

Excruciating Truth of Victimized Women in India

Neeru Rathee^{1*}, Samiksha² and Karuna Bhardwaj¹

¹Department of Education, M.D. University, Rohtak, Haryana, India

²Counselling Psychologist, Harkishan Education Society, Rohtak, Haryana, India

*Corresponding author: neerurathee@yahoo.com

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ABSTRACT

Indian society, being male-dominated, suffers from a significant and repeated crime, that is, domestic violence against women. It is deemed socially acceptable, thereby increasing risks and threats towards them. Women are at particular risk of victimization and face more injustices due to lack of educational opportunities, low socio-economic status, gender disparity and patriarchal family structure. There are various provisions in the constitution and innumerable legislation that protect and empower women, but injustice still prevails due to execution failure and inability of this section to grasp appropriate measures of protection. The present study is conducted to understand the factors and conditions under which violence against women occurs and the laws and support available to victims in India by analyzing the previous research, reports and studies on related issues. This paper may help communicate and bring awareness among people on gender rights and issues so that women can lead fear-free, dignified, and safe lives.

Keywords: Gender Disparity, Domestic Violence, Sexual Harassment, Constitutional, Legal provisions

India, being one of the greatest democracies in the world, exemplifies the concepts of independence, equality, justice, liberty and fundamental rights. It is known as the land of rich culture, heritage, and history, demonstrating diversity in its true essence and is an example of a pluralistic society. It showcases how people from different walks of life can live in harmony and prosperity. On the other end of the spectrum, it also demonstrates social hierarchy, the concept of purity and pollution, the construct of patriarchy, and rigid social norms. One of the most prominent issues centres around gender inequitable practices where women are subjugated to backwardness and discrimination in various spheres of life. Even though various laws and provisions provide for the protection and opportunity to progress, it does not seem to be working at the expected pace. Along with it, awareness of legal and constitutional rights amongst the population, especially women, is lacking which has severe repercussions to their status in the country. India has slipped 28 places and ranks 140

out of 156 countries in World Economic Forum's Gender Gap Index in 2021, reflecting gender-based gaps in access to opportunities and resources (The Hindu, 2021). According to Georgetown Institute for Women, Peace and Security (2021) in 'Women, Peace and Security Index 2021' that focuses on women's security, bringing together three components: inclusion, justice, and security; India ranks 148 in 170 countries. Ministry of Women and Child Development released data showing that 398,620 individuals were arrested in regards to crimes against women (including rape, dowry deaths, outraging the modesty, acid attacks, kidnappings, and harassment) in 2020, 488,143 were reported against out of which those convicted were 31,402 (Hindustan Times, 2021). In a 2021 report of

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NCRB, the most of the cases under crimes against women were recorded for cruelty by husband or his relatives (30.2%), 19.7% reported attack on women with the goal to offend their modesty, 19% accounted for kidnapping and abduction, and rape constituted 7.2%.

Significance

The situation of women has been grim for some time now. According to Jha (1920), Indian thought on female conduct can be traced back to as early as 200 BC mentioned in guidelines set by Manu. He says: "by a little girl, by young ladies or even by a matured one, nothing must be done freely even in her own home". The status of an individual member in society is examined through a lens of indicators that consists of the extent and quality of political participation, work, level of education, health condition, representation in decision-making bodies, etc. (Kumar, n.d.). From this perspective, the position of women in Indian society has changed over a period of time. It began with women having equal standing with males in ancient times and progressed to a depressed position during the dark ages, to introducing equivalent rights by multiple reforms; the historical backdrop of Indian women in India has been astounding (Savita, 2010). At the same time, although women have made remarkable strides due to social change, modernisation, technological developments, advancement in education and healthcare, the concern remains (Habiba, 2019), which makes it necessary to study these issues in detail.

Today, they are deliberately denied opportunities for growth and freedom, raped, sexually harassed and abused, and face glass-ceiling. They are subjected to female infanticide, illiteracy, malnourishment and poor health, rigid caste hierarchy, unequal and inferior status, dowry, untouchability, etc. (Saryal 2014; Nirola, 2017). These issues are deeply rooted and reinforced by socio-cultural practices, familial traditions and conventions (Littrell & Bertsch, 2013; Sev'er, 2008; Malhotra *et al.* 1995; Vishwanath & Palakonda, 2011). Even though social transformation, modernisation, economic development, urbanisation, rapid industrialisation, globalisation have provided exposure to our society; gender disparities have widened; they do not have equal access as compared with men to autonomy, freedom, mobility etc.

This paper aims to heighten awareness and motivate implementation, contribute towards women feeling more confident and equip them to practice their rights judiciously, understand and feel connected with other women facing the same issues and know the causes underlying these problems.

Objective

To study the current state of women with regards to crime against them, level of reporting, support from family, and awareness about their rights.

Methodology

In this paper, qualitative approach was adopted. It included review of previous studies, research reports and newspaper articles. Additionally, interviews were also conducted with a small group of women from Rohtak city of Haryana and nearby villages to gain insight into their condition, lifestyle, level of education, family support, and crime against them.

CRIME AGAINST WOMEN

Domestic Violence: It is an act committed in an intimate relationship where one adult tries to control the other through misuse of power. It is driven towards building fear using violence and includes other forms of abuse as well. It can be physical, emotional, verbal, financial, sexual in nature. At times, it is indirect, such as, making the other believe s/he is worthless and not providing any money to them, although, it can also be coercive or violent. Under Domestic Violence Act, 2005, an application to the Magistrate can be made. A complaint for cruelty by the husband or his relatives, as well as a demand for dowry, can be made under Section 498A. In India, 19 out of 100,000 experienced domestic abuse in 2019 with Karnataka showing most number of cases. 3582 incidents of domestic violence were reported in months of April to June in 2021 alone.

Dowry demand: It is a transaction that takes place at the time of marriage, for example, of property or money, which bride's family pays to the groom or his family. It results in heinous crimes such as murders, torture, and at other times, suicide. To combat dowry-related deaths and torture, Section 498A was enacted, which stated that anyone who subjects a wife to cruelty (husband or relative)

shall be punished with imprisonment for a term that may be extended. Cruelty here refers to any deliberate action that is likely to push a woman to commit suicide or put her life or health in jeopardy (mental or physical), as well as harassment for a demand that is unlawful (property or security, or on failing to meet the demand). Demanding a dowry is an infraction if it is made before, during, or after marriage, even if no cruelty is involved, according to the Dowry Prohibition Act of 1961. In 1983, the Criminal Procedure Code was amended to include Section 198A. The Protection of Women from Domestic Violence Act of 2005 was added for protection of women against dowry harassment. The IPC was amended to include Section 304B, which made dowry death a particular crime with serious implications.

Dowry deaths reported in India are the highest with a total of 7000 cases in 2020. Even though the numbers are showing a declining trend, they are considerably high. Deaths from dowry accounted for 40% to 50% of all female homicides recorded annually in India between 1999 to 2016.

Sexual Harassment at Workplace: An act called Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act passed in 2013, aimed to provide protection at workplace to women. It occurs when a person engages in unwelcome physical intimacy with another, such as brushing, grabbing, touching, eve-teasing, pinching, making a proposal or demand that is not welcomed for sexual favours directly or by implication, showing another any sexually explicit visual or engaging in any other kind of unwelcome sexual conduct that is likely to cause embarrassment, awkwardness, or sexist remarks. India reported 17,003 cases of sexual harassment in 2020.

Internal Complaints Committee, with 10 or more employees, is to be constituted by the employer. Local authorities and Employers are required to establishing grievance committees that will investigate the complaints received. Within three months after the date of the occurrence of the incident, or the date of the last incidence in the case of a series of episodes, any woman who has been wronged is entitled to make a written complaint with the Internal Committee/Local Committee. Victim also have an option to file a first information

report with Police under Sections 294, 354, 354A, 509 of the IPC, 1860.

Murders: Honour killing is an act committed in name of honour of the family where a member of the family is murdered in matter of perceived dishonour and shame. It includes not allowing to get married, adultery, partner chosen from a disapproved by family and being rape victim. In some parts of the country, caste councils (known as Khap Panchayats) execute people regularly who do not follow the caste rules. Women accused of witchcraft are killed as well. Women who come from poor economic strata, widows and those from lower caste are at increased risk. Female foeticide is selective killing of a new-born girl child that occurs mainly to the practice of dowry that causes a lot of socio-economic burden on the family.

Rape: It is one of the most atrocious crimes. In the Criminal Law (Amendment) Act, 2013, rape is defined as the intrusion of a man into a woman's physical beauty without the consent of a man or a woman and not being punished. It takes place against will, without consent, getting consent by putting her or any other person in fear of death or harm, obtaining consent by pretending to be spouse, when one is under the influence or not mentally stable, with or without consent when the victim is under the age of eighteen years, and lastly, when one is not able to communicate consent. Victim can file an FIR under Sections 376, 376A, 376B, 376C, and 376D of IPC. According to NCRB, in 20 minutes, one woman is raped in India. In addition, in our country, marital rape is not a crime. National Crime Records Bureau reported 32033 cases of rape which averages to 88 incidents daily.

Human trafficking: In India, although illegal under law and the constitution, it is a major problem. It an unlawful act wherein people are transported or coerced to benefit from their service or work. Typically, involves smuggling of individuals for the purpose of commercial sexual exploitation and forced labour.

Forced and child marriage: Girls are at an increased risk of being forced into marriage at an early age, even though it is an act of offense under the law. They face double the problem of being a child that is female. Marriage at a tender age leads to early childbirth leading to problems with physical

health and lack of growth, decrease in literacy levels as after marriage they are not allowed to continue studying and are burdened by problems and concern that come with the responsibility of being married at such an age. In 2019, 523 cases were registered under the Prohibition of Child Marriage Act, 2006 which seeks to forbid this act and protect and provide assistance to those who are victims of it.

Acid Attacks: It is a form of violent assault. It means using “acid seeds or alternative corrosive substances” to throw on a person with an intention of deforming, maiming, torturing or killing. Acid is thrown at the victims’ faces, generally on their faces, burning them and injuring skin tissue, which often exposed, and sometimes, dissolves the bones. Long-term effects include permanent scarring and blindness, as well as social, psychological and economic repercussions. The sale of acid seeds is regulated by the Indian government. IPC of 1860 punishes those who knowingly cause serious bodily harm by using acid, as well as those who knowingly hurl or attempt to throw acid under Section 326A and Section 326B. If acid is thrown or an attempt is made, Section 100 of the IPC allows for the right of private defence to the extent of causing death. There were 182 cases of acid attack in 2020.

Obscenity and Pornography: Any visual or textual material that involves explicit depictions or descriptions of sexual action or organs and is intended to stimulate sexual excitement is called pornography. It is a display of sexual subject for sexual arousal. It can be presented in diverse media forms, including magazines, books, painting film, video, audio etc. The widespread use of information technology and communications has resulted in explosion of illegal websites that shows such materials. The IPC, 1860; Indecent Representation of Women (Prohibition) Act, 1986; and The Information Technology Act, 2000, deal with it and make the distribution, publication, and sale of obscene and pornographic items illegal and punishable.

Others: Apart from the problems mentioned above, women tackle varying degrees of hurdle in everyday life. Those working as house makers are not credited and taken for granted, in which case they are economically dependent as well. They are “supposed” to ask for permission for even

mundane tasks from men who happen to hold superior position in their household, it is a typical example of patriarchy. While working, they have to navigate through work, motherhood and managing the house. Sexism is widespread as can be observed from not finding women at the table often and being questioned on their decision making. Other challenges include educational inequality, lack of equal opportunity, maternal mortality, and falling healthcare system, to name a few.

Constitution and Legislation

Women’s subordination and backwardness in society were recognised by the creators of the constitution, who took steps to uplift women and conferred various rights to them. According to constitutional law, women have equal rights as men. It makes it illegal for the government to discriminate on the basis of gender, and it allows the government to establish special provisions to defend women’s interests. It facilitates the government to make extraordinary arrangements to promote the interests and welfare of socially and educationally disadvantaged people, including women. In terms of employment or appointment to any post under the state, all citizens are granted equal opportunity. The makers also banned human trafficking and forced labour. The government has been directed to provide maternity relief to female workers and humane working conditions, equal pay for equal work, and focusing its policies towards securing adequate means of livelihood for both men and women. Every Indian citizen has a constitutional duty to abstain from actions that are demeaning to women’s dignity. Free legal aid based on equal opportunity is not refused to any citizen due to economic or other disabilities in order to promote justice. Moreover, it provides for one-third reservation for women in both Panchayat and Municipalities to remove the bottlenecks leading to women empowerment at the grassroots level. (Laxmikanth, 2019).

Additionally, in 1990, National Commission for Women was established to look into violation of women’s rights and provide inputs to government in various policies and laws. According to National Commission of India (n.d.), significant steps have also been taken through various legislations to empower and protect women in India including

The Immoral Traffic (Prevention) Act, 1956, The Commission of *Sati* (Prevention) Act, 1987, Protection of Women from Domestic Violence Act, 2005, The Sexual Harassment of Women at Workplace (prevention, prohibition and redressal) Act, 2013, The Criminal Law (Amendment) Act, 2013, The Dowry Prohibition Act, 1961 (Amended in 1986), and The Indecency Representation of Women (Prohibition) Act, 1986. Various crimes and punishments are also recognised under Indian Penal Code, 1860, such as obscenity and pornography, voyeurism, stalking, dowry demand, acid attack, domestic violence, rape, and insulting or disrupting the modesty of a women which can lead to punishment of varying degrees. All these efforts are aimed at building a just society where everyone has a chance to grow and live a respectable life.

Causes

According to Mundhe (2021), there are various factors that lead to inferior status of women in India. Firstly, even though our country has taken a leap forward in literacy levels, the gap between women and men widely exists. There is a higher dropout rate from school of female students, a major reason being menstruation combined with lack of washroom facility in school, burden to work and early marriage. Secondly, poverty is considered a threat which contributes towards leaving education for work by female, insufficient funds to spend on girl child and exploitation of women. Thirdly, women's health and safety lags behind due to lack in infrastructure, administration and mind set of people. Fourthly, presence of inequality in all spheres of life because of which women face a myriad of barriers in a male-dominated society. Fifthly, it is becoming increasingly difficult for women to find the right jobs and are more vulnerable to exploitation and harassment in work setting. Lastly, one of the major contributors is the concept of patriarchy. Patriarchal norms imply that men have priority access to resources in the family, society, market, and state, resulting in gender inequity (Walby, 1989). However, in Indian society, this ideology is structured and reinforced by various laws, values, and customs, and can be seen in relationships through power-play within households.

Analysis

Interviews were conducted on a small group of women from Rohtak city and nearby villages and the observations were as follows:

Women feel that most family members, especially elders and males, prefer son over daughters. Our society being a patriarchy, therefore, opinions of women are underestimated and undervalued. Through interviews, it was realised that women are very much dependent on the males of the family and hence, are not allowed to take a stand, specifically against female foeticide and infanticide. Rather, elder female members are for it which is supported by deep rooted beliefs. In these situations, parents of females are unable to support due to societal pressure and expectations.

Additionally, males are prioritized in the field of education. Even though school facilities have improved drastically in the last few decades, there is still scope of improvement. Lack of school facilities in the villages, social stigma, lack of proper washroom facilities prohibit females to study. Cities being far and restrictions due to travel choices adds to the problem. In secondary and higher education, there is a high dropout rate and women enrolment is very low. While speaking to the ladies, the most common reason for this was their belief that women's main task is to reproduce and to take care of their family for which education has no role to play. When asked whether they teach their sons and daughters about 'good touch' or 'bad touch', most of them did not respond and they expressed surprise that this topic could even be discussed. While, a few women in cities agreed to talking about it with their children.

Moreover, the Khap Panchayat being at the top of making and enforcing societal rules play a major role in crime against women, taking more of a conservative approach. A few women also informed that a few years ago, Khap Panchayat was demanding a decrease in marrying age of the women. Most of the women we interacted with in the villages were less than 18 years old. They also communicated that even though being victims of domestic violence, they never reported on their husbands or in-laws as they feared that the reputation of the family would be stained and threat of social isolation.

Furthermore, through interviews, we also gained insight into the awareness of women with regards to laws and rights. In rural areas, women knew a few of the rights. Whereas, in urban areas, women were slightly more aware. The tendency to report incidences of crime was lower in villages. The analysis done on the basis of the interviews is also supporting the literature mentioned above.

There are numerous programmes and policies that have been introduced and implemented to improve women's socioeconomic standing, but all of these are restricted to statute books. Proper implementation in real life is lacking, requiring urgent attention (Das, 2015). To top it all, women and other members lack awareness of their legal and constitutional rights along with various policies and programs conducted by government and international institutions. Hence, it is critical to educate this group about their rights and empower them to speak out against exploitation (Das, 2015).

SUGGESTIONS

1. Connecting and believing in Survivors: Victims who share their personal stories should be acknowledged and encouraged for taking the step against crime so that others who have faced the same type of experience can learn and come forward.
2. Sensitizing the next generation: The society should educate and set examples for the young ones to shape the way they feel, think and act about the concept of gender. For instance, themes like consent and bodily autonomy can be included in school curriculum. Educating the next generation so that they can confidently challenge the stereotypes and taboos they encounter around them.
3. Funding organisations for women: Providing funds to social organisations, NGOs, and other such institutions so that they can provide support to survivors, securing equal rights, empowering women, supporting their opinions and promote acceptance for all gender identities.
4. Counselling perspective: Counselling services should be provided to the survivors and others in need. Counsellors in schools,

colleges, workplace etc. can conduct workshops and programs in order to make people more aware.

5. Changing attitude: Facilitating attitude transformation so that harmful practices, such as, patriarchy and sexism can be tackled in different life contexts. Challenging the rigid cultural practices and beliefs that lower the standing of women in the society can be strengthened.
6. Strict execution of law: There are various legal as well as constitutional provisions but the practical implementation lacks behind. Making these more accessible through ways including fast-tracking the hearing process and encouraging reporting.
7. Empower women: Education is the key tool to help women feel confident, aware of their rights to stand against exploitation at multiple levels, and make them independent.

CONCLUSION

Even though there are various provisions, rights, scholarships, educational and health facilities, crime against women is still increasing which is of paramount concern. We need more funding for women empowerment by the government. There is a great need for change in the society and the traditional practices along with increasing awareness so that women feel safe and lead a healthy and flourishing life which will eventually provide a healthy environment for them. Women constitute fifty percent of the population in the country and in order to have their contribution in the economy, these measures are important.

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