

Violence Against Women – Indian and Global Perspective



Social Science

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Dr. N.V. Gudaganavar

Associate Professor in Statistics, Anjuman Arts and Commerce Degree College, PG Centre of Commerce Dharwad Karnataka State, India.

shri.S.D.Soudagar

Associate Professor in Sociology, Anjuman Arts and Commerce Degree College, PG Centre of Commerce Dharwad Karnataka State, India.

ABSTRACT

Violence against women is touching new heights. Major types of violence against women relate to sexual harassment, rape, acid throwing, honour killing, bride burning, domestic violence, etc. The NCRB has mentioned rape as the biggest crime in India with 242006 cases registered in 2011 as against 22172 in 2010. Patriarchal culture which considers females as secondary citizens has been the main cause for crimes against women. Reports of UNICEF, UN Declaration on Elimination of Violence against Women and studies by Time Magazine, CNN and Special Reporter, etc., have confirmed the incidence of violence against women. India and other South Asian, West Asian countries and a few western countries too are found to be the area where different types of violence against women are committed. Legal enactments have not worked effectively as deterrents against violence against women in India. Social awareness and social responsibility in curbing this menace alone can bring about the desired results of women safety and equality of women in society as stipulated in the Indian Constitution.

Violence against women who constitute half the population in India is touching new heights. The National Crime Records Bureau (NCRB) have indicated that rape is the biggest crime in India with 24206 cases registered in 2011 as against 22172 in 2010. The United Nations General Assembly has defined violence against women as;

“any act of gender based violence that results in or is likely to result in physical, sexual or mental harm or suffering to women including threat of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or in private life”.

The major types of violence against women include;

- Sexual harassment
- Rape
- Acid throwing
- Honor killing
- Selective abortions
- Bride burning
- Trafficking
- Domestic violence, etc.

Patriarchal Culture and Violence Against Women

Offences against women are acts of aggression. Such offences are committed by male offenders to establish that women are secondary citizens. This patriarchal culture leads to confining women's role to the family for the sake of reproduction and for accumulation of wealth ignoring her contribution to the country's Gross Domestic Product (GDP). The United Nations Declaration on the Elimination of Violence against Women (1993) states;

“Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of full advancement of women and that violence against women is one of the crucial social mechanism by which women are forced into a subordinate position compared with men”.

Marriage is considered as the ultimate goal in a women's life. A daughter is considered as a burden as dowry system in the Indian society created tension for the parents. This social malady has led to sex, selective abortions and female foeticides.

Domestic violence is meekly accepted by women as they do not have any alternative and do not enjoy social or economic inde-

pendence to support themselves. A UNICEF Report (2012) says that 57 percent of Indian boys and 53 percent of Indian girls between 15 and 19 years think wife beating is justified. India has been adjudged the fourth most dangerous country in the world for women to live in by Thomson Reuters Foundation Survey in 2011. The UNDP Human Development Report 2011 says that India rank 129 out of 146 countries in the Gender Equality Index behind Bangladesh (112) and Pakistan (115).

Global Dimensions of Violence Against Women

Domestic violence against women has assumed serious proportion in various countries. Two types of violence are identified viz. “Intimate Partner Violence” and “Marital Violence”. Under Intimate Partner Violence murders take place by boyfriends. Marital Violence is a major risk factor causing serious injury and even death. In US in 2005, 1181 women in comparison to 329 men were killed by intimate partners. In England and Wales about 100 women were killed by partners or former partners each year. In 2008 in France 156 women in comparison to 27 men were killed by intimate partners.

War and militarism have caused violence against women. Rape was committed during the Bangladesh Liberation such rapes are reported during the World Wars, Bosnia War, etc.

Women in employment are sexually harassed in many countries including India. Violence through acid throwing on women have been widely reported in Cambodia, Afghanistan, India, Bangladesh, Pakistan and other neighbouring countries. Globally at least 1500 people in 20 countries are attacked in this way yearly, 80 percent of whom are females and somewhere between 40 percent and 70 percent under 18 years of age.

Domestic abuse can be triggered by pregnancy for many reasons. Pregnancy itself can be used as a form of coercion. Domestic violence can increase a woman's chances of becoming pregnant and the number of children she has. The adverse effect of violence related pregnancy can cause harm to both mother and the child.

Bride burning is another form of domestic violence most common in South Asia in which bride is killed at home by her husband or husband's family due to his dissatisfaction over the dowry provided by her family. Bride burning has been recognised as an important public health problem in India accounting for around 2500 deaths per year in the country. In 1995 Time Magazine reported that dowry deaths in India increased from

around 400 a year in the early 1980s to around 5800 a year by the middle of 1990s. A year later CNN ran a story saying that every year police receive more than 2500 reports of bride burning. According to Indian National Crime Record Bureau there were 1948 conviction and 3876 acquittals in dowry death cases in 2008.

Honour killing has been another form of violence against women. It is the homicide of a member of a family or social group by other members due to the belief the perpetrators that the victim has brought dishonour upon the family or community. According to an UN estimate the number of honour killings in the world is 5000. Many Women's Groups in the Middle and South West Asia suspect that more than 20000 women are honour killed in the world each year. Special Reporter (E/CN 4/2002/83) has mentioned that honour killing had been reported in Egypt, Turkey, Yemen, Jordan, Lebanon, Morocco, Pakistan, Syrian Republic and other Mediterranean and Persian Gulf countries and that they had also taken place in western countries such as France, Germany and the UK within migrant communities. In addition the UN Commission on Human Rights report honour killings in the nations of Bangladesh, Ecuador, India, Israel, Italy, morocco, Sweden, Turkey and Uganda.

In India honour killings have been reported in northern regions, mainly in the Indian states of Punjab, Rajasthan, Haryana, Uttar Pradesh, as a result of people marrying without their family's acceptance and sometimes for marrying outside their caste or religion. In contrast honour killings are rare to non-existence in South India and the Western Indian state of Maharashtra and Gujarat.

Violence Against Women – Legal Protection

Indian Constitution guarantees to all women equality, prohibition of discrimination by the state, equality of opportunity and equal pay for equal work. The constitution also provides for making special enactments for women and children. It renounces practices derogatory to women's dignity and provides for just and humane conditions of work and maternity benefits. Despite all these provisions, guarantees remain distant dream for Indian women.

Women Specific Laws

Some of the women specific laws in India have not been effective as deterrent to violence against women. They are;

- The Immoral Traffic (Prevention) Act
- The Dowry Prohibition Act

- The Indecent Representation of Women (Prevention) Act
- The Commission of Sati (Prohibition)
- The Protection of Women from Domestic Violence Act.

The India Penal Code deals with offences such as rape, kidnapping and abduction, dowry deaths, torture, molestation and sexual harassment.

Punishment for raping women is provided under the Indian Evidence (Amendment) Act 1983. The Act provides that if a victim of custodial and gang rape states before the court that she did not consent the court shall presume that she did not consent. The Indian Evidence (Amendment) Act 2002 provided that it is not permissible to question the prosecute on the general moral character. The Code of Criminal Procedure (Amendment) Act 2005 provided for investigation of custodial rape by Judicial Magistrate. The recommendations of the Law Commission have been incorporated in the Criminal Law Amendment Bill 2010 to bring rape within the meaning of sexual assault.

Guidelines of Medical Examination for a Rape Victim

Suppose you are a victim of a rape, visit a government or private hospital. According to the law any hospital should provide immediate care and attention along with medical examination.

In the hospital, you have a right to privacy. The first step of the medical examination and evidence collection is to take down your medical history and details of your present illness symptoms.

The next step is a physical examination where the doctor will check the signs of assault. If there are any external injuries, the doctor will take pictures of the injuries.

Earlier there was a sanctioned test known as the 'two finger test' that was used to detect if the victim has had sex before the incident. Here the doctor inserts his or her gloved finger into the vagina to check for the elasticity or looseness of vaginal walls. But this embarrassing test has been abolished by the Supreme Court. Hence, the victim has the right to say no for the two finger test.

After the medical examination of a rape victim doctor will advice certain medication as a precaution.

Finally, being raped is an extremely traumatic experience and everyone should make efforts to get justice to the victim.

Table-1 Incidence of Crime Committed Against Women during 2013

| Sl. No. | State | Female Population* (in Lakh) | Rape (Sec. 376 IPC) | | | Kidnapping and Abduction (Sec. 363-369, 371-373 IPC) | | | Dowry Deaths (Sec. 304B IPC) | | | Cruelty by Husband or his Relatives** (Sec. 498A IPC) | | |
|---------|-------------------|------------------------------|---------------------|-------|------|--|-------|------|------------------------------|------|-------|---|-------|-------|
| | | | I | R | P | I | R | P | I | R | P | I | R | P |
| 1 | ANDHRA PRADESH | 430.29 | 1635 | 3.80 | 4.85 | 1595 | 3.71 | 3.07 | 492 | 1.14 | 6.09 | 15084 | 35.06 | 12.69 |
| 2 | ARUNACHAL PRADESH | 6.04 | 75 | 12.42 | 0.22 | 86 | 14.24 | 0.17 | 0 | 0.00 | 0.00 | 29 | 4.80 | 0.02 |
| 3 | ASSAM | 153.15 | 1937 | 12.65 | 5.75 | 4222 | 27.57 | 8.14 | 170 | 1.11 | 2.10 | 8636 | 56.39 | 7.27 |
| 4 | BIHAR | 485.99 | 1128 | 2.32 | 3.35 | 4419 | 9.09 | 8.52 | 1182 | 2.43 | 14.62 | 4533 | 9.33 | 3.81 |
| 5 | CHHATTISGARH | 124.60 | 1380 | 11.08 | 4.09 | 1881 | 15.10 | 3.63 | 109 | 0.87 | 1.35 | 1181 | 9.48 | 0.99 |
| 6 | GOA | 8.89 | 86 | 9.67 | 0.26 | 70 | 7.87 | 0.13 | 0 | 0.00 | 0.00 | 40 | 4.50 | 0.03 |
| 7 | GUJARAT | 288.12 | 732 | 2.54 | 2.17 | 2230 | 7.74 | 4.30 | 29 | 0.10 | 0.36 | 7812 | 27.11 | 6.57 |
| 8 | HARYANA | 121.12 | 971 | 8.02 | 2.88 | 1957 | 16.16 | 3.77 | 263 | 2.17 | 3.25 | 3617 | 29.86 | 3.04 |
| 9 | HIMACHAL PRADESH | 33.89 | 250 | 7.38 | 0.74 | 290 | 8.56 | 0.56 | 0 | 0.00 | 0.00 | 328 | 9.68 | 0.28 |
| 10 | JAMMU & KASHMIR | 57.53 | 378 | 6.57 | 1.12 | 949 | 16.50 | 1.83 | 7 | 0.12 | 0.09 | 428 | 7.44 | 0.36 |

| Sl. No. | State | Female Population* (in Lakh) | Rape (Sec. 376 IPC) | | | Kidnapping and Abduction (Sec. 363-369, 371-373 IPC) | | | Dowry Deaths (Sec. 304B IPC) | | | Cruelty by Husband or his Relatives** (Sec. 498A IPC) | | |
|---------|----------------|------------------------------|---------------------|-------|-------|--|-------|-------|------------------------------|------|-------|---|-------|-------|
| | | | I | R | P | I | R | P | I | R | P | I | R | P |
| 11 | JHARKHAND | 157.69 | 1204 | 7.64 | 3.57 | 926 | 5.87 | 1.78 | 307 | 1.95 | 3.80 | 2084 | 13.22 | 1.75 |
| 12 | KARNATAKA | 299.84 | 1030 | 3.44 | 3.06 | 1359 | 4.53 | 2.62 | 277 | 0.92 | 3.43 | 3276 | 10.93 | 2.76 |
| 13 | KERALA | 179.67 | 1221 | 6.80 | 3.62 | 185 | 1.03 | 0.36 | 21 | 0.12 | 0.26 | 4820 | 26.83 | 4.05 |
| 14 | MADHYA PRADESH | 357.89 | 4335 | 12.11 | 12.86 | 2873 | 8.03 | 5.54 | 776 | 2.17 | 9.60 | 4988 | 13.94 | 4.20 |
| 15 | MAHARASHTRA | 554.49 | 3063 | 5.52 | 9.09 | 1874 | 3.38 | 3.61 | 320 | 0.58 | 3.96 | 8542 | 15.41 | 7.19 |
| 16 | MANIPUR | 12.48 | 72 | 5.77 | 0.21 | 125 | 10.02 | 0.24 | 0 | 0.00 | 0.00 | 29 | 2.32 | 0.02 |
| 17 | MEGHALAYA | 13.32 | 183 | 13.74 | 0.54 | 33 | 2.48 | 0.06 | 2 | 0.15 | 0.02 | 23 | 1.73 | 0.02 |
| 18 | MIZORAM | 5.00 | 89 | 17.80 | 0.26 | 2 | 0.40 | 0.00 | 0 | 0.00 | 0.00 | 5 | 1.00 | 0.00 |
| 19 | NAGALAND | 10.99 | 31 | 2.82 | 0.09 | 11 | 1.00 | 0.02 | 1 | 0.09 | 0.01 | 4 | 0.36 | 0.00 |
| 20 | ODISHA | 205.70 | 1832 | 8.91 | 5.44 | 2067 | 10.05 | 3.98 | 395 | 1.92 | 4.89 | 2792 | 13.57 | 2.35 |
| 21 | PUNJAB | 130.88 | 888 | 6.78 | 2.63 | 987 | 7.54 | 1.90 | 126 | 0.96 | 1.56 | 1741 | 13.30 | 1.46 |
| 22 | RAJASTHAN | 336.01 | 3285 | 9.78 | 9.75 | 4047 | 12.04 | 7.80 | 453 | 1.35 | 5.60 | 15094 | 44.92 | 12.70 |
| 23 | SIKKIM | 2.95 | 43 | 14.58 | 0.13 | 16 | 5.42 | 0.03 | 0 | 0.00 | 0.00 | 5 | 1.69 | 0.00 |
| 24 | TAMIL NADU | 340.86 | 923 | 2.71 | 2.74 | 1516 | 4.45 | 2.92 | 118 | 0.35 | 1.46 | 2471 | 7.25 | 2.08 |
| 25 | TRIPURA | 18.14 | 233 | 12.84 | 0.69 | 124 | 6.84 | 0.24 | 29 | 1.60 | 0.36 | 827 | 45.59 | 0.70 |
| 26 | UTTAR PRADESH | 988.31 | 3050 | 3.09 | 9.05 | 9737 | 9.85 | 18.77 | 2335 | 2.36 | 28.89 | 8781 | 8.88 | 7.39 |
| 27 | UTTARAKHAND | 50.29 | 228 | 4.53 | 0.68 | 633 | 12.59 | 1.22 | 43 | 0.86 | 0.53 | 435 | 8.65 | 0.37 |
| 28 | WEST BENGAL | 444.25 | 1685 | 3.79 | 5.00 | 3830 | 8.62 | 7.38 | 481 | 1.08 | 5.95 | 18116 | 40.78 | 15.24 |

* Project Mid year Population of Female for the Year 2013 used (Source: Registrar General of India)

I – Incidence, R – Rate of Crime, P – Percentage Share

** Cases reported under Section 498A IPC has various socio-economic and familial linkages and hence should be constructed as heinous crime against women.

Table-2 Age Group wise Victims of (Incest) Rape Case in 28 States during 2013

| Sl.No. | Age | Case Reported | Percentage |
|--------|----------|---------------|------------|
| 1 | Upto 10 | 94 | 18.76 |
| 2 | 10-14 | 127 | 25.34 |
| 3 | 14-18 | 134 | 26.74 |
| 4 | 18-30 | 112 | 22.35 |
| 5 | 30-50 | 34 | 06.78 |
| 6 | Above 50 | 00 | 00.00 |
| | | 501 | 100.00 |

The above tables shown the statistics of crimes committed against women of different states and with respect to age groups.

Conclusion

Women empowerment is an irritant in the mindset of patriarchal society. This has encouraged the increase in the incidence of violence against women. Laws are redundant in the absence of social responsibility towards gender issues and the political will to implement them. The crime rate can hardly be curbed due to rampant corruption in the political system. The civil society should fight the decadent, patriarchal culture that considers women merely as instruments of reproduction. This mindset should change in consonance with our constitutional guarantees to women.

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