

Violence against women with special reference to India and measures to mitigate

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Abstract

Violence against women is a term used to collectively refer to the violent acts that are primarily or exclusively committed against women. Violence against women is a touchstone that illustrates the limited concept of human rights and highlights the political nature of the abuse of women. The United Nations general assembly defines "Violence against women " as "any act of gender based violence that results in physical sexual or mental or harming sufferings to women including threats of such acts, coercion or arbitrary deprivation of liberty , whether occurring in public or private life ". The 1993 Declaration on the elimination of violence against women noted that this violence including battering , sexual abuse of children , dowry related violence, rape, female genital mutilation and other traditional practices harmful to women , non spousal violence and violence related to exploitation sexual harassment and

intimidation at work in educational institutions and elsewhere , trafficking in women , forced prostitution and violence could be perpetrated by assailants of either gender, family members and even the “state”, itself.

Reasons for Violence against women

It is seen that the “state” at times inflict violence upon women and are given very limited rights. one of the prominent reason is the women leadership gap. The ideas of what constitute leadership such as ambitions and directness are considered “masculine” Women are considered as soft, mild, sensitive and undermines women authority and career advancing work. As of 1st September 2021, there were 26 women serving as Heads of state or government in 24 countries and only 4 countries have 50 percent or more women in parliament in single or lower houses. These lack of leadership gap among women leads to limited framing of laws and policies which will benefit women. Moreover lack of abortion rights is also one of the ways to inflict violence in women. Women’s ability to access legal and safe abortions is restricted in law or in practice in most of the countries of the world. Infact when abortion is permitted by law women have severely limited access to safe abortion services because of proper regulations, health services or political will. Thus for this reason 13 percent of maternal deaths.

worldwide are attributed to unsafe abortions. Had the state not interfered in the abortion rights of women , they could carry out safe abortion. In this way women even don’t have right of one’s

womb and body which is increasingly controlled by the state. Moreover gender based violence occur across the globe such as rape, forced prostitution, verbal assaults etc. these are considered as human rights abuse but there is no detailed international treaty on gender based violence.

Violence against women may exist in different form be it economic violence where the women are not equally paid like the man co workers .It thus undermines the economic aspects of women . Many women are encourage to become economically independent and thus they have to depend upon the male counterpart. Violence in women has also been inflicted through sexual violence. As per World Health Organisation(WHO) findings about 1 in 3 (355) worldwide have experienced either physical or sexual intimate partner violence or non partner sexual violence in their lifetime.Globally 38% of murders of women are committed by male intimate partner. Such foms of sexual violence affect women's mental, physical and reproductive health. There are instances where force prostitution has the increased risk of contracting HIV. Even in a married relationship women are subjected to violence such as marital rape . These cases are not reported and are ignored and women have to continue such relationship as they are in most of the time not financially independent. Thus these are some reasons which increases violence against women across the globe

Measures to mitigate Violence against women.

Violence has been inflicted upon women in one form or

the other so protection and promotion of human rights is immensely required. The United Nation is committed to actively protect and promote all human rights and enhances gender equality by promoting and ratifying treaties and their and their operational protocols. The United Nations in 1946 setup a Commission on the status of women (CSW) established by the Economic and Social Council(ECOSOC). The CSW is the principal global intergovernmental body instrumental in promoting women rights, documenting the reality of women's lives throughout the world and shaping global standards on gender equality and empowerment of women. The Commission also contributes to follow up to the 2030 Agenda for Sustainable development so as to accelerate the realization of gender equality and empowerment of women. The United Nation also in 1975 as the International Women's year and 1975-1985 as the women's development decade to focus attention on the extent of discrimination against women and to promote legislative measures in member nations to end all forms of discriminations. One of the milestone of protecting women's rights and liberties was the Convention on the Elimination of all forms of discrimination against women(CEDAW) which is an international treaty adopted in 19 by the UN General Assembly and entered into force on 3 September 1981. CEDAW addresses the need to ensure men and women in the legal system which meant that all discriminatory laws were to be abolished and legal mechanisms was to be adopted that ensured women entitlement

to certain rights which addressed the problem of oppression. The Convention is the only human rights treaty which affirms the reproductive rights of women and targets culture and traditions as influential forces shaping gender roles and family relations.

One of the violence against women is inflicted through Female genital mutilation(FGM) which involves the partial or total removal of external female genitalia or other injury to the female genital organs for non medical reasons . It is mostly carries out on young girls between infancy and age 15FGM can cause severe bleeding and problems urinating and later cysts, infections as well as complications in childbirth and increased risks of newborn deaths . It is estimated that more than 200 million girls and women alive today have been cut in 30 countries in Africa , the middle East and Asia where FGM is concentrated.The World Health Organisation has opposed Female genital mutilation .International Day of Zero Tolerance for Female Genital Mutilation sponsored by the UN takes place on February 6 which is an annual awareness day to eradicate female genital mutilation.The UN General Secretary Antonio Guterras said”Together, we can eliminate female genital mutilation by 2030, Doing so will have a positive ripple effect on health, education and economic advancement of girls and women.”

However despite such conventions and legal frameworks to protect women’s rights and efforts to mitigate violence against women, there have been cases of women oppression across

the globe. Some are even not reported due to the lack of awareness

Women violence in India

Violence against women is very common in India and is increasing day by days. If we look at history. We can find various instance of violence inflicted upon women. Most prominent one was Sati which lead to the widow burning in the funeral pyre of her husband. Violence against women were at peak during the partition when the Indian subcontinent was divided into two halves : India an d Pakistan. On the basis of religion. It is estimated that during the partition between 75000 and 100,000 women were kidnapped and raped.. The chapter 'honour' from Urvashi Bhutralia's book "the other side of Silence:Voices from the Partition of India " gave a detailed narration of people who experienced the wrenching incidents. The chapter gives readers an insight of the trauma faced in particular by women who took their own lives an d men who killed their own families in the fear of conversion that would harm their pride . They see the danger threat families and the entire community perceived was the loss of honour.During partition women were seen as vulnerable and targeted easily. They were in the verge of being raped, abducted, impregnated which were believed to pollute the whole community for they would give birth to impure child. Thus women were killed by their own family members to save the purity of religion.Suicides was morally preferable than submission . There were instances of women jumping into the

well to save the honour of the family as well as the community. There is a contradictory images of women on the one hand the country is portrayed as “Bharat Mata” giving privilege to women depicting as a goddess and on the other hand women are being targeted as weapon to pollute the community. Thus the notion of violence against women during the partition was patriarchal as women choices and opinions were not asked

Even after decades of India’s Independence, the condition of women has not improved

. A survey conducted by the Thomson Reuters Foundation has ranked India as the world’s most dangerous country for women, ahead of Afghanistan, Syria and Saudi Arabia. The reason is because women of all ages including minor girls has been raped in India. Some of the notable rape incidents from 2012 to 2020 are the Nirbhaya gang rape 2012, the Shakti Mills gang rape 2013, Unnao rape case 2017, and a rape of a 6 year old girls in Madhya Pradesh in April 2020. Rape occurred every year and nothing has changed. At most times the judicial system in India is to be blamed as it is quite slow in giving justice to the victims. Moreover in India Women are denied the freedom of their existence due to entrenched structures and practices such as customary laws, the family, religion etc

Protection of women’s Rights in India and measures to mitigate violence against women

The signing of UDHR, 1948 by India signifies its commitment to provide equal rights and opportunities to women

ensuring their protection and justice. The National Commission for Women is a statutory body which was setup by an act in the Parliament in 1990 to represent the rights of women in India and to provide voices for their issues and concerns. It further recommends remedial measures and facilitate redressal of grievances and advises the government on the policy matters affecting women. Moreover after independence a number of legislative measures were taken for protection of women's rights and mitigating violence against women.

1. **The Suppression of Immoral of Women and Girls Act, 1956:** This act is an act to prohibit prostitution. If a girl is sexually exploited and any person gains out of the same, it amounts to commercial sexual exploitation which is legally punishable offence wherein the culpability lies against all exploiters
2. **The Equal Remuneration Act, 1976:** This Act provides for the equal remuneration to men and women workers and the prevention of discrimination on the grounds of sex, against women in matter of employment
3. **Protection of Women from Domestic Violence Act, 2005:** This Act is a very comprehensive and promising legislation that combines civil remedies with criminal procedures to ensure effective protection and immediate relief to violence of any kind occurring within the family. This law for the first time recognizes a women's rights to a violence free home

4. **Sexual harassment of women at Workplaces(Prevention, Prohibition and Redressal)Act, 2013.** This is a legislative act in India that seeks to protect women from sexual harassment at places of their work. This statute superseded the Vishakha Guidelines for Prevention of Sexual Harassment (POSH)introduced by the supreme court of India.The Act is extremely wide to cover all women irrespective of all ages or employment status etc.

Conclusion

Thus Violence against women on all forms be it economic, sexual, verbal, physical is occurring due to the lack of awareness and further the negligence of the society as well as the state at large which never gave women issue the importance that should have been given. Women were never seen as breadearners rather portrayed as one who could bear child. Women are always considered submissive to their male counterparts even though they have proved their worth many times.Though there are many international conventions from time to time, but the issue of Violence against women has not properly been addressed.Thus it is the human rights of women at large to live a life of dignity without any violence and they must refuse to submit to the male domination on all forms.

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