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Gender Based Violence in India – A Burning Issue

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Gender-based Violence

“Caught in the mesh of feudal-patriarchal systems, women’s bodies are often the battle-grounds for many wars – between communities and clans, over inadequate dowry settlements or even in the matter of family planning. This daily violence takes its toll in the death and maiming of women in many ways – physical, psychological and emotional.” (Dr. Abhijit Das of the Center for Health and Social Justice of New Delhi).

Gender-based violence is one of the most pervasive and yet least-recognized human rights abuses in the world. Gender based violence that threatens the well being, rights and dignity of women has emerged as a global issue extending across regional, social, cultural and economic

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boundaries. Gender-based violence (GBV) is violence that is directed against a person on the basis of gender. It constitutes a breach of the fundamental right to life, liberty, security, dignity, equality between women and men, non-discrimination and physical and mental integrity. Gender-based violence replicates the prevailing asymmetry in the power relations between men and women and propagates the relegation and devaluation of the female as opposed to the male.

Violence against Women from Womb to Tomb

Violence against Women (VAW) has been described as the “most shameful human rights violation” by the former UN Secretary General, Kofi Annan. What is most objectionable is the fact that in a large section of patriarchal Indian society, violence against girls and women has ceased to be an issue – it has become a fact of routine life and yet another symbol of male superiority that feeds and sustains patriarchal beliefs in the society. It is a structural phenomenon “embedded in the context of cultural, socio-economic and political power relations . . . (which) reduce women to economic and emotional dependency, the property of some male protector. Societies organized around gendered, hierarchical power relations give legitimacy to violence against women” (Schuler 11).

A women’s rights organization, *Jagori*, states: “Women in India face high levels of violence . . . Women are . . . unsafe on streets, running the daily risk of harassment, attack, assault, rape, and murder. On the other hand, they do not seem to be very safe at home either.” Ranjana Kumari, Director of the Centre for Social Research and President of Women Power Connect, affirms that in India women face violence from “womb to tomb”.

Violence against Women

Violence is committed against women despite the glorification of women in many ancient and revered scriptures. B. K. Roy, member of Men’s Action for Stopping Violence Against Women (MASVAW) rightly asserts that VAW is only the tip of the iceberg, underneath that exists discrimination of all kinds. Gender based violence is a manifestation of historically unequal power relations between men and women in public and private life. It is embedded in the socio-economic and political context of power relations. It is produced within class, caste and patriarchal social relations in which male power dominates. It is ingrained in the patriarchal

system and is responsible for the internalization of female inferiority through a process of socialization, customs, religious laws and rituals.

Women experience a continuum of violence throughout their lifetimes, in the form of physical, sexual, and psychological violence. Traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion, such as family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision. Such prejudices and practices justify gender-based violence as a form of protection or control of women. The effect of such violence on the physical and mental integrity of women is to deprive them the equal enjoyment, exercise and knowledge of human rights and fundamental freedoms. These forms of gender-based violence help to maintain women in subordinate roles and contribute to the low level of political participation and to their lower level of education, skills and work opportunities. These attitudes also contribute to the propagation of pornography and commercial exploitation of women as sexual objects, rather than as individuals.

Family Violence

Family violence is one of the most insidious forms of violence against women. It is prevalent in all sections of society in India. According to a recent United Nation Population Fund Report, around two-third of married women are victims of domestic violence, as many as 70 percent of married women in India between the age of 15 and 49 are victims of beating, rape or forced sex and more than 55 percent of the women suffer from domestic violence. The nature of family relationship forces women to struggle alone against violence where society supports the male to assert his right to dominate and control the female. Women's bodies continues to be site for all power struggles. Women are the only recipients of shame after the violence has been perpetrated. Traditional values give men propriety rights over women. Women are socialized to accept physical and mental abuses as part of a husband's marital right. Established social attitudes define violence against women as normal practice and not as a punishable crime. "The family is the primary site of female subjection, which is achieved largely through sexuality: women are indoctrinated into their supposed 'natural state' by male control of their sexuality in the family" (French 53). Marital rape is used as a tool to undermine women's place in marriage.

“Patriarchy requires violence or the subliminal threat of violence in order to maintain itself . . . The most dangerous situation for a woman is not an unknown man in the street, or even the enemy in wartime, but a husband or lover in the isolation of their own home” (Gloria Steinem 259-61). Domestic violence is still regarded as a ‘private’ matter, not as an issue meriting ‘public’ concern or a crime.

To the extent that the control of women’s sexuality and physical integrity is regarded as a matter of family or community ‘honor’ rather than personal autonomy and individual right. Women face enormous obstacles in their search for redress when they suffer abuse in the name of custom or tradition. Within family relationships women of all ages are subjected to violence of all kinds, including battering, rape, other forms of sexual assault, mental and other forms of violence, which are perpetuated by traditional attitudes. As the perpetrators of violence are men from within the family a greater pressure is exerted on women to maintain the silence. Lack of economic independence forces many women to stay in violent relationships. The abrogation of their family responsibilities by men can be a form of violence, and coercion. These forms of violence put women's health at risk and impair their ability to participate in family life and public life on a basis of equality.

Justification of Violence Using Culture

Culture is used to justify violence against women through claims that such practices are part of culture. Forms of harmful traditional practices include virginity testing, sex-selective abortion, harmful practices related to menstruation and childbirth, polygamy and polyandry, witch hunting, child marriage and forced marriage, unmatched marriage (whereby a young girl is married to a much older man), honor killing, practices whereby girls are dedicated to temples or monasteries and may be treated as prostitutes, practices whereby women of low status are thrown into prostitution, dowry-related death, bonded labor, human trafficking, forced commercial sexual exploitation of the girl child and women. Culture and religious tradition are frequently used to sanctify customary harmful practices that aim to perpetuate female subjugation. Often, practices which harm women’s social, economic and personal development are linked to the role and status accorded to women. So violence in the name of culture is often strongly defended and unquestioned by even the most educated citizens.

Rape - An epitome of inequality

Rape is the most drastic epitome of the inequality of men and women, and of the degradation and oppression of women by men. It is not a sporadic deviation, but a deeply entrenched social practice. Rape is a direct expression of sexual politics, a ritual enactment of male domination, a form of terror that functions to maintain the status quo. It is an attempt to keep women in a state of fear and powerlessness and to protect male power in a patriarchal society. Acts of sexual coercion terrorize women and make them more dependent on male in a patriarchal society.

As argued by Dworkin: "All men benefit from rape, because all men benefit from the fact that women are not free in this society; that women cower; that women are afraid; that women cannot assert the rights that we have, limited as those rights are, because of the ubiquitous presence of rape" (142).

Rape is a mechanism of social control of women which keeps women in a state of anxiety and encourages the self-imposition of behavioral restrictions in a quest for safety. Susan Brownmiller rightly explains in *Against our Will*: "Rape is nothing more or less than a conscious process of intimidation by which all men keep all women in a state of fear" (6). Among women, rape is feared more than any other offence, including murder, assault and robbery. This fear serves to keep them passive, dependent, and restricted or blaming and punishing them if they become victims while violating sex-stereotyped expectations.

Economic Inequalities

Economic inequalities results in violence against women as lack of economic independence reduces women's capacity to act and increases their vulnerability. Restrictions on women's control over economic resources also constitute a form of family violence. Negative effects of structural adjustment and globalization, such as the widening gap between the rich and poor, contribute to increased trafficking and migration and, in many situations, lead to the abuse and exploitation of women. Poverty and unemployment increase opportunities for trafficking in women. In addition to established forms of trafficking there are new forms of sexual exploitation, such as sex tourism, the recruitment of domestic labor from poor states to work in

other states and bride trafficking. These practices are incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity. They put women at special risk of violence and abuse. Poverty and unemployment force many women, including young girls, into prostitution. Prostitutes are especially vulnerable to violence because their status, which may be unlawful, tends to marginalize them.

Lack of Equality in Employment

Equality in employment is seriously impaired when women are subjected to gender-specific violence, such as sexual harassment at the workplace. Sexual harassment includes such unwelcome sexually determined behavior as physical contact and advances, sexually colored remarks, showing pornography and sexual demand, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.

Consequences of Violence

The consequences of violence against women are severe and far-reaching, affecting women at the individual level as well as affecting families, communities and nations. Violence carries health and economic costs that are often overlooked. It causes harm to physical, reproductive, and mental health, and may lead to drug abuse or suicide. Victims of violence may be prevented from participating in educational, social, economic or political activities, and may pass on the behavior within the family. Gender based violence through its effects on women's ability to act in the world serve as a brake on socio – economic development. Women cannot lend their labor or creative ideas fully when they are burdened with physical and psychological scars of abuse.

Ineffective Legal Solutions

In the outcome of acts of violence against women, the solutions put forth by law enforcement agencies tends towards restricting the movement of women, rather than taking

action against the perpetrator or the culture that allows such acts to continue. At various times, officials have suggested that women should not work after 8PM, should not travel in the dark without a male escort, or be employed in jobs such as in bars. Somehow, the onus of not being attacked is placed on the victim, i.e., the woman. Sex crimes are being used as a pretext to impinge on the autonomy of women.

Statistics of gender based violence

A report on the crimes against women by the National Crime Records Bureau illustrates alarming statistics.

Sl No.	Crime Head	Year 2006	Year 2007	Year 2008	Year 2009	Year 2010	Year 2011	Year 2012	Percentage Variation in 2012 over 2011
1	Rape (Sec. 376 IPC)	19,348	20,737	21,467	21,397	22,172	24,206	24,923	3.0
2	Kidnapping & Abduction (Sec. 363 to 373 IPC)	17,414	20,416	22,939	25,741	29,795	35,565	38,262	7.6
3	Dowry Death (Sec 302/304 IPC)	7,618	8,093	8,172	8,383	8,391	8,618	8,233	-4.5
4	Torture (Sec. 498-A IPC)	63,128	75,930	81,344	89,546	94,041	99,135	1,06,527	7.5
5	Molestation (Sec. 354 IPC)	36,617	38,734	40,413	38,711	40,613	42,968	45,351	5.5
6	Sexual Harassment (Sec. 509 IPC)	9,966	10,950	12,214	11,009	9,961	8,570	9,173	7.0
7	Importation of Girls (Sec. 366-B IPC)	67	61	67	48	36	80	59	-26.3
8	Sati Prevention Act, 1987	0	0	1	0	0	1	0	-100.0
9	Immoral Traffic (Prevention) Act, 1956	4,541	3,568	2,659	2,474	2,499	2,435	2,563	5.3
10	Indecent Representation of Women (Prohibition) Act, 1986	1,562	1,200	1,025	845	895	453	141	-68.9
11	Dowry Prohibition Act, 1961	4,504	5,623	5,555	5,650	5,182	6,619	9,038	36.5
	Total	1,64,765	1,85,312	1,95,856	2,03,804	2,13,585	2,28,650	2,44,270	6.8

A total of 2,44,270 incidents of crime against women (both under IPC and SLL) were reported in the country during the year 2012 as compared to 2,28,650 in the year 2011 recording an increase of 6.4%

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during the year 2012. These crimes have continuously increased during 2008 – 2012 with 1,95,856 cases in the year 2008, 2,03,804 cases in 2009 and 2,13,585 cases in 2010 and 2,28,650 cases in 2011 and 2,44,270 cases in the year 2012. West Bengal with 7.5% share of country's female population has accounted for nearly 12.7% of total crime against women by reporting 30,942 cases during the year 2012.

Ineffective Enforcement and Low Conviction Rates

Many laws have been framed to address crimes against women including the Immoral Traffic (Prevention) Act, the Dowry Prohibition Act, the Child Marriage Restraint (Amendment) Act, the Commission of Sati (Prevention) Act and the Indecent Representation of Women (Prohibition) Act. Further guidelines to prevent sexual harassment at the workplace are provided under the Vishakha Guidelines to prevent Sexual Harassment at the workplace. Implementation of these laws, however, differs considerably. Conviction rates of perpetrators of crimes against women are low.

Women's Groups

Though the inefficacy of the legal system is obvious with laws taking a long time to be implemented, several human rights organizations, women's groups and NGOs have begun taking up the cause of violence against women. The roots of these initiatives can be traced to the government's Women's Development Programme (WDP) launched in 1984. These organizations have demonstrated sensitivity to gender based human rights violations and the culture of silence that hides the problems that destroy and sometimes end women's lives. With their support, women who were previously silent about the experience of their abuse are speaking up. A process for countering gender- based violence has been set in motion in the country and an atmosphere for public protest and mass mobilization to fight atrocities against women has evolved.

Role of government and citizens

National and state governments should incorporate compulsory children's and women's rights education in the school curriculum and lay focus on some egregious practices of violence against women and girls. Getting young boys and girls to discuss these issues among their peers would make them less likely to perpetuate the cycle of violence and not remain silent when they know such acts are being committed. Instead of staying away from

such taboo topics, teachers should take them head on and deal with them in the classroom. Therefore a nationwide teachers training programme must be introduced to ensure that the subject matter is properly taught and disseminated.

The Role of Media

The media can play a proactive, investigative and supportive role in breaking the silence on gender based violence. The media need to expose the reality of discrimination and violence against women and girls perpetrated within the family, community and society. Media organizations must adopt gender-sensitive approaches and gender analysis to internal practices - both in portraying women and women's issues to audiences.

Conclusion

Swami Agnivesh, a prominent social activist and political leader, asserts that “until sons and daughters are treated equally, until life is made safe for the Indian woman, the country remains morally under siege.” India must lead the way in changing the status quo on sexual and gender-based violence. It is a shared responsibility that requires the efforts of all, men and women. Patriarchal and sexist attitudes, behaviors, and beliefs have to be changed so that women live in safety, and are free from the threat and fear. “There is no chance for the welfare of the world unless the condition of women is improved. It is not possible for a bird to fly on only one wing,” said Swami Vivekananda. Countering gender violence requires challenging the way that gender roles and power relations are defined and articulated in society and promoting alternative constructions of masculinity, gender and identity which foster non-violence and gender justice. There is an urgent need of supporting women's empowerment and women's decision-making, particularly in the domestic and political arena. In order for future generations of women to grow up in a safer and more egalitarian India, gender equality needs to become a national priority and a collective responsibility of government, culture and civil society.

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