

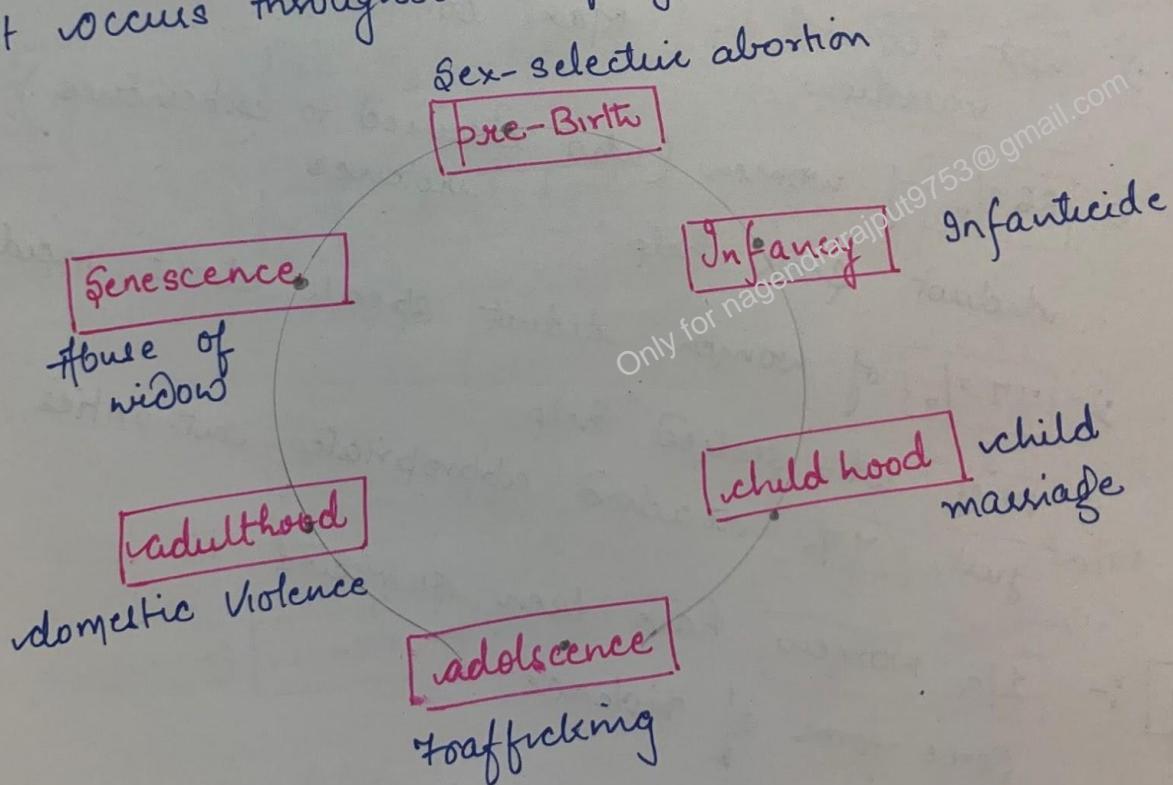
Violence Against Women

CONCEPT :-

Any act of gender-based violence that results into physical, sexual or mental harm

It occurs throughout life cycle.

Extent :-



- ↳ **statistics** :-
-) Acc. to NCW, there is **46% rise** in complaints of Crime Against women in first eight months of 2021.
 -) Highest were recorded under **rt. to live with dignity**
 -) **Domestic Violence**
 -) **West Regional variation** : Max^m complaints = UP > Delhi > Haryana etc.
 -) **86%** of women (who claimed to experience violence) didnot seek help.
 -) **77%** of women didnot speak about incident to anyone
 -) **14%** who sought help just **4%** reached appropriate authorities
- Globally** :- **1/3 women** have been subjected to some form of violence.

Various efforts

↳ Statutory laws :-

-) Domestic Violence Act.
-) Dowry Proh. Act
-) Sexual Harassment ("Prev") Act

↳ International Prov' :-

-) [UAHR]: Art 5 (No one shall be subjected to Inhuman treatment)

•) UN world Conf!

1975 : Mexico

1980 : Copenhagen

1985 : Nairobi

1995 : Beijing

-) Vienna Dec¹ (1993) : Equal status for women.

-) CEDAW

- ↳ **[ICRW]** : Conducted a TV prog. 'BOL'
•) to create awareness among women.
-) **[Gujarat]** : Nari Adalat (Baroda)
-) **[UP]** : Nari Adalat (Saharanpur)
Sahara Sangh (hill distt of Tehri)
-) **[WB]** : Shalishi (Traditional arbitration system)
used by Sheamajibee Mahila Samiti

- ↳ **[Schemes]** :-
-) BBBP
 -) One stop Centres
 -) Fast track Special Courts
 -) SHE-BOX
 -) Swadhar Greh
 -) Mahila Police Volunteers

- ↳ **[Agency]** :
-) NCH

CAUSES OF VAW

-) Institutionalization of Patriarchy
-) Different process of Socialization
-) Objectification + Commodification of women
-) Gender stereotyping (Weak, passive, dependent)
-) Traditional + Cultural practices
foreg: FGM, Honour killing, child marriage
-) Internalization of Patriarchal norms both by Men + Women (Gender Norm Index)
-) Situational factor: Alcoholism, drug abuse etc
(Increase the likelihood of violence by reducing inhibitions, clouding judgements)

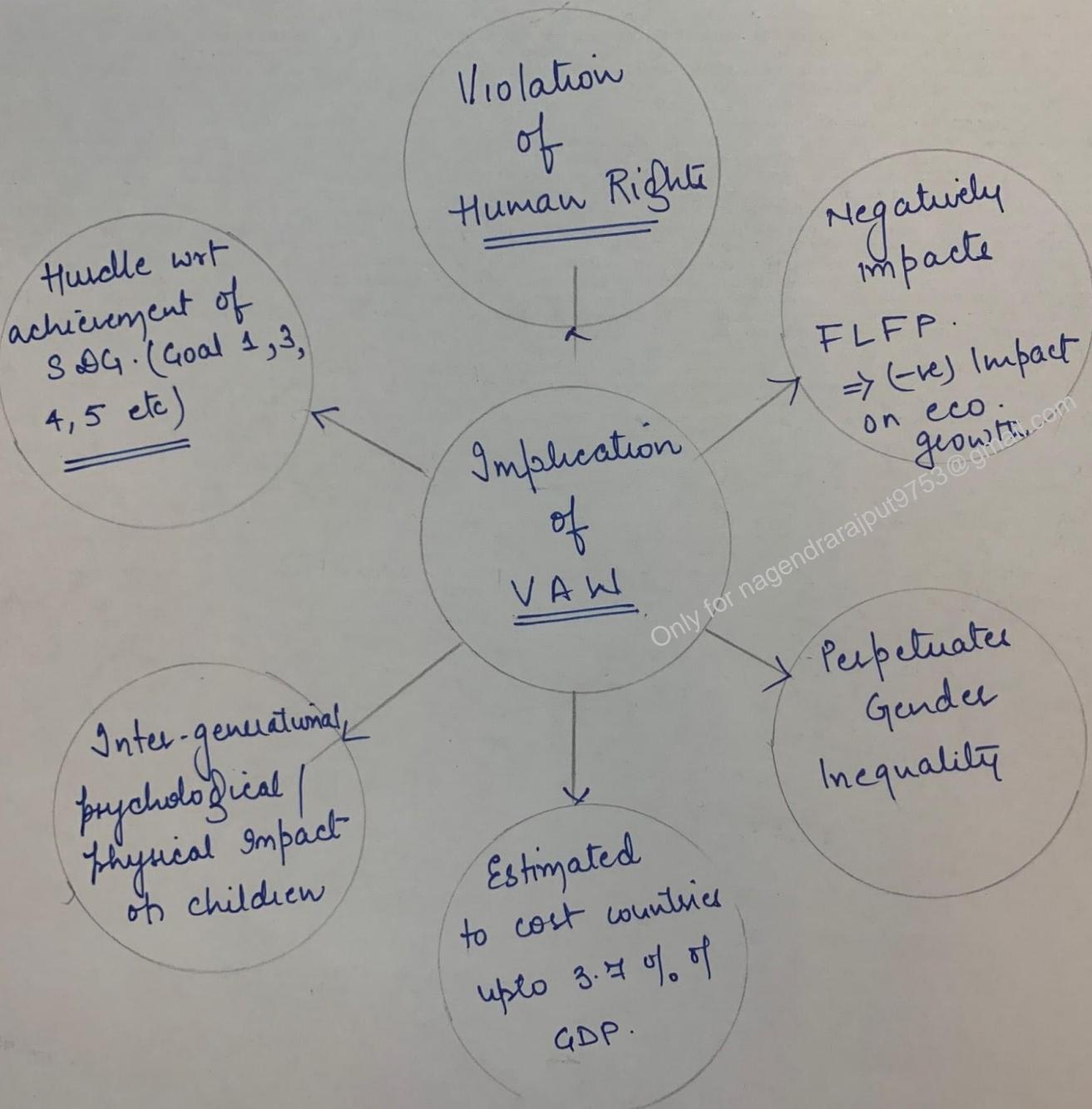
-) women with higher eco. status (Risk of violence is high)
as it threatens the male hegemony.
-) In Nuclear family (^{lack of social support + ↑sg life stress})
women is treated as cushion to vent out frustration.
(↑sg. VAW).
-) Institutional weakness :
 -) Lack of stringent laws.
 -) Lack of proper enforcement
 -) Gender insensitive attitude of various stakeholders
 -) Lack of certainty

Despite Initiatives VAW is on the rise

- .) Poor Conviction Rate
- .) Delay in Judicial proceedings
- .) Lack of awareness among women wrt rights + entitlements
- .) Fear of stigmatization \Rightarrow lack of reporting
- .) Lack of efforts wrt Attitudinal change
- .) Gender biased attitude of Law Enforcement Agencies
- .) Corruption of Value system.
- .) Failure of state to provide adequate infrastructure
- .) Lack of Data (+) Under-reporting +
due to known accused
- .) Broken Window Theory

④ Implication of VAW

- ↳ **Health Issue** :- VAW is a preventable cause of morbidity & mortality in women.
- ↳ affects **mental**, **physical**, **reproductive** health of women.
- ↳ **Economic Issue** :-
-) **Direct Cost** :-
 -) loss of **income**
 -) loss of **productivity**
 -) loss of **health** → Cost of healthcare
 -) **Indirect Cost** :-
 -) Impact on child
 -) **female** + **child mortality**
 -) Intergenerational social + psy. cost.
- ↳ **Development Issue** :- It obstructs participation of women in devt + policy making as it obstructs their ability to act more freely.
- ↳ **Right Issue** :- •) hinders realizations of FR's U/A 14, 21 of ④.



Short term Way forward

-) strict enforcement of laws.
-) Quick disposal of cases through FTC's
-) Strict patrolling / vigilance at nights
-) Training of women in self defence.
-) Promote concept of community policing + Mohalla committees
-) Regulation of public transport
-) Setting up of helplines / mobile apps.
-) Social Innovations :- OSC, MPV, All mahila police stations, etc...
-) Create Redressal mechanism wrt cyber violence
-) Mechanism to protect privacy, dignity of victim
-) Use of Tech ^{q4} to create gender friendly infrastructure & space.

Long-term Way forward.

-) Moral Overhauling of society
-) Value Based edu w/o any gender colouration
-) Gender sensitization of all stakeholders
-) De-stigmatization of VAW.
-) Create awareness among women through continuous efforts
eg: Social media platforms
charismatic personalities
Street plays.
-) Engage with Men + Boys as CHANGE AGENTS
(He + She campaign)
-) Need of convergence approach.

- ④ Gender Violence & COVID-19
- UN-Women has called "rise in gender violence" a SHADOW PANDEMIC
 - UN agency for sexual + reproductive health estimated = 31 mn more cases of av worldwide of lockdown continue for another 6 months.
 - NCW also reported increase in domestic abuses.

- ↳ CAUSES OF DOMESTIC VIOLENCE
- Institutionalization of Patriarchy
 - different process of socialization (Gender Stereotyping)
 - Low status of women
 - Illiteracy / Lack of awareness w.r.t their rights + entitlements
 - Economic dependence
 - Social pressure (Lack of parental support)

- .) Nuclear family (lack of social support system during crisis)
- .) changing socio-economic relations (FLFP, marital relations no longer sacred, adultery etc)
- .) violence against young widows
- .) institutional weakness

- # Domestic violence during COVID-19
- .) With restricted mobility, women have become more vulnerable vis-a-vis physical, sexual & emotional abuse
 - .) WHO says "disaster disrupts social + physical environment" that would normally kept violence contained.

- .) Health care staff, police are overwhelmed & understaffed
- .) Shortage of funds
- .) domestic violence shelters are closed
- .) govt fuels impunity for perpetrators

④ Recent measures by Govt)

- .) channelizing One stop Centres
- .) NCW has launched what a stop number along with helpline & email option
- .) UP Initiative: 'Suppress Corona, not your voice'
community Radio prog^{me}
'Bell Bajao' (calls on men + boys to take stand against DV)
- .) 'Empower Sons': newly launched helpline in mumbai to report DV.

-) NGO's like Stree Mukti Sangathan helping women via free counselling & use of online facility for reporting crime.
-) Judicial Interventions :-
 - ↳ J&K HC, passed order for suo moto cognizance of DV creating special fund & designating informal safe spaces for women to report cases w/o alerting perpetrators.
 - ↳ Delhi HC, directed centre & state to take measures to protect women from DV.

- # UN recommendations :-
-) Increase investment in online services & civil society org'
 -) Certainty of punishment needs to be ensured
 -) Set up emergency warning system in pharmacies & groceries
 -) Set up shelters as essential services
 -) Declare safe ways for women to report cases
 -) Create awareness generation, esp targeted towards men & boys.

Domestic Violence

↳ Acc. to MoSPI, highest share in violence against women.

↳ Premise 8- SC ruled that women will have right to residence in the shared house (even if rented / owned by in-laws + husband has no ownership rights)

.) Brother-in-law, has liability to pay maintenance to victim (if stayed in joint family)

↳ Provisions 8- Define Domestic Violence :> factual / threat of abuse
=> physical, verbal, emotional, sexual, economic

.) Defines 'women' : wife, mother, daughter, sister
in-laws, divorced-wife

.) Civil law : relief provided to aggrieved women
→ compensation
→ right to residence
→ custody of child protection

.) Only when protection orders are breached it becomes
→ Cognizable
→ Non-bailable

.) **Punishment** : 1 yr max jail | 20,000 fine | both

.) provⁿ for **protection officer** : To help women wrt legal aid,
safe shelter + medical examination
+ **NGO's**

.) **Marital Rape** is not included

- (*) **NOTE** :-
- .) To make ract 'Gender neutral', term 'Adult Male' has removed
 - .) Granting **maintenance** does not depend on wife's earning
 - .) **Live-in partner** (+) **divorced wife** incorporated
(can seek maintenance) (against marital abuse)
- wrt Maintenance** : SC held that deserted wives + children are entitled to maintenance from the date they apply for it in court

— Section 85 of BNS: Husband or relative of husband of a woman subjecting her to cruelty.

Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Cruelty defined under **Section 86 BNS**.

Bullet Points on Section 85 BNS:

- **Offense:** Subjecting a woman to cruelty
- **Perpetrator:** Husband or relative of the husband
- **Punishment:** Imprisonment up to three years
- **Additional Penalty:** Fine

Bullet Points on Section 86 BNS:

Definition of "cruelty" for section 85:

- Wilful conduct likely to drive a woman to suicide or cause grave harm to her life, limb, or health.
- Harassment with the intent to coerce her or related persons to meet unlawful demands or due to failure to meet such demands.

Other initiatives taken to protect women from violence

- **PWDVA, 2005** only provides for **civil remedies for marital rape** and no criminal proceedings can be initiated against their perpetrator.
- **Bharatiya Nyaya Sanhita, 2023** criminalises sexual intercourse with a woman by deceitful means or making false promises.
- **RESPECT Women Framework:** Developed by UN Women and WHO in collaboration with ten other UN, bilateral, and multilateral agencies, to prevent and respond to violence against women and girls.
- **One Stop Centres** to assist women affected by violence, both in private and public spaces under one roof.

#

DOWRY

↳ Premise :-

- Most imp^t reason responsible for,
- ↳ sex-selective abortion
 - ↳ girl infanticide
 - ↳ Lack of investment in girl child education
 - ↳ Domestic violence
 - ↳ Overall skewed sex-Ratio

↳ What constitutes Dowry ?

- :-
- ↳ Any property or valuable security agreed to be given directly or indirectly by one party to a marriage to the other party to the marriage.
 - ↳ It does not include
 - ↳ another custom is (tribal communities) : **Bride - price**
- Only for neha.drajpurohit5@gmail.com
- Mahr, Streedhan** (gifts given to girl so as to meet her financial needs).
- Yanadi of Andhra, Baria, Pagi, Damor** of Gujarat)

Dowry Prohibition Act, 1961

- Dowry is considered a cognizable offence for the purpose of investigation.
 - Every offence under this Act is non-bailable and non-compoundable.
 - Burden of proof is on the accused
 - Makes the agreement for giving or taking dowry void
 - Dowry Prohibition Officers could be established by the State Government
 - Punishment with imprisonment or fine or both for:
 - Giving or taking or abetting the giving or taking of dowry
 - Demanding dowry
 - Advertisement related to dowry
- Mark these bullets**
- Only for nagendraraiput9753@gmail.com

Cases Related to Section 316 of BNS which were decided in context of Section 406 of IPC.

1. Rashmi Kumar vs. Mahesh Kumar Bhada:

- The Supreme Court ruled that dishonestly misappropriating a wife's stridhan for personal benefit constitutes a criminal breach of trust.

Bullet Points on Section 80 BNS:

- A woman's death caused by burns, bodily injury, or under abnormal circumstances within seven years of marriage can be classified as a "dowry death."
- The death must be linked to cruelty or harassment by the woman's husband or relatives in connection with dowry demands.
- The term "dowry" carries the same meaning as defined in section 2 of the Dowry Prohibition Act, 1961.
- Individuals responsible for dowry deaths can be sentenced to a minimum of seven years in prison, with a possibility of life imprisonment.

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Reasons for Rise in Incidences of DOWRY

(1930's : 40% Incidence of dowry)
2000's : 90% , ,

- .) Acceptance of Culture of dowry both by men + women.
(as hierarchical relationship b/w men + women is accepted by all & it re-enforces positive attitude towards dowry).
- .) Consumerist Culture has ↑ed the incidence of dowry.
- .) It is treated as Investment (Give + take culture)
- .) It is also identified with concept of 'Groom Price', which is determined based on 'mkt. value' (caste, edu, job, future prospects etc.)
- .) Sanskritization w/ practice of dowry.
- .) Practice of 'Caste endogamy': scarcity of grooms ⇒ ↑se in dowry.
- .) Lack of proper implementation of existing laws.
- .) Despite ↑se in women edu, problem of dowry still persists as ↑se in edu ⇨ corresponding ↑se in FLFP.
- .) Practice associated with social prestige of family

Way forward

- Promote concept of 'Adaish Marriage'
(Affluent people restrain from lavish wedding)
- Stigmatization of practice of Dowry
(through Naming + Shaming, mohalla committees)
- Efforts to ↑se FLFP ⇒ ↑se financial independence.
(eg: Investment on Infrastructure wrt accessibility to labor Mkt)
Promoting Rural manufacturing
(IHDS survey : Const' of Road ⇒ ↑se FLFP)
Only for nagerdrrajput9753@gmail.com
- Use of Innovation - Diffusion framework.
(Identify key leaders / personalities in society ⇒ educate them wrt ill effects of dowry.
⇒ persuade them to lend their voice to issue of Dowry)
- Outlawing extravagant weddings
- Ensuring girl child gets share in ancestral property.

Harassment of women at workplace :-

↳ Recently 'SC' held that objective of act is

→ protection

→ prevention

→ Redressal of complaints

↳ Provision :-

.) Defines what constitutes
Sexual Harassment

→ Quid pro Quo

→ Hostile work environment

.) Section 354 (a) of IPC
defines sexual Harassment

→ physical contact
→ Request for sexual favour
→ sexually coloured remarks
→ showing pornography
→ phy, verbal, non-verbal conduct
of sexual nature

.) Defⁿ of aggrieved women

↳ Irrespective of age / status

↳ client, customer

↳ Domestic works

.) Applicable to both formal + informal Sector

.) Complaint to be filed within 90 days

.) Completion of enquiry , , 90 days

.) Mandated to take action within 60 days of submission of Report

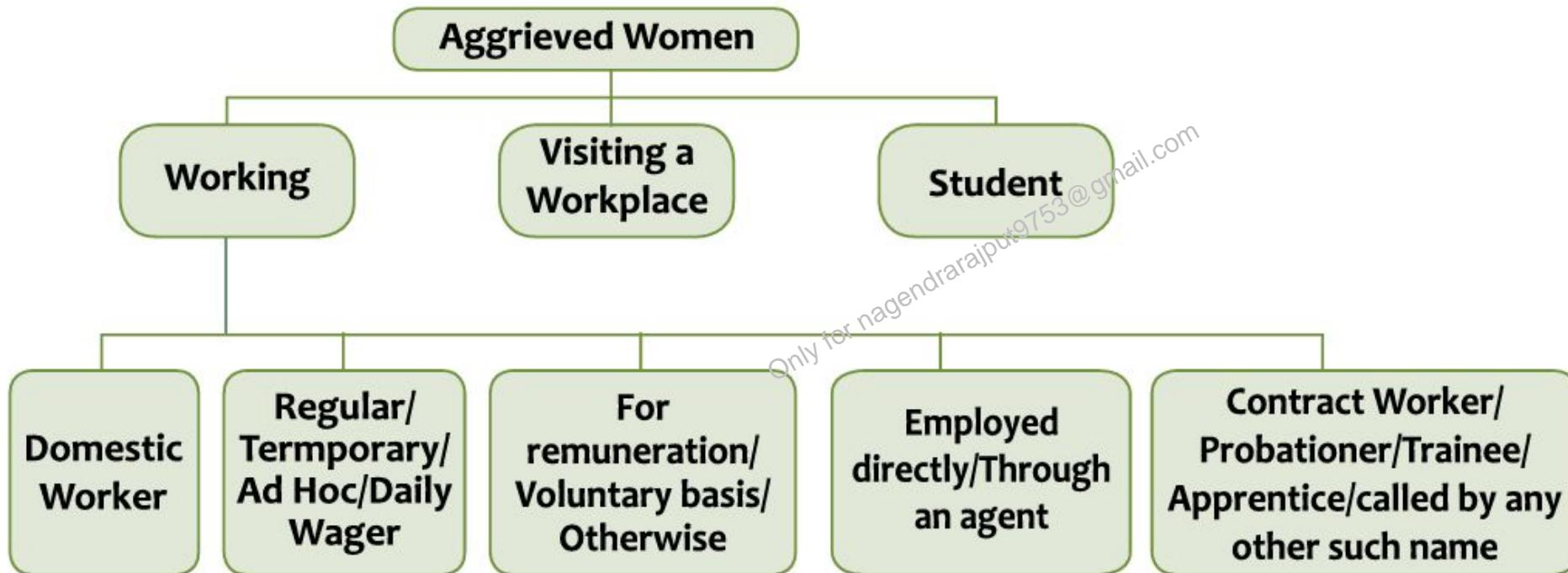
The only striking difference here is “Sexual Harassment” is now defined under Clause 74 of BNS, earlier it was defined under Section 354A of IPC.

Clause 74: (1) A man committing any of the following acts—

- physical contact and advances involving unwelcome and explicit sexual overtures; or
- a demand or request for sexual favours; or
- showing pornography against the will of a woman; or
- making sexually coloured remarks, shall be guilty of the offence of sexual harassment.

(2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(3) Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.



All women working or visiting workplaces, for example:



ICC (formal sector)

- Requires employees to create ICC
- power of **Civil Court**
- **Presiding officer** : Women (at senior level)
Members : atleast 2 from legal field or women cause
+ from NGO (women cause)
- Atleast **50% members** (WOMEN)

LCC (informal sector)

- local committee in each district by state govt district office/collector
- Additional local complaint committee at Block level.
- **Chairperson** : Women from eminent field
Member : 1 (taluk/block/ward)
Member : 2 (NGO)
(atleast 1 (women), 1 (legal)
+ (SC/ST/OBC/minority))
Member : ex-officio (social welfare)

-) prov^ for **false complaint**
-) offence is **bailable** + **non-cognizable**
-) Online platform : **SHe-Box**

④ SURROGACY :-

⇒ **Define** :- It is a practice where a woman give birth to a child for Intending couple with intention to hand over the child after birth to "Intending couple".

⇒ Prov' of Act :-

-) Prohibits commercial surrogacy.
-) Surrogacy is permitted when it is
 - ⇒ for Intending couple suffering from proven Infertility
 - ⇒ Altruistic
 - ⇒ Not for producing children for sale, prostitution / exploitation
 - ⇒ for any cond' / disease specified through regulation
 - ⇒ Gestational surrogacy
-) Registration of surrogacy clinics compulsory
-) Central / state govt will appoint authorities for evaluating + taking action against breach of prov'.

Types of Surrogacy

- **Altruistic surrogacy:** It involves no monetary compensation to the surrogate mother other than the medical expenses and insurance coverage during the pregnancy.
- **Commercial surrogacy:** It includes surrogacy or its related procedures undertaken for a monetary benefit or reward (in cash or kind) exceeding the basic medical expenses and insurance coverage.
 - It was first legalised in India in 2002 after which India became the 'rent-on-womb' capital of the world.
 - However, due to lack of proper laws and safeguards for the parties involved, multiple ethical legal challenges arose.
- Government has banned surrogacy for foreign nationals in 2015.

⇒ Eligibility Criteria for surrogate mother

- e-) Married women
) (25-35 yr) old
) have child of her own
) Surrogate only once
) possess certificate of medical / psy. fitness
) Willing woman

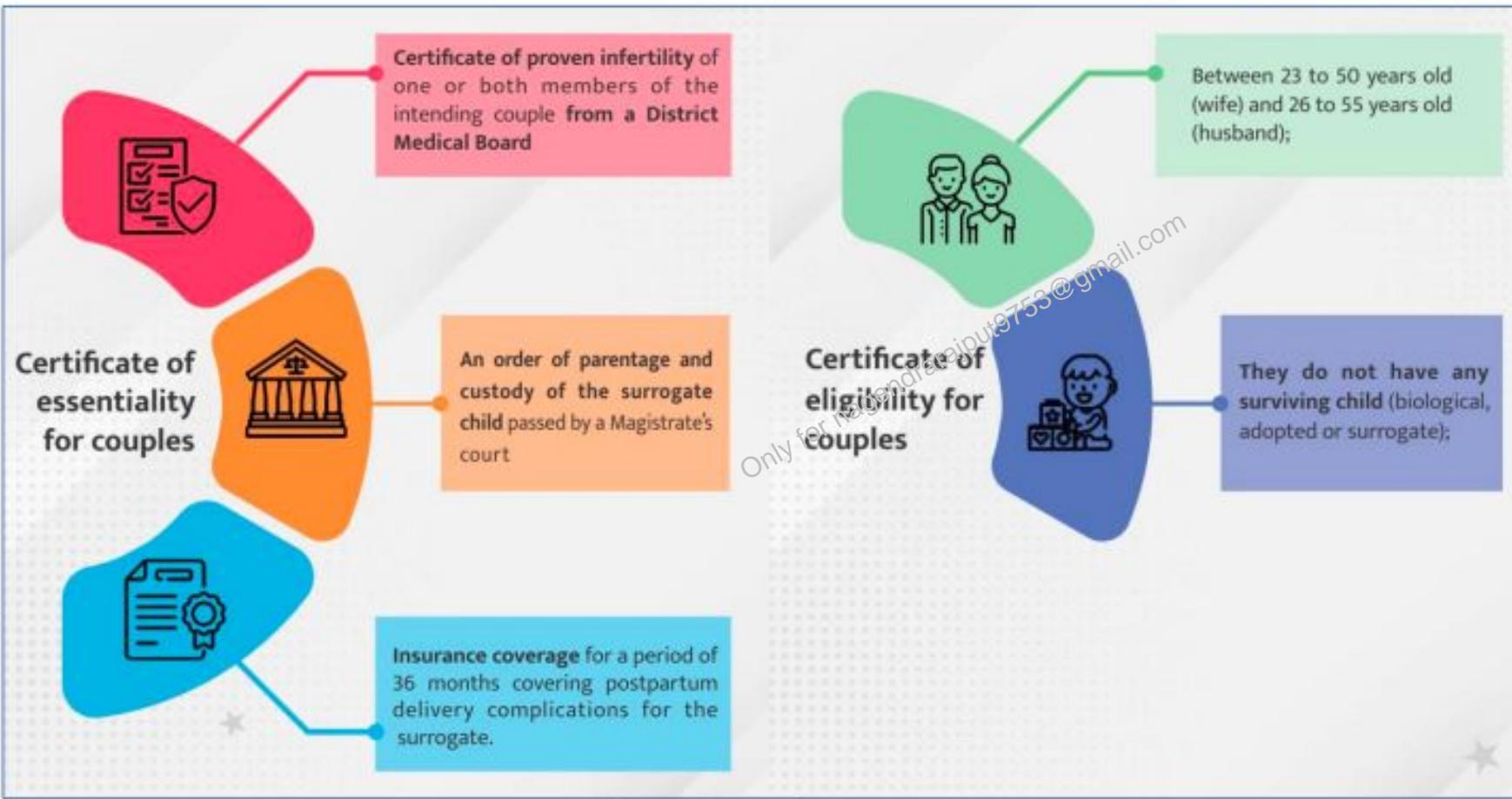
⇒ Eligibility Criteria for couples.

- e-) Certificate of essentiality
) Certificate of eligibility

⇒ Surrogate child will be biological child of Intending couple
⇒ abortion will require written consent of surrogate mother (+) authorisation from authority (MTP Act 1971)

⇒ Offences + penalties (30 yr jail (+) 10 lakh fine)

⇒ Intending women can also avail :-
) Indian
) Divorcee or widow
) 35-45 yr.



↳ Surrogate mother has [option to withdraw] her consent for surrogacy before implantation of embryo in her womb.

↳ Ⓛ of National Assisted Reproductive Tech^{g4} & Surrogacy Board.

- .) Minister-in charge of MHFW = chairman
- .) [FUNCTION]) Advising Central Govt on policy matters related to surrogacy
- .) Review + monitor implementation
- .) Lay down code of conduct of surrogacy clinics
- .) set minⁿ std of phy. Infra, labs, expert manpower
- .) oversee performance of various bodies
- .) [Supervise] the functioning of state Assisted Rep. Tech^{g4} + Surrogacy Boards.

④ Analysis of Act :-

- PROS :-
- Provides for registration of surrogacy clinics + ensures appropriate safeguards (penalties)
 - Safeguards rights of surrogate mother (wrt abortion, withdrawal, pre + post natal care)
 - Rt of child : Abandonment of child (genetic | disability | gender) or changing of couple's social | marital status not allowed.
 - Ethical as it helps to alleviate the curse of infertility
 - Insurance coverage upto 36 months.

- Shortcomings :-
-) If total ban will push Industry underground.
 -) B.K Parthasarathi Vs Govt. of AP, rt. to decide wrt reproduction is a personal choice
 -) Asevika Biswas Vs Uo I, court held rt. to reproduction is essential facet of Rt. to life (U/A 21)
 -) Restricting surrogacy to heterosexual couples + particular age grp (exclusion of LGBT, single person, old couple) violation of Right U/A 21 + U/A 14.
 -) issue with def' of Infertility

- ④ Way forward :-
- .) Taking Care of Post-Partum Depression
 - .) Extending maternal benefits to both mothers
 - .) Take into Consideration 'Tokophobia'
 - .) Expanding the option of surrogacy to include commercial surrogacy (overtime)