

Part – III: Crimes Against Women

There is an urgent need to focus on prevention of violence against women and girls and protection of their rights, provision of quality, sensitive and adequate services to survivors of violence, including speedy administration of justice.

Lack on reliable and periodical data on Violence against women creates an atmosphere of fear and anxiety, and inhibits targeted policy initiatives. In the urban areas, lack of infrastructure such as safe spaces for women, safe transport system, proper toilets make it a dangerous place for women and girls.

Increase alcoholism, drugs and penurious living standards have led to every right being a violation or disrespect of women.

Moreover, open show of vulgarity in films, TV advertisements, where women portrayed as objects of enjoyment further commodify women.

Women's sexuality is also exploited by commercial films to attract attention to products and services.

Crime against women lead to adverse sex ratio and even mothers begin to show preference for a son.

Various crimes against women includes:

- Female Foeticide
- Sexual Harassment
- Rape and acid attacks
- Domestic Violence
- Child Marriages
- Dowry and Bride Burning
- Trafficking
- Witchcraft
- Honour Killing

1. Female Foeticide

It is the most brutal form of murder of women. It is termination of female foetus in the womb of the mother through abortion in illegal manner. This practice is not new in India, it has been practiced from the time of technological advancement and is one of the greatest danger to our contemporary human progress.

It is sign of gender parity and gender based discrimination. It not only violates women's Right to Life, Equality, Protection against Discrimination, but also is an unethical, unjust and inhumane practice.

How can one decide about anyone's death?

How can some bunch of people, in order to oblige their norms and satisfying their ill mentalities, murder a life which is yet to born?

It is right of parent to decide about the foetus. It is their choice to keep or abort it, but this right cannot justify abortion after pre-natal checkups. Determining the sex of the foetus and then deciding to abort or retain it is even more brutal than murdering the girl, as it discriminates the one who is yet to born.

Reasons Responsible for it:

- Girls are considered to be impoverishment and burden, and boys to be liability and enrichment.
- It is general perception that birth of a male child is beneficial and advantageous to the family as a male is traditionally considered to be a source of money, respect, name and fame.
- Another big reason is the patriarchal mindset of Indian society that considers girls to be inferior to boys.
- Another major reason is lack of women empowerment and literacy. Women herself are not aware of their rights and thus could not stand up for themselves.

Impacts of Female Foeticide:

- The scarcity of females could lead to prolonged bachelorhood and polyandry. Scarcity of brides may generate new waves of female migration from neighbouring countries with different culture and customs, contributing to social tensions.
- In the absence of sufficient migration, case of human trafficking, kidnapping, forced marriages and other crimes against women increases.
- Adverse child sex ratio could have bearing on the growing economy in future, as girls are like capital goods, directly providing labour

forces, and bear children who are future labour force.

- Moreover, Social, Economical, Political status of women decline because of it.

2. Sexual Harassment

It involves:

- Physical contact and advances
- A demand or request for sexual favours
- Sexually coloured remarks
- Showing pornography
- Any other unwelcomed physical, verbal or non-verbal conduct to obtain sex.
- **Quid pro quo** harassment, i.e. sexual conduct in which a threat is made or a benefit is offered in order to obtain sex.
- It includes conduct that interfere with a woman's work or create an intimidating, offensive or hostile work environment for her or constitutes health or sexual problems for her.
- Stalking and Eve-teasing: It is a problem experienced almost routinely by women in workplace, public transport, streets and other public spaces.

The pressure to furnish proof, the fear of fighting a superior, the likely impact on career and adverse publicity prevent women from reporting sexual harassment. Lack of proper mechanisms in place to address the complaints of sexual harassment further elevate the suffering.

Even supreme court noted that there is still no proper mechanisms in place to address the complaints of sexual harassment of women lawyers in Bar Associations, lady doctors and nurses, women architect and so on and so forth.

3. Rape and Acid Attacks

The overall definition of Rape is unlawful sexual intercourse, achieved through force and without consent. It is a social problem and requires subjective concerns. It is infact most violent and demeaning crime in a society.

Despite of physical, mental, emotional and psychological problem created by Rape, the blame of being responsible for rape goes on the woman, which further elevates her suffering. **Infact, it is**

the only crime in which victim is held responsible for the crime, not the perpetrator. Her dressing sense, nature, behaviour, etc. are held responsible for making a man loose his control. But the fact is, **it does not take place just because a man cannot control himself, out takes place because he wants to control women.** It takes place because some men cannot accept the fact that women should have an equivalent space to dress, move, play, enjoy and some men cannot accept a 'NO' by a women.

It is not a woman who got raped, but it is a man who rape.

Moreover, suggesting or controlling women in advance by telling them to dress conservatively, do not go out at night, no beer don't laugh loud, etc. in order to prevent rape, put the women in their presumed place and reduce their choices. But that is what rape is all about in any case.

Another disturbing claim is that married woman cannot be raped by husband. But actually marital rape is a serious issue now a days. It needs to be tackled on priority basis, as in this, perpetrator is victim's own husband which makes the situation worse for her. As she is unlikely to be aware of the fact that forced sexual intercourse, within marriage itself is a crime. And moreover, if she try to stand for herself, no body takes her seriously and usually the stakes for her were so huge. By standing for her will, dignity, she is likely to face social isolation. Even the family of girl usually do not takes it seriously. Moreover, proving marital rape is itself a huge problem.

We need to be very clear that any forced act of sex is Rape and this will take place as long as we define women as things to be protected, cherished, taught, used, whatever.

Throwing acid on girls who does not show interest in the perpetrator or reject them, is part of this continuum of sexual adult. It not only physically harm the victim, but its mental, emotional and psychological impact are huge.

4. Domestic Violence

It takes place in all social, economical and cultural setting worldwide. But, in India, the difference is that families are conditional to tolerate, allow and even rationalise it. It takes a

number of forms including physical, verbal, emotional, economic, religious, reproductive and sexual abuse.

It occurs when the abuser believes that the abuse is acceptable, justified or unlikely to be reported. It may produce intergeneration cycles of abuse in children and other family members, who may feel that such violence is acceptable.

In this case, victim/woman will not go to the police as:

- They do not trust the Police.
- There is a cultural thing that Asian women do not go public with their private difficulties.

It does not only affect the women socially, physically, mentally, emotionally and psychologically, but also affect the children. Children exposed to such abuse suffer developmental and psychological damage and thereby future of our country rest in threat of being impacted.

5. Child Marriages

It is defined as a formal marriage entered into by an individual before reaching a certain age, i.e. 18 years in India. It was common throughout history for a variety of reasons, including poverty, insecurity, as well as for political and financial reasons.

Today, it is still fairly widespread in developing countries. Both boys and girls are adversely impacted in it, but implications are more and harsher on girls. It has lasting consequences in girl, from their health, education and social development perspective. It violates the human rights of girl child and intensifies the chances of sexual exploitation, violence and early pregnancies.

It deprives the girl of her childhood and poses a serious health risk for them, resulting into birth of undernourished children, enhancing risk of maternal death. Child births have high risk of prenatal infant mortality, mobility, still births and infant death.

6. Dowry and Bride Burning

Dowry is an ancient tradition among the upper castes, but it spread among all sections of society probably in the late 19th century. With

increasing commercialization, this acquired a new meaning. It became an opportunity for groom and his families to get their hands on cash, jewellery, durables and various other commodities. In the name of dowry, the families of Indian grooms make endless demands to the bride's families.

As a result, the girls are considered to be a burden on the parent. Families go bankrupt trying to get their daughters married off, leading to endless sufferings to the girl.

Moreover, when greedy husband and his relatives harass the newly wed bride for getting dowry, and often kill her in the process, more often by burning her alive, is called as bride burning. This horror is prevalent only in India.

This social evil not only commodify women but also discriminates them, affect their social, mental, physical and mental wellbeing and in extreme cases, deprive them from their Right to Life.

7. Trafficking

According to UNICEF, trafficking is defined as, when any person who is recruited, transported, transferred, harboured or received for the purpose of exploitation, either within or outside the country.

Human trafficking is done for sexual exploitation, forced labour, forced marriages, etc. Not only they are subjected to physical, sexual and psychological violence, but their movement is also restricted.

The abuse of girl has generally been more in public domain such as child labour, prostitution, marriage and illegal activities. Maltreatment of them by care givers has the potential to emotionally and mentally harm the girl child to a very different degree.

Approximately, 1,50,000 women and children are trafficked from South Asia every year and for most of them, India acts as a country of origin and destination. In some cases, women and girls are trafficked to other countries via India.

The UN has designated 30th July as World Day against Trafficking in Persons. UN enacted Protocol to Prevent, Suppress and Punish Trafficking in Person, Especially Women and Children (Palermo Protocol) in 2000.

Untouchability and trafficking are punishable itself in Indian Constitution.

More stringent measures are needed to be adopted to remove this evil as it is the most serious crime and a grave violation of human rights.

8. Witchcraft

It is practice of and belief in magical skills and abilities that are able to be exercised by individuals and certain social groups. But some group of people accuse women of possessing occult powers to harm others and brand them as witch, because of their disputes with the women such as property disputes, personal conflicts or for controlling them.

This accusations are the trigger of more serious forms of violence, including murders, lynching and burning alive. This practice is more common with *adivasi* and *tribal* women. Suffering of these women is more than just about brutal deaths. Their lives are a relentless story of violence, abuse and terror. They often suffer from isolation and social ostracism.

Root cause of this violence is not only in the specific religion or cultural belief and superstition, but also in the ill mindset of patriarchal societies. In order to deprive them of land and property or to take revenge where women refuse sexual advances and to punish them for petty disputes.

Poor health care facilities and lack of sustained awareness programmes, implementation of laws and informed government interventions exacerbate the problem.

Moreover, for the survivors of this violence, the scars run deep as the perpetrators are often members of their own family, neighbourhood and community.

The real resistance is being offered by women themselves as among the witch-hunted,

are those who dare to challenge patriarchal norms and superstition.

The irony of the situation is that still their is no central legislation to curb it.

9. Honour Killing

It is homicide of a member of a family, due to perpetrator's belief that victim has brought shame or dishonour upon the family or has violated the principles of a community.

Affirming the superiority of caste, culture, tradition, even religion is the basis of most honour killing in the country.

But, how can someone justify honour in the killing.

These killings are evidences of blind faith over the supremacy of particular caste, culture or religion leading to the preference of caste, culture or religion over humanity, which is the most horrific fact in this.

All persons including young persons and even girls and women have the Right to Control their own lives, Right to Liberty and freedom of expressions, Right of Association, movement and bodily integrity.

Moreover, firstly, no one has right to take another's life and secondly, women's crime to love someone is no crime under any law or religion and thirdly, if it is justified by tradition, then slavery, sati were also traditions. By considering its evil impacts, they are now cleansed out of our tradition.

Deployment of honour is an intense form of social control on women, a disciplining of the body.

The need of the hour is a strong law that will accord protection to self choice partnership and punish those who in the name of honour and tradition seek to obliterate that right.

(For Various Legislative Interventions to Counter Crime against Women visit Part - IV)