

VIOLENCE AND DISCRIMINATION AGAINST WOMEN IN INDIA: REVIEW OF FACTS AND LEGAL STATUTE

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ABSTRACT

The proliferation of cases of violence against women in India has grievously raised concerns about gender disparity in our society. In a country where women are said to be highly revered as an incarnation of deity undergoes and endure immense suffering and agony. The changing time and technology have indubitably opened immense ways and opportunities for them, however the fear of an unsafe and unprogressive environment, biased opinions, perception, and attempts to judge their motives and actions at every point still obstruct and cause impediment in their free movement and independent living status. This paper is a serious attempt to awaken the inner consciousness of oneself through substantial and published facts and figures by the govt. of India in National Family Health Survey (NFHS-3), 2005-06 along with the legal framework of the country regarding the prohibition of violence against women. Few suggestions have also been proffered which readers can take away with them at the end of this research paper.

Keywords: Domestic Violence, Gender Roles, Physical Abuse of Women, Discrimination Against Women, Legal Framework for Prohibition of Violence Against Women.

Introduction

In the era of women empowerment where women, on one hand, are establishing themselves as emerging and prominent leaders, key managers, and influencers across the world, the reality of common women in society is still murmured under the carpet. The very first question when I hear the word empowerment associated with women struck my mind is, why women need empowerment and who we are to facilitate or proffer it to them. The Almighty has endowed and bestowed women with the blessing of conceiving a child in her womb and bringing life to this world after dying pain and atrocities, then who else do they think they are to empower them in any manner. As a society, the best we can do is to foster a safe and flourishing environment where we surely are lacking behind and has averted our eyes so far. Changing times, unfolding human and personal needs, and increased living expenditures have prompted us to encourage women to be independent and have compelled them to step out of the home for work purposes and family financial needs. However, how discriminately the outer world welcomes them is not a hidden story for anyone. Those women who are unskilled due to being illiterate or less educated still bend over backward to prove their worth to the family and society. However, their diligent and conscientious inputs are at times considered meagre and of little or no worth.

With the emerging and ever-evolving technological world around us, man and muscles are no longer in the business when it fundamentally and essentially comes to earning bread and butter for the family. So, it's a sheer fallacy that women are outperforming in the business world just because society has opened up opportunities for them, it's the changing time and technology that has done the needful. What was considered more of a man's job can be effortlessly done today single-handedly controlled by a machine or robot. Consequently, immense opportunities have opened for people from any gender to come and sit in the managing position irrespective of their gender. When earning and living rules have changed and molded people accordingly still the dominance of decision-making in most of the family is considered a prerogative to the male family members only. Women are consulted often a while, however, it's the male family member who steers the journey of life on many fronts.

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Genesis

The genesis of the discriminatory mindset against women starts very early before their birth only. Many people in the Indian society still have preferences for male child which obviously in a very subtle manner keeps feeding their subconscious minds with the feeling of a girl child being a liability and a burdensome responsibility. Eventually, this feeling embraces its root in people's mind and instigate frustrated and infuriated conduct and feeling of aversion against them in the family and in the larger context of society as well.

The protection of women from domestic violence act, 2005 defines domestic violence as **(Ministry of Law and Justice, 2005):**

Any harm or injury including physical, sexual, verbal, emotional, and economic abuse inflicted on women that may endanger her safety, health, and life and may impinge her survival through threats and unlawful demands of things, property, dowry, or valuable security comes under the purview of law as constituents of violence against women.

The proof of violence against women in Indian culture is evident and dates back to the time of Dvapara Yuga which is considered the third yuga of the four yuga cycles in Hinduism. Mahabharata depicts the incident when Duryodhana the elder son of Dhritarashtra of the Kuru dynasty referred to as Kauravas in the Mahabharata inflicted verbal and physical abuse on Draupadi and mistreated her as a slave even after being his sister-in-law. Draupadi has been mentioned as the queen of Indraprastha and irrespective of her status, power, and influence the atrocities and torment foisted on her were brutal and inhumane. Even in the contemporary world the cases of violence are evident in every class of society and are not restricted only to the poor section of society. Women in affluent families also often have been heard of condoning verbal abuse, derogatory remarks, and other forms of assault and violence in isolation.

Review of Literature

Violence against women in their own homes is the most common form of exploitation and torture they underwent throughout their life and which is prevalent in nearly every society and part of the world **(Kaur & Garg, 2010)**. Nearly half of the population of the country includes females, still, their socio-economic status in society lags behind on many fronts **(Choudhary et al., n.d.)**. Socio-economic variables e.g., less educated, low family income, old age etc., contribute to more vulnerability of women to domestic violence in India **(Babu & Kar, 2009)**. Domestic violence and torment inflicted on women often remains unreported and concealed owing to cultural influences and the common attitude of people toward violence against them **(Chandra et al., 2009)**. In the modern patriarchal society even today the women who are victims of physical, sexual, mental, and economic abuse in some parts of the country endure suffering and took the blame on themselves and don't report it to the concerned authorities **(Mahapatro et al., 2012)**. Still in our country violence against women at home is considered a private affair that can be mediated by family members only and thus hinders any authoritative intervention from legal and regulatory bodies **(Panchanadeswaran & Koverola, 2005)**. The shame, fear, biased attitude, and perception of society towards domestic violence against women at times unobtrusively compel them to condone such incidents and believe that no one can really help or would be more heedful to them **(Jain1 et al., 2004)**.

The discriminant approach and prejudice against women in society have never considered any form of violence against them as a serious issue or matter of concern at large from public health viewpoint **(Jeyaseelan et al., 2007)**. Women for a long time have been categorized as pregnable and impuissant and consequently helpless against being exploited which instilled the acceptance of violence as common conduct that happens to them **(Kaur & Garg, 2008)**. Wives at home being tortured and mistreated by their husbands is not just an illegal act but also a public health concern and grievous human right violation **(Mondal & Paul, 2021)**. At times women are left on their own in the process of justice and protection against violence inflicted on them and at times even held responsible for being the cause themselves **(Kethineni et al., 2016)**. In the contemporary male-dominated society men have always scooted themselves into dominating, authoritative, and controlling roles in the society, and women are compelled to be submissive, dependent and always manifest respect and revere for everyone in the society. This subordinate status granted to women becomes the root cause of continued violence against them **(Saravanan, 2000)**. Women have significantly acquiesced to the discriminatory division of power roles based on gender in the society irrespective of their socio-economic status and have found congruous to the fact they can be disciplined by men **Visaria, L. (2008)**.

The eye-opening report by National Family Health Survey (NFHS-3), 2005-06 (**International Institute for Population Sciences, 2007**) has disclosed facts about women's participation in decision making:

Urban						
Type of decisions	Mainly by woman %	By woman and husband %	Mainly by husband %	By someone else %	Others %	Missing %
Healthcare	29.7	39.1	26.5	3.5	1.1	0.1
Household Purchase	10.4	51.5	26.8	8.7	2.5	0.1
Purchase of daily household needs	39.9	28.9	19.8	8.8	2.5	0.1
Visits to her family or relatives	12.2	57.3	22.0	6.6	1.8	0.1

Rural						
Type of decisions	Mainly by woman %	By woman and husband %	Mainly by husband %	By someone else %	Others %	Missing %
Healthcare	26.0	33.4	31.7	7.6	1.3	0.1
Household Purchase	7.6	41.2	34.6	13.5	2.9	0.1
Purchase of daily household needs	29.1	27.1	26.9	13.9	2.9	0.1
Visits to her family or relatives	10.0	46.4	28.9	12.1	2.4	0.1

Total (Urban & Rural)						
Type of decisions	Mainly by woman %	By woman and husband %	Mainly by husband %	By someone else %	Others %	Missing %
Healthcare	27.1	35.1	30.1	6.3	1.3	0.1
Household Purchase	8.5	44.4	32.2	12.0	2.8	0.1
Purchase of daily household needs	32.4	27.7	24.7	12.3	2.8	0.1
Visits to her family or relatives	10.7	49.8	26.8	10.4	2.2	0.1

The dominance of the husband and others collectively is clearly evident from the facts furnished above. The figure so depicted elucidates percentage contribution in decisions those are considered of paramount importance only, what really should discombobulate people's inner voice and raise grievous concern in the society is what fraction of percentage contribution women might have in other personal or daily needs, wants, desires, and about their likes and dislikes in the family and the society.

The increased case of violence against women at home, in the workplace, in public places and even on social media in the form of offensive posts and derogatory remarks has utterly proven that only those who are less educated or illiterate act insensitively and are compassionless towards women is just a fallacy. So, it's not the level of education that only matters, but moral consciousness and how one characterizes one's personality through the knowledge and wisdom he/she has gained really makes the difference.

The different form of violence endured and experienced by women is also lucidly explained in the National Family Health Survey (NFHS-3), 2005-06:

Percentage of women of age group (15-49) who have undergone any form of violence				
Country	Physical violence only %	Sexual Violence only %	Physical and sexual violence %	Physical or sexual violence %
India	26.9	1.8	6.7	35.4

The figure contains only cases that have been reported or might have been authenticated through sources, however, the number of such incidents that went unreported and remains under the carpet is regrettably and woefully on the higher side.

The rigorous and strict laws as formulated in the constitution for prohibiting violence against women in all possible manner are in place, however, still, the rate of crime against women has only increased.

The legal framework regarding the prohibition of violence against women in the country studies as below **Sharma I. (2015)**:

- **Indian Penal Code (IPC)**
 - The cruelty inflicted on women either by the husband or his relatives- Section 498A
 - Causing miscarriage- Section 312 and miscarriage without women's consent– Section 313.
 - Death of woman during surgery or operation being done with sheer intent of miscarriage without woman consent- Section 314.
 - Actions inclined to prevent the birth of child alive or cause to death after birth- Section 315.
- The Dowry Prohibition Act (DPA) 1961.
- The Family Courts Act, 1984 to addresses marital disputes related to family affairs.
- Protection of Women from Domestic Violence Act, 2005.
- Commission of Sati (Prevention) Act, 1987 to prevent and discourage the virtue and glorification of the Sati system in the country.
- National Commission for Women Act, 1990 aimed at reviewing legal and constitutional safeguards for women, remedial measures, settling of disputes and redressal mechanisms, and proffer advice to the government on all possible policy matters concerned with women.
- The Indecent Representation of Women (Prohibition) Act, 1986 restricts the representation of women in an inappropriate and indecent manner in publications, advertisements, writings, paintings, and figures.

Suggestion to Ameliorate the Situation

- Society, parents, and teachers should foster and elucidate the clear and absolute relationship between a man and woman, their sensitive roles as individuals, and the limits and restrictions governing their behaviour and attitude towards each other. Gender neutralization is what should be proselytized and encouraged at all levels of social interactions.
- Everyone is equal in the eye of the law should not just remain a quote or saying in the process of justice. Justice should be equally served to everyone irrespective of their status, power, and influence in society. Even in the presence of required laws, the fear of getting punished is absent due to a lack of lenient and unconscientious implication of law and is often disregarded on the basis of caste, religion, and other biased perceptions.
- Moral, ethical and religious values should be proselytized and encouraged in society on all possible fronts e.g., in academics, the workplace, social and religious gatherings to foster conscious human development embedded with respect and honor for each other. Explicit sexual content should be prohibited by the authority which can preclude and forestall provocative and immodest emotions engendering criminal behavior.

Conclusion

As mentioned earlier in this article, it's not the level of education only that matters, however, human moral consciousness and perceived behaviour a person adopts in life significantly molds his/her personality. In the blind race of excelling in different aspects of life, we had taken education just as an eligibility criterion to get the desired job or luxury of life and have averted our eyes from the learning process. We need to resuscitate moral consciousness as an elemental and cardinal aspect of human intelligence in our society along with the legal interventions in place. No matter how stringent laws and regulations we adopt in society, till the time we realize our ethical obligation and morally comprehend what is right and wrong or what is acceptable and what clearly not we are never going to headway as a society and community. On the practical and governance front, regular home or at least colony screening by police, govt. approved mid-wives/nurses, Aanganwadi workers, or female volunteers from the human rights commission or any affiliated cooperative society worker should be conducted to keep an eye on and address any such possible incidence. At the village or rural level gram panchayats should come forward and conduct regular meetings with people at regular intervals to foster community understanding regarding every form of violence no matter how small or big it is considered or has been tolerated by

women for generations in their home. Gram Sevak and panchayat workers and local volunteers are required to consult with people in a comprehensible manner and encourage them to talk about any such issues without hesitation and not to limit or hide such events and incidents in the name of their own business or personal matter.

References

1. Babu, B. V., & Kar, S. K. (2009). Domestic violence against women in eastern India: A population-based study on prevalence and related issues. *BMC Public Health*, 9. <https://doi.org/10.1186/1471-2458-9-129>
2. Chandra, P. S., Satyanarayana, V. A., & Carey, M. P. (2009). Women reporting intimate partner violence in India: Associations with PTSD and depressive symptoms. *Archives of Women's Mental Health*, 12(4), 203–209. <https://doi.org/10.1007/s00737-009-0065-6>
3. Choudhary, R., Kaithwas, M., & Rana, G. (n.d.). *6 Domestic Violence Against Women's in India A Study*. <https://ssrn.com/abstract=3354266>
4. International Institute for Population Sciences. (2007). National Family Health Survey (NFHS-3), 2005-06: India: Volume I. In *International Journal of Health Care Quality Assurance* (Vol. 18, Issue 7). <http://www.emeraldinsight.com/doi/abs/10.1108/ijhcqa.2005.06218gab.007>
5. Jain1, D., Sanon1, S., Sadowski2, L., & Hunter2, W. (2004). *Rural and Remote Health Violence against women in India: evidence from rural Maharashtra, India*. <https://doi.org/10.3316/informit.615633388997380>
6. Jeyaseelan, L., Kumar, S., Neelakantan, N., Peedicayil, A., Pillai, R., & Duvvury, N. (2007). Physical spousal violence against women in India: Some risk factors. *Journal of Biosocial Science*, 39(5), 657–670. <https://doi.org/10.1017/S0021932007001836>
7. Kaur, R., & Garg, S. (2008). Addressing Domestic Violence Against Women: An Unfinished Agenda. *Indian Journal of Community Medicine*, 33(2).
8. Kaur, R., & Garg, S. (2010). Domestic violence against women: A qualitative study in a rural community. *Asia-Pacific Journal of Public Health*, 22(2), 242–251. <https://doi.org/10.1177/1010539509343949>
9. Kethineni, S., Srinivasan, M., & Kakar, S. (2016). Combating Violence against Women in India: Nari Adalats and Gender-Based Justice. *Women and Criminal Justice*, 26(4), 281–300. <https://doi.org/10.1080/08974454.2015.1121850>
10. Mahapatro, M., Gupta, R. N., & Gupta, V. (2012). The risk factor of domestic violence in India. *Indian Journal of Community Medicine*, 37(3), 153–157. <https://doi.org/10.4103/0970-0218.99912>
11. Ministry of Law and Justice. (2005). The Protection of Women from Domestic Violence Act, 2005. *Ministry of Law and Justice, DI*, 12. <https://wcd.nic.in/sites/default/files/wdvact.pdf>
12. Mondal, D., & Paul, P. (2021). Associations of Power Relations, Wife-Beating Attitudes, and Controlling Behavior of Husband With Domestic Violence Against Women in India: Insights From the National Family Health Survey–4. *Violence Against Women*, 27(14), 2530–2551. <https://doi.org/10.1177/1077801220978794>
13. Panchanadeswaran, S., & Koverola, C. (2005). The voices of battered women in India. In *Violence Against Women* (Vol. 11, Issue 6, pp. 736–758). <https://doi.org/10.1177/1077801205276088>
14. Saravanan, S. (2000). *Violence Against Women in India A Literature Review*.
15. Sharma I. (2015). Violence against women: Where are the solutions?. *Indian journal of psychiatry*, 57(2), 131–139. <https://doi.org/10.4103/0019-5545.158133>
1. Visaria, L. (2008). Violence against Women in India: Is Empowerment a Protective Factor? *Economic and Political Weekly*, 43(48), 60–66. <http://www.jstor.org/stable/40278238>.

