

STATUS OF VIOLENCE OF WOMEN IN INDIA AND LAWS IMPLEMENTED TO MITIGATE THIS SOCIAL MENACE

Subhadeep Chakraborty

The Global Open University, Nagaland

Sneha Chatterjee

The Global Open University, Nagaland

Suman Gupta Sarma

Principal, Kingston Law College, Barasat, West Bengal

Abstract: Violence against women is a problem around the World. It affects women of all races, ethnic groups, classes and nationalities. It is a life threatening problem for individual women and a serious problem for societies. In India , women fall victim to exploitation that violates their human rights.. Violence against women in India takes a dismayed variety of forms, from domestic abuse to rape, to child marriages and to female circumcision. All are violations of the most fundamental human rights. The research paper is a genuine endeavour to explore the status of violence of women in India and laws implemented to prohibit this social menace.

Keywords: Violence, Women, India, Laws.

Introduction: Violence in general is a coercive mechanism to assert one's will over another, in order to prove or feel a sense of power .The world has entered into a new millennium, but from the dawn of civilization till date, the woman of the patriarchal society of India continues to be oppressed and ill-treated. She is dependent, weak, exploited and faces gender discrimination in every sphere of life. The gender-based violence that threatens the well-being, dignity and rights of women, extends across social, cultural, economic and regional boundaries. Violence against women occurs throughout the life cycle from prebirth, infancy, childhood, adolescence, adulthood to senescence. 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.

Objectives: The objectives of the research project are discussed below:

- a) To explore the status of violence of women in India
- b) To analyse the causes and impacts of violence against women.
- c) To examine the laws implemented in ameliorating violence
- d) To recommend measures to solve this burning issue

Methodology: For successful completion of the research paper field survey has been done in some areas of West Bengal.Secondary source of data has been accessed to know the status of violence in other parts of India. Research paper, journal and periodicals pertaining to research topic have been thoroughly referred.

Status of Violence against Women: Violence can be defined as the intentional use of physical force or power, threatened or actual, against oneself, another person, or a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation."

It is quite well known that the position enjoyed by women during the Vedic age in India was in no sense inferior to men .As a matter of fact she was treated with respect in almost all the fields of social life .

However, things started changing in the post- vedic period, more during the Buddhist and subsequent periods. They were denied a position of equality and their social status deteriorated to the extent that but they were confined to the four walls of the house. It is because of this basic condition of social inequality that all sorts of inequalities emerged and women in India had to suffer from all through centuries till the more recent times While the ideas of some of the social reformers of the Indian Renaissance Movement like Raja Ram Mohan Roy and Swami Dayanand Saraswati helped somewhat in the improvement of the condition of women in India .A good number of women leaped into the freedom movement casting off all the social inhibitions of the past. Therefore following the achievement of independence in the new Constitution women were granted equality. Thus, women's position in the post independence period started improving .Many new pieces of legislation in favour of women were implemented.

Inspite of the stringent constitutional laws violence and crime against women are still going on in different parts of India, Violence against women is still continuing. There are various forms of violence against women in India. In addition to familiar types of violence such as violence by a spouse, sexual harassment at work, and rape, there are unfamiliar types of violence such as, dowry death, female infanticide, acid attack, and witch hunting. There are also phenomena which in themselves are not violence yet deprive women of their rights and a decent future and are likely to develop into violence. They include child marriage, purdah, and the prohibition of remarriage of widows Indian society is predominated by men, hence women are a victim of male domination in the respective sphere of life; especially in economic life, for instance, on decision making on resources, on utilization of her earnings and on her body. Women are also victims of emotional abuse. Emotional maltreatment can include verbal abuse, such as insults, criticism, ridicule and discrediting, isolation of the victim, control of social and family contacts, denial of access to finance or transportation, demonstration of extreme jealousy and possessiveness.

Causes of Violence: The primary causes of violence against women are discussed below

Intoxication: Some cases of violence occur when the aggressors are intoxicated and in a wildly excited and belligerent state of mind, scarcely comprehending the likely fallout of their actions. For example, in a few cases of rape, the offenders assaulted the victims when they had taken so much alcohol that they were in a state of inebriation and emotional excitement. Their normal restraints had disappeared and their aggressive fantasies were intimately intermingled with sexual lust which then took the shape of irresponsible actions. Alcohol-related sex crimes illustrate a reckless disregard of time, space and circumstances.

Hostility towards Women: Some of the reported cases of violence against women are of a nature that no amount of rationalization could convert the aggressors into doing anything other than hostile acts of a cruel kind. A few of them had deeply entrenched feelings of hate and hostility for women that their violent act could be said to be primarily directed towards the humiliation of the victim.

Situational Urge: In this category, those cases may be included where the crime is committed neither because of the victim's behaviour nor because of the offender's psychopathological personality but rather because of the chance factors which create such situations which lead to violence.

Personality Traits: Some identifying traits of the violence-prone personalities are: extremely suspicious, passionate, dominant, irrational, immoral, easily emotionally upset, jealous, possessive and unjust. Traits developed in the early life affect the aggressive behaviour of a person in adulthood.

Impacts of Violence: Symptoms include acute anxiety, depression, insomnia, irritability, flashbacks, emotional numbing, poor concentration and being in a state of emotional and physical hyper-vigilance and alertness. Suicide attempts and depression feature strongly. Early pregnancy leads to more extreme peril, including death, during delivery and jeopardizing the health of these young mothers as well as their babies. Violence reduces working capacity of survivors. Violence disturbs her concentration and capacity of doing everyday work, leave alone occupation. In the long run her working capacity decreases gradually. Violence not only affects a female but also has adverse impact on family. Intra-cordial family relation is damaged. Communication gaps and misunderstanding between husband and wife, and other members has been noticed.

Table 1: Status of Violence against Women

Sl. No	Crime head	Year					Percentage variation in 2015 over 2014
		2011	2012	2013	2014	2015	
1	Rape#	24,206	24,923	33,707	36,735	34,651	-5.7
2	Attempt to Commit Rape*	-	-	-	4,232	4,434	4.8
3	Kidnapping & Abduction of Women	35,565	38,262	51,881	57,311	59,277	3.4
4	Dowry Deaths	8,618	8,233	8,083	8,455	7,634	-9.7
5	Assault on Women with Intent to Outrage her/his Modesty	42,968	45,351	70,739	82,235	82,422	0.2
6	Insult to the Modesty of Women	8,570	9,173	12,589	9,735	8,685	-10.8
7	Cruelty by Husband or His Relatives	99,135	1,06,527	1,18,866	1,22,877	1,13,403	-7.7
8	Importation of Girl from Foreign Country	80	59	31	13	6	-53.8
9	Abetment of Suicide of Women	-	-	-	3,734	4,060	8.7
A.	Total IPC Crime against Women	2,19,142	2,32,528	2,95,896	3,25,327	3,14,575	-3.3
10	Commission of Sati Prevention Act	0	0	0	0	0	0
11	Indecent Representation of Women (P) Act	453	141	362	47	40	-14.9
12	The Dowry Prohibition Act	6,619	9,038	10,709	10,050	9,894	-1.5
13	Protection of Women from Domestic Violence Act	-	-	-	426	461	8.2
14	Immoral Traffic (Prevention) Act	2,436	2,563	2,579	2,070#	2,424	17.1
B.	Total SLL Crime against Women	9,508	11,742	13,650	12,593	12,819	1.8
	Total(A+B)	2,28,650	2,44,270	3,09,546	3,37,922	3,27,394	-3.1

Source: National Crime Report Bureau

Laws Implemented In India to Curb This Menace:

Protection of Women from Domestic Violence Act 2005: The Domestic Violence Act of 2005 provides victims of abuse with a means for practical remedy through prosecution. Domestic violence is currently defined in India under Section 3 of this Act. This Act prescribes stringent punishment for domestic violence. However, the Domestic Violence Act of 2005 has been reportedly used against men in some cases, though the vast majority of cases involve abuse of a woman. The Delhi High Court clarified that the Act could also be used to prosecute women. Despite this law in force, most of the women continue to suffer domestic violence in silence may be because the women in India are expected to idealize the character of Sita and Savitri.. On the top of that, there are some crimes which are still not covered under any of the Indian law, like marital rape. Domestic violence is not the only crime faced by women; some of the others are discussed in subsequent parts of this write up.

The Dowry Prohibition Act, 1961: Dowry has been one of the biggest social evils concerning the fairer sex in this country, and has not been eradicated till date. Dowry is the term used for money, goods or estate that a woman brings with her to her husband's house after marriage.

The dowry prohibition act 1961 was enacted by Parliament in India on 20/05/1961 in whole country except Jammu & Kashmir. As per this act giving and taking of dowry is prohibited.

The dowry is known as the property or any property that can be valued is given (directly or indirectly) or agreed to be given during the marriage by one party to other party or by one person to other person.

After the enactment of this law, dowry giver and receiver both will be punished for imprisonment that will not be less than 5 years and a fine of Rs 15,000/- or equal to the amount of such dowry whichever is more. However, if court finds that imprisonment for the period less than 5 years is justified in special circumstances then same can be considered.

As per this act, there is penalty for demanding dowry from the parents or their relatives or guardian of bride or bridegroom. The penalty in such case may be for imprisonment from 6 months to 2 years and

fine of upto Rs 10,000/- is applicable. However, in special circumstances, courts may reduce the imprisonment below 6 months also. This is Section 4 of the Dowry Act.

As per the Dowry Act, the advertisement by either party for demanding dowry in print media, electronic media or any other media is prohibited. This is Section 4 A.

Other Provisions:

- If any agreement has been made between the two parties then that shall be void and will not be applicable.
- Every offence under this Act shall be non-cognizable, bailable and non-compoundable. Thus a person/party found guilty shall have right to get bail.
- If dowry is received by a other person, who is not related to married women, then that dowry should be handed over to the women (or her heirs) within one to marriage if it was received before marriage. If dowry was received during or after marriage then it should transferred within one year to such receipt. If the dowry was received when the woman was a minor then this should be transferred within one year after she has attained the age of eighteen years. This is Section 6 (1)
- If a person fails to transfer such property in prescribed time limit, as stated in above para, then he shall be punishable upto the period of six months or fine of Rs 5000/- Or both. But he has to return such property even in case of punishment/fine. This is section 6 (2)
- If a women, dies before receiving above mentioned property then her heirs are entitled in the same way as she was within time limit specified. This is section 6 (3)
- State government may appoint as many Dowry Prohibition Officers as it thinks fit for implementation of Dowry Act. The jurisdiction of each such officer may be defined and power to be exercised as the act. Such officer shall ensure complete implementation of this act in true sense. Officers may collect evidences in case of committing offense.
- The Central Government as well as State Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act. But both have separate powers to for making this rules.

The Commission of Sati (Prevention) Act India, 1987: Sati is the cultural practice of burning or burying alive a woman, along with the body of her deceased husband. It was observed by most Indian families till the late 1900s. Though the British declared it illegal in 1829, the Indian legislature finally enacted a law criminalizing sati in 1987.

The law declares the commission, or any other ceremony in observance of sati as illegal, and even its glorification will attract a criminal sentence. The law now punishes attempt, glorification and abetment of sati. This law aimed at addressing the very fundamental right to live for women in India.

It was amongst the most inhuman practices, and this regulation came as a succor for advocates of gender equality.

The Hindu Marriage Act (1955): An integral part of the Hindu Code Bill, The Hindu Marriage Act, 1955, primarily covers matters pertaining to marriage among members of the Hindu community. It provides for the applicability, validity and conditions for in-validity of Hindu marriages.

As per Section 5 of the Act, the practice of polygamy is strictly prohibited. The Act also provides that a marriage between a man and a woman is considered invalid in case either of them has a living spouse. Also, the minimum age of a girl for marriage must be 18 years and the same for boys is 21 years.

Hindu Succession (Amendment) Act, 2005: India being a secular country recognizes the need for a complex set of personal laws, which includes Muslim laws, Parsee laws, Hindu laws and Christian laws. Several matters covered under the Hindu law are marriage, divorce, succession, adoption and guardianship.

The Hindu Succession Act, 1956, passed by the Indian government, address matters related to inheritance, applicable on Hindus, Jains, Sikhs and Buddhists. The enactment of the Act also led to the abolishing of Hindu women's limited estate. According to the Hindu Succession Act, a property owned by a Hindu female is her absolute property.

In 2005, the Act was amended and called the Hindu Succession (Amendment Act), 2005. Section 6 of the modified Act provides that the rights of daughters and sons are equal and at par with each other.

The Immoral Traffic (Suppression) Act, 1956: The fundamental law relating with the sex workers is The Immoral Traffic (Suppression) Act, 1956 which legalizes the practice of prostitution in private but is not permitted to ask for or seduce customers openly and does not allow brothels, prostitution rings etc. The Immoral Traffic Prevention Act, 1986 has amended The Immoral Traffic (Suppression) Act, 1956. The 1986 Act was passed by the Parliament to comply with the United Nations Declaration on the Suppression of Trafficking in 1950 for the purpose of preventing and ultimately prohibiting prostitution. The Act states that the person who carry on or administer or acts or aids in the keeping or administration of a brothel shall be punished with imprisonment and fine according to the provisions of the Act. A person who is a tenant, resident, lessee or any person who is in charge of the premises, utilizes or deliberately permits any one to utilize such premises or any of it part as a brothel or as an owner, property-holder or lessor of the premises or the representative of such person, allows the same or its part with the awareness that it may be utilized for the purposes of a brothel or he is intentionally a party to the utilization of such premises, such person shall be punished with imprisonment and fine as provided under the Act.

The Pre-Natal Diagnostic Techniques Act, 1994: Female infanticide or forced termination of pregnancy is a specific form of domestic violence .This Act regulates the forced termination of female foetus, it permits termination of pregnancy only for medical purpose.

Conclusion and Recommendations: Laws alone will not help in preventing violence; what is needed is a change in mindsets.

Concerted and co-ordinated multisectoral efforts are key methods of enacting change and responding to violence at local and national levels. Since the local context varies district by district and state by state, any effective monitoring system has to be set up by the state itself and that requires political will backed up by action and resources. There is a strong need today as never before to make Indian women aware of their rights. They have to launch a relentless battle for their emancipation. And it is not their responsibility alone. Workers, youth and students in particular and the Indian people in general have to fight and win this battle. If half of the population remains deprived, ignorant down trodden and discriminated the country cannot usher in era of prosperity. It is high time for the rulers of independent India to respect the aspirations of crores of working women, so that they may live up to their role of nation-building effectively. One of the main characteristics of modern society is a heavy reliance on law to bring about social change. It is therefore necessary not only to legislate but to see that it is implemented.

- a) Full equality of sexes can hardly be possible in a legal system which permits polygamy and social system which tolerates it. There should be no compromise on the basic policy of monogamy. Monogamy should be strictly enforced for all communities. Any compromise in this regard will only perpetuate the existing bias in the status of women.
- b) Registration of marriages: Registration of all types of marriages are compulsory to put check on child and bigamous marriage.
- c) Dowry: Dowry is another teething problem without any solution Inspite of the Dowry Prohibition Act 1961 and the subsequent amendments to the act, dowry death cases are increasing alarmingly. Only implementation of the act will not bring any solution to this problem but mass awareness is needed.

- d) Maintenance: The provision for maintenance on the various laws have been a subject of sometimes subdued and sometimes sharp controversies. At the same time there is a need to evolve a proper legal system which can take care of the maintenance of the wife and also of the divorced wife.
- e) In the area of criminal law the problems like rape, adultery, bigamy and other crimes against women are on the increase causing great concern to law makers. Hence more stringent legal policies should be implemented to combat this problem.
- f) Divorce: The increase in the rate of divorce in the cities and even in the villages is another cause of concern for the law of the country. Of course marriages which have failed beyond repair should break. But frequent divorces should be checked because in the modern times a new thinking which is developing against divorce is the welfare of the child. A child needs a father as well as a mother for proper development.

Violence against women is an extreme manifestation of gender inequality in society and a serious violation of fundamental human rights. Freedom from violence must be stated as a necessary component of empowerment. It takes time for most women to recognize that violence is unacceptable. To enable them to understand this, there must be investment in specific training, and gender analysis processes.

References:

1. AK Roy: Women Empowerment
2. Report on Crime Against Women
3. Darren J O' Byrne: Human Rights An Introduction
4. Prof. Shashi K.Sharma, Prof Paramjit S. Jaswal, Dr Devinder Singh: Protection and Promotion of Human Rights In India
5. Dr S.C.Tripathi and Vibha Arora: Law Relating to Women And Children
6. Protection of lives and dignity of women (Report on violence against women in India) published by Human Rights Now
7. 2. Dr. Khokan Kumar Bag and Piyal Basu Roy (International Journal of Social Science Tomorrow): Changing Face of Women Exploitation in India
8. A Prajnya Report 2010: Gender Violence In India
