or a family member violates another physically or psychologically. The term domestic violence is normally used for violence between husband and wife but also encompasses live-in relationships and other members of families who live together.

The term ‘domestic violence’ is used to describe the exploding problem of violence within homes. This type of violence is towards someone whom we are in a relationship with, be it a wife, husband, son, daughter, mother, father, grandparent, daughter-in-law or any other family member. It can be a male’s or a female’s atrocities towards another male or a female. Anyone can be a victim and a victimizer. Although both men and women can be abused, but the victims are women in most of the cases. This is the reason that generally domestic violence connotes the violence against female members of the family. Children in homes where there is domestic violence are also abused or neglected. Although the woman is usually the primary target, violence is sometimes directed toward children, and sometimes toward family members and friends.
Domestic violence has a tendency to explode in various forms such as physical abuse and assault, sexual assault and threats or emotional abuse. Sometimes it is more subtle, like making someone feel worthless, not letting one to have any money, or not allowing one to leave the home, while in other situations it may lead to physical assault. It may be in the form of hitting or fighting or an occasional argument. Even social isolation and emotional abuse can have long-lasting effects like the physical violence which is a blatant abuse of power because the abuser (generally male member of the family) tortures and controls the victim (generally the female member of the family) by calculated threats, intimidation and physical violence.

According to The Protection of Women from Domestic Violence Act, 2005 Domestic violence includes “harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or otherwise injures or causes harm, whether physical or mental, to the aggrieved person.”

It may be seen that various connotations of domestic violence have certain common features: domestic violence is a pattern of abusive behaviour (as contrasted to a single event); the abusive behaviour involves control, coercion, and/or power; the abusive behaviour may be physical, sexual, emotional, psychological, and/or financial; and the victim of the abusive behaviour is a cohabitating or non-cohabitating intimate partner or spouse.

4. Global Efforts for Combating Violence against Women

The 1993 United Nations Declaration on the elimination of violence against women provides a very broad and inclusive framework.

Violence against women means 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 in private life. (General Assembly resolution 48/104 of 20 December 1993, Article 1).

Specifically, the Declaration outlines a broad variety of acts and circumstances that are included in this definition:

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

Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.6

The Declaration recognizes that some groups of women are particularly vulnerable to violence, such as: women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women and women in situations of armed conflict. Subsequent international legal and policy instruments have expanded this framework to trafficking for sexual exploitation, sexual and gender-based violence in conflict including forced pregnancy, and explored the question of deliberate exposure to HIV/AIDS.

Article 29 of the Beijing Declaration, 1995 says that ‘we are determined to prevent and eliminate all forms of violence against women and girls’, and in spite of a global plan of action, the crimes against women and girls globally and especially in India are yet on the increase. Although, there are multifaceted nature of violence against women, which may marginally differ in different societies and varied cultural communities world over yet, it calls for different strategies to deal with such a variegated violence. However, I would like to view this issue of violence against women not merely in the context of woman who represents a ‘distinct adult identity’ of society but in a wider gender perspective, including also the ‘unborn female’.

The General Assembly of UNO designated 25 November as the International Day for the Elimination of Violence against Women, by resolution 54/134 of 17 December 1999, and invited all concerned to organize activities to raise public awareness of the problem. Historical evidences show that three Mirabal sisters were brutally assassinated by the political activists in the Dominican Republic, on orders of Dominican ruler Rafael Trujillo in 1960. Since 1981, woman’s activists have marked 25th November as a day against the violence targeted towards women. The General Assembly adopted declaration on the Elimination of Violence against Women on 20th December, 1993.

General Recommendation 19 (1992) on violence against women of the Committee on the Elimination of Discrimination against Women confirmed that gender-based violence is discrimination within the meaning of article 1 of the Convention on the Elimination of All Forms of Discrimination against Women, thus bringing this concern within the human rights framework

On 8th March, 2005, United Nations also expressed its deep concern regarding violence against women. In UN Seminar, some astonishing facts were revealed which are as follows:
Earlier, it was believed that uneducated and illiterate people used to oppress their women. But now, it is found that women are more unsafe inside their homes rather than outside.

Women are the part of violence everywhere whether it is developed/developing country or rich/poor family.

Violence is one of the major factors responsible for deaths or physical inability of women among the age group of 16 to 44 years in the whole world.

In developed countries like USA, every year more than 70,000 of women become the victims of rape case or sexual harassment. In India:

- Every 26 minutes a woman is molested.
- Every 54 minutes a rape takes place.
- Every 4 minutes a woman is kidnapped.
- Every 10 minutes a woman is burnt to death over dowry.
- Every 7 minutes a criminal offence against women takes place.
- Dowry deaths have gone up from 5,513 in 1996 to 6,917 in 1998.
- Cases of rape from 14,846 to 15,031.
- Torture from 35,246 to 41,318.
- Molestation from 28,939 to 31,046.
- Sexual harassment from 5,671 to 8,123.

In 2006, the Secretary-General's In-Depth Study confirmed that violence against women—whether in the home, workplace or elsewhere—is a particularly egregious human rights violation that must be eradicated. Although the 1981 Convention on the elimination of All Forms of Discrimination against Women (CEDAW) does not explicitly mention violence against women, the Committee to Eliminate Discrimination against Women, which is responsible for interpreting and monitoring the implementation of CEDAW, has clarified in its general recommendation no. 19 (1992) that states parties to the convention are under an obligation to take all appropriate means to eliminate violence against women.

The United Nations Secretary-General's Campaign UNiTE to End Violence against Women has proclaimed the 25th of each and every month as “Orange Day,” a day to raise awareness of and take action to end violence against women and girls. As the bright and optimistic colour for the UNiTE Campaign, orange represents a future free from violence against women and girls. Orange Day calls upon activists, governments, and UN partners to mobilize people and highlight issues relevant to preventing and ending violence against women and girls, not only once a year on the International Day for the Elimination of Violence against Women on 25th November, but every month.

In 2016, a new global development agenda was adopted and ratified by every UN Member State. Through its 17 goals and 169 targets, the 2030 Agenda for
Sustainable Development, an agenda for global action for the next 15 years, addresses the three dimensions of sustainable development: economic, social, and environmental. The Agenda recognizes gender equality and the empowerment of women as a key priority and pledges that “no one will be left behind.” Goal 5 of the agenda aims to “Achieve gender equality and empower all women and girls” and includes specific targets to eliminate all forms of violence against women and girls. All goals are integrated and indivisible, therefore their achievement is also fully dependent on ensuring parallel and interconnected implementation to prevent and eliminate violence against women and girls.

Despite many efforts by States, UN organizations and agencies and civil society, progress on the ground in fighting violence and impunity has been insufficient and inconsistent in all parts of the world. Violence against women and girls cannot be eliminated unless there are sufficient resources and political will to effect change. Elimination of violence must be a priority at all levels—local, national, regional and international—and commitment demonstrated at the highest levels through sufficient resources and determined efforts.

5. **Efforts for Combating Violence against Women in India**

Traditionally, an Indian woman had four fold status-role sequences. These were her role as a daughter, wife, housewife (homemaker), and mother. The woman, whose status and role traditionally was well defined and almost fixed in the society, is now experiencing far-reaching changes. The woman in modern times is entering into certain new fields that were unknown to the woman’s sphere of role-sets. They are activating participating in social, economic, and political activities. However, they are still considered weaker section and have to face discrimination in various fields. The reasons are social, cultural and economic. Some religions including cultural beliefs consider that women are subordinate to men and this percolates to the children within the family consciously and subconsciously through the process of socialization. So the society takes it granted that women are inferior to men and this becomes the starting point of the discrimination. India is traditionally a patriarchal society where male domination is immense and women are under social control till the time of their birth to their birth.

Presently Indian women are facing toughest time as far as their routine personal and life is concerned. Mental and physical torture of women has become quite common and their safety is at stake. One of the problems behind this situation is lack of knowledge of legal and constitutional rights of a woman. Most unfortunate part of this is even women are not fully aware about their rights.

After Independence lots of provisions have been introduced to improve the social condition of women and to give them a platform where they can utilize their potential for their betterment and contribute positively towards the growth of their
country. The rights and safeguards enshrined in the constitution for women in India are listed below:

- The state shall not discriminate against any citizen of India on the ground of sex [Article 15(1)].
- The state is empowered to make any special provision for women. In other words, this provision enables the state to make affirmative discrimination in favour of women [Article 15(3)].
- No citizen shall be discriminated against or be ineligible for any employment or office under the state on the ground of sex [Article 16(2)].
- Traffic in human beings and forced labour are prohibited [Article 23(1)].
- The state to secure for men and women equally the right to an adequate means of livelihood [Article 39(a)].
- The state to secure equal pay for equal work for both Indian men and women [Article 39(d)].
- The state is required to ensure that the health and strength of women workers are not abused and that they are not forced by economic necessity to enter avocations unsuited to their strength [Article 39(e)].
- The state shall make provision for securing just and humane conditions of work and maternity relief [Article 42].
- It shall be the duty of every citizen of India to renounce practices derogatory to the dignity of women [Article 51-A(e)].
- One-third of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women [Article 243-D(3)].
- One-third of the total number of offices of chairpersons in the Panchayats at each level shall be reserved for women [Article 243-D(4)].
- One-third of the total number of seats to be filled by direct election in every Municipality shall be reserved for women [Article 243-T(3)].
- The offices of chairpersons in the Municipalities shall be reserved for women in such manner as the State Legislature may provide [Article 243-T(4)].

Act (1987), National Commission for Women Act (1990), Pre- Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (1994) and the Protection of Women from Domestic Violence Act, 2005 which is a comprehensive legislation to protect women in India from all forms of domestic violence. It also covers women who have been/are in a relationship with the abuser and are subjected to violence of any kind—physical, sexual, mental, verbal or emotional. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (2013) provides protection to women from sexual harassment at all workplaces both in public and private sector, whether organized or unorganized.

Insipite of these constitutional safeguards and legislations to protect women in India, the violence against them continues in various forms. Sexual violence in India is still a grave issue and has deep roots. India’s patriarchal and misogynistic culture is responsible for a society in which a women are considered a liability or a burden on their families. The dowry system, although prohibited by law, has reinforced this problem. Additionally, male domination has led to growing rates of violent acts such as dowry deaths, domestic abuse, and rapes. Sixty million women are considered ‘missing’ from the population in India due to these crimes. Furthermore, the justice system is excruciatingly slow and as a result many perpetrators of violence go unpunished. Indian society tends to blame the victims of rape and usually places the burden of proof on the victim rather than on the perpetrator.

The Government of India has committed to eliminating violence against women and girls through numerous policies, laws, and programs, yet one in three women aged 15–49 experiences some form of physical or sexual violence during her lifetime. Late Professor Rajeshwar Prasad in his paper on “Combating Crime against Women : The Role of NGOs, Media and the Public”77 has emphasized that combating crimes against women is not an easy task since these crimes are deeply rooted in culture, economy, polity, and social structure as also the psyche of both male and female population of a society. Combating these crimes by peaceful means is more difficult because the violence behind all criminal acts against women is too eminent and can hardly be eradicated by the ‘change of hearts’. The violent means as envisaged in the struggle for independence by the freedom fighters, or fighting against insurgency by the army of using strategies to combat terrorism or fighting the organized crimes by the people, may also be irrelevant in this context. However, one may advocate a mix of the two means—peaceful and coercive, and ‘violent and deterrent’.

Non-government organizations can play important role in combating violence and crime against women in India. However, the civil society network in India is very weak, unorganized, and ineffective and in some cases dishonest. The civil society organizations in the country largely function in soft areas and particularly in such fields where State and/or other financial support is easily available. Female
victiminity is neither soft nor there are packages of easy money available from the State or other sources hence, little involvement of NGOs in this field of action.

The role of media in combating crimes against women is also very important as the media has been a pervasive force in not only highlighting the ugly face of criminality against women but also to create a public opinion against it. It is perhaps true that majority of viewers prefer watching crime-bulletins and take interest in crimes against women, however, the practice followed by many TV channels to repeat the same incidence of crimes against women, again and again is not only depressing but also derogatory unless followed by information regarding the actions taken by the police and other related agencies in such incidents. It may be borne in mind that there is a big difference in sensitization, sensationalization and scandalization. The role of the media should be to sensitize the viewers; the repetition of incidents of crimes against women on TV may sensationalize the issue or even at times scandalize the victims.  

It is emphasized that the watchdog function of the media to keep the police, magistracy, judiciary and even the NGOs alert, and on their toes, in cases of crimes against women, must be recognized. The function could be successfully and effectively performed only by well-trained, legally educated and experienced journalists and highly motivated and committed editors. The non-motivated, ill-experienced and quasi-educated journalists may even spoil the situation. It is no doubt, true that the media can certainly strengthen the local, regional and even national voluntary action to combat crimes against women in India.

6. Suggestions for Combating Violence against Women in India

There are many laws to protect women, but the regulation is very bad. After the Nirbhaya case, the setting up of high speed courts for addressing women’s grievances were planned. These kind of measures are good. As they say, justice delayed is justice denied. Speedy redressals will encourage more women to come up, and eventually, the perpetrators will be punished accordingly. Corruption free police officers, and an efficient justice system will go a long way to combat violence and crime against women in India. Still we need stringent laws and stringent regulation to fight violence and crime against women in India. It is true that legislation by itself would not suffice because violence against women is a deep rooted social problem. It is worth quoting late Prime Minister, Jawaharlal Nehru, who remarked that legislation cannot by itself normally solve deep rooted social problems. One has to approach them in other ways too, but legislation is necessary and essential and hence that it may give that push and have educative factors, as well as the legal sanctions behind it, which help public opinion to be given a certain shape.

Some of the suggestions for combating violence against women in India are as follows :

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1. There is need for awareness among women. Women generally do not report the crimes against them, due to societal issues, and the so called “tarnishing of image” of herself/family, in front of others. That should be stopped and more friendly approach is needed on the part of law enforcing agencies.

2. Safety of women is directly related to patriarchal mind sets that manifests itself in streets, homes and workplaces. A mentality which undermines women, and treats them as inferior needs to be changed. By treating women equally, and teaching the next generation the same, we can make a lot of change in the status quo.\(^\text{10}\)

3. For the emancipation of women in every field, economic independence is of paramount importance. Along with economic independence, equal emphasis must also be laid on the total development of women-creating awareness among them about their rights and responsibilities - the recognition of their vital role and the work they do at home.

4. Major surgery is required and not merely cosmetic changes. Awakening of the collective consciousness is the need of the day. Change of heart and attitude is what is required.

5. If a number of women of like-minded views join hands, form an organization and raise their voice against women’s suffering, they can make their presence felt as also make an impact. It is, therefore, necessary that more and more women’s organizations be developed to create awareness among women to fight against their oppression as also men who exploit, humiliate and torture them.

6. It is suggested that a concerted effort by the government, non-government organizations and people at large may result in empowerment of women, which may ultimately control the violence against them.

7. The social context in which violence is committed or atrocities are inflicted on women and in which the victim recovers and adjusts has to be examined and assessed in a holistic perspective. Social scientists have to address themselves to the social problems like gender equality and female exploitation in order to consolidate their appreciation of social dynamics.

8. There is need for developing programmes to make the women morally strong or empowered because, bestowing judicial rights or making women literate alone can never end the violence against them. Promoting gender equality in educational institutions and widen access to education for girls can also be helpful.

9. Breaking the cycle of abuse will require concerted collaboration and action between governmental and non-governmental actors, including educators, health-care authorities, legislators, the judiciary and the mass media.
10. Training elected local government representatives to work to reduce the incidence of violence in communities and to become vocal opponents of violence against women and girls and alcohol abuse should be implemented.

11. Violence against women and girls is rooted in gender-based discrimination and social norms and gender stereotypes that perpetuate such violence. Given the devastating effect violence has on women, efforts have mainly focused on responses and services for survivors. However, the best way to end violence against women and girls is to prevent it from happening in the first place by addressing its root and structural causes. Prevention should start early in life, by educating and working with young boys and girls promoting respectful relationships and gender equality.

12. Speedy redressals will encourage more women to come up, and eventually, the perpetrators will be punished accordingly. Corruption free police officers, and an efficient justice system will go a long way.

6. Conclusions

Violence Against Women continues to be one of the most prevalent and least recognized human rights violations in the world. In India, this occurs in many forms: domestic violence, sexual assault, public humiliation, abuse, trafficking and ‘honor’ killing. One in every two women in India experience violence in their daily life. It must be emphasized that violence against women is a social, economic, developmental, legal, educational, human rights, and health (physical and mental) issue. All the efforts should be taken to eliminate all forms of violence against women. It is rightly said “Every problem has a solution.” Women cannot solve the problems by themselves. Women should understand men and men should understand women. Both should work together to eradicate the menace. Let’s join hands to allow this section of the society to live gracefully and with dignity and hope that with the incorporation of above stated suggestions, the high degree of violence against women in our society would become a thing of past in this new millennium because the stark reality is that the future of development of society lies in the future of women equally with men.

References

2. Surabhi Mahajan and Sanjeev Mahajan, Ibid., 29.


