



Study of violence against women, its specific forms and legal responses in India

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Abstract : Women are docile, meek and subservient and are subjected to humiliation, physical violence, sexual violence, exploitation, psychological violence, physical assault, emotional violence, sexual abuse, spiritual violence, cultural violence, mental trauma, neglect, financial abuse, verbal abuse etc. Due to unavailability of detailed studies on violence against women it is onerous to come up with proposal to reduce if not abolish such violence. There is exigency for

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more studies on this violence to understand the psychology of the perpetrators. It is the ominous verity of the society that the women's dignity is always dilapidated. Women have always been reliant on men for their subsistence and confined only to certain places, mainly involved in domestic chore's since ages but now in the era of globalization, the sphere of women has expanded and women are now well educated, working in all spheres of life and demanding equal status to men. Even in this era of globalization women are facing violence at every step inside their home as well as at their work place. They are often subjugated by men in the society and therefore violence against women has augmented.

Key Words : Violence, women, Physical, sexual and psychological violence etc.

Meaning of violence : The term violence means “action using physical force and intended to hurt or kill someone to cause damage”. Violence is defined in **WHO's World Report on Violence and Health** as: “The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal-development or deprivation”. Violence is the belligerent deportment showcased by an individual. This is a comprehensive definition of violence and very well describes all the related aspects of violence.

Definition of violence against women : Violence against women is defined in Article 1 of the United Nations (UN) Declaration on the Elimination of Violence against Women 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 private life”.

Article 2 of the United Nations (UN) Declaration on the Elimination of Violence against Women provides that Violence against women shall be understood to encompass, but not be limited to, the following:



- ❖ 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;
- ❖ Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- ❖ Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Specific forms of violence against women : Specific forms of violence against women include:

- ❖ Physical abuse and belligerence such as smacking, spanking, hitting, punching, beating, etc.
- ❖ Sexual assault, Molestation, rape and other forms of sexual abuse, unwanted sexual advances , stalking, forced prostitution, sex- talks and trafficking for the purposes of sexual exploitation.
- ❖ Menacing, daunting, brooding, trivializing, denigrate, mortification and other forms of psychological abuse.
- ❖ A range of controlling behaviours (such as segregating women from their family and friends, controlling their movements, or stalking them on social media sites such as face book , twitter, etc.
- ❖ Domestic violence, indecency, female genital mutilation, dowry-death, kidnapping, abduction, and other practices detrimental to women.

Legal responses : The demand for equality between men and women was fully recognized at the time of drafting of Indian Constitution. Part III of the Indian Constitution is said to acknowledge the Universal Declaration of Human Rights .Equality of sexes is guaranteed by the Indian Constitution and in fact it grants special favours to women. This can be found in three articles of the Indian Constitution. The government shall not deny to any person equality before law or the equal protection of the laws as per Article 14 of the Indian Constitution. Article 15 of the Indian Constitution proclaims that government shall not discriminate against any citizen on the ground of sex. Article 15(3) of the Indian Constitution construct a special provision that enables the State to make affirmative discriminations in favour of women. In favour of women the government can pass special laws .Article 16 of Indian Constitution guarantees that no citizen shall be discriminated against in matters of public employment on the grounds of sex. Article 42 of Indian Constitution directs the State to make provision for ensuring just and humane conditions of work and maternity relief. Above all, the Indian Constitution imposes a fundamental duty on every citizen through Articles 15(A) (e) to renounce the practices derogatory to the dignity of women .All these are fundamental rights. If woman is subjected to



any discrimination then she can go to the court. Constitutional rights of women in India is applicable to those areas where women is discriminated and special laws are developed to fight those bigotries. The most important problem are those pertaining to marriage, children, abortion, crimes against women, and inheritance.

In India, various legislations have been enacted to protect the rights of women. Article 14 of Indian Constitution states the Right to Equality, Article 15 of Indian Constitution provides the Right to non-discrimination, Article 19(1)(g) of Indian Constitution states the right to practice one's profession and Article 21 of Indian Constitution states the right to life. Besides these rights provided by the Indian Constitution, numerous other specific legislations have also been enacted and enforced to prevent violence against women and protect women's rights. These are enumerated as follows:

- (i) Abolition of Sati in 1829;
- (ii) Hindu Widow's Remarriage Act 1856;
- (iii) Special Marriage Act 1954 to promote inter-caste, intercommunity marriages;
- (iv) The Child Marriage Restraint Act 1929;
- (v) The Prohibition of Child Marriage Act, 2006;
- (vi) Hindu Women's Right to Property Act 1937;
- (vii) Suppression of Immoral Traffic in Women and Girls Act 1956;
- (viii) Dowry Prohibition Act 1961;
- (ix) The Indecent Representation of Women (Prohibition) Act 1986;
- (x) Commission of Sati (Prevention) Act 1987;
- (xi) Pre conception and Pre Natal Diagnostic Techniques (Prohibition of Sex selection) (PCPNDT) Act, 1994;
- (xii) Protection of Women from Domestic Violence Act, 2005
- (xiii) The Sexual Harassment of Women at Workplace (Prevention Protection and Redressal) Act, 2013

Apart from the above mentioned legislations, there are some other enactments pertaining to industry containing special provisions for women such as, The Workmen's Compensation Act, 1921; Payment of Wages Act, 1936; Factories Act, 1948; Maternity Benefit Act, 1961; Minimum Wages Act, 1948, Employees State Insurance Act 1948 and Pensions Act, 1987 etc.

All the above mentioned legislations have been enacted and enforced with a common objective of protecting women, their fundamental rights and to prevent violence against women. Government should conduct various awareness programmes and provide educational and all other facilities to the country's women for developing their skills, building their confidence, developing leadership qualities and apprising them about their rights. The conditions of the society can be uplifted and violence and crimes against women can be reduced only if the states and governments work towards bringing equality among men and women.

Conclusion : Violence against Women is ubiquitous in the society. The violence against women has developed due to the patriarchal system of the society where the attitude of men towards



women is downtrodden .There are many enactments and legislations dealing with women issues but the plight of women still remains unchanged as they still are subjected to all types of atrocities, violence and abuses. The legislative, executive and judicial machinery in the country failed to provide protection to the women against their perpetrators and also failed to provide them respect in the patriarchal form of society. By just enacting and enforcing legislations the disparity status prevalent between the men and women cannot be bridged public support is required. It is clear that old practice which is prevalent in the society cannot be eliminated in few days. People can be made aware about their rights, equality and humanity through education and awareness programmes. Legislations enacted are not reinforced by the will of the people. There is lack of awareness among public about the steps which have been taken for the upliftment of women in the society thereby it faces great confrontation and antagonism from the conservative thought of the society. The need of the hour today is to improve the plight of the women in the society, avert the violence against women and protect them.

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