Cultural Pattern of Violence Against Women in India: Challenges and Possible Solutions

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Abstract:
This research paper is an examination that aims to study the extent of men’s violence against women. Violence against women is a violation of bodily integrity and of women's basic freedoms and rights. The paper is divided into four sections. The first section, Introduction, addresses the issue while the second explores the challenges through statistics. The third section discusses the causes. Though various laws have been enacted to prevent violence, yet lack of knowledge as well as demented social perceptions cause its continuance. The final section proposes possible solutions for the issue in question. Violence against women needs to gain status as a public and societal issue requiring to be tackled at political level rather than being a marginal problem of the society.

Introduction

This research paper is an examination that aims to study the extent of men’s violence against women. Gender-based violent behavior highlights a male-patterned violence frequently motivated by aggression, vengeance, competition, and entitlement against women and children.

Violence against women is not limited to physical violence. It can be manifested in several ways: physically, mentally and sexually or through threatening behaviour. Violence occurs in all social groups and at all ages. It is not limited to certain sorts of people or relationships. In 1993 the UN adopted the Declaration on the Elimination of Violence against Women. In the declaration, violence against women was defined as

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.

Similarly Article 2 of the Declaration on the elimination of Violence Against Women reads as follows:

Violence against women shall be understood to encompass but not limited to ... 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.
Violence against women is a violation of bodily integrity and of women's basic freedoms and rights. It is a criminal act. In India different anti-social activities may be categorized in these sub-heads:

1. Sexual violence - rape, molestation, sexual harassment at workplace. (Crimes under IPC)
2. Physical violence - domestic violence, honor killing, dowry deaths, female foeticide
3. Psychological violence - gender discrimination at home, school, mental cruelty.
4. Restricted freedom - eve-teasing, school dropouts, child marriage, job restrictions
5. Threats of violence - acid attack threats, abduction threats.

This study may help to shed light on how widespread violence is, and its consequences could lead to future researches into the subject of violence. Until recent times, no statistics existed to signify the extent of violence against women. Even today just a small number of cases are reported and still few recorded. In our country, studies aiming at developing theories of gender-related violence are still a neglected field. Until now, the absence of research based knowledge pertaining to violence against women has caused violence to be treated as a marginal phenomenon. I argue in this paper that these violence, instead of being considered as sex crime, ought to be treated as gender crime.

Challenges

Today we need to focus on women’s experiences so as to bring out the gender dimension and to study the relation between power and gender in place of traditionally believing the perpetrators of violence to be “deviant” individuals. The emphasis should be on ameliorating the life-situation of women and combating the inequality inherent in a society which subordinates women to men. Patriarchy poses only two roles for men: either the protector of women’s honor or its violator. Women are subject to various forms of gender assault, gross or subtle, throughout their lives. According to World Health Organisation (WHO) estimates, one-third of the world's women and girls subjected to rape or violence at one or more instances. In almost half of murders of women, the partner is the perpetrator.

Statistics

The reporting of assault against women in India has increased in the last ten years. According to the NCRB statistics 2011:

- A total of 2,28,650 incidents of crime against women were reported, both under Indian Penal Code (IPC) and Special and Local Laws (SLL). This was an increase of 7.1% over 2,13,585 reported incidences in 2010.
- Rape cases increased by 9.2% in 2011 over 2010 with 24,206 reported cases. Of the total rape victims, 10.6% (2,582) were girls under 14 years of age, 19.0% (4,646 victims) were teenage girls (14-18 years), 54.7% (13,264 victims) were women in the age-group 18-30 years, 15.0% (3,637 victims) were in the age group of 30-50 years and 0.6% (141 victims) over 50 years of age.
In the year 2011, India recorded 8,618 dowry deaths, 99,135 torture cases, 42,968 molestation cases, 8,570 sexual harassment cases, 80 cases of importation of girls, 2,435 immoral traffic cases, 453 cases under Indecent Representation of Women (Prohibition) Act and 6,619 cases under Dowry Prohibition Act.

This increase may be due to higher rate of reporting and also a real increase in violence.

Discussion

These statistics display that violence against women is far from being a marginal problem. Practically every second a woman is being subjected to violence somewhere. In view of this it is absolutely impractical to consider violence against women as a marginal and isolated problem which can be dealt with separately from discussion of relations between men and women in society as a whole. Moreover, for many women their violent experiences are not distant in time; young women in particular have suffered such experiences in the past year. It is imperative that the knowledge of the extent of gender-related violence revealed by this study should result in measures to halt the violence. Such measures will need to take particular cognizance of the extent of the violence and its consequential bearing on the daily life of men and women. Gender-based violence not only violates human rights, but also hampers productivity, reduces human capital and undermines economic growth. The position of women in India has undergone transformation over the decades. Big steps are being taken to ensure equality for women in Indian society. However, gaps and contradictions in protection of basic rights still exist. The Government has actively sought to improve the status of women, both through law and policy. Ray and Anderson in their book write

About 12 per cent of women in India are missing at birth: they are probably missing due to sex selective abortion or infanticide. Another 25 per cent perish in childbirth. But that’s only a little more than a third of the total. Another 18 per cent go missing during their reproductive period, which picks up among other things deaths during childbirth. But a massive 45 per cent of the total number of missing women go missing in adulthood, something which by definition cannot have anything to do with sex selection.

Hence, we kill our women before birth, after birth and keep killing them as they grow up. In a society like this it is not surprising that men grow up with horribly demented minds and commit atrocious rapes like the one in Delhi.

Causes

Apart from some minor causes, as alcohol and drug addiction, weak economical and social status, poverty and unemployment, religious beliefs as contributing factors to violence, lack of awareness and less access to information about their rights and entitlements as well as how to seek remedies is the major cause of victimization of women. Women in our society are excluded from participation over matters external to the household, such as business and enterprises or expression of their views and needs in public. Lack of capacity to bear financial cost is also one of the reasons for a failure or delay in seeking redress by victim women. Many women affected...
by domestic violence are unable to access courts for divorce cases due to financial costs, including court fees and transportation expenses. Due to lack of social mobility and in absence of childcare support facilities women are less willing to make claims. Social stigma, fear and shame apart from ingrained low self-esteem in women due to our dominating patriarchal social structure that believes in subjugating women too prevents women from seeking redress. Indian women are made to learn right from their birth to be tolerant and patient and maintain the relationship with spouse and his family at any cost. Gender-bias and gender insensitivity are quite prevalent in our judicial and police system. Domestic violence and marital rape are often considered as private matters and supposed be tolerated on social, traditional or religious grounds and is therefore excluded from judicial concern. Sexual violence is also often considered as to be caused on provocation by women. The socio-demographic data ought to be collected and studied so as to expose the attitudes of people from different strata of society towards each of these kinds of violence.

**The Knowledge of Laws on Domestic Violence Against Women**

Crime against Women are broadly classified under two categories.

1. The Crimes Identified Under the Indian Penal Code (IPC)
   
   (i) Rape (Sec. 376 IPC)
   
   (ii) Kidnapping & Abduction for different purposes (Sec. 363-373)
   
   (iii) Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
   
   (iv) Torture, both mental and physical (Sec. 498-A IPC)
   
   (v) Molestation (Sec. 354 IPC)
   
   (vi) Sexual Harassment (Sec. 509 IPC)
   
   (vii) Importation of girls (up to 21 years of age)

2. The Crimes identified under the Special Laws (SLL)

   Most laws mentioned hereunder are not gender specific. The provisions of law that affect women extensively have been reviewed and amendments carried out to keep pace with the emerging requirements. Some acts which have special provisions to safeguard women and their interests are:

   (i) The Employees State Insurance Act, 1948
   
   (ii) The Plantation Labour Act, 1951
   
   (iii) The Family Courts Act, 1954
   
   (iv) The Special Marriage Act, 1954
   
   (v) The Hindu Marriage Act, 1955
There is an urgent need to make women aware of the rights and powers bestowed in them by law. Such knowledge will equip them with the power to enforce their rights and seek redressal when infringed. It also gives them the requisite legal assistance to assert themselves in society.

Laws for prevention of female feticide

Medical termination of Pregnancy Act, 1971 states that no pregnancy shall be terminated unless it is immediately necessary to save life of the mother. Such provisions are necessary to protect female fetuses from being terminated. A Registered Medical Practitioner (RMP) should be of the opinion to terminate the pregnancy. However, provisions exist where pregnancies as a result of rape may be terminated as they amount to mental injury.

Possible Solutions for preventing Female feticide:

1. The MTP Act must separately provide penal provisions for conducting sex selective abortions. Conducting abortions in contravention to the act must be made a punishable offence to deter RMPs from performing abortions.
2. Records of medical abortions must be maintained disclosing the sex of the aborted fetus, when detectable.
3. The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 defines “pre-natal diagnostic procedures”, “prenatal diagnostic tests” and “pre-natal diagnostic techniques”. These terms should be replaced with the “pre-natal and ante-natal diagnostic services” and “prenatal and ante-natal diagnostic tests” to allow the entire gynecology/obstetrical practice to be monitored under the law. The sphere of the
law needs to be suitably amended to echo the role of the gynecologist who is often the first person a pregnant woman sees.

**Setting up of Recommendatory Bodies**

One of the recommendations of the ‘Committee on Status of Women in India’ (CSWI) (1971-74) was the setting up of a National Commission for Women. It was established through an enactment, the National Commission for Women Act, 1990 to safeguard and promote the rights of women. However, as this statutory body has only recommendatory powers, it has been ineffective in addressing issues critical to women.

In 1993, India ratified the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), with one reservation and two declaratory statements. Following this, a taskforce was set up to review and suggest amendments to laws. Important amendments to laws pertaining to divorce and maintenance were carried out, notably – Indian Divorce (Amendment Act) 2001, Indian Succession Amendment Act 2001, Marriage Laws (Amendment) Act 2001. The attempt to bring about social transformation through legislation is still being pursued with mixed results. Noteworthy amongst these are: the Medical Termination of Pregnancy Act 1971, the Dowry Prohibition Act 1961, the Immoral Traffic (Prevention) Act 1986, the Indecent Representation of Women (Prohibition) Act 1986, the Commission of Sati Act 1987, the Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 2002, the Maternity Benefit Act, 1961, and the Protection of Women from Domestic Violence Act 2005. The National Plan of Action for the Girl Child (1992) recognizes the right of the girl child to equal opportunities and seeks to eliminate all forms of violence perpetrated against the girl child.

**Solutions**

I argue that in order to deal with this challenge gender should be introduced as an analytical concept in the study of violence, and the problem of violence should be discussed and analysed from a structural perspective. This will lead to new questions as well as new perspective to the problems. Violence against women would then gain status as a public and societal issue requiring to be tackled at political level rather than being a marginal problem of the society.

- Strengthening of substantive framework on gender equality is required.
- Addressing discriminatory as well as detrimental gender-blind provisions in both formal and informal rules is required to ensure access to justice.
- Women representation in justice institutions should be increased. Women's access to legal aid services should also be increased.
- Empowering women, both individually and collectively is important; enabling them to engage in social discussions.
- Initiatives should be taken to open up spaces for them to negotiate and voice.
- Victim rehabilitation programs must be initiated to help victims recover and readjust into society.

The legal and cultural exclusion of women from governance throughout history means that affirmative steps are essential to guarantee that their representation is achieved. In September 2000 at the UN Millennium Summit in New York, world leaders pledged to “promote gender
equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable.” World leaders adopted the MDG’s, which is “to promote gender equality and empower women.” While the MDG’s do not represent binding law, most UN member states have signed on to these goals. Each country’s progress is being monitored by the Millennium Campaign. One important goal of which is “to promote gender equality and empower women.”

Works Cited:
- http://www.millenniumcampaign.org